
**SURVEY REPORT ON THE VIRTUAL SYSTEMS
ADOPTED BY THE HON'BLE SUPREME COURT**

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[Advocates-on-Record]

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I. INTRODUCTION

1. The legal fraternity has been comfortable with the *status quo* of physically attending Court every day for aeons. The advent of the Covid-19 pandemic has propelled us out of this inertia into a virtual world. Till we are in a position to fully resume physical filings and hearings, E-filings and hearings through Video Conferencing are likely to play a significant role.
2. Having ourselves been at the receiving end of certain technological glitches, the undersigned Advocates-on-Record have conducted a Survey with the aim of collecting quantifiable information to address the problems faced by practicing Advocates in respect of the virtual / digital systems in place. The instant Report is the end-product of this exercise.
3. At the outset, we clarify that the mandate of the Survey was not to determine whether or not physical hearings or filings should resume, but to find ways and means to improve the digital systems in place at present. We hope that the suggestions and feedback received from the participants of the Survey are duly considered so as to ensure that we have more robust and efficient virtual systems in place.

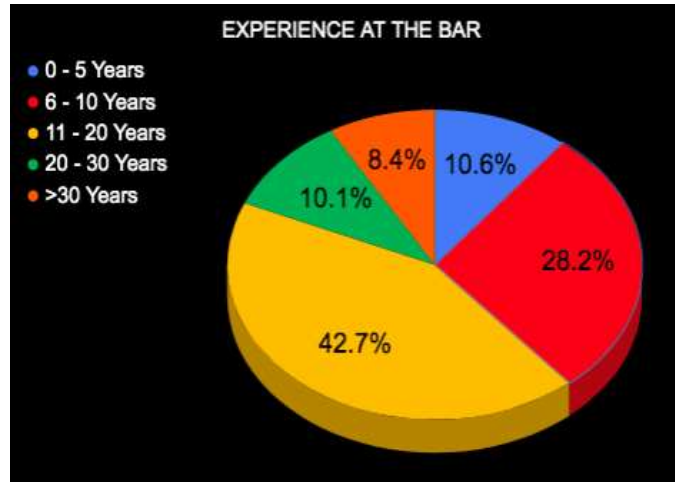
II. METHODOLOGY

4. The Survey, which was split into 3 Sections *i.e.* E-filing, Mentioning & Listing and Video Conferencing, was designed and developed by the undersigned Advocates-on-Record with assistance from friends within the legal fraternity. The questions were formulated in a manner so as to have a maximum of Yes / No or Multiple-Choice Answers with a view to facilitate data collection and analysis. The questions marked with a red asterisk were the only ones which were mandatory. The complete questionnaire is appended to this Report as '**Appendix – I**'.
5. The link for the Survey was circulated widely to Advocates through e-mail and WhatsApp. The data was consolidated using a Google Sheet linked to the Survey,

without any human interference. After the survey was concluded, we manually perused the responses and eliminated 3 responses, which we felt were spurious.

6. In total, we received 227 genuine responses, which comprise:

- (a) 13 Senior Advocates;
- (b) 133 Advocates-on-Record [“AoRs”]; and
- (c) 81 Advocates, including 8 Advocates representing their Law Firms.

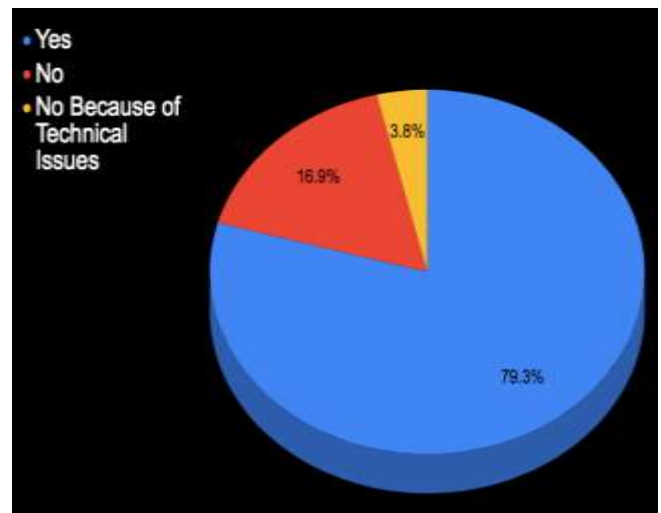


7. A consolidated list of all the Advocates who participated in the Survey is appended to this Report as ‘**Appendix – II**’. The above responses were received from the participants during the period between 13th – 20th July, 2020. We feel that the above sample [comprising Advocates predominantly practicing in Delhi] is broad and large enough to be truly reflective of the views of a wide section of Advocates with varying years of experience at the Bar.

