

● COURTS & SOCIETY: A COMMENTARY ON THE BELEAGUERED SCALES OF JUSTICE IN COVID TIMES



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Abstract

Social Justice is emblematic of constitutional justice, which aims at efficaciously addressing the observable biases and divisions in society. COVID upended the societal apocrypha by plunging the institutions into a never seen chaos and turbulence. The social setting met a gargantuan force of COVID, thus skewing the existing social norms. India's commitment to a welfare state was severely tested. The courts' position as the premier institutions for serving legal justice took a beating. The social exclusion earlier earmarked on various factors had the Internet as a new facet attached to it. Internet access created a new feature to entrench pervasive social divisions. Incorporating the Internet as a critical component of the governance model amplified the social divisions. Justice became a far cry as the Internet became a sine qua non for approaching the courts. Internet Rich and Internet Poor became the order of the day. The governance model in COVID times became a justice conundrum favoring a few and leaving the significant others in unsettling disquiet. The study's objective would be to assess the multitudinous challenges encountered on the justice front and how the Internet-savvy Judiciary during COVID times caused a civil rights conundrum. The findings would help evaluate the insidious practices of the justice system during testing times and how the constitutional system, unfortunately, finds itself unavailable to assuage the frayed tensions.

Key words-

Justice, Social Divisions, Social Exclusion, Internet Rich, Internet Poor, Conundrum.

1. INTRODUCTION

The measure of societal consensus is predicated upon social unity united by the contractual agreement of shared interests for the greater good of the masses. Social interests are commonly connected by mutually shared interests which constitute the coming together of groups to form a social union¹. As per Hobbes², Locke³, and Rousseau⁴, the conception of society in its purest standard was motivated by the conceding of interests for greater societal control and to attain social tranquility and order where the living style was nasty, poor, brutish, and short.⁵

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¹Fukuyama, F. (2001). Social capital, civil society and development. *Third world quarterly*, 22(1), 7-20.

²Read, J. H. (1991). Thomas Hobbes: Power in the state of nature, power in civil society. *Polity*, 23(4), 505-525.

³Yolton, J. W. (1958). Locke on the Law of Nature. *The Philosophical Review*, 67(4), 477-498.

⁴Bellah, R. N. (2008). Rousseau on Society and the Individual. In *The social contract and the first and second discourses* (pp. 266-287). Yale University Press.

⁵Morris, C. W. (1999). *The Social Contract Theorists: Critical Essays on Hobbes, Locke, and Rousseau*. Ohio: Rowman & Littlefield.

The society stood conceptualized to achieve a state of functional, organized setup. Man has a nature to become arbitrary, so to eschew the nefarious proclivities for abuse of power, an imperative need was felt to bedeck the society with accountability-driven institutions. It forms the cornerstone of the efficacy behind institutions in a functional societal setup.

Institutions form the bedrock of any social structure⁶. The need for institutions plays a normative role. It not only helps in exceptional stability in society but also generates a set of common frameworks of rules and regulations that are to be adhered to by everyone across the board. Justice in society is a prime mover to ensure stability. Justice is an embodiment of just, fair, reasoned decision-making and, above all, rationality⁷. Justice is the fountain of truth, probity, and integrity⁸. The institutions of justice thus play an uncompromisable and inevitable role in ensuring good governance. Courts are envisaged as the pioneering institutions to help facilitate the delivery of justice to ensure that societal tensions get legally ameliorated⁹. Society and justice are two norms-creating and pattern-building indicators to suffice the narrative of the changing interests in the community. Social behavior and the penchant for rightful justice govern the underlying urge to do better and go better on social fronts. Meaning, thereby, the abiding faith to dutifully discharge one's obligations.

In its naked self, society is beset with variegated discrepancies and unrivaled differences marked by various indicators, ranging from the place of birth, caste, creed, religion, race, sex, age, and residence¹⁰. These factors shape the extent of role-playing of individuals in their ways. Justice-seeking is also affected by these indicators. Academic penetration is likewise affected and influenced. The cocktail of society and societal conditions in conditioning the position of people in society is unimaginably large and overwhelming. Justice posits the common thread available to everyone equally in the face of prevailing societal dichotomies. The expectation of equitable justice as a shining beacon forms the substratum of the societal state. The culmination of the study will significantly contribute to developing a sense of understanding of how access to the Internet becomes a significant determinant of access to justice. It would also help to understand how the justice system predetermines the societal template and how it failed to live up to the challenge posed by COVID-induced exigencies.

