

REPORT NO.

134



PARLIAMENT OF INDIA
RAJYA SABHA

**DEPARTMENT-RELATED PARLIAMENTARY STANDING COMMITTEE ON
PERSONNEL, PUBLIC GRIEVANCES, LAW AND JUSTICE**

ONE HUNDRED THIRTY FOURTH REPORT

ON

**ACTION TAKEN ON ONE HUNDRED THIRD REPORT OF THE COMMITTEE
ON "FUNCTIONING OF THE VIRTUAL COURTS/ COURT PROCEEDINGS
THROUGH VIDEO CONFERENCING"**

PERTAINING TO

**THE DEPARTMENT OF JUSTICE
(MINISTRY OF LAW & JUSTICE)**

(Presented to the Rajya Sabha on 11th December, 2023)

(Laid on the Table of the Lok Sabha on 11th December, 2023)



Rajya Sabha Secretariat, New Delhi
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** TO BE APPENDED AT A LATER STAGE*

COMPOSITION OF THE COMMITTEE
DEPARTMENT RELATED PARLIAMENTARY STANDING COMMITTEE ON
PERSONNEL, PUBLIC GRIEVANCES, LAW AND JUSTICE

1. Shri Sushil Kumar Modi — *Chairman*

RAJYA SABHA

2. Shrimati Vandana Chavan
3. Shri Mahesh Jethmalani
4. Shri Kanakamedala Ravindra Kumar
5. Shri Sanjay Raut
6. Shri Sukhendu Sekhar Ray
7. Shri K. R. Suresh Reddy
8. Shrimati Darshana Singh
9. Shri Vivek K. Tankha
10. Shri P. Wilson

LOK SABHA

11. Shri Manickam Tagore B.
12. Shri Kalyan Banerjee
13. Shri Pradan Baruah
14. Shri Venkatesh Netha Borlakunta
15. * *Vacant*
16. Shri Vinod Chavda
17. Shrimati Veena Devi
18. Shri Jasbir Singh Gill
19. Shri Choudhury Mohan Jatua
20. Shri Raghu Rama Krishna Raju Kanumuru
21. Shri Jyotirmay Singh Mahato
22. Shri Malook Nagar
23. Dr. Ramesh Pokhriyal "Nishank"
24. Shri Suresh Kumar Pujari
25. Shri A. Raja
26. Shri Omprakash Bhupalsingh *alias* Pavan Rajenimbalkar
27. Shri Upendra Singh Rawat
28. Shrimati Sandhya Ray
29. Shri Kuldeep Rai Sharma
30. Shri Mahendra Singh Solanky
31. Shri Rajan Baburao Vichare

SECRETARIAT

1. Shri M. C. Tiwari, Joint Secretary
2. Shri P.Narayanan, Director
3. Ms. Indira Chaturvedi, Additional Director
4. Shri Sunil Tripathi, Under Secretary
5. Ms. Chinmayee Chakravarty, Assistant Committee Officer

INTRODUCTION

I, the Chairman of the Department related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice, having been authorized by the Committee to present the Report on its behalf, do hereby present this One Hundred Thirty Fourth Report (134th) on Action Taken on One Hundred and Third (103rd) Report of the Committee on "Functioning of the Virtual Courts/ Court Proceedings through Video Conferencing" pertaining to the Department Of Justice (Ministry of Law & Justice).

2. The One Hundred and Third Report of the Department related Parliamentary Standing Committee on Personnel, Public Grievances and Pensions, Law and Justice was presented to Rajya Sabha on the 11th September, 2020 and laid on the Table of Lok Sabha on the 18th September, 2020.

3. The Department of Justice (Ministry of Law & Justice) furnished their Action Taken Replies on the One Hundred and Third Report of the Committee on 16th December, 2020. The Committee considered the draft One Hundred Thirty Fourth Report and adopted the same in its meeting held on 07th December, 2023.

4. For the facility of reference and convenience, the observations and recommendations of the Committee have been printed in bold letters in the body of the Report.

New Delhi
11th December, 2023

SUSHIL KUMAR MODI
Chairman,
Department-related Parliamentary Standing
Committee on Personnel, Public
Grievances, Law & Justice

ACRONYMS

BSNL	Bharat Sanchar Nigam Limited
CIS	Case Information Software
CrPC	Criminal Procedure Code
DG sets	Diesel Generator Sets
EUR	Euro
4G 4	Generation
HCL	Hindustan Computers Limited
ICT	Information and Communication Technology
IPAB	Intellectual Property Appellate Board
NCLAT	National Company Law Appellate Tribunal
NIC	National Informatics Centre
NJDG	National Judicial Data Grid
PPP	Public Private Partnership
SDG	Sustainable Development Goals
SWAN	State Wide Area Network
TCS	Tata Consultancy Services
TDSAT	Telecom Disputes Settlement and Appellate Tribunal
UN	United Nations
UPS	Uninterrupted Power Supply
USD	United States Dollar
UYAP	Ulusal Yargi Agi Bilisim Sistemi
VC	Video Conferencing
WAN	Wide Area Network
Wifi	Wireless fidelity

R E P O R T

This Action Taken Report deals with the action taken by the Department of Justice (Ministry of Law & Justice) on the recommendations / observations of the Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice in its One Hundred Third (103rd) Report on "Functioning of the Virtual Courts/ Court Proceedings through Video Conferencing", which was presented to the Rajya Sabha on the 11th September, 2020 and laid on the Table of the Lok Sabha on the 18th September, 2020.

2. The Committee had made 34 recommendations/observations in its 103rd Report. Replies of the Department thereto have been categorized and scrutinized under three chapters on the basis of satisfaction of the Committee. These replies have been categorized as follows:

Chapter – I: Recommendations/observations (9) which have been accepted by the Department, i.e. in respect of paras 2.20, 2.43, 3.9, 3.14, 3.18, 3.26, 3.29, 3.33 and 3.36 of the Report. The Committee is pleased to note that the Department has accepted those recommendations.

Chapter – II: Recommendations/observations (15) which the Committee does not desire to pursue in view of the replies given by the Department, i.e. in respect of paras 2.7, 2.9, 2.24, 2.38, 2.41, 2.49, 2.53, 2.65, 2.66, 3.20, 3.28, 3.32, 3.34, 3.35 and 3.37 of the Report. The Committee is satisfied with the explanations advanced by the Department and does not wish to pursue those as of now.

Chapter – III: Recommendations/observations (7) in respect of which Committee has not accepted the replies of the Department, i.e. with regard to paras 2.10, 2.13, 2.15, 2.26, 2.48, 3.4 and 3.30 of the Report. The Committee does not accept the reasons given by the Department and reiterates the same.

Chapter – IV: Recommendations/observations (3) in respect of which final replies of the Government have not been received. The Committee expresses its deep concern that it did not receive the replies from the Government in respect of Committee's recommendations *vide* Para Nos. 2.17, 3.5 and 3.6.