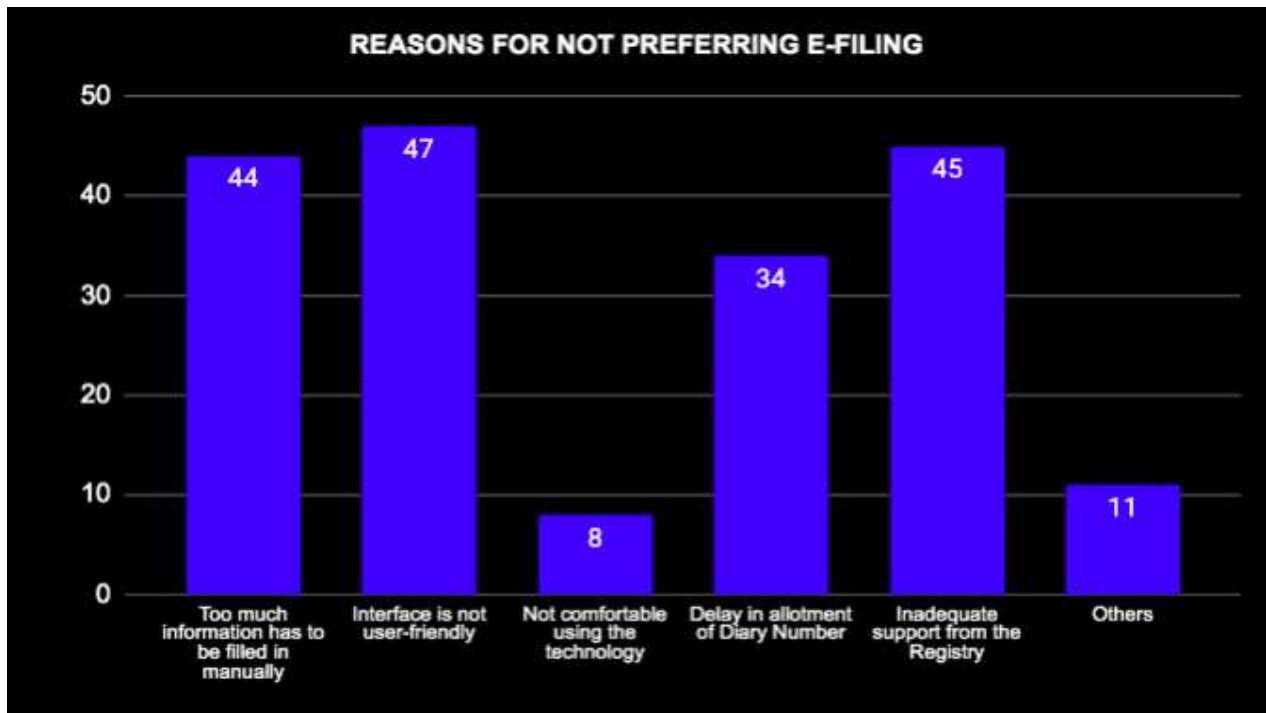
III. FINDINGS

E-FILING

8. **79.3% out of 213 Advocates stated that they had used the E-filing Platform of the Hon’ble Supreme Court.** 8 Advocates [3.8%] stated that they had been unable to use it because of technical issues.



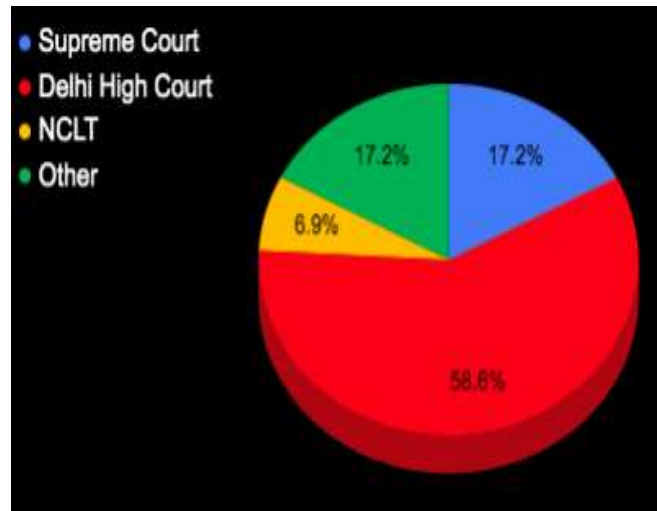
9. 98 out of 166 [59%] Advocates stated that they preferred E-filing to Physical Filing. However, a significant portion [41%] of Advocates had faced some problems with the E-filing mechanism. **By and large, Advocates feel that the interface is not user-friendly, unnecessarily requires filling in of too many details at the Advocates' end, and that the support from the Registry is inadequate. Advocates are also anxious about the Diary Numbers not being generated immediately on E-filing, unlike a physical filing.** This leads to uncertainty for the Advocate and the Client about whether the filing has been acknowledged by the Registry and whether this would cause further delay in the process. Only 4 participants actually expressed “satisfaction” with the existing E-filing system.



10. Participants also gave feedback that they found the defect curing system for E-filing to be tedious, and that most clerks are struggling with the same. They expressed concerns regarding filing of voluminous petitions, as the process of uploading the petition and the printing of the same by the Registry caused a lot of delay. Advocates also found the Caveat filing process to be cumbersome. On some occasions, the

Caveat was not registered at all or the name of the AoR was not reflected in the Cause List. This implied that the AoR was neither notified of the listing of the case nor was the link for the Virtual Court hearing shared with her / him, leading, among others, to adverse orders being passed in some cases.