2. THE COVID ONSET-DISMANTLING OF THE SOCIETAL STATUS QUO

The equality disseminated by the structural existence of courts is unprecedented and incomparable¹¹. Courts are the beacons of equality in their natural essence. Like any other public institution, the functioning of courts is also sensitive to social surroundings and relevant situations in the play.

⁶Hodgson, G. M. (2003). Reconstitutive downward causation: social structure and the development of individual agency. In *Intersubjectivity in Economics* (pp. 173-194). Routledge.

⁷Spellman, B. A., & Schnall, S. (2009). Embodied rationality. *Queen's LJ*, 35, 117.

⁸Kaur, S. (2019). Judicial system in ancient India: A review. *Asian Journal of Multidimensional Research (AJMR)*, 8(5), 190-200.

⁹Baxi, U. (1985). Taking suffering seriously: Social action litigation in the Supreme Court of India. *Third World Legal Stud.*, 107.

¹⁰Florida, R. (2015). The creative class. In *The City Reader* (pp. 197-204). Routledge; Tiwari, G. S. (2002). THE EQUALITY-LIBERTY AXIS: A SOCIO-POLITICAL PARADIGM OF HUMAN DEVELOPMENT. *Journal of the Indian Law Institute*, 44(4), 534-554; Tiwari, G. S. (2002). THE EQUALITY-LIBERTY AXIS: A SOCIO-POLITICAL PARADIGM OF HUMAN DEVELOPMENT. *Journal of the Indian Law Institute*, 44(4), 534-554.

¹¹Silbey, S. S. (2005). After legal consciousness. *Annu. Rev. Law Soc. Sci.*, 1, 323-368.



The onset of COVID as a global pandemic dismantled how society was disposed to carry out its affairs¹².

It threw society into tumultuous chaos and penetrating disruption, thus effectively hampering everything alongside it. Schools were shut down¹³, empty roads were the order of the day¹⁴, institutions were brought to a standstill¹⁵, industries went into silence¹⁶, etc.

In brief, a hypothetical state of dysphoric governance became a state of reality. An ugly, unforgiving reality deepened the existing social divides on a new scale. COVID dismantled the thriving social structures and threw them in disarray. COVID initiated social exclusion¹⁷, and the welfare state's imagination of the society went haywire. In essence, COVID's onset was an insignia of an overwhelming human rights crisis¹⁸. The worst of the worst situations that could be conceived were unfolding. With rampant hunger, education suspension, livelihoods at stake, and innumerable death numbers, institutions of governance were tested for their responsiveness during trying times¹⁹.

The existing social divide got further amplified as the resource availability at the disposal of the public became abysmally weak, and the opportunity to earn met a dead end. Amidst the chaos, the institution of justice that forms the nerve center of peace and judicious settlement of issues hit rock bottom. Justice delivery became a scarcity. The functioning of courts got beleaguered due to the rapid onset of COVID²⁰. The expectation of an afflicted litigant to be heard by the judicial institution for the dispassionate delivery of justice forms the hallmark of any sound, constitutionally governed society²¹.

¹²Hayry, M. (2022). COVID-19 and Beyond: The need for Copathy and Impartial Advisers. *Cambridge Quarterly of Healthcare Ethics*, 220-229.

¹³Burki, T. K. (2020). COVID-19: consequences for higher education. *The Lancet Oncology*, 21(6), 758.

¹⁴Abraham, T. (2020). COVID-19 communication in India. *Journal of communication in Healthcare*, 13(1), 10-12.

¹⁵Ellis, V., Steadman, S., & Mao, Q. (2020). 'Come to a screeching halt': Can change in teacher education during the COVID-19 pandemic be seen as innovation?. *European Journal of Teacher Education*, 43(4), 559-572.

¹⁶Mishra, A., Das, S., Singh, D., & Maurya, A. K. (2021). Effect of COVID-19 lockdown on noise pollution levels in an Indian city: a case study of Kanpur. *Environmental Science and Pollution Research*, 28(33), 46007-46019.

¹⁷Sahoo, S., Rani, S., Parveen, S., Singh, A. P., Mehra, A., Chakrabarti, S., ... & Tandup, C. (2020). Self-harm and COVID-19 Pandemic: An emerging concern-A report of 2 cases from India. *Asian journal of psychiatry*, 51, 102104; Bhattacharya, P., Banerjee, D., & Rao, T. S. (2020). The "untold" side of COVID-19: Social stigma and its consequences in India. *Indian journal of psychological medicine*, 42(4), 382-386.

