

Rajiv Khosla
ADVOCATE
Member
Bar Council of Delhi



Mobile : 9212050070
Phone : 011-26498356, 26495196
E-mail : advrajivkhosla@gmail.com
barcouncilofdelhi@rediffmail.com
Web. : www.delhibarcouncil.com

दिल्ली विधिज्ञ परिषद्
BAR COUNCIL OF DELHI

(Statutory Body Constituted under the Advocates Act, 1961)

2/6, Siri Fort Institutional Area, Khel Gaon Marg, New Delhi-110 049

Ref. No. :

Dated : 18-10-20.....

MOST URGENT

The Hon'ble Chief Justice and other senior Judges of
Administrative Committee dealing with the Covid Period
High Court of Delhi
Shershah Marg
New Delhi 110003

SUBJECT:- Request for starting Hybrid System in all Courtrooms and permitting one Junior Advocate with the main counsel during physical appearance on the similar pattern being followed in the case of appearance of Designated Senior Advocates

My Lords,

With heavy heart, the present letter is being addressed to your lordships on behalf of the majority of leaders of the Bar to draw your lordships kind attention towards grave sufferings of the litigants as well the lawyers who have been waiting since long after the unlock one to start the working of the Courts in a phased manner but to the utter shock, nothing seems to be moving ahead despite the fact that the Country is moving forward after the stage of unlock five and almost every section of society has gone back to their respective work and even all Government officials holding higher, middle and lower positions have started working from their respective offices on regular basis, therefore when a question is put to us as to when the Courts will start functioning from its respective complexes, we have no words to explain about the same.

There is no doubt that the threat of a pandemic is not over but, then life cannot be brought to standstill when it is not certain as to when the Covid-19 period is over and the Government will provide requisite vaccine to curb the menace. It is precisely due to this reason that the Hon'ble Supreme Court gave a go-ahead to hold various competitive exams for higher studies and the same were successfully held, even without increasing the numbers of the Covid Patients. So much so, the Hon'ble Supreme Court did not interfere in the decision of the Election Commission to hold assembly polls for the state of Bihar, which is a clear signal by the Hon'ble Supreme Court to concur on the lines of the Hon'ble Prime Minister that the life must go on.

My Lords, it is a fact that during the lockdown, Doctors, Police officials, Health workers and others related to essential services, have been doing a commendable job, despite having maximum risk to their lives and all of them are still continuing with their responsibilities. The other sections of the society have also returned back gradually to their respective occupation and therefore we are the only class in the society which is still locked in the houses. There is no doubt that your lordships also devised a novel method of video conferencing to continue hearing of urgent cases during lockdown when most of other sections of the society have to shut down their shutters and for that legal fraternity is always grateful to your lordships for keeping the flag of Judicial System at a higher pedestal in the eyes of public. However, the said system of video conferencing was good for a short span only, however thereafter there is a perception in the mind of the majority of members that it was also misused by vested interest people for obtaining favourable orders. One such example of Judicial impropriety is already under investigation and some more may be soon brought to your lordships notice for necessary action on your part. The undersigned has already requested to your lordships by his previous letters to kindly post all orders of urgent matters on the official website along with the name of the Advocates appearing in those cases. The said exercise will be helpful in cleaning the Judicial System from all those who are responsible to defame the Judicial System.

My lords, now coming to the issue in question in regard to the hearing of cases by mode of video conference and the namesake physical appearance, we would like to apprise your lordships that the present system of hearing has not been of much help to the litigants and Lawyers as neither the cases are proceeding further nor the Lawyers are getting fees and the net result is that almost 70 - 75% cases are simply adjourned, therefore, the need of the hour is to request your lordships to hold Courts from their respective courtrooms and pass orders after hearing counter-arguments of both the parties by V/C and P/H at the same

time as per the choice and convenience of the lawyers of both side so that there may not be any reason for either side to take adjournment. In fact, the Hybrid System is the best way to resume the work and for passing effective orders in case of the non – appearance of the lawyer is without any cogent reason.

My lords, there is no doubt that the physical mode is the best for all times, where all the parties are given sufficient opportunity to give counter arguments to each other and judges also have the opportunity to analyze the conduct of the parties. However, considering the opposition by a section of the Bar against physical appearance during this Covid period, the Hybrid mode of hearing is the best way to satisfy all sections of the Bar who are insisting for video conference or physical appearance. The Hybrid Mode will not give any excuse to anyone for non appearance in his case citing the difficulty of causing appearance in a particular mode which will further empower the presiding officer to pass effective orders after hearing both the parties and the same will also be beneficial to the litigants waiting for progress in their cases and will also reduce the pendency in future besides providing some monetary relief to the lawyers who are hard-pressed on account of same.