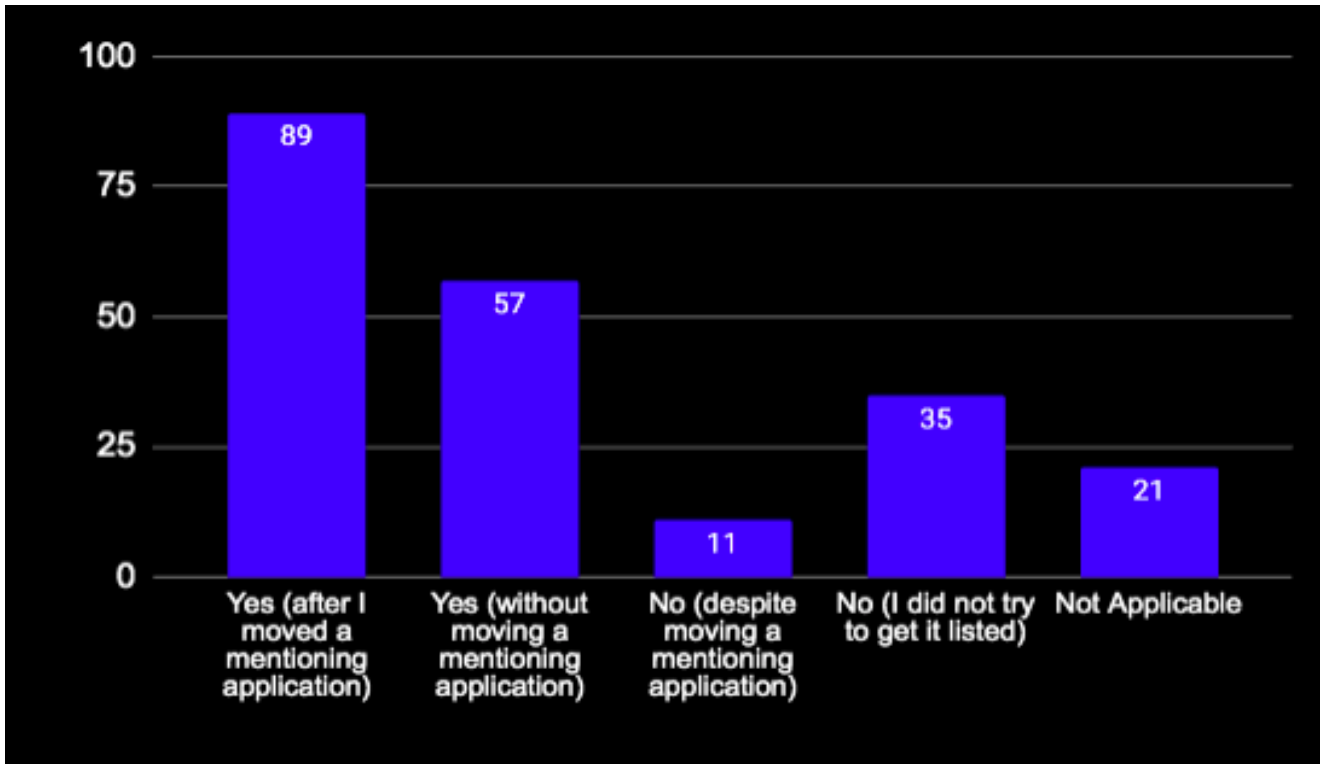
11. 127 out of 211 [60.2%] participants stated that they had used the E-filing Platform of another Court / Tribunal. 68 out of 116 [58.6%] participants stated that they found the E-filing system of the Delhi High Court to be the most efficient.



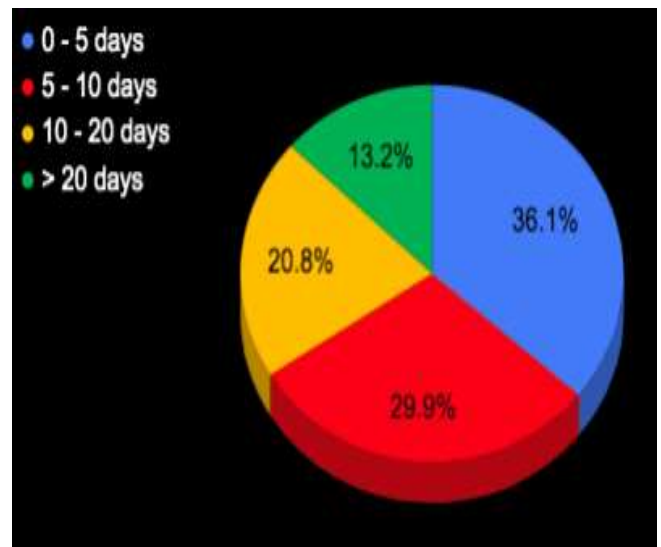
12. The only significant information which needs to be manually filled in the Delhi High Court E-filing System is the details of the parties. The entire case file can thereafter be uploaded as a single PDF file, after being appropriately bookmarked. The Diary Number is generated immediately. Unlike the Hon'ble Supreme Court, where each page on which a defect is cured has to be separately uploaded, in the Delhi High Court, the entire final PDF file, after curing defects is uploaded again in the Re-filing Section. The entire process, it has been suggested, is simpler and faster than what is currently employed by the Hon'ble Supreme Court.

MENTIONING AND LISTING

13. The responses to the following question *i.e.* "Have any of your fresh matters been listed after 23.03.2020?" indicate that a large number of the Advocates [41.8%] were able to get their matters listed only after filing a Mentioning Application indicating some urgency.