3. The details of the ATR have been discussed in the respective Chapters in the succeeding pages. For reference purpose, para numbers of the original report (i.e. of 103rd Report) have been mentioned at the end of each recommendation/observation.

CHAPTER I

RECOMMENDATIONS/OBSERVATIONS WHICH HAVE BEEN ACCEPTED BY THE GOVERNMENT

RECOMMENDATION/OBSERVATION

1.0 The Committee understands how poor quality audio/video, frequent loss of connection, disruptions and high latency affects judicial assessment of demeanour, emotions and other nonverbal cues and the changing communication dynamics which are also important variables in deciding a case. The Committee is of the view that improving the quality of Courtroom technology is a necessary pre condition for virtualization of Court proceedings. The Committee also recommends that a study of Courtroom design be commissioned and customized software and hardware to facilitate Virtual Court hearings be developed to suit the needs of Indian judiciary.

(Para 2.20)

Action Taken

1.1 To study Court Room design to facilitate Video Conferencing a committee has been constituted by Department of Justice comprising of members from Central Public Works Department (CPWD), Central Project Coordinator (CPC) of the High Courts of Delhi, Bombay, Telangana, and Allahabad as well as representative of the Department of Justice. The committee was of the view that since the court halls are already in existence, the support needed will be in the form of software augmentation. for software, Department of Justice has released funds amounting to Rs. 50.5 Cr towards strengthening the VC infrastructure in Courts which includes setting up of VC cabins, purchase of VC equipment and additional VC licenses. In addition the eSewa kendras are also to act as an enabler in this direction.

RECOMMENDATION/OBSERVATION

1.2 The Committee recommends that Block chain technology should be leveraged to improve reliability of evidence and security of transactions and to fortify digital security of case files. Proper standardized systems of authentication need to be put in place. Online systems should be underpinned by proper procedural safeguards.

(Para 2.43)

Action Taken

1.3 The above recommendation of the Hon'ble Parliamentary Standing Committee is noted for future guidance.

RECOMMENDATION/OBSERVATION

1.4 The Committee also feels that at present, there is an enormous gulf between knowing one's rights and being able to enforce them. Only well resourced individuals/organizations are able to deploy lawyers and fight for justice. Virtual Courts have the potential to bridge the gap between people knowing the law and being able to enforce their entitlements, thereby creating a level playing field between the affluent and the less well off, between those who have always had Courts at their disposal and those who have always felt alienated. In the opinion of the Committee, Virtual Courts deliver 'Enforceable Justice'. (Para 3.14)

Action Taken

1.5 The above recommendations of the Committee are duly noted for future guidance.

RECOMMENDATION/OBSERVATION

1.6 The Committee is of the opinion that introduction of Virtual Courts would result in an improvement over traditional Courts as they are more affordable, citizen friendly and offers greater access to justice. They yield substantial savings in costs for both individual litigants and Courts. Traditional Courts, by and large, are accessible to very few people and even then only at disproportionate expense and effort, Virtual Courts can help overcome these injustices. (Para 3.18)

Action Taken

1.7 The above recommendations of the Committee are duly noted for future guidance.

RECOMMENDATION/OBSERVATION

1.8 The Committee is of the opinion that a full fledged Virtual Court should be piloted in the first instance. This allows the system to be tested in practice which can then be refined in the light of the feedback received from different

stakeholders. It also enables the judiciary to identify the type of cases best suited to Virtual Courts.

(Para 3.29)

Action Taken

1.9 The eCommittee of Supreme Court of India, has opined that the suggestion of full-fledged virtual court to conduct regular court proceedings needs the pre creation of digital infrastructure and portability of judicial data on virtual platform. eCommittee is already working on the projects of digitization of Judicial record, provisions for live streaming of court proceedings and paperless court. The advanced version of e-filing is also rolled out for the use of advocates and litigants. The High Courts can identify the categories of cases suitable for hearing on virtual platform.

RECOMMENDATION/OBSERVATION

1.10 The Committee fully understands that Virtual Courts have their own shortcomings, however they constitute an advancement over the existing system, and therefore, on the overall, they are worth embracing. These current shortcomings might be overcome through existing and emerging technologies. Periodical interaction of bar and bench with the technical persons by establishing committees in each Courts/Tribunal will help sort out the grievances relating to Virtual Courts and other issues then and there.

(Para 3.28)

Action Taken

1.11 These recommendations of the Hon'ble Parliamentary Standing Committee on bar and bench interactions have been noted for future compliance.

RECOMMENDATION/OBSERVATION

1.12 In 19th Century, Justice Benjamin Cardoso said, "New times demand new measures and new men" in the field of law or elsewhere. This statement is very much relevant to the current situation. The Committee is of the considered opinion that traditional Courtrooms may well remain necessary for our future, but they are certainly not sufficient. There is a need to integrate Virtual Courts into the country's legal ecosystem.

(Para 3.32)

Action Taken

1.13 The above recommendations of the Hon'ble Parliamentary Committee of hybrid model of use of virtual platforms along with traditional courtroom hearings has been noted for future guidance.

RECOMMENDATION/OBSERVATION

1.14 In respect of complex cases such as those involving interpretation of Law, facts, examination of a large number of witnesses and so forth, a hybrid model may be adopted wherein manual processes such as filing of plaint, vakalatnama, issuing of summons etc. may be automated and digitized and the hearing may be held in a physical Courtroom.

(Para 3.34)

Action Taken

1.15 The above recommendations of the Parliament Committee are duly noted.

RECOMMENDATION/OBSERVATION

1.16 The concept of Virtual Courts has gained immense ground during COVID-19 Pandemic times. It is and will remain the new reality and the new normal. The Committee, therefore, recommends that the concept of Virtual Courts may well be extended to cover arbitration hearings, conciliation and Summary trials. For instance, if national and international arbitrations are allowed to be conducted through Virtual Courts, there will be hardly any requirement for real time travel to distant locations. The Committee believes that this move will unlock the Courts and also mitigate the inconvenience of attending Courts as long distance travels can be dispensed with and proceedings become less expensive as well.