My Lords, the hybrid system has already been adopted by some judges and is found to be successful in disposal of the cases. The Bar Council of Delhi also experimented the same from its office and the result was encouraging. However in order to create the Hybrid System, the infrastructure for the same is required for which a report has been taken from an IT expert lawyer and according to the said report, the expenditure on the same will not be more than Rs 2.5 – 3 (Maximum) Lakhs per Courtroom and thus an amount of 10-12 Crores will be sufficient for installing the same in all Court Complexes including High Court of Delhi. The installation of Hybrid System will go a long way to help the young lady Advocates on the family way and also for those who are unable to come to Court physically due to old age problems, other ailments, and accidental injuries. As such the same should be installed at the earliest to minimize the sufferings of litigants and Advocates so that the message should go to the public about the resumption of Court Work. The installation of Hybrid System is not a difficult task and it can be completed in a weeks' time if the work of installation is started simultaneously in all the Courts.

My lords, the second issue before your lordships is in respect of the plight of the young Advocates who are suffering very badly and have no income to support their family. The Bar Council of Delhi came to their help but could not give them more than Rs. 5000 onetime payment considering the huge number of applicants which were 16,000. Even now for distribution of Rs. 1 Crore, more

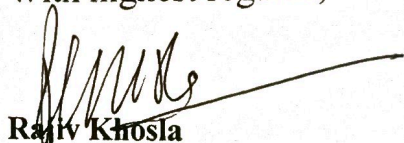
than 11000 applications are pending. The Lawyers even requested to the Government for a small loan at a nominal interest in view of section 13 of the National Disaster Act and filed a petition in the Supreme Court for the same but unfortunately, no results have come so far.

My lords, it is very unfortunate that no one is coming forward to mitigate the sufferings of young advocates during this most difficult time of their lives and now, due to continuation of video conferencing mode, several thousands of young lawyers have been deprived of even their basic allowance, So much so even they are not required to enter in the court building along with their senior. As such most of them are left with no source, therefore, the only way out to lessen their difficulties is to allow at least one junior Advocate along with the Main Counsel to enter in the Courtroom for assisting the Main Counsel. As of now, only the Senior Designated Lawyers are given the privilege to enter in the Court Room along with the briefing Counsel which factor, besides depriving the young advocate from his professional work in assisting the Main Counsel is also discriminatory. The Pandemic does not make a difference between senior designated Advocate or any other Advocate, therefore if Senior Designated Advocates have been permitted to take assistance of Briefing Counsel then other counsels may also be permitted to get assistance of one Junior Advocate during the Corona Period and we hope that this small concession on your behalf will certainly help in reducing the sufferings of young lawyers.

My Lords, the Bar Council of India, the Bar Council of Delhi, Coordination Committee of all Bar associations of Delhi and myself have earlier also requested your lordships to adopt Hybrid System but unfortunately, nothing has been done in this regard so far. Therefore we have decided to assemble on 21.10.2020 at 12:00 P.M opposite to Gate No. 5 of Delhi High Court, to draw your lordships attention to start the Judicial Work in the manner as suggested above so that the miseries of litigants and lawyers are minimized and the cases of the clients should proceed further.

We hope that you lordships will consider this representation at the earliest.

With highest regards,



Raviv Khosla
Chairman, IT Cell of Bar Council of Delhi
And former President of DHCBA and DBA

ENCL: - Road Map for starting the Hybrid System by a member of IT Cell of Bar Council of Delhi for your kind perusal and necessary action



Building A Digitally Secure Future

Cyber Research and Innovation Society
(www.cyberpandit.org)

Date: 15 Oct 2020

To
The Chairman
Delhi Bar Council

Subject: Proposal for Virtual Court Hearing System Mechanism including expected cost.

Dear Sir/Madam

We are writing on the behalf of the **Cyber Research and Innovation Society (CRIS)**.

About CRIS: Cyber Research and Innovation Society (CRIS) was founded to build digitally secure future for the society by collaboration between national and international leaders in government, industry, and the academia focused in cyber laws, cyber security, and cyber forensics.

Our vision is to bring awareness, provide education, and conduct research & innovation in cyber domain to help address emerging issues related to cyber law, cyber security, data, finance and risk driven by existing and emerging technologies.

We are committed to make an impact to digitally secure future for the society!!!!