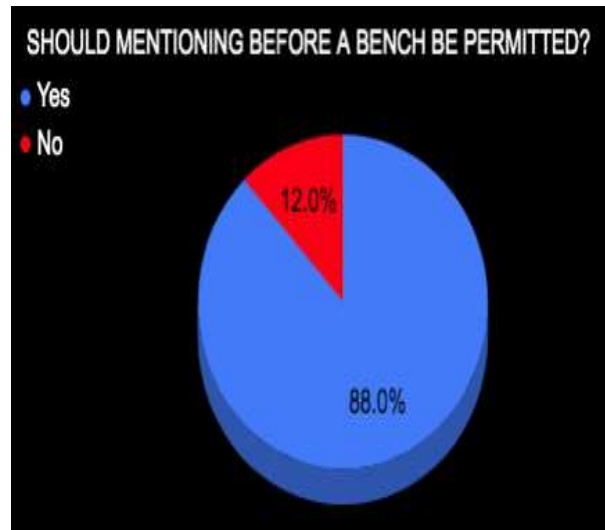


14. Further, there is no consistency in the time period between curing of defects and listing of matters. In the normal course, matters would be listed within about 5 days of the case getting numbered. However, the survey data shows that the cases of only 52 out of 144 [36.1%] participants got listed within this time frame.



There has been a significant delay of 10 days or more in listing of the cases of a large proportion of participants *i.e.* 34%. On some occasions, this delay has been caused despite filing a Mentioning Application, which has remained pending for several days.

15. Where Mentioning Applications are rejected, no reasons are being furnished for the same, leading to lack of clarity as to when the matter is likely to be listed. **184 out of 209 [88%] participants felt that it should be permissible to mention before a Bench of the Ld. Judges in the event a Mentioning Application is rejected**, probably because the existing Virtual Court mechanism negates the possibility of oral mentioning.

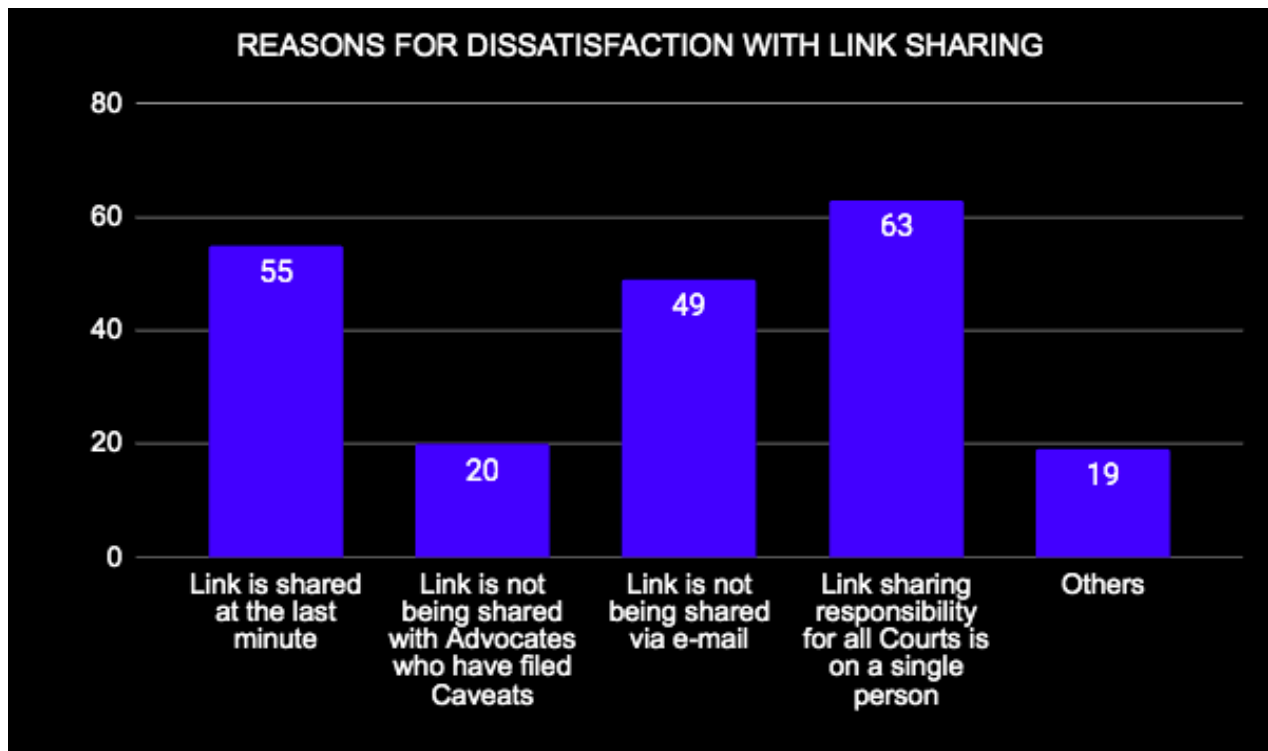


16. The feedback received indicates that the support from the Registry for mentioning and listing of matters is inadequate and that **calls to the helpline numbers often go unanswered. It is also felt that a time limit ought to be set for allowing or rejecting a Mentioning Application.** Advocates also called for **greater consistency and transparency in procedures** as well as better co-ordination *inter se* between different Sections of the Registry. There is also a concern that only fresh matters are considered urgent, whereas pending matters (after notice matters) are not being listed.

