

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA
STARRED QUESTION NO. *191
ANSWERED ON 08.08.2024

SETTING UP SPECIAL COURTS FOR TECH-RELATED DISPUTES

***191. SHRI S NIRANJAN REDDY:**

Will the Minister of **LAW AND JUSTICE** be pleased to state:

- (a) whether Government has evaluated the need for establishing Special Courts to adjudicate disputes related to critical and emerging technology, if so, the details thereof and if not, the reasons therefor;
- (b) whether Government has provided specialized training on emerging and critical technologies to Judicial Officers and Judges to equip them better to deal with tech-related disputes; and
- (c) whether Government is considering to create a Special Bench within NCLAT for adjudicating disputes related to digital markets, if so, the details thereof and if not, the reasons therefor?

ANSWER

**MINISTER OF STATE (INDEPENDENT CHARGE) OF THE
MINISTRY OF LAW AND JUSTICE; AND MINISTER OF STATE
IN THE MINISTRY OF PARLIAMENTARY AFFAIRS**

(SHRI ARJUN RAM MEGHWAL)

(a) to (c) : A Statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO PARTS (a) to (c) OF THE RAJYA SABHA STARRED QUESTION NO. *191 FOR THE 08thAUGUST, 2024 REGARDING ‘SETTING UP SPECIAL COURTS FOR TECH-RELATED DISPUTES’

(a): Special Courts in India are judicial bodies set up to expedite the legal process for specific types of cases, often involving complex issues. These Courts are established under various laws/ statutes and operate alongside the regular judicial system. Their primary objective is to ensure the expeditious disposal of cases that require specialized knowledge or handling due to their nature. The primary responsibility of setting up and functioning of Special Courts falls within the domain of the State/UT Governments in consultation with their respective High Courts, as per its need and availability of resources. At present, there are no specialized courts to deal with matters pertaining to critical and emerging technologies.

The disputes arising under and from a Technology Development Agreement fall within the ambit of contractual disputes and are covered under the Commercial Courts Act 2015. The Commercial Courts Act, 2015 provides for the constitution of Commercial Courts, Commercial Appellate Courts, Commercial Division and Commercial Appellate Division in the High Courts for adjudicating commercial disputes of specified value and matters connected therewith or incidental thereto. As per available information, there are 115 Dedicated Commercial Courts and 1231 Designated Commercial Courts across the country as of October, 2023.

Further, in terms of the Finance Act 2017(7 of 2017), the Telecom Disputes Settlement and Appellate Tribunal (TDSAT) was vested with powers to act as Appellate Tribunal under the Information Technology Act, 2000 and for matters that lay before the Cyber Appellate Tribunal.

(b): During the Academic Year 2023-24, the National Judicial Academy (NJA) conducted specialized training programs involving emerging technological advances for judges and judicial officers. These were undertaken either as specialized topics, or as part of different programs in individualized sessional topics. Apart from the trainings undertaken by NJA on emerging technological advances, the 25 State Judicial Academies (SJAs) are also undertaking regular programs on emerging technology. This ensures training of judges pan India on the specialized areas. The training modules included dedicated training programs and sessions on Information and Communication Technology (ICT), cybercrimes, law related to electronic evidence etc. Further, the sessions on tech-related disputes arising out of commercial laws, intellectual Property Rights (IPR), Alternate Dispute Resolution (ADR) etc. formed part of the discourse. Besides, regular sessions on medical forensics, digital forensics and such other seminal areas, like court and case management, are included in the training curriculum to enable capacity building of judges in the advanced techno-legal domain. The said sessions/programs were designed for participating judges from pan-India (including all the High Courts and senior members from the District Judiciaries). Judges from foreign countries (viz, Bangladesh, Myanmar and Maldives) were also trained on emerging technological advances at the NJA. The detailed programme is placed at Annexure.

(c): As per the inputs provided by the Ministry of Corporate Affairs, there is currently no proposal under consideration to create a Special Bench within the National Company Law Appellate Tribunal (NCLAT) for adjudicating disputes related to digital markets.

STATEMENT REFERRED TO IN REPLY TO PART (B) OF RAJYA SABHA STARRED QUESTION NO. *191 FOR ANSWER ON 08.08.2024 REGARDING 'SETTING UP SPECIAL COURTS FOR TECH-RELATED DISPUTES'.

Sr No.	Program	Number of Conferences	Participant(s)	Brief Details	Event type
1.	Regional Conference	08	High Court Justices + District Judiciary	A complete day was dedicated to discuss ICT and enabling technologies. Domain experts including Judges, advocates deliberated on emerging technologies	National
2.	ICT	07	High Court Justices + District Judiciary	Including special programs proposed by e-Committee	National – (06 nos.) International – (01 No.)
3.	Commercial Courts	04	High Court + District Judiciary	Included sessions on IPR, discourse on contract law etc.	National
4.	Cyber Law/Cybercrime + Electronic Evidence	06	High Court Justices + District Judiciary	Programs included outreach programs and workshops dealing with technology related issues	National + International collaborations with (FJC & CEELI)