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Why Virtual Hearings Have Not Scaled Yet



Despite strong digital infrastructure and clear procedural enablement, virtual hearings account for only ~5% of advocate participation in the Kollam 24x7 ON Court, even after more than one year of operations.

This indicates a behavioral and institutional barrier, not a technology or access constraint.

Diagnosis: Norms – Incentives – Legitimacy (NIL) Framework

Norms Failure

"Serious advocates show up physically."

- Physical presence continues to function as a **ritual signal of seriousness**, not a procedural requirement.
- Judges, senior advocates, and peer behavior implicitly reinforce this expectation.
- Virtual participation lacks a shared, socially validated script.
- First movers face professional ambiguity, making deviation costly.



Observed fact:
Most advocates continue to attend physically despite VC availability and eligibility.

Incentive Asymmetry

"In-person is safer, even if slower."

- The **downside risk of virtual participation** (connectivity failure, being skipped, loss of perceived credibility) is personally borne by advocates.
- The **upside of virtual participation** (system efficiency, reduced congestion) is collective, not individually rewarded.
- There is no differential benefit for choosing virtual over physical attendance.



Observed fact:
Advocates report that "the system works, but showing up feels safer," indicating rational risk-avoidance behavior.

Legitimacy Ambiguity

"Is virtual as real as being there?"

- Virtual hearings are procedurally permitted but **symbolically weaker**.
- Judicial processes do not consistently signal equivalence between virtual and physical presence.
- No explicit authority cues indicate that virtual participation is a first-class mode.



Observed fact:
No formal prioritization, signaling, or differentiation exists to visibly legitimize virtual participation.

Making Virtual the Safer Choice

Aligning Virtual Hearings with Advocate & Litigant Incentives and Court Workflows

Virtual hearings scale when workflows enhance safety, professional visibility, and time efficiency.

A

Reduce Workflow Friction: On-Premise e-Hearing Booths

(Addresses on-site workflow constraints)

Intervention Install soundproof e-Hearing Booths within the court complex (e.g., waiting lounges).

How it helps

- Enables advocates handling multiple matters to attend virtual hearings without leaving court
- Converts unavoidable physical presence into seamless virtual participation
- Requires minimal investment by repurposing existing ON Court infrastructure



Court studies show that frequent schedule disruptions stem from workflow inefficiencies, not from lack of space or connectivity (DAKSH, Time & Motion Study).

Directly addresses courtroom crowding and disrupted advocate schedules.

C

Eliminate Waiting Costs: Dynamic Queue Alerts

(Addresses: "Extended waiting times")

Intervention Introduce real-time queue positioning and predictive alerts for virtual hearings.

How it helps

- Eliminates idle waiting from static cause lists
- Allows advocates to use time productively until required
- Makes virtual hearings operationally superior to physical attendance



Studies show that a large share of court time is lost to waiting and adjournment-related scheduling, with roughly one-third spent on non-substantive activity (DAKSH; Vidhi Centre).

Directly addresses extended waiting times and adjournment-driven inefficiencies.

Example An advocate receives a live alert:

"Matter 23/2026 – You are 3rd in queue. Estimated login in 12 minutes."

B

Restore Professional Visibility: Litigant View Mode

(Addresses: "Showing up feels safer")

Intervention Enable a restricted, view-only Litigant View Mode in the ON Court app, allowing clients to watch proceedings live when their advocate appears virtually.

How it helps

- Makes virtual advocacy visible to clients
- Preserves professional signaling without physical attendance
- Improves transparency without affecting courtroom decorum



Survey evidence shows that mistrust and preference for physical presence stem from a lack of real-time visibility rather than procedural necessity (DAKSH, Access to Justice Survey).

Addresses trust and legitimacy concerns that bias advocates toward physical appearance

D

De-risk Virtual Participation: Tech-Failure Immunity

(Addresses: "What if the system fails?")

Intervention Codify a Tech-Failure Immunity Clause:

Any verified technical disruption during a virtual appearance will result in an automatic, penalty-free adjournment.

No adverse inference, dismissal, or loss of priority.

How it helps

- Eliminates the single largest psychological barrier to virtual hearings.
- Makes virtual appearance procedurally safer than physical attendance.
- Converts technical risk from an individual liability to a system-managed contingency.



Existing court studies and VC rules indicate that uncertainty around procedural consequences of technical failure suppresses virtual participation despite formal permission (DAKSH; Supreme Court VC Rules, 2020; Vidhi).

Enabling Scale and Institutional Adoption



Make Virtual First-Class (Judicial Signal)

- **Issue** a bench-level practice note affirming procedural equivalence of virtual and physical appearance.
- **Standardized** verbal acknowledgment of virtual advocates during hearings.

EVIDENCE:

Judicial signaling has been shown to directly shape advocate norms and participation choices in procedural reforms (Supreme Court of India, VC Model Rules 2020; Vidhi Centre for Legal Policy).



Reward Reliability, Not Presence

- **Track** virtual reliability (on-time join, completion without adjournment, technical stability).
- Use **reliability** to enable predictable scheduling or queue priority.

EVIDENCE:

Court process studies show advocates prioritize predictability and downside-risk avoidance over nominal efficiency gains (DAKSH, Access to Justice & Time-and-Motion Studies).



Prove, Then Scale

- 90-day **controlled rollout** in VC-eligible matters.
- **Track adoption**, waiting time saved, adjournment reduction, and repeat virtual usage.

EVIDENCE:

High Courts historically scale reforms supported by measurable procedural improvements, not permissions alone (eCourts Project; Vidhi Centre for Legal Policy).



- Virtual participation rises organically from ~5% to 25–40% in eligible VC matters
- Reduced courtroom crowding without mandating behavior
- Lower waiting time and adjournments for advocates and litigants

- Clear institutional legitimacy for virtual hearings
- Replicable model across districts and case types.

THANK-YOU

Sources :

DAKSH Access to Justice Survey (2016)

DAKSH Time & Motion Study

Vidhi Centre for Legal Policy (2017–2024)

DAKSH – Access to Justice & Court Process Studies;

Supreme Court of India – Model Rules for Video Conferencing (2020);

Vidhi Centre for Legal Policy – Research on Virtual Courts and Procedural Fairness.