# **Virtual court background-when and where started**

## **Introduction**

"Virtual court," as the name suggests, is a court of law created on a video live sharing platform between police custody suits and a magistrate courts together with Judge being held with all the E-documents where all the relevant parties have access. The virtual court is not be confused with Cyber court as it only deals with e-commerce and internet-related crimes only and whereas Virtual court deals with all sorts of cases just as any other normal cases, but the court is held "virtually."

The main goal for using Virtual Court is to save time at an affordable cost and in an easily accessible way but in the most effective way to provide the same Justice as in the actual court. But it is still limited to small cases and Issues like bailing or traffic cases in Countries like India and Bangladesh.

The virtual court has its own advantages with its unique infrastructure; its objective is to set up a decision that will support the decision in the court, which will help to increase the judicial productivity most effectively and efficiently. But at the same time, it has some disadvantages, like the risk of weak cybersecurity, which may lead to hacking of information.

## **History**

According to Bowcott.O (2018), the first Virtual court case was held in 2018, which was appealed by Owen Yarnold, director of a property development company against HMRC Imposed files. The judged for the case was presented in The London tribunal, and the lawyers representing the party handed out the evidence as E-document from Belfest, Ireland. (Bowcott, 0. 2018).

Despite the first case being held in 2018, the first step in creating the “virtual court” was actually started by the Michigan state, the U.S. on 2002 but it was still inactive and was only held as a project and was still on hold in 2003 and was successful years later because of the state battling for fund of $2 million for the project. (National law journal-US, 2002).

Then on The Daily Star, Dr. Murshed. Md. M (2020) mentioned that in 2005 India started its road to E-Judiciary through which the E-committee of the Supreme Court on India executed ICT in the Indian Judiciary. The plan for the execution had 3 phases where phase 1 and 2 was all about the initiation and coordination of ICT in the system, and finally, phase 3 was all about the handling of Judicial process on the activities. Unlike the Michigan state of the U.S. for asking for funds, India managed to save Rs. 340 crore by using FOSS (Free and open-source software). (Dr. Murshed. Md. M, 2020)

Recently during 2019, Faridabad, India, started using virtual court aiming to reduce the appearance of a litigant on the court through video conferencing. The virtual court was only to be used for “Traffic Challan Cases” for the state only. (Saina. M, 2019)

## **The Rise of Popularity of Virtual courts in 2020**

On the rise of safety issues for the public because of the Covid-19 pandemic all around the Globe, many countries took steps to launch “Virtual Court Hearings” so that the law of Justice can still continue without even going to the court physically.

As Virtual court is gaining more and more popularity because of the pandemic for Covid-19 on 2020, Australia, Canada, India, and the U.K., etc. were among the first countries who started "virtual Court." Dr. Murshed. Md. M (2020) of the Daily star stated that on March 24 In UK, England and Wales took the first step of conducting virtual court, but it was only limited for Civil Courts. For now, England and wales are still hearing cases on virtual courts and only do physical hearing matters in case of technical issues or not being possible at all. (Dr. Murshed. Md. M, 2020)

Next in U.K, Scotland started testing virtual court in unique way which is not done by any other country in the world. The Virtual Court is held on a live video platform on a laptop or P.C but for the Jury; Cinema theatres are being used for them to make a “Virtual Jury”. (Barrie. D, 2020). According to The Northern Scot news, Whitfield. A. (2020) reported that Scotland’s first official Virtual Court hearing was held on 12th may, 2020 at the Sheriffs Court in the cathedral city of Scotland; Iverness.

In The UAE, Dubai started its Virtual hearing from April 19th. According to Shouk. A. A. (2020) of The UAE Gulf News, he reported that Tarish Eid Al Mansouri, director general of Dubai Courts confirmed that even though criminal cases are suspended for the time being on Virtual Court, it still covers services like Marriage registration, divorce cases, family guidance which are done through e-mail and virtual hearing is only for labor, commercial, civil, personal status matters and criminal cases are suspended for the time being. (Shouk. A. A.,2020)

Slowly as many countries around the Globe announced lockdown of their respective country because of the pandemic, Australia was one of the first, which started Virtual Court back in March, 2020. (Zanker. M and Galbraith. F. 2020). According to Poon. Y. X (2020) of the Govinsider.Asia news, China has started online trials since February and following this in Malaysia; on 26th march the chief Register of Federal Courts issued three option to launch online cases where virtual court was one of the suggestions. And since then Malaysia has been following those option for conducting online cases for temporary.

The Michigan lawyers weekly (2020) mentioned that In the U.S., the Michigan state was the first of the state to launch Virtual courts in April, 2020. And it was recorded that from April to July 21, the state hit the mark of 500,000 hours of the virtual court hearing of countless different cases. (Michigan Lawyers Weekly, 2020).

On the European side of the world, Ireland was one of the countries which had no method or procedures for the online process of Judiciary before the pandemic. According to Hallisy. M (2020) on Ireland Chief Justice Frank Clarke and court presidents issued a process to start a remote access hearing and did tests for two weeks. And after that procedure, they issued a new term, and Ireland stated its first-ever Virtual court case hearing on April 20, 2020. (Hallisy. M, 2020).

Surprisingly in Canada, Kitchener city Courts are one of the first who are starting to use Virtual Courts for Criminal cases. Hill. K (2020). Of the CTV News reported that Kitchener city started a test project from August for criminal cases and at the same time Ottawa, the capital city is also testing virtual courts for criminal cases.

According to Tay.S (2020), on Singapore, virtual court implementation began in April, and Chief Justice Sundaresh Menon of Singapore assured they will be enhancing virtual court even after the pandemic is over. But they started their journey of online court since 2017, and till now, over 30,000 cases have been filed online. (Tay.S, 2020)

Even Nigeria had to start going Online in this crisis, and they had their first Virtual court hearing on May 4, 2020, at the High Court of Lagos, Nigeria. And its first-ever online Case was the sentence of death Mr. Olalekan Hameed for a Murder charge. (Tech Next, 2020).

In a less developing country, Kenya is also starting to enter E-Judiciary but they are yet to take their First official virtual court case. Wangui. J (2020). Reported in the “The Daily Nation News” that, Nelson Havi who is the president of law society of Kenya confirmed that it is high time for Kenya to enter E-Judiciary and slowly they are warming up to Virtual Court sessions. (Wangui. J, 2020)

Next, on May 6, 2020, in India, the Delhi High Court took steps to provide Justice in this pandemic and pronounced its first judgment (Dr. Murshed. Md. M, 2020). Then on June 1 the Supreme Court of India held its first-ever hearing. And even though Virtual court was initiated in India for the emergency of the pandemic, many Judges and lawyers wanted to continue Virtual court even when the current situation turns out normal. (Vaid. D, 2020)

Following the current situation, Bangladesh has also started using virtual court from May-12, 2020, in this pandemic coronavirus situation. Its first virtual hearing was instructed to stop Killing of Dolphins in the Halda River, which was issued by the High court Division. Furthermore, it was instructed that the virtual court would be held for cases related to the Bail of individuals. (Dr. Murshed. M. M, 2020)

During this situation in Bangladesh, a special committee for children's rights was able to take a grant from the Chief Justice of Bangladesh to also allow Virtual hearing at the Children's court to reduce the chance of getting infected Covid-19 to the children. (Sattar. M. S, and Choyon. M. K. I, 2020)

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