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LexTalk World Talk Show
with
Sushila Ram Varma
Founder and Chief legal
Consultant,
The Indian Lawyer

Mrs. Sushila Ram Varma is an eminent legal professional with 25+ years of experience and expertise in various laws.

She always believed as a young girl that Law and Medicine were noble Professions and believed that people in these Professions were regarded very highly. However, when she did her Law, she realized that these Professions were now deemed to be commercial rather than noble. Keeping this in mind, she took up the challenge that as a Professional she would change the mindset of people towards Lawyers and therefore made every effort to always be transparent and give Clients the correct and best advice.

With this in mind she started the Firm, The Indian Lawyer & Allied Services which is a multi-city, Business and Commercial, Boutique Law Firm, having Offices in New Delhi-Mumbai-Hyderabad-Chennai-Darjeeling. She is the Co-Founder and Lead Consultant of this Firm.

She has inculcated certain values in her Team to believe that they should always act in the best interest of the Client and she works towards it. Mrs. Sushila Ram Varma believes that a lawyer must always be "Reliable, Responsible, Resourceful", which is the Firm's motto.

She specializes in Business, Corporate and Commercial Laws and renders legal advice to several Corporate Clients ranging from Start-ups, Business Houses, High Net Worth Individuals and multi-billion-dollar Companies both Indian and foreign.

Host: Tell us about a complex legal issue you worked on. Describe the complexity and tell us how you approached it?

Sushila: During my career, I have handled several complex legal issues in the last so many years. I believe all cases have their own complexities and it is for the lawyer to decide how to smoothen such complexities or take advantage of the same. Pin pointing a single case by way of example would be unfair to other Clients. However, there is no doubt that complexities are much more in cases that deal with individuals as compared to corporate entities. I feel that in individual cases, Clients have a tendency to pass on their frustration and fears to the Lawyer. They often look at the Lawyer as a messiah.

Though I have experience in both individual and corporate Clients, I prefer to handle commercial issues pertaining to corporate Clients. I have handled several diverse and demanding cases successfully ranging from breach of international commercial contracts, international arbitrations, commercial litigations, medical negligence cases, cryptocurrency frauds, compensation for the death of expat employees in India, removal of human organs, etc.

It is possibly because of this success that the Firm has been recently conferred the “Asia-Pacific APAC Business Law Legal Award 2021”, for the “Best Boutique Business Law Firm- India 2021” for the Asia-Pacific Region by APAC Insider, the World’s biggest Online Magazine published by Al Global Media Limited.

Host: How do you feel the Pandemic has affected the dispensation of justice in 2020-2021?

Sushila: The Pandemic brought the Commercial and Business world to a grinding halt which obviously also affected the legal sector. To begin with the Indian Judicial System is grossly overburdened due to backlog in cases, filing of frivolous cases, slow and archaic system of dispensation and sheer magnitude of numbers. Even before the Pandemic, the speed of dispensation of justice was slow and it generally took 25 to 30 years for a matter to be finally disposed of at the Supreme Court level. The Pandemic only worsened the situation and matters multiplied in numbers as fresh cases were filed due to breach of commercial contracts or loss of jobs. This is probably a world-wide situation but India has its own problems due to the population.

However, I believe that the Pandemic has a plus side as it has made all of us realize the value of family, family time and safety of people working for us. It has also made all of us reconsider what is really important in life. The Pandemic may have destroyed the peace of mind for mankind but it has taught us how to value and respect nature which hitherto we took for granted.

Host: The Pandemic saw courts take the digital route. Is this sustainable, and a possible way to increase access to justice in your opinion?

Sushila: There is no doubt that the paradigm of the economy and business has shifted from the physical world to the digital world. Why should the Judicial System lag behind? For this, one can salute the Supreme Court of India for having taken quick initiative and starting the system of “Virtual Hearings”. There is no doubt that virtual hearings helped several Courts to continue with the dispensation of justice despite the Pandemic. However, as is always the case, new beginnings always mean new challenges and teething problems.

Since June, 2020 with the onset of the COVID-19 Pandemic virtual hearings became a reality and all urgent cases were taken up from the Supreme Court, to different High Courts, Tribunals, District Courts etc. The glitch was that we were not prepared for such a major switch from the real world to the digital world.

While some Courts managed on programmes like Webex, there were others who were lost. However, the silver lining to the Covid crisis is that the legal fraternity learnt to adapt from physical to virtual. The plus points of this switch are definitely there. However, the Country has to still go miles before the legal system can be digitalized satisfactorily. The digital switch cannot work very efficiently in courts when the case is very complex and requires reference to volumes of documents. Once the digital platforms are truly enabled, this virtual legal world can certainly ensure speedy and effective justice delivery.