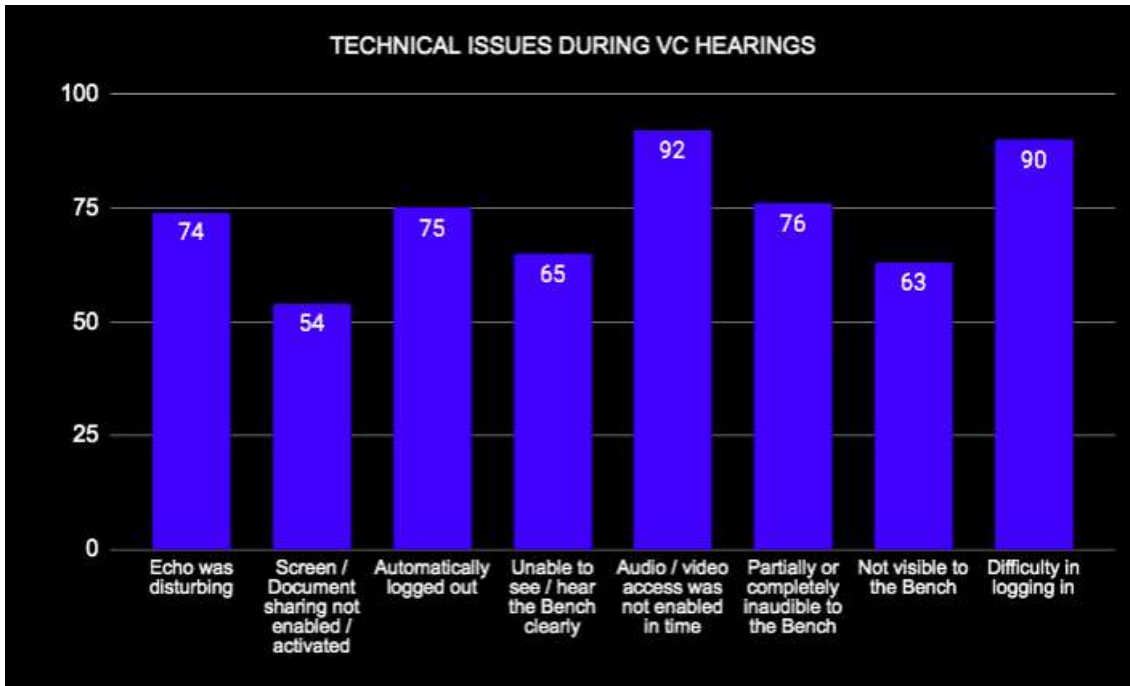
VIDEO-CONFERENCING

17. **92.5% of the 227 participants in the Survey have taken part in hearings through Video Conferencing in the Hon'ble Supreme Court.** While a small majority *i.e.* 113 out of 210 [53.8%] participants stated that they found the link sharing mechanism to be satisfactory, a substantial proportion [46.2%] did not. The current system involves sharing the link on a WhatsApp Group specifically created each day for each Virtual Court comprising the concerned AoRs. **The primary concern expressed by most participants is that only a single person is responsible for co-ordinating the**

entire link sharing exercise, which leads to him being overburdened and unavailable to address grievances. A significant number of Advocates have experienced some stress owing to the link being shared at the last minute, especially if they had to forward the link to a Senior Advocate / Arguing Counsel. Further, Advocates who had filed Caveats sometimes did not receive the link, making it difficult for them to appear.



18. An overwhelming majority of 75.7% [159 out of 210] participants stated that they had faced several technical issues during hearings conducted on the VIDYO App on a regular basis. All of these technical complications, when taken cumulatively, deny an effective opportunity of hearing, which is a valuable fundamental right.

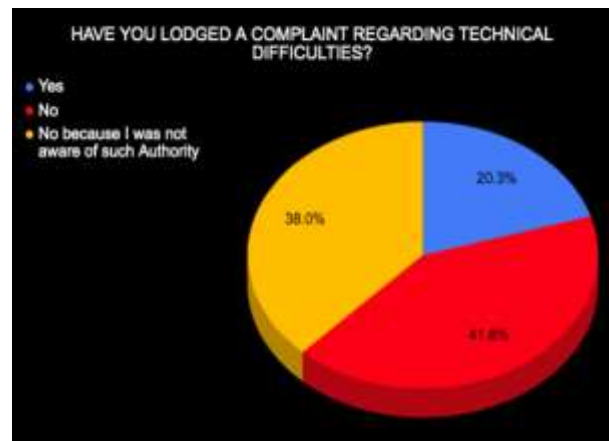


19. **Advocates were routinely either unable to log in or were automatically logged out during Court proceedings**, probably due to bandwidth / capacity issues with the App. They also faced difficulties in re-joining the hearing if they were logged out for some reason. **Participants also complained that they were completely subject to the mercy of the Control Room and, on several occasions, were not unmuted in time, and hence were unable to present their arguments. The situation is even more chaotic in batch matters where a large number of Advocates are appearing. Some Advocates have also stated that they have been disconnected by the Control Room too early or while orders were being dictated in their cases.**

20. Adverse orders have been passed against as many as 19 participants in their absence, when they were unable to connect due to a technical problem. Further, Advocates who had matters listed before different Virtual Courts on the same day, found it difficult to keep track of, and attend to, their matters unless they owned multiple devices.