¹⁸Elshobake, M. (2021). Human rights violations during the COVID-19 pandemic. *International Journal of Human Rights in Healthcare*.

¹⁹Choudhury, S. K. (2021). Migrant workers and human rights: A critical study on India's COVID-19 lockdown policy. *Social Sciences & Humanities Open*.

²⁰Dehury, R. K., & Mahanandia, R. (2022). The ethical concerns of a pandemic: A critical analysis and opinions of the Indian situation in covid era. *Asia Pacific Journal of Health Management*, 17(2), 1-8; Rattan, J., & Rattan, V. (2021). The COVID-19 Crisis-The New Challenges before the Indian Justice and Court Administration System. In *IJCA* (Vol. 12, p. 1); Eichler, J., & Sonkar, S. (2021). Challenging absolute executive powers in times of corona: re-examining constitutional courts and the collective right to public contestation as instruments of institutional control. *Review of Economics and Political Science*; Mohanty, U. (2021). Law Enforcement and Judiciary During Covid-19 Pandemic: A Study on Smart Cities of Eastern India. *Sch Int J Law Crime Justice*, 4(6), 417-423; Singh, A. P. (2021). Virtual Courts during the COVID-19 Pandemic: A Critical Exposition. *Supremo Amicus*, 24, 452.

²¹Damaska, M. R., & Fisher, S. (1995). The faces of justice and state authority. In *The Faces of Justice and State Authority*. Yale University Press; King, M. S. (2010). Judging, judicial values and judicial conduct in problem-solving courts, indigenous sentencing courts and mainstream courts. *Journal of Judicial Administration*, 19(3), 133-159.

This enforceable expectation that creates the edifice of any justice delivery system was up against the behemoth of a challenge like COVID. The onset of COVID disrupted the thriving social expectations and became an overriding force bulldozing every other social, legal, and political commitment. The pandemic brought a new renaissance into society, i.e., COVID-induced normalcy²².

The new normality had the Internet as a ground norm with everything shut down; humankind had nowhere to resort to but to rely heavily on the new arrangements designed, by necessity, due to the onset of the COVID-enforced paradigm. This led to the redevelopment of social equations. The functioning of the governmental systems came under a massive spell of doubt and cloud. The governmental systems' efficacy was subjected to continuous scrutiny for its glaring ineffectiveness in living up to the incalculable COVID brought challenges. The inadequacy and inefficacy became even more exacerbated when the constitutional structure's nerve center, i.e., the institution of justice, pre-supposed the Internet's presence as a mandatory rule to imagine the exercise of rights.

Another serious repercussion that can't be ignored because of the COVID-19 crisis in India is equally disturbing. During the COVID-19 crisis, the courts in India at various levels, including the Supreme Court, the High Court, and the Subordinate or District Court levels, have insisted on only holding virtual hearings²³ for several cases through guidelines that have been issued from time to time. These levels include the Supreme Court. However, because of the realities on the ground, many litigants are prevented from seeking justice through no fault of their own. More specifically, the COVID-19 crisis is to blame for the inability of lawyers to contest cases in faraway rural areas and remote towns with no internet connectivity. As a result, the litigants are suffering.

In addition, it appeared that the situation was the same for other stakeholders in the justice administration who were on the periphery but still very important during the COVID-19 crisis. Because of the stringent COVID-19 restrictions, there was a significant drop in the number of people entering the courts, which resulted in meager earnings for the Notaries, Oath Commissioners, and a subset of lawyers who practiced in the area of offenses related to petty crimes. On the other hand, with the COVID-19 pandemic dangers in mind, the government is swiftly providing video-conferencing rooms in courts across the nation to facilitate E-judiciary as a mode of justice administration during the COVID-19 crisis period²⁴. This is being done to ensure that justice can be administered during the COVID-19 crisis.

²²Das, G., Jain, S. P., Maheswaran, D., Slotegraaf, R. J., & Srinivasan, R. (2021). Pandemics and marketing: insights, impacts, and research opportunities. *Journal of the Academy of Marketing Science*, 49(5), 835-854.