(Para 3.37)

Action Taken

1.17 The above recommendations of the Parliament Committee are duly noted.

CHAPTER II

RECOMMENDATIONS/OBSERVATIONS WHICH THE COMMITTEE DOES NOT DESIRE TO PURSUE IN VIEW OF THE REPLIES GIVEN BY THE GOVERNMENT

RECOMMENDATION/OBSERVATION

2.0 Department of Justice in its written replies to the Committee submitted that *E-Seva* kendras have been established in all the High Courts and in one District Court in each state as a part of a pilot project to provide assistance to lawyers and litigants ranging from information to facilitation and eFiling. The Committee is highly appreciative of this initiative and believes that *E-Seva* Kendras will go a long way in bridging the ‘access divide’ and hopes that such facilitation centres be set up in all Court complexes across the country at the earliest. The Committee recommends that the feasibility of involving private agencies/service providers who can help people who are not tech savvy in connecting with Courts by taking VC equipment to their door steps on payment may be explored. (Para 2.7)

Action Taken

2.1 For making eFiling more citizen centric and to mitigate the handicaps caused by digital divide, pilot eSewa Kendras are being rolled out for lawyers and litigants in all High Courts and in one district court in each State. Department of Justice in consultation with the eCommittee has sanctioned Rs. 12.54 Cr for setting up eSewa Kendras at 235 locations. So far, e-Sewa Kendras have been established in 19 High Courts and 219 District Court Complexes. This facility will be extended at all Court Complexes in India. eSewa Kendras are being set up at the entry points of the court complexes with the intention of facilitating the lawyer or litigant who needs any kind of assistance ranging from information to facilitation and e-filing. The litigant or lawyer coming to court who is not tech savvy or lacks the hardware facilities can avail these facilities by simply approaching the staff available at these Kendras. It will provide assistance to the litigants to know their case status, to get judgments / Orders, to eFile a case and to access all the court / case related information. These digitization initiatives will add to judicial efficiency, judicial productivity, reduce costs and make access to justice delivery system swifter and easier.

RECOMMENDATION/OBSERVATION

2.2 As regards connectivity divide, the Committee recommends the Ministry of Communications to step up efforts to ensure timely implementation of National Broadband mission which envisages broadband access to all so that the services provided by indigenous communication satellites are fully harnessed and the goal of Universal broadband access is achieved.

(Para 2.9)

Action Taken

2.3 The Ministry of Communication through the National Broadband Mission aims to facilitate fast track growth of digital communications infrastructure; bridge the digital divide; enable digital empowerment and inclusion; and provide affordable and universal access of broadband for all. A Broadband Steering Committee under the Chairmanship of Secretary (Telecom) has also been constituted to facilitate implementation and progress of mission activities; to set targets and approve annual mission plan; and to address inter-departmental and state related execution issues. Majority of the States/Union territories have constituted their respective State Broadband Committees to facilitate effective implementation of the Mission.

Department of Justice (DoJ) is the implementing authority in respect of Wide Area Network (WAN) Project which is component of eCourts Phase II project. The project was awarded to BSNL on a nomination basis. The project entails providing Multi-Protocol Label Switching (MPLS) connectivity at 2992 Court complexes located all over India with bandwidth 10 Mbps and above and constitutes the backbone of the eCourts Project. As on date, out of 2992 links, 2930 links have been commissioned (98%). Many courts under the eCourts project are located in far flung areas where terrestrial cable cannot be used for providing connectivity. Such sites are termed as Technically Not Feasible (TNF) sites. The Department has been able to reduce the total TNF sites from 58 in 2019 to 11 in 2020 and connectivity has been provided by conventional means. Additionally, there are 10 TNF sites in the U.T. of Jammu & Kashmir where BSNL is working on providing connectivity to 09 of these sites using VSAT technology. 5 TNF sites in Andaman & Nicobar Island are proposed to be connected through under sea Sub-marine Cable (SMC).

RECOMMENDATION/OBSERVATION

2.4 The Committee recommends the Department of Justice to step up efforts to provide WAN connectivity and superior quality videoconferencing facilities to all Court complexes across the country under Phase II of e Courts project more ambitiously within the prescribed timeline. The Committee recommends that Government may explore the feasibility of roping in the private sector to eliminate the technical glitches and improve service quality, if need be. The Committee appreciates the proposal to establish a centralized Video conferencing infrastructure and hopes that the proposal will be materialized soon. (Para 2.24)

Action Taken

2.5 Department of Justice (DoJ) is implementing the WAN Project which is a component of eCourts Phase-II. The project was awarded to BSNL on a nomination basis. The project entails providing Multi-Protocol Label Switching MPLS connectivity at 2992 Court complexes located all over India with bandwidth 10 Mbps and above. As on date, out of 2992 links, 2930 links have been commissioned (98%). Many courts under the eCourts project are located in far flung areas where terrestrial cable cannot be used for providing connectivity. Such areas are termed as Technically Not Feasible (TNF) sites. The Department has been able to reduce the total TNF sites from 58 in 2019 to 11 in 2020 and connectivity has been provided by conventional means. Additionally, there were 10 TNF sites in the U.T. of Jammu & Kashmir where BSNL is working on providing connectivity to 09 of these sites using VSAT technology. 5 TNF sites in Andaman & Nicobar Island are proposed to be connected through Submarine cable (SMC).

With the sudden outbreak of COVID-19 pandemic, virtual courts have now become a necessity as Judges, Lawyers and Litigants are unable to visit the Courts physically and the need to maintain social distance. Due to this, Hon. Supreme Court and most of the other Courts in the country have started using Video Conferencing (VC) facility to conduct hearing of cases. NIC proposed various solutions, endorsed by MeitY, such as subscription of licenses, On Premise VC solution etc. Considering the sanctity and security of data, after much deliberations it was decided to continue with on-premise version of Vidyo VC solution which is being utilized in eCourts project since last 5 years. The upgraded version of VidyoConnect has been launched now which has features that are at par with the other standard VC solutions and has a

better dashboard which is customized as per the functioning of courts. NIC has procured and deployed 1000 VC licenses of VidyoConnect and is in process of procuring another 500 licenses, out of which 1000 licenses are proposed to be given to the Supreme Court of India. Under ‘Atma Nirbhar Bharat’ initiative of Govt. of India, MeitY has evaluated and shortlisted an indigenously developed VC solution made by “M/s Techgentsia Software Technologies Pvt. Ltd. (Vconsole), Alappuzha,” which can be a viable alternative to existing third-party VC solutions being used. The Jury also identified three (3) potential VC products which were also considered to be good and were shortlisted for handholding and mentorship to help them develop into robust VC products. These solutions are being tested for functioning in Court environment. Currently, NIC is availing services from private sector partners/ Original Equipment Manufacturer (OEM) in hardware/cloud support and imparting trainings. Capacity Building Trainings are necessary to acclimatize the lawyers, plaintiffs with the operation and function of IT based solutions adopted in the Courts.

RECOMMENDATION/OBSERVATION

2.6 The Committee thinks that third-party software is not only an unviable option but poses a major security risk as such software programs and applications are prone to hacking and manipulation. The Committee recommends the Ministry of Law and Justice and Ministry of Electronics and Information Technology to address data privacy and data security concerns while developing a new platform for India’s judicial system. (Para 2.41)

Action Taken

2.7 Ministry of Electronics and Information Technology (MeitY) has informed that while developing a new application for video conferencing (VC), security aspects will have to be taken care of at the designing stage of the system/application. Regular security audit may be done through the Indian Computer Emergency Response Team (CERT-In) empanelled auditors. The remote access to the centralized VC system may be extended through encrypted channel so that it is not tapped. In addition to data privacy and data security issue, the centralised VC system may be developed using secure development technique such as DevOpsSec.

