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PARLIAMENT OF INDIA
RAJYA SABHA SECRETARIAT

PRESS NOTE

A court is more a service than a place, says Parliamentary Committee

Panel says Virtual Courts have issues but they must succeed

Virtual Court is an improvement over traditional Court

Panel recommends continuation of Virtual Courts even after the Covid pandemic for some identified categories

Calls for changes in the law to validate Virtual Court proceedings

Representatives of Bar express reservations; Panel urges advocates to change with times

Recommends computer course in Law courses

Shri Bhupender Yadav presents Committee's Report on Virtual Courts to Chairman Shri Naidu; the first on impact of pandemic

Asserting that a Court is more a service than a place, the Department Related Standing Committee on Personnel, Public Grievances, Law and Justice recommended continuation of Virtual Courts even after the Covid-19 pandemic gets over. Shri Bhupender Yadav, Rajya Sabha Member and Chairman of the Committee on PPG today submitted an Interim Report on the "Functioning of the Virtual Courts/Court proceedings through video conferencing" to Rajya Sabha Chairman Shri M. Venkaiah Naidu. This is the first report to be presented by any Parliamentary Panel on the impacts of Covid-19 pandemic.

2. After examining various provisions, mentions and glossaries with regard to the definition of the Court, the Committee opined that the Court is more a service than a place, thereby supporting the Virtual Court proceedings being resorted to since the Covid-19 pandemic induced lockdown in March, 2020.

3. The Committee held a series of meetings with Secretaries of Departments of Justice and Legal Affairs, Secretary General of the Supreme Court and representatives of the Bar Council of India, Delhi High Court Bar Association and Delhi District Bar Association while examining various issues related to the functioning of Virtual Courts.

4. Representatives of the Bar expressed some reservations about Virtual Court proceedings. But the Committee concluded that "Virtual Courts have their own shortcomings, however, they constitute advancement over the existing system, and therefore, on the overall, they are worth embracing". The Committee further stressed that "It is time, the Court room which is often regarded as the last bastion of antiquated working practices opens its doors to latest technology".

5. The Parliamentary panel strongly pitched for Virtual Courts stating that digital justice is cheaper and faster besides addressing locational and economic handicaps; ensures safety of vulnerable witnesses providing testimony; expedites processes and procedures and are an improvement over traditional Courts as they are most affordable, citizen friendly and offers greater access to justice.

6. The panel noted the shortcomings relating to Virtual Courts in the form of limitations of access, connectivity and skills and urged the Government to enable necessary infrastructure for integrating Virtual Courts into the country's legal ecosystem. The Government representatives explained various initiatives being taken for putting in place a centralized Virtual Courts infrastructure and to connect the District Courts.

7. The Committee has recommended that the Virtual Court proceedings be continued beyond the pandemic duration for identified categories of cases with the consent of all parties. The panel said virtual proceedings can be extended permanently to various Appellate Tribunals like TDSAT, IPAB, NCLAT etc located across the country which do not require personal appearances of the parties/advocates. It further said that permanent Virtual Courts can be held for hearing matters relating to Administrative and other Tribunals at the time of final hearing as it will cut down the cost and increase the efficiency of disposal of cases without being unnecessarily adjourned.

8. The 15 recommendations made by the Committee include; setting up of E-Sewa Kendras in all Court Complexes, speedy execution of National Broadband Mission, introduction of computer course in 3/5 year law courses, developing an indigenous software platform to ensure data privacy and safety, providing WAN (Wide Area Network) facility to all, adoption of Machine Learning, Artificial Intelligence and Block Chain Technology for a transformational change in the dispensation of justice etc.

9. Though, legal sanctity was given to video conferencing by the Supreme Court by its order invoking Article 142 of the Constitution on April 6, 2020 covering all the High Courts, the Parliamentary Committee recommended making necessary changes in the concerned laws so that the Virtual Court proceedings are not unnecessarily questioned in the Courts.

10. The representatives of the Bar referred to the limitations of infrastructure for Virtual Court proceedings and also contended that they favour tech savvy advocates besides depriving lawyers of an opportunity to present their case and change the course of arguments based on the changing dynamics of a case during the hearing. They further said that "An advocate gets to understand the mood of the judges and stands a better chance at convincing them during physical hearings. However, online hearing creates a psychological pressure on both the advocates as well as the judges.....Evidence recorded by means of video conferencing may distort non-verbal cues such as facial expressions, postures and gestures". The Committee was informed that over 50% of advocates, mostly at the District and lower Courts are not having either a laptop or a computer and lack of skills required for virtual proceedings.

11. The Committee noted that "In coming times, technology will emerge as a game changer and advocates would be required to use technological skills in combination with their specialized legal knowledge and therefore, they should keep up with the changing times".

12. The Committee was informed that 3,477 Court rooms are supported with facilities for virtual proceedings while 14,443 are still to be provided with them. Virtual Court facilities have been operationalised between 3,240 court complexes and corresponding 1,272 prisons for conducting remand matters and to prevent movement of prisoners between Courts and jails.

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