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मध्य प्रदेश राज्य अधिवक्ता परिषद्
STATE BAR COUNCIL OF MADHYA PRADESH
(Statutory Body Constituted under the Advocates Act, 1961)
High Court Premises, Jabalpur - 482007 (m.p.)

Ref. No.: SBC/MP/Supdt./ 1039/2021

Date: 31 .03.2021

To:

Hon'ble Shri Justice Mohammad Rafiq,
Chief Justice,
High Court of Madhya Pradesh,
Jabalpur, Madhya Pradesh – 482001.

Subject: Strengthening and Promoting Virtual System of Hearing along with Physical Hearing
in the Madhya Pradesh High Court.

Respected Sir,

Covid-19 has been one of the most devastating challenges our country might have faced in the last one year. However it also gave a compelling reason to the High Courts to shift its interface to virtual platforms and e-filings. Virtual hearings and e-filings have become the norm in both the Hon'ble Supreme Court as well as all the High Courts of the country. After facing hurdles in the initial months, slowly and gradually virtual hearings had been adopted as an intrinsic habit by the legal fraternity and we were able to witness how merit and competency enabled lawyers stationed at one place appearing and arguing in multiple Forums/Courts of the country simultaneously. Renowned Jurist and Senior Advocate Mr. Harish Salve in an interview to one of the leading magazines narrated that from London he discovered himself appearing in almost five different Courts on the same day arguing on five different matters. He felt that virtual Court system has made Justice accessible, and easily available at much reduced costs to a common man.

The whole country, especially the states of Madhya Pradesh, Maharashtra, Chhattisgarh have in the last fortnight witnessed a vertical upsurge in cases of Covid-19 and it appears that the subsiding pandemic has returned back to haunt each one of us as it was staring the whole society last year at the same point of time. In such circumstances, therefore, to ensure that Justice remains easily accessible and available to the common litigant; and the lawyer's community also does not face any economic crisis as it had to face when the pandemic had set in last year, **the State Bar Council would like to request your urgent indulgence on the following broad points:**



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- A.** Requesting all your esteemed Hon'ble Brother and Sister Judges in three Benches of the Madhya Pradesh High Court to promote virtual hearings and encourage lawyers to convene as much hearings as possible through virtual mode in the hybrid mode of hearing. In the recent past, lawyers have been actively discouraged in convening hearings through virtual platforms and were insisted by the Courts to appear physically despite hybrid system being in place. Though such suggestions are always welcome as physical hearings are more effective in ensuring Justice dispensation. However in view of the developments in the last fortnight of revival of Covid-19, all the Courts in three Benches of the Madhya Pradesh High Court must be requested to promote virtual hearings by the counsels and dissuade physical hearings/appearances of lawyers, till the pandemic subsides back to negligible proportions. This is because in every family of a lawyer, invariably there are senior citizens of more than 65-70 years of age and if any member of the family is moving out, participating in crowded spaces and assemblies, then he is acting as a carrier of potential life threatening risks for all senior citizens in the family, especially the old parents back at home. Therefore insistence and preference should be given to virtual hearings at least the next three months by all the Courts in three Benches of the Madhya Pradesh High Court.
- B.** The virtual hearing platform of the High Court must be immediately shifted to some efficient, user friendly and convenient platform like Webex Cisco, Zoom, etc. (Professional Versions), with a waiting facility/waiting room for the participating counsels. Example in this respect can be quoted of the Delhi High Court, which has been working extremely successfully for the last almost 10 months and has been quoted as an example even by the Hon'ble Supreme Court on multiple occasions on the professional platform of Webex Cisco. Similarly Gujarat High Court, Karnataka High Court and Patna High Courts are also operating successfully on platforms like Zoom, MS Teams, etc. It has enhanced features of providing a waiting room to around next 12-15 cases, wherein the counsels can watch the proceedings of other cases as also known beforehand when their case would be taken up.

As opposed to above, Jitsi app faces host of technical problems as has been observed widely by large number of members of the Bar in the conduct



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of virtual Court proceedings. The primary concern is its disability to handle a situation where more than 4-5 counsels are there on the screen and there starts a serious voice echo & humming problem, which disables the free communication and conveying of the submissions made to the Bench by the counsels or vice versa. There are serious technical glitches being faced in many cases like hanging of the app in between the arguments and sudden automatic disruptions due to load at times. Therefore, Jitsi app cannot be ranked as a convenient and comfortable platform for the lawyers to address the virtual Courts. It should be substituted with a much better equipped platform like Cisco Webex or Zoom Meetings.

- C. Mentioning of matters through Virtual hearing System/e-Court Slip or physical mode** for listing and consideration of urgent cases, including pending matters be introduced & actively promoted as all the Bar Associations in all the 3 Benches are facing problems in listing of pending matters where urgent hearing may be warranted for some reason or the other.
- D. E-filing platforms** must be made efficient and advocate friendly and responsive. Processing of files through the electronic platform must be swift, convenient and faster than that being done through physical platform. Defaults being marked in the file and their listing being delayed must be trimmed down to the minimum, bare essential and Registry should be instructed not to place trivial, avoidable and purely technical defaults. In this respect, a steering team must be constituted comprising of representatives of the State Bar Council, members of the High Court Bar Association, young knowledgeable meritorious members of the Bar headed by some of the Hon'ble Judges, which can prepare a list of suggestions to ensure that the e-filing interface of the High Court becomes more efficient, effective, expeditious and convenient for the filing counsels. Resources must be utilised for training the staff dealing with e-filing system and for ensuring that lawyers do not face hurdles or delays in getting their cases filed, processed and listed through e-filing. This will enable and reduce physical filings and manual work in the said process, which will decongest and decrowd the filing counters of the High Court and thus reduce the risks being faced of spread of contamination of Covid-19 disease in the upsurge of the pandemic.



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Respected Sir, the aforesaid steps must be undertaken urgently, so that the worst impact of the pandemic is not felt over any person or individual connected with the respectable institution of our High Court. Loss of any person is a loss of the whole family and fraternity connected with the High Court and therefore the aforesaid steps must be taken in no time by giving all the aforesaid issues the utmost priority, which they deserve.

Thanking You.

Yours Sincerely,

Dr. Vijay Chaudhary, Advocate
Chairman
(State Bar Council of Madhya Pradesh)