The e-Committee of Supreme Court of India, has stated that necessary precautions have been taken for data security and data privacy in all e-Courts software applications. The e-Courts applications are being launched for public access only after due security audit and certification by the CERT-in empanelled auditors. E-Courts websites are publishing information after masking data which affects the privacy of citizens, e.g. in matrimonial matters and POCSO cases names are masked and related judgments/orders are available only to the concerned parties.

RECOMMENDATION/OBSERVATION

2.8 The Committee believes that Legal technology Start ups engaged in innovative solutions can play a crucial role in harnessing the unlimited potential of technology to connect stakeholders in the justice delivery system and in finding solutions that are affordable and efficient and therefore recommends the Government to promote them.

(Para 2.49)

Action Taken

2.9 It has been informed by MeitY that as the overarching platform of MeitY Start-up Hub (MSH) is cut out for synthesizing, coordinating and networking the entire gamut of technology startup ecosystem in the country, therefore legal technology start-ups can also connect with MSH platform to showcase their enterprise, take advantage of different facilities and expand their network.

The e-Committee of Supreme Court of India is of the view that the Legal Technology start-ups can participate and contribute to innovative solutions to connect stakeholders in the system. The use of Open Application Programming Interface (API) for sharing of judicial data with institutional litigants is also an innovative solution in harnessing the unlimited potential of technology to connect stakeholders in the justice delivery system and in finding solutions that are affordable and efficient to track the cases centrally at institutional level. Institutional litigants along with tracking the cases centrally can also monitor readiness of the case, manage pendency, manage compliances etc. from the litigant's perspective.

RECOMMENDATION/OBSERVATION

2.10 The Committee is constrained to note that District and Subordinate Courts lack basic infrastructure and are experiencing difficulties in adapting to Virtual Court system. The Committee understands that transition from physical Courtrooms to Virtual Courtrooms requires massive investment in basic infrastructure required to support digitized Court hearings such as electronic case files, equipment to project documents and images, audio and video tools to record hearings, videoconferencing and reliable WiFi needs to be put in place. Since transition to Virtual Courts requires high initial investment, the Committee desires that feasibility of new financing approaches such as PPP model may be examined. The committee also feels that since the stake holders are advocates, the Bar council of India should advise the respective state bar councils to conduct crash classes to equip the advocates for handling Online/Virtual Courts. The Bar Council of India should also address the problems of advocates hailing from the weaker sections relating to acquisition of necessary infrastructure to support online Virtual Courts in view of the transition having taken place suddenly.

(Para 2.53)

Action Taken

2.11 The above recommendation of the Hon'ble Parliamentary Standing Committee has been seen by the eCommittee of Supreme Court of India, which has opined that the e-Committee through its Master Trainers (Judicial Officers) has conducted District Level awareness programmes for Advocates on e-Courts services across the country in their respective regional languages. Around 96,775 advocates have participated virtually in these awareness programmes. The eCommittee has also taken the initiative to train advocates who in turn will work as Master Trainers, to disseminate information of eCourts projects to litigants and advocates to educate them to handle e-filing and virtual court modalities.

RECOMMENDATION/OBSERVATION

2.12 The Committee is unhappy to note that e Courts Integrated Mission mode project is progressing at a tortoise's pace. Without proper infrastructure in place, Virtual hearing of cases is an impossible proposition. Moreover, the Committee feels that the benefits of Virtual Courts will percolate down only when all Court Complexes are fully ICT enabled. The Committee strongly

recommends the Department of Justice to take stock of the situation, introspect, identify the bottlenecks and take necessary remedial measures to ensure that the targets are achieved more ambitiously in prescribed timeframe.

(Para 2.65)

Action Taken

2.13 Department of Justice (DoJ) has been at the centre stage for ushering in the technological interventions in eCourts project for the benefit of litigant and advocates alike. Few of the major achievements of the project are as below:

The e-Courts Mission Mode Project was a follow up on the National Policy and Action Plan for ICT in Judiciary of 2005. The Phase-I implementation started from 2007 with a total expenditure of Rs. 639.41 Cr. The Phase-II of the Project started from 2015 and is continuing. As against the budget outlay of Rs.1670 Cr, Rs.1536.43 Cr (92%) has been released. Till now 16,845 courts have been computerized with software compatibility and interoperability. Hardware (Computers, Printers, Kiosks, DG Sets, Display Boards, LAN, Scanners, UPS etc) have been provided to all the Courtrooms. During the eCourts Project Phase-II, 2992 court complexes were to be connected through Wide Area Network (WAN), out of which 2930 (98%) court complexes have already been connected. As per the eTaal portal which records government electronic transactions, during the period, from December 2019 to December 2020, 230 Cr e-transactions have been recorded for eCourts projects and is ranked first amongst Mission Mode Projects which speaks volumes for the popularity and reach of the e-Court services.

National Judicial Data Grid (NJDG) has been operationalized to create a real-time database in public domain of pending/disposed cases and orders/judgments of Subordinate Courts and High Courts. Using elastic search technology, it has emerged as a monitoring tool to manage case pendency (2015). NJDG has a real time data base of 17.55 Cr pending / disposed cases as well as 13.16 Cr orders passed by the Courts as on 1st December, 2020.

Under the e-Courts Project, an e-filing application has been developed and in the year 2018, an e-filing system Version 1.0 was created and a portal for this purpose (e-Filing.ecourts.gov.in) was started. Now more user-friendly versions 2.0 and 3.0 have been developed with advanced features.

To tackle digital divide and provide internet access for e-filing to lawyers and litigants, pilot e-Sewa Kendras rolled out to cover all High Courts and all District Courts. Currently e-Sewa Kendras are functioning in all High

Courts and one district court in each state as a pilot project. Funds have been provided for an additional 235 e-Sewa Kendras.

E-filing of cases requires facilities for e-payments of court fees. Online payment of court fees, fines, penalties and judicial deposits has been initiated through <https://pay.ecourts.gov.in> from 14th August 2018. 21 States have already amended the Court Fees Act for this purpose.

With the outbreak of Covid-19 pandemic, accelerated impetus has been given to hearings through Videoconferencing. One video conference equipment each has been provided to all Court Complexes including Taluk Level Court Complexes in rural areas (14,443 VC equipment) under the Phase II of the e-Courts Project for virtual hearings with the total estimated cost of Rs.28.89 Cr. Rs.5.01 Cr have been allocated for providing equipment in Video Conferencing cabins in various court complexes to facilitate virtual hearings.