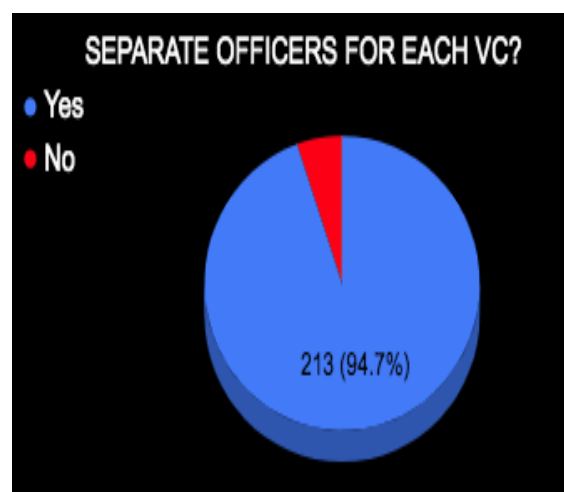
21. Concerns were also raised regarding the audio / video quality, both *qua* the arguing Advocate and the Bench. On account of the fact that the screen sharing feature on the VIDYO App is not very effective, Advocates are, by and large, precluded from showing certain documents or Judgments to the Bench, which could ordinarily have been handed across in Court. Participants also felt that there ought to be a viewing room for Advocates or litigants who just wished to observe Court proceedings, without participating in them.

22. Another issue has been the lack of proper technical assistance from the Court staff and a grievance redressal mechanism. There is absolutely no clarity on who is to be contacted in case of any technical issue in connecting *via* the link shared.

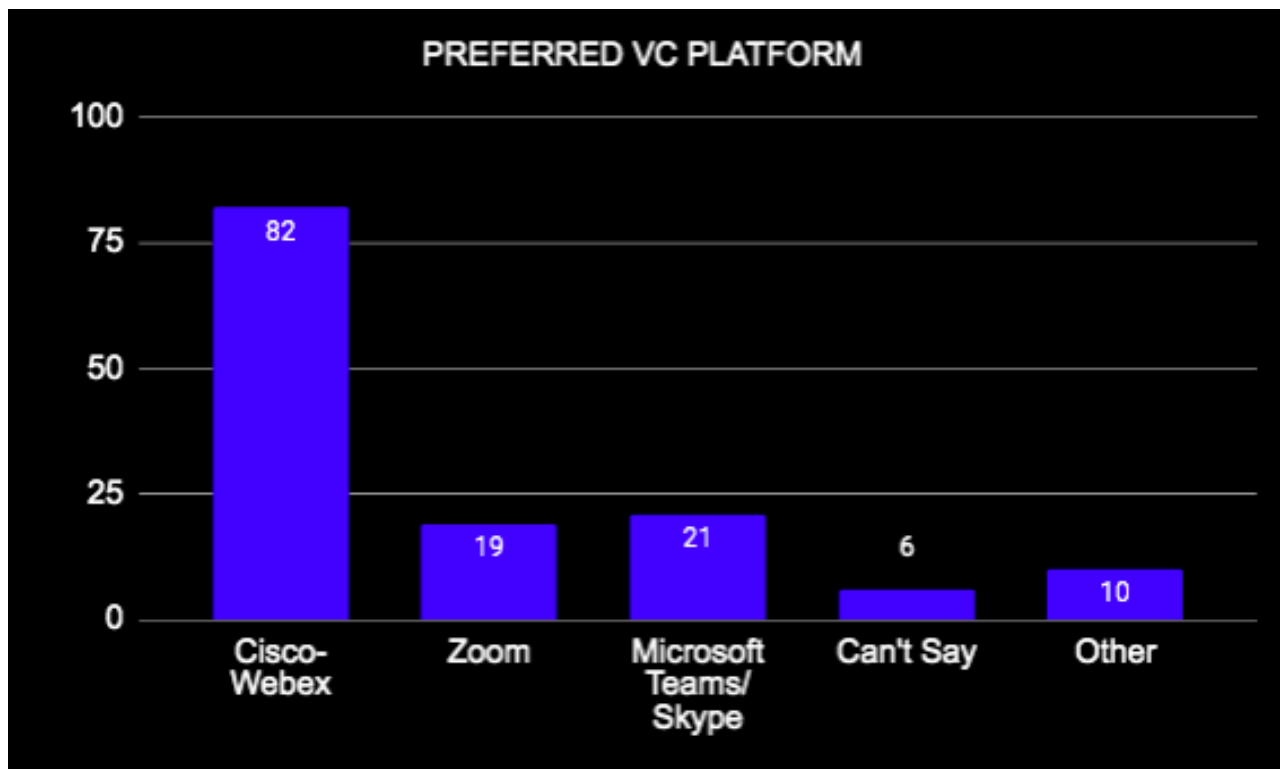
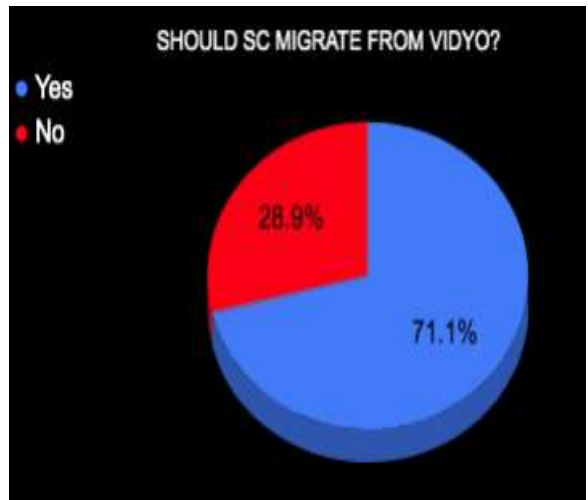


While Advocates routinely post the problems faced by them on the WhatsApp Group created for link sharing, there is no response. Participants have tried using the chat window on the VIDYO App to convey any problems to the Control Room, but even these have not been attended to. A significant number of Advocates [60 of 158 *i.e.* 38%] have stated that they have been unable to lodge any complaint because they were unaware of an Authority for grievance redressal.

