

ITEM NO.31

COURT NO.4

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)

IA No. 238780/2024 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 135228/2024 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 224380/2023 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 221137/2023 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 233258/2024 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 202474/2024 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 204758/2023 - EXEMPTION FROM FILING O.T.
 IA No. 229594/2023 - INTERVENTION APPLICATION
 IA No. 238773/2024 - INTERVENTION APPLICATION
 IA No. 228354/2023 - INTERVENTION APPLICATION
 IA No. 204862/2023 - INTERVENTION APPLICATION
 IA No. 20673/2024 - INTERVENTION APPLICATION
 IA No. 221136/2023 - INTERVENTION APPLICATION
 IA No. 20667/2024 - INTERVENTION APPLICATION
 IA No. 204756/2023 - INTERVENTION APPLICATION
 IA No. 203939/2023 - INTERVENTION APPLICATION
 IA No. 179872/2024 - INTERVENTION APPLICATION
 IA No. 201867/2023 - INTERVENTION/IMPLEADMENT
 IA No. 205176/2023 - INTERVENTION/IMPLEADMENT
 IA No. 36265/2024 - INTERVENTION/IMPLEADMENT
 IA No. 211112/2023 - INTERVENTION/IMPLEADMENT
 IA No. 246859/2023 - INTERVENTION/IMPLEADMENT
 IA No. 205185/2023 - PERMISSION TO APPEAR AND ARGUE IN PERSON
 IA No. 156368/2023 - PERMISSION TO APPEAR AND ARGUE IN PERSON
 IA No. 204865/2023 - PERMISSION TO APPEAR AND ARGUE IN PERSON
 IA No. 204757/2023 - PERMISSION TO APPEAR AND ARGUE IN PERSON
 IA No. 238831/2024 - PERMISSION TO APPEAR AND ARGUE IN PERSON
 IA No. 157402/2024 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES
 IA No. 233256/2024 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES
 IA No. 202472/2024 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES
 IA No. 2221/2024 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES
 IA No. 185235/2024 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES
 IA No. 205356/2023 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES
 IA No. 231013/2023 - PERMISSION TO FILE APPLICATION FOR DIRECTION
 IA No. 36266/2024 - PERMISSION TO FILE APPLICATION FOR DIRECTION)

WITH

W.P.(C) No. 941/2021 (X)

(FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 105704/2021

FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 110432/2021

FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 130324/2021

FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 138139/2021

FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 138140/2021

FOR INTERVENTION APPLICATION ON IA 152407/2021

FOR CLARIFICATION/DIRECTION ON IA 152409/2021

FOR impleading party ON IA 153948/2021

FOR INTERVENTION/IMPLEADMENT ON IA 153948/2021

FOR impleading party ON IA 163456/2021

FOR INTERVENTION/IMPLEADMENT ON IA 163456/2021

FOR INTERVENTION APPLICATION ON IA 166549/2021

FOR impleading party ON IA 90561/2022

FOR INTERVENTION/IMPLEADMENT ON IA 90561/2022

FOR INTERVENTION APPLICATION ON IA 127032/2022

FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 127059/2022

FOR INTERVENTION APPLICATION ON IA 42847/2023

FOR PERMISSION TO APPEAR AND ARGUE IN PERSON ON IA 49221/2023

FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 49222/2023

FOR INTERVENTION APPLICATION ON IA 123493/2023

FOR PERMISSION TO APPEAR AND ARGUE IN PERSON ON IA 123495/2023

IA No. 127059/2022 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 138139/2021 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 152409/2021 - CLARIFICATION/DIRECTION

IA No. 105704/2021 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 49222/2023 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 138140/2021 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 166549/2021 - INTERVENTION APPLICATION

IA No. 123493/2023 - INTERVENTION APPLICATION

IA No. 152407/2021 - INTERVENTION APPLICATION

IA No. 42847/2023 - INTERVENTION APPLICATION

IA No. 127032/2022 - INTERVENTION APPLICATION

IA No. 163456/2021 - INTERVENTION/IMPLEADMENT

IA No. 153948/2021 - INTERVENTION/IMPLEADMENT

IA No. 90561/2022 - INTERVENTION/IMPLEADMENT

IA No. 123495/2023 - PERMISSION TO APPEAR AND ARGUE IN PERSON

IA No. 49221/2023 - PERMISSION TO APPEAR AND ARGUE IN PERSON

IA No. 110432/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 130324/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