²³Singh, M. (2022). Challenges before the Indian justice and court administration system in the COVID-19 Crisis. *Resilience Transform Global Restruct*, 12; Bateson, D. (2020). Virtual Arbitration: The Impact of COVID-19. *Indian J. Arb. L.*, 9, 159; Agrawal, P. (2021). Virtual Court System in India: An Experiment. Available at SSRN 4090127; Kannan, S. (2022). Covid-19: An opportunity to restructure the Indian legal system. *Issue 1 Int'l JL Mgmt. & Human.*, 5, 1742; Jain, R., & Chaudhary, S. (2021). The Renaissance of Virtual Courts: Towards the Digital Age. *Issue 3 Int'l JL Mgmt. & Human.*, 4, 5722; Aggarwal, A., & Mittal, K. Developing Hybrid Model of Online Courts and Mediation for India through Cross Countries Study. *Dr Nand Kishore Garg*, 291; Ghorpade, A. (2021). E-Courts Project and Reforms in Judiciary. *Jus Corpus LJ*, 2, 681.

²⁴Tahura, U. S. (2021). Can Technology Be a Potential Solution for a Cost-Effective Litigation System in Bangladesh?. *Justice System Journal*, 42(2), 180-204; Meena, M. D., & Baplawat, A. (2022). Covid 19 And Judicial System-From A Pragmatic to Modern approach. *Journal of Pharmaceutical Negative Results*, 1079-1085.



3. INTERNET & COVID-DEEPENING OF SOCIAL DIVIDE

With COVID came its inalienable ally of mandatory Internet usage²⁵. The already thriving societal divisions got further aggravated with the Internet becoming a common usage to experience even the most basic joys of one's life. Access to food became dependent on the Internet, not to speak about access to justice which was already a distant goal for many. The societal divides got reshaped as an Internet chasm²⁶. A chasm so sinister, deep, and formidable that it bore the capacity to alter the pattern of human living²⁷. The half that had access to a pool of resources became Internet Rich, and the other half that was devoid of Internet access became Internet Poor. This Internet connectivity governance model to ascertain access to rights became a familiar sight as the e-courts system emerged²⁸.

The government was unprepared to anticipate the civil rights positioning in the cataclysmic event of the COVID-natured pandemic. Governments worldwide, including the Indian government, made the Internet an e-governance tool, thus throwing a considerable portion of the Indian population out of the window. The process of winnowing out based on the Internet was so perverse that the Internet Poor didn't even form part of the governmental imagination in COVID governance. The modalities of the governments were so Internet rich biased that the poor who earlier had to die due to poverty took the beating for their inability to have Internet access. In the face of the onslaught of covid-induced prejudices, the expectation of justice remained a feature of dreamland. In a painting drawn of justice in covid times, the lady of justice was probably weeping till asleep witnessing the dismantling of judicial infrastructure. The judicial infrastructure, which was already a far-fetched arena, became ensconced with Internet privilege, thus negating the pertinent concerns of the Internet Poor.

4. FALL OF THE JUSTICE DELIVERY SYSTEM

Justice is the concept of equity and forms an indivisible whole to ensure a seamless exchange of affairs in society. Courts provide the distribution of justice by belting out judgments and orders to end the contestation between the parties. COVID brought a massive challenge to the justice delivery system. As the author appreciates Indian concerns, dilating on the Indian justice delivery in that intervening period becomes apposite. The incredible pendency of cases before the Indian Higher Judiciary doesn't raise eyebrows anymore as it's a matter of common knowledge. This existing malady was aggravated when the judicial institutions closed due to compelling and unforgiving pandemic-initiated circumstances.

²⁵Secretariat, R. S. (2020). Interim Report on the Functioning of the Virtual Courts/Court proceedings through video conferencing. Parliament of India.

²⁶Erer, D., Erer, E., & Korkmaz, O. (2022). Internet access and its role on educational inequality during the COVID-19 pandemic. *Telecommunications Policy*.

²⁷Belli, L. (2016). End-to-end, net neutrality and human rights. In *Net neutrality compendium* (pp. 13-29). Springer, Cham; Taddeo, M. (2020). The ethical governance of the digital during and after the COVID-19 pandemic. *Minds and Machines*, 30(2), 171-176; Sambuli, N. (2016). Challenges and opportunities for advancing Internet access in developing countries while upholding net neutrality. *Journal of Cyber Policy*, 1(1), 61-74.