Our objective to write this letter is to present our proposal for architecture or mechanism for Virtual Court Hearing System which is illustrated as follows.

Proposal

Regd. Office: D-10/4, Ground Floor,
Opposite Balaji Plaza, Sector-8, Rohini,
Delhi-110085, India

Phone: 011 27940129, 01147005954
Email: info@cyberpandit.org

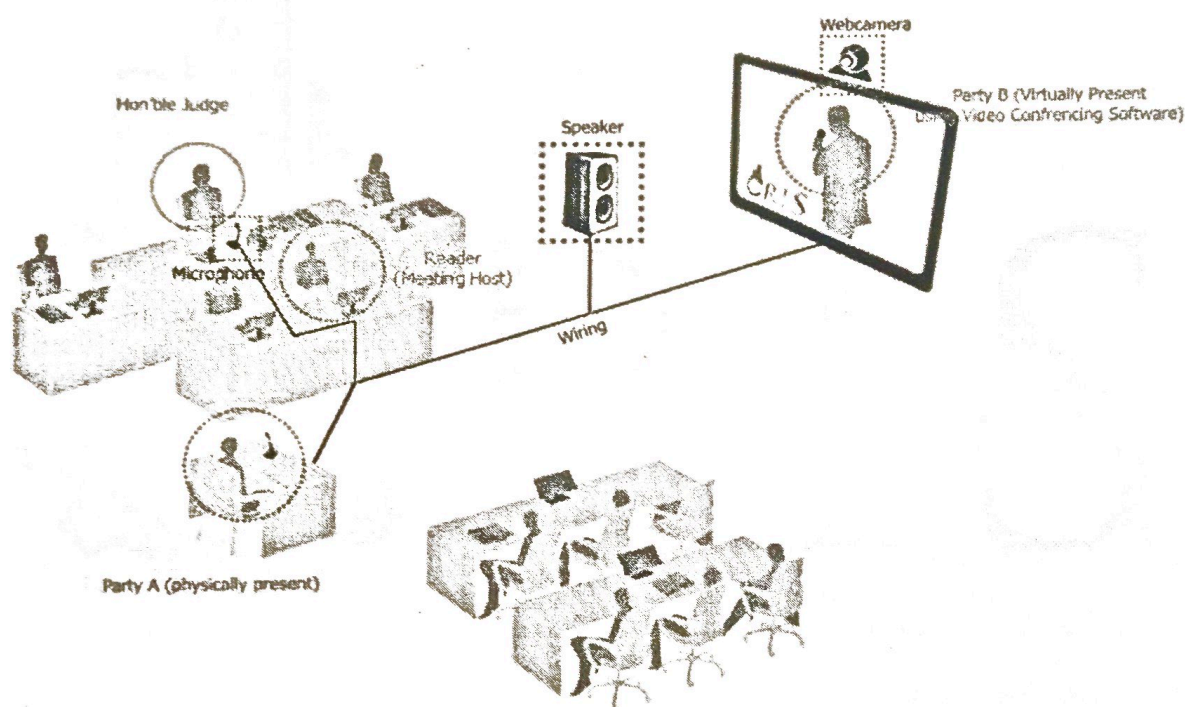


Building A Digitally Secure Future

Cyber Research and Innovation Society
(www.cyberpandit.org)

The architecture of virtual court hearing system presented in the given proposal is based on physical court room in which Hon'ble Judge and Party (party A) is present as well as virtual medium through which other party can join the court hearing. Below the self explanatory architecture including device/ software required with approximate cost for the above said purpose is provided.

Virtual Court Meeting System



Device Required, Purpose, and Approximate Cost per court

S.No.	Device Required	Approximate Cost	Purpose/ Quantity Required/ Remarks
1.	65 inch LED/LCD Screen	Rs. 1,00,000/-	<ul style="list-style-type: none"> Video screen with inbuilt speakers. 65 inch or above is required for court room size. Single screen is required as per the Architecture shown in this proposal.
2.	Microphone	Rs. 5,000/- (for single mic)	<ul style="list-style-type: none"> Noise reduction. With Mute button

Regd. Office: D-10/4, Ground Floor,
Opposite Balaji Plaza, Sector-8, Rohini,
Delhi-110085, India

Phone: 011 27940129, 01147005954
Email: info@cyberpandit.org



Building A Digitally Secure Future

Cyber Research and Innovation Society (www.cyberpandit.org)