The Subordinate courts conducted 35,93,831 hearings and the High Courts conducted 13,74,048 hearings during the lockdown period, totaling to more than 49 lakh cases. While the Supreme Court of India has conducted over 30,000 virtual hearings during the lockdown period till 13.11.2020. VC facility has also been operationalized between 3240 court complexes and 1272 corresponding jails.

For convenience of litigants and to save judicial manpower, Virtual Courts have been set up in major cities to try petty traffic offences including online realization of fines (2019 & 2020). Currently there are 9 Virtual courts functioning in India- Delhi (2 Courts), Haryana (Faridabad), Maharashtra (Pune), Chennai, Karnataka (Bengaluru), Maharashtra (Nagpur), Assam (Guwahati) and Kerala (Kochi). They are all dealing with Traffic Challan cases only. Over 35 lakh cases (35,02,896) have been handled by 9 virtual courts and in more than 11 lakhs (11,53,704) cases online fine for more than Rs. 130.72 Cr has been realised till 8th December, 2020.

To make effective use of database created through National Judicial Data Grid (NJDG) and to make the information available to public, Justice Clocks (LED Display Message Sign Board System) have been installed at 18 High Courts, Allahabad and its Lucknow bench, Andhra Pradesh, Chhattisgarh, Guwahati (4 benches - Arunachal Pradesh, Mizoram, Nagaland, Assam), Calcutta, Jharkhand, Meghalaya, Telangana, Manipur, Madhya Pradesh (3 benches), Odisha, Madras, Telangana, Tripura, Kerala, Sikkim, Rajasthan (2 benches), Himachal Pradesh and Uttarakhand. One justice clock is also installed at Department of Justice, Jaisalmer House.

To conduct awareness programme for advocates on e-Filing and ECMT tools under e-Court Services, training of trainers has already been undertaken by e-Committee of the Supreme Court at the National and State level. For a wider reach, e-Courts Services YouTube channel was launched, and all the video tutorials uploaded to the said YouTube channel. Currently this channel has 11000 subscribers and been viewed 104020 times. 12 Help videos on e-Filing in 7 regional languages apart from Hindi and English were prepared and circulated for the advocates as part of awareness raising programme. The videos are available in the e-filing portal help desk and also in the social media through the e-Committee YouTube channel. A Manual on e-Filing titled as “Step by Step Guide for e-Filing” has been prepared and made available on the e-Filing portal, in both English and Hindi, for use of advocates and litigants. It has also been released in 11 regional languages. A Brochure in English and Hindi on “How to register for e-Filing” has been made available on the e-Filing portal for the use of lawyers. It has also been released in 12 regional languages.

A new software patch and court user manual for COVID-19 management has also been developed. This tool has been developed to help in smart scheduling of cases thereby enabling judicial officers to retain urgent cases and adjourn cases not urgent on cause list. This is expected to effectively manage overcrowding in courts and provide for issue of digital passes to maintain social distancing of litigants and lawyers. Courts can hear urgent cases in scheduled time slots and accommodate the convenience of lawyers to prevent conflicting engagements. This has become possible as this patch indicates the occupancy of a lawyer not only in a particular court but in multiple other courts. A user manual for this patch has also been issued for the ease of the stakeholders.

A Common Software application CIS NC 3.2 with latest features has been developed for all District Courts for managing day to day processes like cause list, daily proceedings, business, disposal and uploading of orders and judgments by Court Staff. E-Courts Services are providing citizen centric services through 7 platforms or service delivery channels. Information on case status, cause lists, judgments etc., are provided. This comprises of the following means:

- I. SMS Push and Pull: About 35,000 SMSs are sent every single day.
- II. Email: Information regarding cases can also be received in the litigants' mailbox on registration of email address. About 3,50,000 emails are sent every day.
- III. Ecourts Portal providing links for all e court services. This portal records about 25 lakh hits daily
- IV. Judicial Service Centres (JSC) have been established at all computerized courts to serve as a single window for filing petitions and applications by litigants / lawyers, and for obtaining information on ongoing cases and copies of orders and judgments etc.
- V. Information Kiosks: Touch Screen Information Kiosks have been set up at all computerized court complexes for disseminating judicial information related to cause lists and other case related information to the lawyers and litigants.
- VI. Mobile App for e court services for the public was launched in 2017. The total number of downloads have crossed 49.50 lakhs. The JustIS App for judicial officers has been downloaded 14091 times till date.

The Department of Justice is conscious of the need to make the ICT enablement of Judiciary more robust and will continue to put all efforts in this direction with the same spirit as has been recommended by the Hon'ble Parliamentary Standing Committee.

RECOMMENDATION/OBSERVATION

2.14 The Committee notes that the Apex Court, High Courts and Subordinate Courts are at different stages of ICT enablement. Moreover, the world has seen staggering technological changes in the last decade. The Committee feels that there is a need to revise the National policy and Action plan for implementation of ICT in the Indian Judiciary which was brought out in 2005. Therefore, the Committee recommends that the policy needs to be evaluated and revised in the light of transformation of legal landscape in the last fifteen years and a drive towards digital justice.

(Para 2.66)

Action Taken

2.15 In view of the great strides taken in the field of ICT and to align the e Court project with the latest developments in this field, a study has been fielded by the eCommittee of Supreme Court of India for creating the Vision Document for Phase III of the e-Courts project. The Committee consists of representatives from the judiciary, domain experts ICT, Civil society organisations etc. for better appreciation of the perspective of civil society and domain experts from the private sector on the e-Courts project. It is tasked with

determining the core components of the Phase -III, prioritizing solutions for conceptualising, designing and developing different use cases and prototypes to be piloted across courts in India, develop SOPs which will govern the use of technological interventions deployed under the project etc.

RECOMMENDATION/OBSERVATION

2.16 The Committee believes that Virtual Courts can better promote the principle of Distributive Justice. Distributive Justice requires that Court services should be accessible to all and that the service should be affordable by all. No member of the general public should be disadvantaged by locational or economic handicaps or otherwise. The Committee is of the opinion that Digital Justice is cheaper and faster. People living in remote and far flung areas can also take part in Court proceedings through videoconferencing without having to spend a fortune to set foot in the Courtroom.

(Para 3.9)

Action Taken

2.17 Under the e-Courts Project, all the e-Courts services are provided free of cost. To ensure accessibility of eCourts services to all, even at remote places, e-Sewa Kendras are being set up in all Court Complexes to provide eCourts services free of cost to the litigants.

RECOMMENDATION/OBSERVATION

2.18 In the opinion of the Committee, Virtual Courts can better promote the principle of Proportionate Justice. The principle of Proportionate Justice requires that the expense, speed, complexity and the extent of combativeness of any case should be proportionate to the substance and scale of that case. The Committee feels that there should be some mechanism to segregate simple cases from complex ones. In simple terms, one should not use a sledge hammer to crack a nut. Petty cases should be dealt with swiftly in a reasonable timeframe. Such cases should not require cumbersome procedures.