²⁸Express Computer. Revamping India's judicial procedures with courtroom technology, 9 February 2021, <<https://www.expresscomputer.in/news/revamping-indias-judicial-procedures-with-courtroom-technology/22263/>>, Ujaley, Mohd, accessed 12 December 2022; Times of India, 4 March 2019. E-Courts app brings reforms in justice delivery system, Thakur, Pradeep, <eCourts app brings reforms in justice delivery system | India News - Times of India>, accessed 12 December 2022.

The unending pendency of cases offers an ominous sign for any justice system as it keeps the litigation pending for years, thus defeating speedy justice's ideals. The expectation on the part of the citizenry to approach the court for time-bound disposal of cases is a sine qua non in any constitutional system. This expectation takes a beating when the petitions linger for years without listing, let alone hearing the same. This problem got accentuated multifold with the pandemic-forced circumstances. The courts were closed, justice delivery became a rarity, litigations were not getting listed, etc. In essence, the fall of the justice delivery system was palpable as the public stood fallen out of access to courts²⁹.

From the Indian constitutional standpoint, speedy justice is a constitutional goal engrafted in Article 39-A of the Constitution of India, 1950³⁰. It is likewise buttressed and amplified by way of several apex court judgments. Speedy Justice is necessary to enhance the constitutional promise strengthened by the relevant provision³¹. The preambular guarantees in the Indian Constitution promise justice with the end goal of assuring the individual's dignity³². Justice also has a remarkable interlocked relationship with the people's dignity to whom the Constitution serves day and night.

Dignity represents the sum and substance of a person's wholesomeness. The lifetime endeavors one carries about earn a reputation for oneself. This reputation is intrinsically connected with dignity, which human beings hold the propensity to preserve at all costs³³. This penchant for self-preservation by ensuring enforceable respect for dignity is a part of Article 21 of the Indian Constitution. If justice is not meted out in a time-bound manner, the life and dignity of an individual go for a toss, thus sounding the death knell for constitutional efficacy to ensure the realization of its cherished goals. Justice in society serves a normative and functional role as it helps address the ebbs and flows of disputes between the parties. In essence, justice plays a defining role in shaping the social narrative. Justice is a social science delivered at the behest of the courts to compose a tranquil functioning of the social institutions.

All justice attributes took a major thrashing as COVID brought in a wave of insurmountable challenges that the justice infrastructure was primarily ill-equipped to handle, let alone quickly address. COVID brought a full stop to justice delivery, thus effectively imposing a COVID emergency on the justice system. The COVID emergency was compounded by Internet penetration which became a source of continuous engagement. The existing divisions in society got further exacerbated. The inadequacy and inefficacy became even more heightened when the nerve center of the constitutional structure collapsed, i.e., the fall of the justice delivery system in the aftermath of COVID.

²⁹Rattan, J., & Rattan, V. (2021). The COVID-19 Crisis-The New Challenges before the Indian Justice and Court Administration System. In *IJCA* (Vol. 12, p. 1).

³⁰Seervai, H. (2015). *Constitutional Law of India*. Universal Law Publishing - An imprint of LexisNexis.

³¹Zasloff, J. (2022). On "Enforceable" Directive Principles: The Emerging Civil Right to Counsel in India. *UCLA School of Law, Public Law Research Paper*, (22-07); Baxi, U. (1985). Taking suffering seriously: Social action litigation in the Supreme Court of India. *Third World Legal Stud.*, 107; Muralidhar, S. (2005). Legal aid practices: comparative perspectives. *Obiter*, 26(2), 261-284; Anderson, M. R. (2003). Access to justice and legal process: making legal institutions responsive to poor people in LDCs.

³²Lahoti, J. R. (2004). *Preamble: The Spirit and Backbone of the Constitution of India*. Delhi: Eastern Book Company.

³³Koops, B.-J. (2017). A Typology of Privacy. *University of Pennsylvania Journal of International Law*, 566.



5. JUSTICE CONUNDRUM IN INTERNET TIMES

The Indian judicial system and, more specifically, the Indian higher Judiciary, which is constitutionally duty-bound to hear cases about civil rights, found itself wanting. The avenues of access to justice were shut, and justice was handed out to people, with access to the Internet becoming a sine qua non³⁴. The functioning of the courts was closed and subsequently was limited to hearing a few critical cases. The judicial processes became so perversely biased that the citizenry had no resort to the courts. Judicial exclusion due to internet isolation stereotyped the situation of justice-seeking masses.