23. 94.7% of the participants [213 out of 225] felt that the above issues can be best addressed by having separate designated officers for each Virtual Court, who would be constantly available over the phone to respond to any technical queries and assist with problems which arose during a virtual hearing.



24. An overwhelming majority of participants [155 of 218 *i.e.* 71.1%] strongly felt that, owing to the technical issues with VIDYO, the Hon'ble Supreme Court should migrate to a different software application for conducting hearings through Video Conferencing. Cisco Webex, which is being successfully used *inter alia* by the Delhi High Court and NCLAT was the most popular choice amongst Advocates.



IV. SUGGESTIONS

25. Based on the feedback received from the participants in the Survey, we have compiled the following broad suggestions.

E-FILING

26. Advocates should not be required to manually fill in so many details while E-filing. These details are already available in the Petition, and providing them separately is not only repetitive but also a waste of time. Instead, the entire Petition along with Annexures can be uploaded as a single document, and only party details can be required to be manually filled, as is done by the Delhi High Court. The system will have to be equipped to accept / upload large file sizes.

27. An option ought to be provided to upload the entire Petition again, after curing defects, instead of single pages.

28. Diary Number generation can be computerized so that an AoR receives the same immediately upon successfully completing an E-filing.

29. Care should be taken to register Caveats immediately and reflect the name of the AoR for the Caveator in the Cause List.

30. The Registry staff is required to be adequately trained in the technology and modalities of E-filing. More dedicated helpline numbers with adequate staff should be made available to provide support and respond to queries of Advocates.

31. Different modes of payment, such as Internet Banking and UPIs [such as PayTM, Google Pay etc.], which are ordinarily available for online payments on several websites, should be made available for E-filing as well. Printable receipts should be provided immediately upon payment of the requisite fees.

MENTIONING AND LISTING

32. Previously, a Petition which has been numbered and verified would ordinarily get listed within 5 working days in due course. While it is understandable that there has been a reduction in the number of Registry Staff and also in Benches due to the pandemic, rules and procedures can be put in place to list fresh Matters and fresh Applications in pending matters in regular course within a reasonable time (preferably within 7 working days). This will eliminate the need to file a Mentioning Application in every matter and also the uncertainty associated with a case / application not being listed. Mentioning Applications can then be strictly restricted to matters with some genuine urgency.
33. Some time limit ought to be fixed for deciding a Mentioning Application. It is suggested that Mentioning Applications preferably be decided within 24 hours and an outer limit of 48 hours be fixed. If rejected, reasons should be provided. A procedure ought to be devised to permit oral mentioning before an appropriate Virtual Court.
34. The Registry Staff is required to be adequately trained to reduce delay in the listing process. More dedicated helpline numbers with adequate staff should be made available.

VIDEO-CONFERENCING

35. The link for hearings for different Virtual Courts can either be published along with the Cause List or sent to the concerned AoRs by automated e-mails sufficiently in advance. This can, in the long run, eliminate the time and resources consumed in creating WhatsApp Groups for different Virtual Courts every day for this purpose, and also reduce the anxiety caused due to receipt of links at the last minute.
36. The responses suggest that the VIDYO App has proved to be problematic in practice. An alternative software application, such as Cisco Webex, which the participants have found to be more efficient and preferable, may be considered for usage by the Hon'ble

Supreme Court. Cisco Webex and some other software applications have a separate viewing room, which enable Advocates and litigants to observe court proceedings, without participating in them. Alternatively, it was also suggested that the Hon'ble Supreme Court explore the possibility of having a separate software application developed which integrates the best practices across various applications. In any event, the VIDYO App, it was felt, needs a complete overhaul and the technology / bandwidth issues need to be immediately improved to ensure that Advocates do not routinely face problems with logging in, being automatically logged out and poor audio / video quality.

37. There should be separate designated IT / support staff for each Virtual Court, whose phone numbers should be made available to the Advocates. These officers should be constantly available on telephone to address and resolve any technical issues faced during the hearing.
38. The Control Room staff must be trained and sensitized to be able to better handle this new form of hearing. They should be cautious about when it is appropriate to disconnect an Advocate, so that they are not prematurely logged out. There have been a lot of complaints regarding the Control Room not unmuting / enabling video access in a timely manner. Either Advocates can be given control to enable their audio / video access in time for their cases, or utmost care has to be taken by the Control Room staff to unmute the concerned Advocates promptly so that they are not prevented from presenting their arguments. The Control Room should be alert and trained to read and respond to the messages sent in the chat window.
39. While passovers are being granted by most of the Hon'ble Benches in case of any technical difficulty, as a matter of practice, cases could be called out slowly, with a brief time gap, to be able to assess whether the concerned Advocate is unavailable or is present but has not been unmuted. If the Advocate is still unable to appear at the end of the Court session, perhaps the matter can be adjourned. In no circumstance should an adverse order be passed if the concerned Advocate was unable to appear due to a technical problem.

40. Cases, particularly large batch matters, can be heard in a staggered fashion with fixed time slots to prevent overcrowding. A proper system and order for presentation of arguments can be devised for such batch matters, where a large number of Advocates are appearing.
41. A feature enabling Advocates to open links for different Virtual Courts in different tabs on the same device could be included. This will be of great assistance to Senior Advocates and other Advocates who may have multiple matters in different Courts on the same day, as everybody cannot be expected to have multiple personal devices to deal with such an eventuality.
42. Consultation between the arguing and the briefing Counsel or passing of instructions from a litigant to a lawyer can be tricky during the course of a virtual hearing. The possibility of a separate and private discussion room which can be used by the lawyers / clients during the hearing can be explored. Alternatively, the hearing can be paused briefly or the matter passed over, while the lawyers consult or obtain instructions.

