

ITEM NO.33

COURT NO.1

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Criminal) No(s).351/2023

SARVESH MATHUR

Petitioner(s)

VERSUS

THE REGISTRAR GENERAL
HIGH COURT OF PUNJAB AND HARYANA

Respondent(s)

(FOR ADMISSION and IA No.156368/2023-PERMISSION TO APPEAR AND ARGUE
IN PERSON)

Date : 06-10-2023 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) Petitioner-in-person

For Respondent(s) Mr. K M Nataraj, A.S.G.
 Mr. Arvind Kumar Sharma, AOR

Mr. K.M Nataraj, A.S.G.
Mr. Sharath Nambiar, Adv.
Mr. Chitransh Sharma, Adv.
Mr. Shashwat Anand, Adv.
Mr. Amrish Kumar, AOR

Mr. Nidhesh Gupta, Sr. Adv.
Mr. Abhimanyu Tewari, AOR
Ms. Eliza Bar, Adv.
Mr. Tushar Bathija, Adv.
Mr. Siddhant Saroha, Adv.
Mr. Sidhant Awasthy, Adv.
Mr. Praveer Singh, Adv.
Mr. Parth Jain, Adv.

Mr. Kunal Chatterji, AOR
Ms. Maitrayee Banerjee, Adv.
Mr. Rohit Bansal, Adv.
Ms. Kshitij Singh, Adv.

Mr. Varinder Kumar Sharma, AOR

Mr. Nikhil Goel, AOR

Mr. P. I. Jose, AOR
Mr. James P. Thomas, Adv.
Mr. Ravi Sagar, Adv.

Mr. Gaurav Agrawal, AOR

Mr. Gautam Narayan, AOR
Ms. Asmita Singh, Adv.
Mr. Harshit Goel, Adv.
Mr. Siddhant Singh, Adv.

Mr. Sahil Tagotra, AOR

Mr. Shibashish Misra, AOR

Mr. Tapesk Kumar Singh, AOR
Mr. Aditya Pratap Singh, Adv.

Mr. Guru Krishna Kumar, Sr. Adv.
Mr. Deepayan Mandal, AOR
Mr. Naman Varma, Adv.
Mr. Mridul Bansal, Adv.

Mr. K. Parameshwar, AOR
Ms. Arti Gupta, Adv.
Ms. Kanti, Adv.
Mr. Chinmay Kalgaonkar, Adv.

Mr. T. G. Narayanan Nair, AOR
Ms. Swathi H.prasad, Adv.

Mr. Rituraj Biswas, AOR
Mr. P.D. Gupta, Adv.
Ms. Sujaya Bardhan, Adv.

Mr. Mukul Kumar, AOR

Mr. Sandeep Sudhakar Deshmukh, AOR
Mr. Nishant Sharma, Adv.
Mr. Tushar D. Bhelkar, Adv.
Mr. Akshay Subhash Jagtap, Adv.
Mr. Swapnil Anil Walde, Adv.

Mr. Sanjai Kumar Pathak, AOR
Mr. Arvind Kumar Tripathi, Adv.
Mrs. Shashi Pathak, Adv.

Mr. Apoorv Kurup, AOR
Mr. Shivansh Dwivedi, Adv.
Ms. Kirti Dadheech, Adv.
Ms. Aparna Arun, Adv.

Ms. Gauri Goburdhun, Adv.
Mr. Akhil Hasija, Adv.

Mr. Himanshu Shekhar, AOR
Mr. Parth Shekhar, Adv.
Ms. Ambali Vedasen, Adv.
Mr. Shubham Singh, Adv.

Ms. Enakshi Mukhopadhyay Siddhanta, AOR
Mr. Sovon Siddhanta, Adv.
Mr. S. Silambarasan, Adv.

Ms. Uttara Babbar, AOR

Mr. Raghavendra S. Srivatsa, AOR
Mr. Venkita Subramoniam T.r, Adv.
Mr. Likhi Chand Bonsle, Adv.
Ms. Komal Mundhra, Adv.
Ms. Anagha N. Sharma, Adv.
Mr. Hari Vishnu Tiwari, Adv.

Mr. Arjun Garg, AOR
Mr. Aakash Nandolia, Adv.
Ms. Sagun Srivastava, Adv.
Ms. Shreya Bansal, Adv.
Mr. Aniket Singh, Adv.