Justice delivery became scarce as the pendency was bursting at all seams. In those misfortunate circumstances, the enforcement of fundamental rights was palpably suspended given the inefficient and inadequate judicial covid-friendly infrastructure. When the Indian constitutional book had to come to the immediate rescue of the people to it owes its origin, it left its citizenry in the lurch to face the bulldozing of COVID misery and heightened governmental apathy.

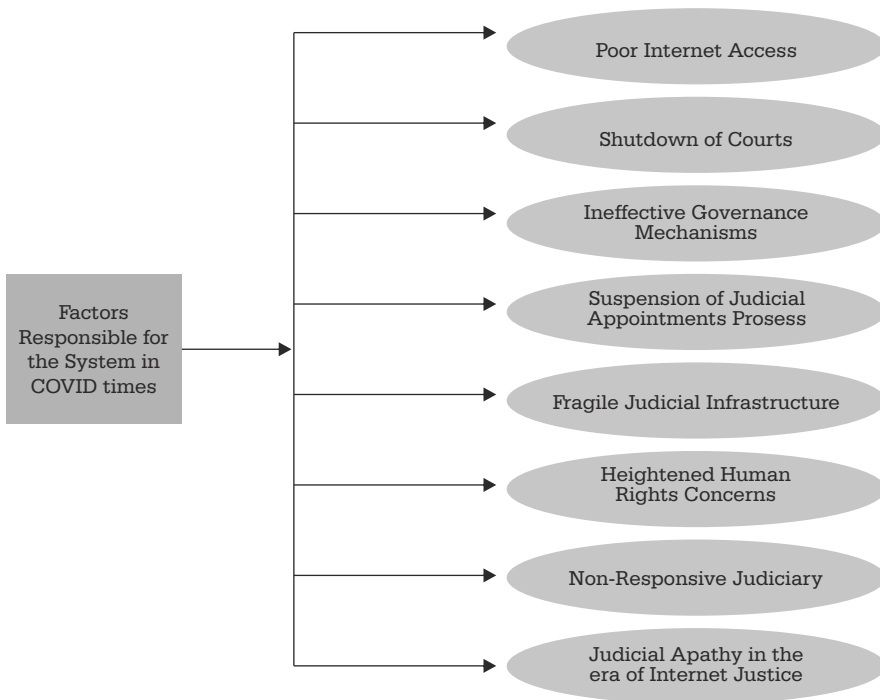


Figure 1: Factors Responsible for the Fall of the Justice System in Covid Times

³⁴Rattan, J. R. (2021). The COVID-19 Crisis - the New Challenges Before the Indian Justice and Court Administration System. Indian Journal for Court Administration, 11.

Social Justice became a distant dream. The legitimate vision of the citizenry to be heard by courts in times of COVID distress met a deafening silence. This eerie silence on the part of the courts was a compromising constitutional act. The shirking of constitutional duties is unthinkable within the organized constitutional realm. In COVID times requiring urgent judicial intervention, the processes and functioning of the courts across the country were in shambles in the Indian higher Judiciary³⁵. The social exclusion suffered by the poor and downtrodden got further amplified, with the Internet becoming another arm of discrimination.

Even the Supreme Court had to acknowledge the justice divide during COVID times and the failures of the judicial infrastructure to accommodate the pressing justice demands for as long as two years during the entire span of COVID. This spree of insidious practice of discrimination wasn't just limited to the financially deprived. Still, it took within its devour even those who had deep pockets but were technologically illiterate or challenged. For instance, advocates in the legal fraternity who were accustomed to practicing in the physical world found it backbreaking to transform themselves into digital space.

The herculean COVID-induced challenges battered everyone, but they actuated a wave of colossal burdens and wrongs on the ones who formed the marginalized whole. They had high hopes for the justice institution, but it failed to step onto the occasion. The justice institutions turned a blind eye to their misery. Compounding the problem during COVID times, the entire appointment process to the judicial institutions was interminably suspended³⁶. The constitutional courts were functioning with judgeships vacancies skyrocketing. Although the courts were operating with reduced caseloads, the judge's requirement to dispose of the pending cases was egregiously insufficient³⁷. Civil rights issues of time-essence during COVID times remained pending or were not taken up for hearing. The apparent shirking of work by the judicial institution caused an assault on the public trust and depleted the faith in judicial functioning.

