



**HON'BLE SUPREME COURT
MONITORED TRAINING ON
USE OF VIDEO
CONFERENCING FACILITIES
IN COURTS**

YASHPAL SINGH



OBJECTIVE

**AT THE END THIS SESSION
PARTICIPANTS WILL BE ABLE TO
USE VIDEO CONFERENCING
FACILITIES IN THEIR COURT**



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INTRODUCTION

WHY this workshop ?

- Best Practices
- Optimizing ICT
- Scientific Advancement
- Capacity Building
- Delhi High Court Guidelines
- E-Committee of Hon'ble SC took task to train all Trial Court Judges in India
- MP High Court Guidelines

INTRODUCTION

WHY me ?

- Master Trainer
- Certified Digital Forensic Expert
- 5 others in MP

What Do You Know ?



INTRODUCTION

CONTENTS of Workshop

- What is VC
- Why VC
- Legal Recognition
- Guidelines for conducting VC in Courts
- Path travelled and roads ahead
- Vidyodesktop
- Hands on

Understanding Video Conferencing

Video conferencing is an advancement of science and technology which permits one to **see, hear and talk** with someone **far away** with the same facility as if he is present before in his presence.

In its basic form is the transmission of image (video) & speech (audio) to and forth between two or more physically separate locations.

Video calling now a days.

Understanding Video Conferencing



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Understanding Video Conferencing



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Understanding Video Conferencing

Types of Video Conferencing

- Point to point.
- Multi points.
- Room Codec.
- Telecast.

WHY Video Conferencing in Courts

- Cost effective
 - reduces travel cost
 - No infrastructure required
- Saves time – reduces travel
- Improves work-life balance
- Speeds up processes
 - Attendance of witness and accused
- Improves Safety and Security
- Improves accessibility

Legal Recognition of VC in Courts

- Section 161, 164, 167, 275 CrPC (Provisions added in 2009)

Sec. 167 (2) (b) No Magistrate shall authorise detention of the accused in custody of the police under this section unless the accused is produced before him in person for the first time and subsequently every time till the accused remains in the custody of the police, **but the Magistrate may extend further detention in judicial custody on production of the accused either in person or through the medium of electronic video linkage;**

Sec. 275 Provided that evidence of a witness under this sub-section may also be recorded by audio-video electronic means in the presence of the advocate of the person accused of the offence.

- No provision in CPC

Legal Recognition of VC in Courts

State of Maharashtra VS Dr. Prafulla B Desai

(2003) 4 SCC 601

- In cases where the attendance of a witness cannot be procured without an amount of delay, expense or inconvenience, **the court could consider issuing a commission** to record evidence by way of video conferencing.
- Normally a commission would involve recording of evidence at the place where the witness is. However advancement in science and technology has now made it possible to record such evidence by way of video conferencing in the town/city where the Court is. Thus in cases where the attendance of a witness cannot be procured without an amount of delay, expense or inconvenience the Court could consider issuing a commission to record the evidence by way of video conferencing.

Legal Recognition of VC in Courts

- **Twentieth Century Fox Film v. NRI Film Production, AIR 2003 Kar 148**
 - Technological development is taking place all over the Globe and Courts cannot lag behind in this regard. If law Courts do not permit technological development in Court proceedings, it would be lagging behind compared to other sectors. Law has to develop and if law is to develop, technology has to be made as a tool.

Legal Recognition of VC in Courts

- **Amitabh Bagchi v. Ena Bagchi, AIR 2005 Cal 11**
 - Therefore, the interpretation of the Supreme Court on that score is that in the Court physical presence of a person may not be required for the purpose of adducing evidence. Evidence includes video conferencing.
 - Video conferencing is an advancement of science and technology which permits one to see, hear and talk with someone far away with the same facility and ease as if he is present herein.

Legal Recognition of VC in Courts

**Milano Impex P Ltd VS Egle Footware P Ltd
& Ors,**

2011 LawSuit(Del) 4175

- After all law only requires the presence of the witness and it does not matter as to how he is present.

Legal Recognition of VC in Courts

Zaishu Xie & Anr VS Oriental Insurance Co. Ltd., 2013 LawSuit(Del) 4293

- Evidence directed to be taken through VC in MACT case.

Legal Recognition of VC in Courts

- **IPPF vs Madhu Bala Nath, AIR 2016 Del 71**
 - Paved way for issuing guidelines.
- **Krishna Veni Nagam Vs harish Nagam, (2017) 4 SCC 150**
 - VC in matrimonial disputes
 - No transfer under Sec. 24 CPC only on the ground of distant residence.

Path Travelled and Roads Ahead

2006 - District Court and Central Jail Bhopal

2009 - Almost all District Courts have VC facilities and remand proceedings are completed through VC

- 31-12-2009 - Sec 275 amended in CrPC and paved way for recording of evidence.
- 8 years – no concrete steps taken for implementation
- Success depends upon the presiding officers



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