

**SPEECH OF HON'BLE MINISTER OF LAW AND JUSTICE
AT THE VALEDICTORY SESSION OF
NATIONAL LAW CONFERENCE ON
DISPENSATION OF JUSTICE – CHALLENGES
POSED BY NEW AND EMERGING TRENDS IN LAW
ORGANISED BY THE BAR COUNCIL OF INDIA
AND BAR COUNCIL OF RAJASTHAN
ON 19TH APRIL, 2015 AT JAIPUR**

It is a matter of great pleasure that Bar Council of India and the Bar Council of Rajasthan have organized a Conference on a very important and vital subject like “Dispensation of Justice - Challenges posed by New & emerging Trends in Law”.

The scope of legal services and profession in the context of free trade and liberalized economy is important. In the past decades, international trade in legal services has grown as a result of the internationalization of the economy. Increasingly, lawyers are faced with transactions involving multiple jurisdictions and are required to provide services and advice in more than one jurisdiction. The demand for lawyers to be involved in foreign jurisdictions often comes from the corporates, who do business across the borders and choose to rely on the services of professionals who are already familiar with the business and can guarantee high quality services. Some countries also favour international trade in legal services, as the establishment of foreign lawyers is seen as a catalyst for foreign investment.

Vast changes are taking place in the field of science and technology. With the advancement of technology, role of paper-based documents is slowly decreasing and instead documents in the electronic forms are more and more in use. In view of the enactment

of Information Technology Act and consequential changes made in the Evidence Act, these documents in the electronic forms are no doubt admissible in the court, however, the genuineness and correctness of these electronic documents requires different kind of examination.

With the advancement of technology, form of money transactions, whether in the daily household activities or in business, is also changing. Payment through plastic money is now more popular instead of cash. Online transactions are becoming popular. However, at the same time, cases of frauds and cheating in these transactions are also coming into light. Handling of these kinds of cases requires understanding, knowledge and experience of the technology involved in such transactions. Therefore, our lawyers need to be better equipped with such knowledge.

Further, recently some other new kinds of cases are reaching in courts for adjudication. The concept of surrogate motherhood and internet related issues are also coming in light. The rights and obligations of biological parents vis-a-vis surrogate mother and the custody of child in such cases are the issues emerging in the present time.

Due to the globalization, the world is becoming small. People are residing in different parts of the world at different point of time. Commercial and other activities between the citizens of two or more countries are on the rise. It leads to a situation in which we find that some or the other parties of a court case across the world are residing out of the country where the case is instituted. Service of summons or other judicial process over such person had been a

matter of concern. Same is the case where one or the other witness is residing or available out of the country where the case is pending. It is common knowledge that globalization is transforming virtually every sector of world's economy and India is no exception. As globalization increases the flow of people and information across borders, it inevitably leads to interchange of knowledge traditions. This process has important implications for law and its affiliated institutions and practitioners. Indian lawyers must keep pace with emerging trends of globalization and require innovate programmes of inter-disciplinary legal learning, as well as expertise in areas such as comparative law, intellectual property, corporate governance, human rights, international trade and investment and alternative dispute resolution.

Due to immense increase in the use of Internet and dependency of individuals in every field on it, a number of new crimes related to computer and other gadgets based on internet have evolved in the society. Computer crime, cyber crime, e-crime, hi-tech crime or electronic crime generally refers to criminal activity where a computer or like source is used for committing a crime as well as traditional crime through the use of computer. Such crimes where use of computers coupled with the use of Internet is involved are broadly termed as Cyber Crimes. It involves criminal activities that are traditional in nature, such as theft, fraud, forgery, defamation and mischief, all of which are subject to the Indian Penal Code. Though Information Technology Act, 2000 is a landmark first step and became a mile-stone in the technological growth of the nation, existing law is not sufficient to meet the challenges of technological growth. Many issues in cyber crimes are still left uncovered. Now the issue of Net Neutrality has also emerged.

These are some of the new emerging trends which require deeper study by the legal professions including the Bar Councils. I hope the deliberations in the conference would help in meeting the challenges posed by the new and emerging trends in law.