W.P.(C) No. 1051/2021 (X)

(FOR EX-PARTE AD-INTERIM RELIEF ON IA 120450/2021

FOR impleading party ON IA 153968/2021

FOR INTERVENTION/IMPLEADMENT ON IA 153968/2021

FOR CLARIFICATION/DIRECTION ON IA 153977/2021

IA No. 153977/2021 - CLARIFICATION/DIRECTION

IA No. 120450/2021 - EX-PARTE AD-INTERIM RELIEF

IA No. 153968/2021 - INTERVENTION/IMPLEADMENT)

W.P.(C) No. 1197/2021 (PIL-W)
(FOR impleading party ON IA 124954/2022
FOR INTERVENTION/IMPLEADMENT ON IA 124954/2022
IA No. 124954/2022 - INTERVENTION/IMPLEADMENT)

W.P.(C) No. 1239/2021 (X)

(FOR CLARIFICATION/DIRECTION ON IA 95197/2023
FOR CLARIFICATION/DIRECTION ON IA 39413/2024
IA No. 39413/2024 - CLARIFICATION/DIRECTION
IA No. 95197/2023 - CLARIFICATION/DIRECTION)

W.P.(C) No. 254/2024 (PIL-W)
(FOR ADMISSION)

Date : 02-01-2025 These matters were called on for hearing today.

CORAM :

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

Writ Petition(s)(Criminal) No(s). 351/2023 [Item No. 31]

Mr. Sarvesh Mathur, petitioner-in-person submits that the provision for virtual participation is made available, in the Punjab and Haryana High Court. This is also the submission of Mr. Nidhesh Gupta, learned Senior Counsel appearing for the Punjab and Haryana High Court.

With the above, the petitioner-in-person submits that he does not wish to press this writ petition.

Noting the above submission, the matter stands dismissed as not pressed.

W.P.(C) No. 1239/2021 [Item No. 31.4]

Mr. Varun Thakur, learned counsel submits that as the matter has become infructuous, he has instruction to not to press this matter.

Noting the above submission, the petition stands dismissed, as not pressed.

W.P.(C) No. 941/2021, W.P.(C) No. 1051/2021 W.P.(C) No. 1197/2021 AND

W.P.(C) No. 254/2024

Mr. K. Parmeshwar and Mr. Gaurav Agrawal, learned Senior Counsel,

refers to this Court's order dated 06.10.2023, where the Court while appointing the two Amicus Curiae, issued the following directions:-

"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."

2. The above direction, as can be seen, was also applicable to the Tribunal such as *CESTAT, ITAT, NCLAT, NCLT, AFT, NCDRC, NGT, SAT, CAT, DRATs and DRTs etc*, operating under different Ministries of the union Government. Similar steps for providing video conferencing/ hybrid participation was also ordered for APTEL and other such forums.

3. The learned Amicus Curiae submits that in the High Courts across the country, the video conferencing facility is available and is being provided. But in the Tribunals under the Union Government, efforts are needed to provide for convenient virtual hearing to the learned counsel for the parties.

4. Mr. V. Giri, learned Senior Counsel, in his turn, points out that the facility to argue through virtual mode has been a great boon for women lawyers. This has considerably empowered women lawyers who for logistical and other reasons, on occasions are unable to appear and personally argue matters.

5. Having considered the above submissions and the *in rem* directions issued by this Court on 06.10.2003 as extracted above, we deem it appropriate to call for a Report from the Union Government on the Tribunals functioning within their jurisdiction. Mr. Vikramjeet Banerjee, the learned ASG and the respective counsel will collate the necessary

information on effective availability of video conferencing facility for the lawyers and litigants, in the respective Tribunals.

6. Information on the above be filed within four weeks, with advance copies to the learned Amicus Curiae. The matters be listed after six weeks.

[DEEPAK JOSHI]
ASTT. REGISTRAR-cum-PS

[KAMLESH RAWAT]
ASSISTANT REGISTRAR