		Total: Rs. 10,000	<ul style="list-style-type: none"> 3.5 mm Aux Jack Connectivity or USB. Two mic are required. One for Honorable Judge and other for Party.
3.	Webcam	Rs. 15,000/-	<ul style="list-style-type: none"> HD Video Camera. Minimum 90 degree wide angle is required to cover Honorable Judge, court staff, and Party.
4.	Speakers	Rs. 5,000/-	<ul style="list-style-type: none"> Speakers with high sound intensity and good Sound Quality.
5.	Desktop/ Laptop	Rs. 50,000/- (for single system). Total=Rs. 1,00,000/-	<ul style="list-style-type: none"> With i5 processor 8 GB RAM 250 GB HDD 3.5 mm Jack USB 3.0 Port Two Systems are required, one for Hon'ble Judge and other for party (Physically present in the court).
8	Total appoximate Cost	Rs. 2,30,000/-	<ul style="list-style-type: none"> This is the approximate cost that may vary from Rs. 2,00,000/- to Rs. 3,00,000/- depending upon additional Requirement of amplifier, connecting hubs, and other connecting device. This is one time cost of the setup.

Note:

- Only one desktop/ laptop is required if two microphones (one for Hon'ble Judge and one for Party A) are connected with one system using connecting devices like Aux hub or amplifier.
- Two desktops/ laptops are required if Hon'ble Judge and party A is connected to virtual medium (video conferencing) through different IDs.

Video Conferencing Software

Video conferencing software is required to connect the party to the court virtually. Below most of the economical and advanced with all required video conferencing software are list, any one of them can be purchased.

Video Conferencing Software	Approximate Price	Features
CISCO webex meetings	<ul style="list-style-type: none"> Rs. 1000 per host per month with 100 	<ul style="list-style-type: none"> 24 hours meeting Length

Regd. Office: D-10/4, Ground Floor,
Opposite Balaji Plaza, Sector-8, Rohini,
Delhi-110085, India

Phone: 011 27940129, 01147005954
Email: info@cyberpandit.org



Building A Digitally Secure Future

Cyber Research and Innovation Society

(www.cyberpandit.org)

	<p>participants.</p> <ul style="list-style-type: none"> Here Host represent the reader who can host the meeting for one one particular court. 	<ul style="list-style-type: none"> 5 GB cloud storage File Transfer Feature Screen Sharing Mobile Screen sharing Live streaming on Facebook or YouTube. Meeting Recording and Transcription. Chat Notes Raise Hand Polling Encrypted Cloud recording End to end encryption Enforce meeting password with joning Lock Personal Meeting rooms. AI powered meeting assistant (meeting Notes and Highlights)
Go to Meetings	<ul style="list-style-type: none"> Rs. 1000 per organizer per month for 150 participant. Here Host represent the reader who can host the meeting for one one particular court. 	<ul style="list-style-type: none"> Screen sharing No meeting length limit Co-organizer facility Pesonal Meeting room Unlimited cloud recording Meeting lock Facility Encryption Risk Based Authentication Office 365 plugin Google Clander Plugin Download Admin Report Live Steaming on Facebook/YouTube with thirdparty apps.
Streamyard	<ul style="list-style-type: none"> Rs. 1500/- USD per user per month for 10 Participants. 	<ul style="list-style-type: none"> Multistreaming with 3 destinations. 4 hours recording Screen Sharing

Regd. Office: D-10/4, Ground Floor,
Opposite Balaji Plaza, Sector-8, Rohini,
Delhi-110085, India

Phone: 011 27940129, 01147005954
Email: info@cyberpandit.org



Building A Digitally Secure Future

Cyber Research and Innovation Society

(www.cyberpandit.org)

- | | | |
|--|--|--|
| | | <ul style="list-style-type: none">• Chat• Encryption security |
|--|--|--|

Note: CICS Webex meeting is most suitable video conferencing software with economical price and all security and advance features.

All required information related to virtual court hearing mechanism have been summarized above.

Yours Sincerely

Neeraj Aarora, Adv.

- . Advocate on Record, Supreme Court of India
- . National/ International Arbitrator
- . Cyber Law Consultant
- . Computer Forensic Expert
- . Faculty on Cyber Law, Cyber Crime, Cyber Forensics With Indian Law Institute, National Law University, National Police Academy, Judicial Academy, CBI Academy, ED, and various other prominent institutes.

President

Cyber Research and Innovation Society (CRIS)

www.cyberpandit.org

Regd. Office: D-10/4, Ground Floor,
Opposite Balaji Plaza, Sector-8, Rohini,
Delhi-110085, India

Phone: 011 27940129, 01147005954

Email: info@cyberpandit.org