(Para3.20)

Action Taken

2.19 Virtual Courts are a step away from process automation to transformative change from the conventional brick and mortar court architecture. Virtual courts have been rolled out to try traffic challan cases and have met with appreciable results. Over 35 lakh cases (35,02,896) have been handled by 9 virtual courts and in more than 11 lakhs (11,53,704) cases online fine for more than Rs. 130.72 Cr has been realised until till 8th December, 2020. Presently there are 9 such courts in 8 States / UTs viz. Delhi (2), Faridabad, Chennai, Bengaluru, Kochi, Nagpur, Guwahati and Pune. It is proposed to extend such courts in all metro cities and one for rural areas in each state. The ambit and scope of Virtual Courts can be extended to cover other offences like NI offences. Given the need to progressively make justice more and more accessible Delhi High Court has established 34 digital courts to handle cheque bounce cases by video conferencing. A Handbook entitled “Digital NI Courts-Project Implementation guidelines have also been issued by them.

RECOMMENDATION/OBSERVATION

2.20 The Committee is of the view that digital transformation of the Judiciary has important implications for clearing the significant backlog of cases which the judiciary is burdened with. Technology may, in fact, be a catalyst for simplifying processes and making manual processes redundant. It will make justice accessible and affordable to a large section of the population and help in overcoming physical and logistical barriers which prevent many litigants from seeking justice.

(Para 3.26)

Action Taken

2.21 The pandemic has highlighted the importance of ICT in the Judicial Domain. The e-Committee is working on Digitization of Court records and cases. The transformation of judicial record and proceedings in digital format will enable access to court proceedings on virtual platform. A Working Group has been formed by the Chairperson, e-Committee including experts of Centre for Development of Advanced Computing (CDAC) and NIC to prepare the Digital Preservation SOP and technical implementation plan for the entire Courts of the country. The project report prepared by the Working Group will be the base for future paperless and digital court project. The project report is

prepared considering the international standards of data preservation methodology, security management and open standards which will enable exchange of data in different technologies. The steps are also taken for interoperability of data among Court, Police, Prison and Forensic Laboratories.

National Service and Tracking of Electronic Processes (NSTEP) is another tool for reducing inordinate delays in process serving. It provides for Centralized process service tracking application and used for speedy delivery of processes. All these steps are the way ahead for simplifying processes in the judicial system.

RECOMMENDATION/OBSERVATION

2.22 To begin with, Judiciary may identify categories of cases that can be tried by Virtual Courts. Department of Justice in its written replies to the Committee submitted that the following cases may be tried in the Virtual Court- Offences under Motor Vehicles Act (Traffic Challan cases), Petty offences where summons can be issued under Section 206 of CrPC., Cases registered under Section 138 of Negotiable Instruments Act, Motor Accident Claim Petition cases. The Committee is of the view that all such matters where personal presence may be dispensed with, can be transferred from regular Court establishments to Virtual Courts. The Committee believes that Virtual adjudication will bring massive benefits across the system.

(Para 3.33)

Action Taken

2.23 Virtual Courts are a step away from process automation to transformative change from the conventional brick and mortar court architecture. Virtual courts have been rolled out to try traffic challan cases and have met with appreciable results. Over 35 lakh cases (35,02,896) have been handled by 9 virtual courts and in more than 11 lakhs (11,53,704) cases online fine for more than Rs. 130.72 Cr has been realised until till 8th December 2020. Presently there are 9 such courts in 8 States / UTs viz. Delhi (2), Faridabad, Chennai, Bengaluru, Kochi, Nagpur, Gauhati and Pune. It is proposed to extend such courts in all metro cities and one for rural areas in each state. The ambit and scope of Virtual Courts can be extended to cover other offences like NI offences. Given the need to progressively make justice more and more accessible Delhi High Court has established 34 digital courts to handle cheque bounce cases by video

conferencing. A Handbook entitled “Digital NI Courts-Project Implementation guidelines have also been issued by them.

RECOMMENDATION/OBSERVATION

2.24 Since integration of Virtual courts into the legal ecosystem will have a significant impact on all stakeholders, the Committee feels that Members of Bar Associations and Bar councils must also be involved in evolving a consensual process. This would avoid unnecessary opposition and irritants. (Para 3.35)

Action Taken

2.25 The eCommittee of Supreme Court of India, has stated that the inputs of Bar Council and Bar Associations are always taken in account. The introduction of new version of e-filing 3.0 rolled out by eCommittee has addressed the issues of advocates while e-filing the cases. The e-Filing Version 3.0 has several novel features that will reduce the physical movements of Advocates and Clients to courts or even office of Advocates just for signing the pleadings or recording of Oath. The data of registered advocates from State Bar Council is used in the e-Filing software. Registration of Advocate in the e-filing software has been simplified. By just entering the Bar Enrolment Number entire data of Advocate including mobile number, address, practice locations etc is fetched. By getting OTP on the mobile number registered with Bar Council and further validating it, Advocate can sign up with e-Filing portal. Facility is created in NJDG especially for Bar Council office to monitor and promote e-Filing, to authenticate Advocates whose mobile number is incorrect, add new Advocates etc. Adding Partners/Colleagues/Associates, Online vakalatnama, Online Video Recording of Oath are some of the important features available in the e-Filing software version 3.0.

The involvement of advocates in integration of virtual court system is also achieved by eCommittee by conducting training programmes for the advocates across the country in regional languages and further involving them as Master trainers to conduct trainings. During the pandemic period from May 2020 to December 2020 the eCommittee has conducted 19 training and awareness programme and has trained nearly 1,67,790 (one Lakh sixty-seven thousand seven hundred and ninety) stakeholders which includes 96577 Advocates. Advocate Master Trainers are also proposed to be trained by eCommittee, thereby involving the advocates in the process of disseminating information about eCourts initiatives among litigants and advocates.

RECOMMENDATION/OBSERVATION

2.26 The facility of Virtual Courts extended to lawyers should also be considered for extension to private litigants who appear in person or have to travel to High Courts from different states and cities and places. This would go a long way in strengthening public confidence and improving perception about the reachability of the judicial system.

(Para 3.36)

Action Taken

2.27 For making E Filing more citizen centric and to mitigate the handicaps caused by digital divide, pilot eSewa Kendras are being rolled out for lawyers and litigants in all High Courts and in one district court in each State. eSewa Kendras are being set up at the entry points of the court complexes with the intention of facilitating the lawyer or litigant who need any kind of assistance ranging from information to facilitation and E Filing. Department of Justice in consultation with the eCommittee has sanctioned Rs. 12.54 Cr for setting up eSewa Kendras at 235 locations.

