Standing Committee Report Summary
Functioning of Virtual Courts

- The Standing Committee on Personnel, Public Grievances, Law and Justice (Chair: Mr. Bhupender Yadav) submitted its report on the functioning of virtual courts on September 11, 2020. The Committee emphasised that there is a need to integrate virtual courts into the country's legal ecosystem. Key recommendations include:

- **Digital divide**: The Committee noted that a large number of advocates and litigants lack access to basic infrastructure and high speed internet needed for virtual hearings. To address this, the Committee recommended exploring the feasibility of involving private agencies to take videoconferencing equipment to the doorsteps of people who are not tech-savvy to help them connect with courts. It also recommended that the judiciary consider launching mobile videoconferencing facilities in remote areas.

- **Connectivity divide**: The Committee recommended that the government ramp up efforts to ensure timely implementation of the National Broadband Mission. The Mission aims to fast track growth of digital communications infrastructure, bridge the digital divide and provide universal and affordable broadband access to all.

- **Skill divide**: The Committee recommended that training and awareness programs be conducted on all court complexes across the country to help advocates acquire skills required for handling digital platforms. It also recommended that the Bar Council of India introduce computer courses as one of the subjects in law courses across colleges to enable students to adapt to the online system.

- **Subordinate courts**: The Committee noted that lower courts lack basic infrastructure and have experienced difficulties in adapting to virtual courts. Since transition to virtual Courts requires high initial investment, the Committee recommended exploring the feasibility of new financing approaches such as a public private participation model. It also recommended that the Bar Council of India advise the respective state bar councils to conduct crash courses with advocates in handling virtual courts and should think of addressing the problems of advocates from weaker sections of society to help them acquire the necessary infrastructure to support virtual court hearings during this period.

- **E-courts project**: The e-courts project aims at ensuring ICT (Information and Communication Technology) enablement in all courts in India. The Committee noted that the project has moved at a sluggish pace. It recommended that the Department of Justice (under the Ministry of Law and Justice) take necessary steps to ensure that the targets under project are achieved within the specified time frame.

- **Indigenous software**: The Committee noted that third-party software poses a major security risk. It recommended that the Ministry of Electronics and Information Technology be involved to develop an indigenous software to handle virtual court hearings. The Committee also recommended involving private companies to develop artificial intelligence systems capable of supporting bulk documentation and sophisticated use of graphics.

- **Visualisation**: To improve the visualisation of court proceedings, the Committee recommended commissioning a study of court room design and customising software and hardware to facilitate virtual Court hearings in the Indian setting.

- **Open courts**: The Committee agreed with previous recommendations of the Supreme Court on live streaming proceedings, especially constitutional cases and cases of national importance, to promote transparency and openness. It also recommended that the judiciary consider broadcasting virtual hearings of certain specified categories of cases to further the principles of open justice.

- **Continuation of virtual courts**: The Committee recommended continuing the current system of virtual hearings on an experimental basis with the consent of all parties for certain categories of cases of appeals and final hearings (where physical presence is not required). It recommended extending virtual courts to appellate tribunals like the National Company Law Appellate Tribunal where personal appearance is not required. It recommended that suitable amendments be brought to enable and legalise virtual courts.

- **Way forward**: The Committee recommended implementing a full-fledged virtual Court system on a pilot basis, in consultation with members of bar associations and bar councils. It noted that the Department of Justice recommended transferring certain cases like traffic challan and cheque dishonour cases to virtual courts. The Committee recommended transferring all matters in which personal presence may be dispensed with, from regular courts to virtual courts. In cases involving interpretation of law, facts and examination of a large number of witnesses, hybrid model can be adopted to digitise manual processes (such as filing of plaint and issuance of summons) and the hearings can be held in physical courtrooms. Further, virtual courts may also be extended to arbitration hearings, conciliation hearings, and summary trials.