V. CONCLUSION

43. Upon a thorough analysis of the survey data, we have found that while a significant number of participant Advocates appear to have used the prevailing systems of E-filing and Virtual Hearing of the Hon'ble Supreme Court, they are discouraged by the numerous technical complications faced while using the same. In fact, we have also received feedback from some participants that they have deferred getting their fresh matters listed for hearing [except in case of an urgency] because of the stress and anxiety regarding whether the virtual hearing would be effective.
44. While we acknowledge the proactive steps that have been taken by the Hon'ble Supreme Court in these unprecedented times, and are very grateful for the same, the Survey Data indicates that there is considerable scope for change and improvement in the existing platforms. If appropriate steps are taken immediately, we can have

systems in place which are not only user friendly but also technologically seamless and efficient, and therefore more inclusive.

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Survey on Supreme Court's Virtual Process

Survey on Supreme Court's Virtual Process

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Object	Introduction	E-filing	Listing	Hearing

Survey on Supreme Court's Systems of E-Filing, Listing and Virtual Hearing of Matters

As Advocates practicing in the Supreme Court, we have been facing multiple issues with conducting hearings through the Vidyo App as well as with e-filing and listing of cases.

Given that virtual hearings and e-filings are here to stay, at least till physical hearings and filings resume fully, it is important to identify and address the issues being faced by Advocates so that we have a more efficient and effective system in place.

We are conducting a small survey in order to collect quantifiable information in this regard. We would be grateful if you could spare a few minutes to complete the survey and provide your inputs on how to improve the current system. The results will be shared with the SCBA / SCAORA. We hope that they will then take the matter forward with the appropriate authorities.

Thank you.

Bhabna Das
 D. Abhinav Rao
 Harsh Parashar
 Krishna Dev Jagarlamudi
 R.V. Yogesh

(Advocates-on-Record)

Start Survey

Name *

Email *

You are: *

- a Senior Advocate
- an Advocate-on-Record
- an Advocate
- a Law Firm

Experience at the Bar *

- 0 - 5 years
- 6 - 10 years
- 11 - 20 years
- 21 - 30 years

> 30 years

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Have you or your office used the e-filing platform of the Supreme Court? *

- Yes
- No
- No because of technical Issues

Do you prefer the e-filing platform to physical filing?

- Yes
- No

Indicate the reasons for the same (you can select multiple options):

- Too much information has to be filled in manually
- Interface is not user-friendly
- Not comfortable using the technology
- Delay in allotment of Diary Number
- Inadequate support from the Registry
- Others (leave your comments at the bottom)

Have you used the e-filing platform of any other Court / Tribunal?

- Yes
- No

Which Court / Tribunal's e-filing platform have you found most efficient?

- Supreme Court
- Delhi High Court
- Bombay High Court
- Calcutta High Court
- Madras High Court
- Other

Suggestions / Feedback on e-filing

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Have any of your fresh matters been listed post 23.03.2020? *

- Yes (after I moved a mentioning application)
- Yes (without moving a mentioning application)
- No (despite moving a mentioning application)
- No (I did not try to get it listed)
- Not Applicable

How long did it take for your matter to be listed after clearing the defects?

- 0 - 5 days
- 5 - 10 days
- 10 - 20 days
- > 20 days

Were reasons furnished to you for rejecting your Mentioning Application?

- Yes
- No

Should you be permitted to mention before the Bench upon rejection of a Mentioning Application?

- Yes
- No

Suggestions / Feedback on mentioning and listing of matters

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☰

Have you appeared in any matter before the Supreme Court through video conferencing? *

- Yes
- No

Do you find the system of sharing the link for video conferencing satisfactory?

- Yes
- No

Please indicate the reasons for the same (you can choose multiple options):

- Link is shared at the last minute
- Link is not being shared with Advocates who have filed Caveats
- Link is not being shared via e-mail
- Link sharing responsibility for all Courts is on a single person, leading to ineffective redressal of grievances
- Others (leave your comments at the bottom)

Did you face any technical issues during the hearing through video conferencing?

- Yes
- No

Please indicate these issues (you can select multiple options):

- Difficulty in logging in
- Not visible to the Bench
- Partially or completely inaudible to the Bench
- Audio / video access was not enabled in time
- Unable to see / hear the Bench clearly

- Automatically logged out
- Screen / Document sharing not enabled / activated
- Echo was disturbing
- Others

Please specify any other difficulties you have faced

Have any adverse orders been passed in your absence due to a technical issue in audio / video connection?

- Yes
- No

Have you lodged a complaint / protest regarding any of the technical difficulties faced by you?

- Yes
- No
- No, because I was not aware of any such authority

Is it necessary to have separate officers for each Virtual Court constantly available on call to handle technical issues during virtual hearings?

- Yes
- No

Does the current system effectively enable an Advocate to attend to more than one matter in same Court / different Courts on the same day?

- Yes
- No
- Can't say

Should the Supreme Court migrate to another Digital App from Vidyo?

- Yes
- No

Which Digital App is preferable to Vidyo?

- Cisco- Webex
- Zoom
- Microsoft Teams/ Skype
- Blue Jeans
- Jitsi Meet
- Other

Suggestions / Feedback on virtual hearings

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