Further, Virtual Courts have been rolled out to try traffic challan cases and have met with appreciable results. The concept of Virtual Courts will reduce the pendency of cases tremendously, considering the large number of traffic offences and offences under local and special laws. Over 35 lakh cases (35,02,896) have been handled by 9 virtual courts and in more than 11 lakhs (11,53,704) cases online fine for more than Rs. 130.72 Cr has been realised till 8th December 2020.

Accelerated impetus has been given to hearings through Video Conferencing. One video conference equipment each has been provided to all Court Complexes including Taluk Level Court Complexes in rural areas under the Phase II of the e-Courts Project for virtual hearings with the total estimated cost of Rs.28.89 Cr. Additionally, the eCommittee of the Supreme Court has approved Video Conferencing equipment to be provided to 14,443 court rooms in these court complexes.

The High Courts (13,74,048 hearings) and Subordinate Courts (35,93,831 hearings) have conducted more than 49 lakh hearings in this manner till 28th October 2020. The facility of Virtual Courts is already available to private

litigants (party-in-person) and they can appear before the courts using the same VC links which are used by advocates.

RECOMMENDATION/OBSERVATION

2.28 The Committee notes that world over, Court proceedings are recorded in some form or the other. The apex Court has time and again emphasized the significance of live streaming of Court proceedings in promoting openness and transparency which in turn reinforce public faith in judicial system. The Committee agrees with the observation made by the apex Court that live streaming Court proceedings, especially cases of constitutional and national importance having an impact on public at large or a section of the public will promote transparency and openness. The litigant need not come to the Court to watch the proceedings and thus will reduce crowding inside the court. The Judiciary may also consider broadcasting virtual hearings of certain specified categories of cases to further the principle of open justice and open Court.

(Para 2.38)

Action Taken

2.29 In compliance of the orders passed by the Hon'ble Supreme court in Writ petition (criminal) No 99 of 2015 (Pradyuman Bisht verses Union of India & others as well as the judgement in Writ Petition (Civil) No-66 of 2018- Indira Jai Singh verses Secretary General of Supreme Court & others, the Hon'ble Supreme Court of India has set up a Committee of 5 judges who are Chairpersons of the Computer Committees of the High Courts to oversee and assist the eCommittee of the Supreme Court of India in preparing Model Rules and guidelines for live streaming of cases heard over video conferencing to make the justice delivery mechanism more transparent. The guidelines would cover all facets including technologies to be deployed, safeguards and proceedings. Live Streaming of video conferencing of proceedings has been initiated in Gujarat.

CHAPTER III

RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF WHICH THE COMMITTEE DOES NOT ACCEPT THE REASONS GIVEN BY THE GOVERNMENT AND REITERATES ITS RECOMMENDATIONS

RECOMMENDATION/OBSERVATION

3.0 The Committee is of the opinion that the Judiciary may also consider such innovative solutions as launching mobile videoconferencing facilities for the benefit of advocates and people living in remote areas.

(Para 2.10)

Action Taken

3.1 The concept of Mobile Video Conferencing has been taken up with all High Courts. It was also requested that Telangana High Court Mobile Video Conferencing facilities may be looked upon as a model case. The status of Mobile videoconferencing in the High Courts is as under:

Status of Mobile Videoconferencing	Name of High Court
Implemented	Telangana, Himachal Pradesh
Work In Progress	Calcutta, Guwahati, Manipur, Rajasthan and Sikkim
Proposal still under consideration of High Court/ Hon'ble Committee of High Court/	Allahabad, Andhra Pradesh, Kerala, Karnataka, Madhya Pradesh and Orissa

Further observation of the Committee

3.2 The Committee observes that till now only two states have implemented this recommendation and set up mobile Video Conferencing facility. For the rest of the states, either the work of implementation is in progress or the proposal is under submission. The Committee, therefore

recommends that the facility of mobile video conferencing in all other High Courts may be expedited so that litigants from remote and interior areas have access to fast and speedy justice.

RECOMMENDATION/OBSERVATION

3.3 The Committee is of the view that with the advent of Information technology, there is not a single facet of human life that is left untouched by it. ICT has also transformed the legal landscape in India and the Indian judiciary has come a long way from a paper-based era to the one dominated by digital technology and is now moving towards cloud based technology. The Committee believes 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. (Para 2.13)

3.4 To address ‘skill divide’, the third facet of digital exclusion as mentioned previously, the Committee recommends that training and awareness programmes should be conducted in all Court complexes across the country including Subordinate Courts in order to acquaint advocates with the technology and to enable them to acquire skills required for handling digital platforms so that advocates operate digital platforms themselves.

(Para 2.15)

Action Taken

3.5 The above recommendations of the Hon’ble Parliamentary Committee have been noted by the Department for further guidance. To enable the advocates to acquire skills required for handling digital platforms, the eCommittee of the Supreme Court of India has been organizing series of trainings and seminars for encouraging the lawyer community to adopt the new technologies. Webinars on E Filing for Tamil Nadu, Goa, Maharashtra and Delhi Bar Council were organized on 14th June 2020, which had more than 19000 viewers. A manual on E Filing entitled as “Step by Step guide for E Filing” has been prepared and made available on the E Filing portal in both Hindi & English for the use of the advocates and litigants. It has been released in 11 regional languages. A Brochure on “How to register for E Filing” has been made available on the e Filing portal for the use of the lawyers. It has been released in 12 regional languages. As part of the awareness campaign, a

You tube channel has been created in the name of the eCourts services where video tutorials on e-filing have been made available for larger outreach to the stakeholders.

12 help videos on EFiling in 7 regional languages were prepared and circulated for the advocates as part of the awareness raising program. The said videos are available in the e- filing portal help desk and also in the social media through the e Committee You Tube Channel. Upon upload, it has reached 11,300 subscribers and more than 10,7321 views in the social media. To conduct awareness programme for advocates on eFiling and ECMT tools under eCourts services, training of trainers has already been undertaken by the e committee of the Supreme Court at the national and the state level. 25 master trainers have been trained in each High Court who in turn will have already trained 461 master trainers across the country. Thus these 461 master trainers will in turn be giving training programme in each district of the country for advocates in their regional languages and also identify Master Trainer Advocates. A district level awareness programme of Advocates on eCourt Services EFiling and on manuals/Video tutorials was held on 25.07.2020 and will be now conducted on a regular basis. An eCommittee website has been started which gives information about the facilities being made available to the lawyers as well as the litigants.

The eCommittee of Supreme Court of India, has informed that the eCommittee during the pandemic period from May 2020 to December 2020 has conducted 19 training and awareness programme and has trained nearly 1,67,790 (one Lakh sixty-seven thousand seven hundred and ninety) stakeholders which includes Advocates, High Court Judges, Judges of District Judiciary, Court Staff, Master Trainers among Judges, Master trainer among staff, Technical Staff of High Court. 96,775 Advocates were covered under the eCommittee awareness programme conducted during May 2020 to December 2020.