Mr. Virender Ganda, Sr. Adv.
Mr. Vipul Ganda, Adv.
Mr. Vishal Ganda, Adv.
Mr. S.K. Giri, Adv.
Mr. Satyajit A. Desai, Adv.
Mr. Siddharth Gautam, Adv.
Ms. Akanksha Mathur, Adv.
Ms. Nirti Dua, Adv.
Mr. Anandeb Mitra, Adv.
Ms. Anagha S. Desai, AOR

**UPON hearing the counsel the Court made the following
O R D E R**

- 1 The operative portion of the reportable order is as under:

“13 Bearing in mind the above situation as it has emerged across the country in the High Courts, we nominate Mr Gaurav Agrawal and Mr K Parameshwar, counsel, as *amici curiae*. The *amici curiae* are requested to collate all the information which has been provided in the affidavits which have been filed before this Court in a tabulated chart so that further effective orders can be passed by this Court. The

amici curiae may also distribute the work in connection with the High Courts between them and individually contact the Registrars General/Registrars (IT) of the High Courts so that necessary information can be placed before this Court in that regard. The *amici curiae* shall also place before this Court the steps which have been taken by all the High Courts to facilitate e-filing.

14 In this backdrop, we issue the following directions:

(i) After a lapse of two weeks from the date of this order, no High Court shall deny access to video conferencing facilities or hearing through the hybrid mode to any member of the Bar or litigant desirous of availing of such a facility;

(ii) All State Governments shall provide necessary funds to the High Courts to put into place the facilities requisite for that purpose within the time frame indicated above;

(iii) The High Courts shall ensure that adequate internet facilities, including Wi-Fi facilities, with sufficient bandwidth are made available free of charge to all advocates and litigants appearing before the High Courts within the precincts of the High Court complex;

(iv) The links available for accessing video conferencing/hybrid hearings shall be made available in the daily cause-list of each court and there shall be no requirement of making prior applications. No High Court shall impose an age requirement or any other arbitrary criteria for availing of virtual/hybrid hearings;

(v) All the High Courts shall put into place an SOP within a period of four weeks for availing of access to hybrid/video conference hearings. In order to effectuate this, Justice Rajiv Shakdher, Hon'ble Judge of the High Court of Delhi is requested to prepare a model SOP, in conjunction with Mr Gaurav Agrawal and Mr K Parameshwar, based on the SOP which has been prepared by the e-Committee. Once the SOP is prepared, it shall be placed on the record of these proceedings and be circulated in advance to all the High Courts so that a uniform SOP is adopted across all the High Courts for facilitating video conference/hybrid hearings;

(vi) All the High Courts shall, on or before the next date of listing, place on the record the following details:

(a) The number of video conferencing licences which have been obtained by the High Court and the nature of the hybrid infrastructure;

(b) A court-wise tabulation of the number of video conference/hybrid hearings which have taken place since 1 April 2023; and

(c) The steps which have been taken to ensure that Wi-Fi/internet facilities are made available within every High Court to members of the Bar and litigants appearing in person in compliance with the above directions.

(vii) The Union Ministry of Electronics & Information Technology is directed to coordinate with the Department of Justice to ensure that adequate bandwidth and internet connectivity is provided to all the courts in the North-East and in Uttarakhand, Himachal Pradesh and Jammu and Kashmir so as to facilitate access to online hearings;

(viii) All High Courts shall ensure that adequate training facilities are made available to the members of the Bar and Bench so as to enable all practising advocates and Judges of each High Court to be conversant with the use of technology. Such training facilities shall be set up by all the High Courts under intimation to this Court within a period of two weeks from the date of this order; and

(ix) The Union of India shall ensure that on or before 15 November 2023, all tribunals are provided with requisite infrastructure for hybrid hearings. All Tribunals shall ensure the commencement of hybrid hearings no later than 15 November 2023. The directions governing the High Courts shall also apply to the Tribunals functioning under all the Ministries of the Union Government including CESTAT, ITAT, NCLAT, NCLT, AFT, NCDRC, NGT, SAT, CAT, DRATs and DRTs.

15 Notice shall also be issued to the Registrar In-charge of the Appellate Tribunal for Electricity¹. Mr K M Nataraj, Additional Solicitor General shall immediately contact the Chairperson of the APTEL and take necessary steps on behalf of the Union of India to ensure that video conferencing/hybrid facilities are made available at APTEL within a period of one month from the date of this order.

16 Above all, it must be noted that technology plays an essential role in securing access to courtrooms and as a result, access to justice for citizens across the country. Lawyers and litigants using electronic gadgets to access files and legal materials cannot be asked to turn the clock back and only refer to paper books. In the march of technology, the Courts cannot remain tech averse. Placing fetters on hybrid hearings, like mandating an age criteria, requiring prior application, and frequent denial of access to virtual

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"APTEL"

participants has the direct effect of discouraging lawyers and litigants to use technology. Not only does this affect the efficiency and access to courts, but it also sends out the misguided message that access to courts can be restricted at whim to those who seek justice.

17 The use of technology by the Bar and the Bench is no longer an option but a necessity. Members of the Bench, the Bar and the litigants must aid each other to create a technologically adept and friendly environment. The above directions must be implemented by all concerned stakeholders in letter and in spirit.”

2 List the proceedings on 6 November 2023.

(SANJAY KUMAR-I)
DEPUTY REGISTRAR

(Reportable order is placed on the file)

(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR