



Innovative use of available technology to contribute in judicial process as witnesses: A boon for healthcare professionals

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Sir,
Innovative use of existing technology can impact delivery of healthcare as well as its outcomes and help in better utilization of time of healthcare providers which can be more gainfully employed. Amongst jobs other than direct patient care, physicians have to spend a good amount of their time in providing assistance in court proceedings. By virtue of the amendment in the Evidence Act and insertion of subsection 65A and 65B, a special provision as to evidence relating to electronic record and admissibility of electronic records had been introduced.[1] Courts have interpreted this provision to include video conferencing as modality of evidences.[2] In a recent case, a London court has sentenced four convicts who attacked an Indian citizen with the victim appearing before the court through video conferencing.

The instant case discusses the integration and use of information technology (videoconferencing) in dispensing evidence by doctors as expert witnesses in the court of law.

As per the directives of the Hon'ble High Court, a medical board was constituted to examine and opine with regard to the

injuries received by the petitioner 'X' in a criminal case and to submit its report to the enquiry officer; an additional sessions Judge. The medical board comprised of consultant each from the disciplines of surgery, orthopaedics, neurosurgery, radio diagnosis and a Senior Resident from Department of Hospital Administration as convener. While the board was in process of submitting its report to Hon'ble High Court as mandated, summons were issued by the said enquiry officer for the board members to appear before him. The time gap between receipt of summons by the members and the date of hearing was 2 days.

Given, the time constraint and prior commitments of members towards their patient care activities, enquiry officer was requested for a different date. In the interim, a written request was made to the Registrar General of Hon'ble High Court to accord permission for the appearance of the medical board members through video conferencing.

Since videoconferencing facility was being used for the first time in the institute to contribute towards judicial process, it required synchronization of video conferencing systems of the Hon'ble Court

and the institute on the day of hearing. The real challenge was to establish a link between the institute's real internet protocol address and State Wide Area Network which posed the problem of routing. This was overcome by involving the National Informatics Centre at the national capital which established the link between the two. The video conferencing enabled members of the board to reply to the queries of Hon'ble Additional Session Judge. Conceivably, effective use of available technology of such kind, while performing the duties in accordance with law could lead to substantial cost savings; 02 man days of each senior consultant and costs of travelling approximately 795 km and most importantly in allaying the sufferings of needy patients since the members of the board could attend to their work in the hospital.

Given its viability and the favorable response in the legal fraternity, the use of video conferencing in court proceedings is expected to escalate tremendously in times to come which are another step towards the goal of modern, effective judicial proceedings in healthcare sector.

References

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