6. CONCLUSION

Legal Justice and Social Justice form the cornerstone of our constitutional structure. The same can be said about every constitutional system worldwide. The normative function of the efficacious stream of justice is to ensure social stability by putting a judicial tranquilizer to agitated litigant concerns. The COVID-forced status quo brought a social pandemonium, of which judicial shutdown was a corollary. The Judiciary fell short of its duty as a responsible institution saddled with the constitutional imprimatur

³⁵Singh, R., & Leo, U. (2021). COVID-19 and supreme court contractual disputes in India: a law and economics perspective. *Economic and Political Weekly*, 56(16), 37-43; Nomani, M. Z. M., Nusrati, N. A., & Mohataj, M. (2020). COVID-19 pandemic and challenges of public health administration & criminal justice system. *International Journal of Pharmaceutical Research*, 12(3), 728-735; Singh, M. (2022). Challenges before the Indian justice and court administration system in the COVID-19 Crisis. *Resilience Transform Global Restruct*, 12; Pradhan, D., Hidayah, N. P., Anggraeny, I., & Esfandiari, F. (2021, January). Constitutional Rights of Labour During Covid 19 Pandemic: A Study of India and Indonesia. In 2nd International Conference on Law Reform (INCLAR 2021) (pp. 250-255). Atlantis Press; Ahmad, N. (2021). Protecting the rights of minorities under international law and implications of COVID-19: An overview of the Indian context. *Laws*, 10(1), 17.

³⁶Kumar, A. (2020). Appointment of judges to the higher Judiciary during the pandemic -I. *Economic & Political Weekly*, 12-14.

³⁷Kumar, A. (2020). Appointment of judges to the higher Judiciary during the Pandemic-II. *Economic & Political Weekly*, 11-13.



to put a quietus to civil rights concerns. People were dying of hunger, and the Judiciary was tone-deaf to human rights concerns. The Judiciary went in for the model of Internet justice, but it had its foibles. Internet Poor fell further backward in the social stream, and their expectation of receiving unhampered justice took a massive beating. It is that constitutionally found the expectation of receiving fair justice that remained unsatisfied. Rather than achieving justice in actual terms, the modalities adopted, i.e., virtual justice delivery³⁸, became a few products accessible to a few. It further entrenched social and systemic prejudices. The Indian higher Judiciary invariably called the quits upon the citizenry. The Internet times, which became a source of ease and comfort for the Internet Rich, proved to be a scourge of agony and debilitation for the poor and technologically disabled.

The COVID times brought out the ugly narrative of the compelling times. Citizens who ought to be the benefactors of any development program on the development front were made to suffer beatings and thrashings given their differently situated position.

The virtual justice delivery became an aggravating evil rather than a panacea for COVID ills³⁹. A development program upon which governance of the country stands predicated, if not tempered with social conditions, becomes a weapon of pain than amelioration. This disparity became a global phenomenon wherein a more significant chunk fell out of government sight for no fault.

This global catastrophe in governance compels us to be at the vanguard of decimating any such launch of social prejudice. The Internet serves as a binding tool⁴⁰ and not a weapon of discrimination. Even in the face of the behemoth of a pandemic like COVID, any sound constitutional governance cannot stare into the eye of its citizens and tell them to fend for themselves. It would do society well and encourage caution if we remain prepared for challenges unbeknownst. The goal should be to constantly improve our infrastructures and programs so that justice, an overarching feature, remains available to everyone equally without variance. Let justice remains untampered, unadulterated, and noncontaminated with the developmental renaissance of the Internet. Let there be times when legal justice is not known for its legal formalism in the textual sense and is married with social justice to bring in the ones with a tight embrace who got socially excluded in the COVID onslaught.

³⁸Bar and Bench. Virtual Courts: A sustainable option?, Dubey, Pramod Kumar, 12 April, 2020, <<https://www.barandbench.com/columns/virtual-courts-a-sustainable-option>>, accessed 12 December 2022.

³⁹Kinhal, Deepika et al. Virtual Courts in India: A Strategy Paper, Centre for Legal Policy, 1 May 2020. <<https://vidhilegalpolicy.in/research/virtual-courts-in-india-a-strategy-paper/>> accessed 12 December 2022.

⁴⁰B. N. Prakash, Setlur. E Judiciary: A Step towards Modernization in Indian Legal System, Journal of Education & Social Policy, Vol. 1 No. 1; June 2014. <http://jespnet.com/journals/Vol_1_No_1_June_2014/15.pdf>, accessed 12 December 2022.