Further observation of the Committee

3.6 The Committee applauds the work which has been done by eCommittee of Supreme Court in the field of training and awareness of lawyers and other court staff on digital platforms and recommends that an endeavour should be made that these training programmes should receive wide and varied participation so that maximum lawyers across the country shall be trained.

RECOMMENDATION/OBSERVATION

3.7 The Committee recommends that Judiciary may consider promoting harnessing of renewable energy in all Court complexes as it entails twin benefits of uninterrupted power supply and positive ecological impact.

(Para 2.26)

Action Taken

3.10 Government of India under the eCourts Project Phase-II has approved solar power in 5% of the Court Complexes. As per the information received from High Courts, majority of them have uninterrupted power supply through DG sets. Funds for solar Panel were released both by eCommittee and respective state governments. 7 High Courts have utilized 100% of funds and installed the Solar Panel. The status report as received from 20 High Courts is enclosed in Annexure –I.

Further observation of the Committee

3.8 The Committee takes note of the reply and going by the figures quoted in the given Annexure, it is quite clear that only 7 High Courts have utilized 100% of funds released both by eCommittee and respective state governments for installation of Solar Panels and installed the same and rest of the 20 High Courts are still in the process of doing so. The Committee therefore, reiterates its recommendation of harnessing of renewal energy to the maximum extent possible by High Courts all across the Country at the earliest.

RECOMMENDATION/OBSERVATION

3.9 The Committee recommends that Ministry of Electronics and Information Technology may be approached by the Administrative Ministry to develop indigenous Software applications to handle Virtual Court hearings. The Committee also recommends to rope in Private IT companies, if need be, to develop Artificial intelligence systems capable of supporting bulk documentation, remote location of parties and sophisticated use of graphics.

(Para 2.48)

Action Taken

3.10 Under ‘Atma Nirbhar Bharat’ initiative of Govt. of India, MeitY has evaluated and shortlisted an indigenously developed VC solution made by “M/s Techgensia Software Technologies Pvt. Ltd. (Vconsol), Alappuzha,” which can be a viable alternative to existing third-party VC solutions being used. The Jury has also identified three (3) potential VC products which were also considered to be good and were shortlisted for handholding and mentorship to help them develop into robust VC products. These solutions are being tested for functioning in Court environment and will be ready for deployment in few months.

Further observation of the Committee

3.11 The Committee emphasizes that the testing of Virtual Court hearing solutions for functioning in Court environment should be expedited and deployed as early as possible and the Committee may be kept informed about the progress thereof.

RECOMMENDATION/OBSERVATION

3.12 The Committee believes that ‘Justice delayed is Justice denied’ but ‘Justice hurried is also Justice buried’. The Committee is of the view that Virtual Courts is a mechanism that will strike a balance between these two extremes and extends expeditious Justice to the litigant public without compromising quality. The Committee feels that transfer of certain categories of cases from regular Court establishments to Virtual Courts will reduce the pendency of cases which has been clogging the wheels of Justice for decades. (Para 3.4)

Action Taken

3.13 Virtual Courts are a step away from process automation to transformative change from the conventional brick and mortar court architecture. Virtual courts have been rolled out to try traffic challan cases and have met with appreciable results. Over 35 lakh cases (35,02,896) have been handled by 9 virtual courts and in more than 11 lakhs (11,53,704) cases online fine for more than Rs. 130.72 Cr has been realised until till 8th December 2020. Presently there are 9 such courts in 8 States / UTs viz. Delhi (2), Faridabad, Chennai, Bengaluru, Kochi, Nagpur, Gauhati and Pune. It is proposed to extend such courts in all metro cities and one for rural areas in

each state. The ambit and scope of Virtual Courts can be extended to cover other offences like NI offences. Given the need to progressively make justice more and more accessible Delhi High Court has established 34 digital courts to handle cheque bounce cases by video conferencing. A Handbook entitled “Digital NI Courts-Project Implementation guidelines have also been issued by them.

Further observation of the Committee

3.14 The Committee appreciates the work done in setting up of Virtual Courts for handling special category of cases. The Committee recommends that the proposed extension of such courts in all metro cities and one for rural areas in each state should be undertaken on priority basis and all such categories of cases which can be handled through Virtual Courts should be transferred to these courts so that the burden on regular courts is mitigated.

RECOMMENDATION/OBSERVATION

3.15 The Committee also recommends Ministry of Electronics and Information Technology to employ globally tried and tested tools such as Immersive tele presence technology, augmented reality systems to make virtual hearings more lifelike and engaging.

(Para 3.30)

Action Taken

3.16 As advised by the Hon’ble Parliamentary Committee, the recommendation has already been placed before MeitY.

Further observation of the Committee

3.17 The Committee further recommends that Department of Justice should vigorously pursue the matter with the MeitY and inform the Committee about the progress made thereof.

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CHAPTER IV

RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF WHICH FINAL REPLIES OF THE GOVERNMENT HAVE NOT BEEN RECEIVED:

RECOMMENDATION/OBSERVATION

4.1 The Committee also recommends that the Bar Council of India may introduce computer course as one of the subjects in three year/five year courses to enable the students to get trained in handling computers and get adapted to the online systems while they pursue the Law Course. This will help educate and equip budding lawyers with knowledge and skills required for handling digital platforms. (Para 2.17)

Action Taken

4.2 Since the matters relating to Bar Council of India are looked after by the Department of Legal Affairs, the recommendation made by the Hon'ble Parliamentary Committee has been duly forwarded to the Bar Council of India by Department of Legal Affairs

RECOMMENDATION/OBSERVATION

4.3 To continue with the functioning of Virtual Courts in all the Courts even during non pandemic time, the Committee feels that the present system should be allowed to continue on an experimental basis with the consent of all parties for certain categories of cases like Appeals etc and final hearings where physical presence of the parties/counsels is not required and online virtual hearing alone is sufficient. The expenditure involved in the establishment of a large number of Tribunals /Courts can be cut down sizeably. This will also reduce the crowd in the court and cut down other litigation costs and overheads. (Para 3.5)

4.4 The Committee is also of the opinion that Virtual Courts 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. Permanent Virtual Courts can also be established for hearing matters relating to Administrative and other Tribunals at the time of final hearing. This will cut down the cost and increase the efficiency in disposal of the cases without being unnecessarily being adjourned. The Committee is also of the opinion that necessary Amendments may be brought in laws to legalise Virtual Courts and its proceedings without being unnecessarily challenged before Courts.

(Para 3.6)

Action Taken

4.5 The above recommendations of the Hon'ble Parliamentary Committee were duly forwarded to the Department of Legal Affairs who have solicited the views of all the controlling Ministries of the various Tribunals on the observations and recommendations made by the Committee in its Interim Report and sought further suggestions on how to improve the functioning of Virtual Courts.

MINUTES