The current practice across India is that the Pandemic has enabled e-filing of cases, virtual appearances and hearings, etc.

Virtual recording of testimony of witnesses who are unable to physically appear at the trial for multifarious reasons was already acceptable to several courts. Now the Pandemic has made this form of recording evidence, a reality.

The availability of internet, technology, equipment and the correct digital infrastructure will probably lead to a new judicial system and thereby ensure speedy and effective justice delivery.

Luckily, Team, The Indian Lawyer & Allied Services was already using the digital interface and as such we did not have difficulty in adapting to this novel system of e-filing and virtual hearings to serve our client's interests. In fact we welcomed it as it saved time and kept everyone safe.

Host: How would you rate the current legal system drive towards encouraging access to justice? Will it help in closing the justice gap?

Sushila: The access to justice in a Country with 1.3 Billion population will always have challenges due to the sheer number of the population. Though the current Judicial System spans the entire Country, it is still inaccessible to some due to ignorance and lack of funds. The task of bridging the gap between the prospective litigant and the legal system is so huge that it requires tremendous effort on the part of the Government. However, the initiative should not rest only with the Government and even members of the legal fraternity have to make their contributions to bridge the gap.

Some of the steps taken are as follows:

i) The Government has set up Courts at the grass root level in every district within the Country. Currently there are 698 number of Courts as per information available on LegoDesk.

Additional benches of High Courts, Tribunals, etc have been set up to enable people to access these Courts within the proximity of their hometowns. For instance, the Bombay High Court has multiple benches- Bombay, Goa, Nagpur, Aurangabad. The National Company Law Appellate Tribunal (NCLAT) has its Principal Bench in New Delhi and Circuit Bench at Chennai.

ii) The Supreme Court had launched the 'SUPREME COURT MIDDLE INCOME GROUP LEGAL AID SCHEME' to provide legal services to the middle-income group citizens i.e. citizens whose gross income is not exceeding Rs.60,000/- p.m. or Rs. 7,50,000/- p.a. The interested person has to submit relevant documents with the Secretary of the Scheme and upon approval by the concerned Authority, an Advocate-on-Record of the choice of the applicant would be appointed.

iii) Since the onset of the Pandemic, virtual court hearings have broken the geographical barriers and facilitated out station-advocates and parties to make appearances before the Court. This has saved time and money in travelling to other states where the Courts are located.

iv) Very often lawyers take up pro-bono cases for indigent people.

Hence, these collective efforts of the Legal and Judicial System along with private citizens may drive towards filling up the justice gap.

Host: In the era of legal technology, what are the most commonly used tools for you?

Sushila: The digital era has certainly made lives easier in terms of legal research, examination of legal provisions, virtual submissions, legal writing, publication of legal research, digital court hearings, and so on.

However, the primary sources or tools of all such legal research and analysis continues to be books and statutes and reports that publish judicial pronouncements of different courts. All these sources are indeed indispensable for any legal researcher and lawyer. Lawyers mostly rely on the primary offline tools for making their submissions and arguments before the Court of law.

Various other online tools are also used for networking with lawyers across the world, connecting with Clients, creating legal awareness amongst the public, students, etc.

Though the COVID-19 Pandemic has changed the real world into the digital world, the Team of The Indian Lawyer & Allied Services, have quickly and efficiently adapted to this change.

Host: Time is money in any profession and in legal it's most of all. How do you ensure to make the best of your time as a lawyer?

Sushila: Working out of multi-cities has taught me the importance of multi-tasking and delegation to ensure quality work. Time is precious and valuable for any professional and more so, for a legal professional where there are long working hours.

However, the legal system in India, especially, litigation is slow and takes its toll on people, both in terms of time and money, when compared with developed countries. I feel that the Indian Legal System ought to be more efficient and direct. For the same, I have raised my voice at the Prime Minister Office level for overhauling the archaic system and laws to make the Indian laws progressive, dynamic, and in keeping with advanced global countries.

Now, answering your Query on how to ensure best time management by a lawyer, we follow a system that has worked for us. Our approach in every case starts with thorough examination of documents and facts, identifying legal issue and intricacies of the subject-matter, analysis of the law on the legal issue and detailed research. We generally believe in advising the Client about shortest remedies available and potential future course(s) of action.

Moreover, I regularly talk at workshops and webinars to explain my views on different aspects of Law. Additionally, we also use the digital platform for interacting with prospective Clients. This has greatly helped in shrinking the distances of the physical world and it now seems that there are no boundaries between the Countries.

