



भारतीय विधिज्ञ परिषद्
BAR COUNCIL OF INDIA

(Statutory Body Constituted under the Advocates Act, 1961)

21, Rouse Avenue Institutional Area, Near Bal Bhawan, New Delhi - 110002

BCI:D:1626/2021 (Council)

Date: 31.03.2021

To,

All the Secretary/ies,
State Bar Council/s,

Ref.: Letter No.RS.6/1/2018-P&L dated 26th March, 2021 of the Rajya Sabha Secretariat.

Sub.: Kindly furnish your comments and information as per the queries mentioned below and also as per the chart provided below as your views, opinion and stand is of utmost importance and the same has to be furnished before Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice.

Sir(s)/Ma'am(s),

I would like to inform you that Bar Council of India is in receipt of a letter from Rajya Sabha Secretariat, Parliament House, New Delhi regarding functioning of Virtual Courts/Court Proceedings through Video Conferencing, asked by the Parliamentary Standing Committee and the most of the questions are given bellow:-

At this moment, we would also like to remind you that in a Joint Meeting of Bar Council of India with State Bar Councils on 26th July, 2020 and in another Joint Meeting of Bar Council of India with High Court Bar Associations on 28th July, 2020, it was agreed by 90% of the participants that Virtual Hearing is not feasible and physical court hearing is the only way ahead and virtual hearing can only take place during emergency situations like pandemic and for other miscellaneous matters.

The queries and the chart is produced below for your necessary, immediate and urgent response on utmost priority latest by 05.00 PM on 03.04.2021 as the same is to be placed before the Parliamentary Standing Committee by the Bar Council of India by 05.04.2021 after amalgamating the same with the views, stand and comments of all State Bar Council/s and Bar Council of India.

Q-1. *Chairman of e-Committee of Supreme Court stated that the mission of digitalization of courts will be accomplished when lawyers at Taluka level are part and parcel of the said project. In this regard, the Committee wishes to know the roadmap proposed by the Bar Council to impart training to acquaint the lawyer fraternity about e-court projects across the country?*

- Q-2.** *To what extent video-conferencing could be used in justice delivery process? Please share with the Committee the areas or aspects of the justice delivery process where it could be effectively used for expeditious justice delivery?*
- Q-3.** *What is the view of Bar Council for having continued reliance on video-conferencing for justice delivery beyond prevailing Covid pandemic?*
- Q-3A** *How effective is the functional shift from physical court to courts through video conferencing in prevailing pandemic scenario in justice dispensation? Please elaborate the achievements along with pitfalls associated with such shift.*
- Q-3B.** *What are the major challenges and benefits of implementing courts through video conferencing in the country? Does it pose any legal challenges in implementing the courts through video conferencing in the country? Please elaborate.*
- Q-3C.** *What are the views of Bar Council on the status of implementation of activities of courts through video conferencing in? Whether advocates are provided internet/ wifi connection in Court premises for eFiling/ video conferencing etc.? Please elaborate. What are the additional facilities, if any, required for successful implementation for court through video conferencing?*
- Q-3D.** *Whether the existing Bandwidth of internet connections is adequate to handle digitization of cases in Court? Please elaborate. Whether disconnections/disruptions were faced during virtual proceedings/trials due to poor internet connections? What are your suggestions in this regard?*
- Q-4.** *Do the Bar Council visualize any legal, technical and practical challenges to the greater use of video-conferencing facility in justice delivery system?*
- Q-4A.** *Do you think that implementation of court through video conferencing would remove the scope of nepotism and corruption and bring transparency in legal profession? Please elaborate.*
- Q-4B.** *What is the view of Bar Council on having hybrid model court system, both virtual and open court system, as per the requirement for dispensation of justice? What are the major challenges in this regard? Do you think that system of courts through video conferencing is antithetical to Open Court System? Please elaborate.*
- Q-4C.** *Whether the Bar Council has conducted any training programme for advocates on courts through video conferencing? Please elaborate.*
- Q-5.** *What is opinion of Bar Council with regard to introduction of a compulsory course in conducting of e-Courts/ virtual courts in Bachelors of Law Education?*
- Q-6.** *The Committee, in its 103rd Report, recommended that Bar Council 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 to get adapted to online systems while pursuing Law Course. What is the view of Bar Council on the recommendation of the Committee?*

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Q-7. *The disposal rates of cases in courts have drastically reduced due to covid-19 pandemic. In High Courts, 52,895 cases were filed as e-filing and 1,43,495 cases in District Courts. In Subordinate Courts in Delhi, the number of cases heard by video conferencing is 31,256, and in the High Court it is only 9,883 between 23rd March to 15th July, 2020. Questions have been raised with regard to the effectiveness/efficiency of the virtual courts/hearing through video conferencing in the country.*

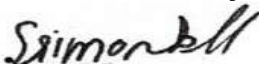
- (i) *What are your views on the present working and effectiveness of Virtual Courts hearing through video conferencing?*
- (ii) *Do you think that virtual courts/ hearing through video conferencing are equally efficient as physical courts? Please furnish elaborate reply.*
- (iii) *Do you think that Virtual Courts/hearing through video conferencing can substitute/ and supplement open court system in certain areas/domains? Please elaborate.*

You are further required to provide information as per the below mentioned chart.

Total No. of Advocates Enrolled with State Bar Council	Total No. of Advocates Practicing within the Jurisdiction of High Court	Total No. of Advocates Practicing within the Jurisdiction of District/Tehsil/ Taluka	Total No. of Advocates Practicing in Rural Area	Total No. of Advocates Practicing in Urban Area

You are requested to kindly provide your comments, information, data, view, opinion, stand on these above-mentioned queries and chart for proper assistance by 3rd April, 2021 (latest by 05.00 PM) as adequate reply based on your response has to be furnished on 5th April, 2021 to the Hon'ble Parliamentary Committee Members.

This is for your information and urgent and necessary action. The reply may be sent by email to bciinfo21@gmail.com under the subject heading "PARLIAMENTARY STANDING COMMITTEE-VIRTUAL HEARING".

Yours sincerely,

 (Srimanto Sen)
 Secretary