

## EQUAL ACCESS TO JUSTICE

*“There can be no equal justice without equal access to justice”*

**Attorney General Merrick B. Garland**

Equal access to justice is a fragile concept in this country, which for people of low income, is often difficult to obtain whether it's in criminal, municipal or civil courts.

Equality is the basis of all modern systems of jurisprudence and administration of justice and in so far as a person is unable to obtain access to a court of law for having his wrongs redressed or for defending himself against a criminal charge, justice becomes unequal and laws which are meant for his protection have no meaning and to that extent fail in their purpose.<sup>1</sup>

However, today with the advent of technology the gap between the rich and poor to have equal access to justice has somewhat been reduced in my opinion.

Today, e-Sewa Kendras have been created in the High Courts, District Court<sup>2</sup> and in Sub-Divisional Court.

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1 Verma Aparna, “ Access to Justice : Need for Reform ” September 30, 2020, <https://lawbhoomi.com> [ Access on 16-08-2023]

2 E-Sewa Kendra, content owned by e-Committee, Supreme Court of India, <https://ecommitteesci.gov.in/service/e-sewa-kendra/> [Access on:16-08-2023]

The e-sewa kendras enables the litigants to obtain information with respect to case status and to obtain copies of judgments and orders. These centres also extend assistance in e-filing of cases. These Kendras represent a significant step for the common man and his right to access to justice.

The facilities provided in e-sewa kendra is as follows:

1. Handling inquiries about case status, next date of hearing and other details.
2. Facilitate online Applications for certified copies.
3. Facilitate e-Filing of petitions right from the scanning of hard copy petitions, appending eSignatures, uploading them onto CIS and generation of filing number.
4. To assist in online purchase of e-Stamp papers/ePayments.
5. To help in applying and obtaining Aadhaar based digital signature.
6. Publicise and assist in downloading the Mobile App of e-Courts for Android and IOS.
7. Facilitate in the booking of eMulakat appointments for meeting relatives in jail.
8. Handling queries about Judges on leave.

9. Guide people on how to avail free legal services from the District Legal Service Authority, High Court Legal Service Committee and Supreme Court Legal Service Committee.
10. Facilitate disposal of traffic challan in virtual Courts as also online compounding of traffic challans and other petty offences.
11. Explaining the method of arranging and holding a video conference court hearing.
12. Provide soft copies of judicial orders/judgments via email, WhatsApp or any other available mode.<sup>3</sup>

When it comes to proceedings of the Court, there are many factors leading to delay in disposing off the matter and one of reasons is due to non-appearance of witnesses which may be due to a variety of reasons, such as the illness of the parties, overseas witness or party, physically disabled persons, etc. All of these were obstacles for the parties and delayed their justice.

However now, all stages of the legal process can use video conferences, and all the rules that apply in a physical court room also apply in a virtual one. These rules and guidelines allow the court to use video conferences for hearing arguments,

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<sup>3</sup> Supra 1 of Page 1.

recording evidence at both the trial stage and the appellate stage.

At present video conference is one of the most advantageous methods used in the Indian judiciary system that has enabled the audio-visual communication between the parties who are at different locations and also the use of video conference recording evidence helps to reduce the burden on courts, cost and time for witnesses who are required to travel for court proceedings.<sup>4</sup>

In 2017, the Hon'ble Supreme Court in *Santhini v. Vijay Venkatesh*, permitted the video conferencing in matrimonial cases instead of transferring the suit. If the parties are located outside the jurisdiction of court, then it is an alternative to the transfer petition. Now, in different parts of the country courts are using the technology for recording the evidence and cross examination of witnesses.<sup>5</sup>

Even when we see at the Juvenile Justice (Care and Protection of Children) Model Rules, 2016, sub-rule (7A) was inserted in Rule 6 w.e.f 01-09-2022, which provides that the Board may conduct its sittings through Video conferencing in case there are constraints limiting physical movement of the

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4 Badri Priyanka Syam, "Video Conference Technology in Indian Judiciary System", <https://legal.serviceindia.com> [ Access on : 16-08-2023]

5 2018 1 SCC 1

Child alleged to be in conflict with law or the Board Members including the Chairperson.

To conclude, access to justice is our fundamental right guaranteed under Article 14 and 21 of the Constitution of India, hence we should strive to provide equal access to justice, so as to enable the litigants to get access to justice.

By:



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