

IN THE SUPREME COURT OF INDIA
[CIVIL ORIGINAL JURISDICTION]
WRIT PETITION (C) NO. 1016/2019
PUBLIC INTEREST LITIGATION

IN THE MATTER OF:-

K.N. GOVINDACHARYA

...PETITIONER

VERSUS

SECRETARY GENERAL &ORS.

...RESPONDENTS

APPLICATION FOR AN EARLY DATE OF HEARING

PAPER BOOK

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ADVOCATE FOR PETITIONER: SACHIN MITTAL

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**APPLICATION FOR FIXING AN EARLY DATE OF
HEARING OF THE WRIT PETITION**

To,

THE HON'BLE CHIEF JUSTICE OF INDIA AND HIS
COMPANION JUDGES OF THIS HON'BLE COURT

THE HUMBLE APPLICATION FOR FIXING AN EARLY DATE
OF HEARING OF THE WRIT PETITION OF THE APPLICANT
ABOVE NAMED

MOST RESPECTFULLY SHOWETH:

1. That the Applicant has filed the accompanying Writ
Petition inter alia praying for fixing an early date of

hearing of the Writ Petition (Civil) 1016/2019 filed by the Petitioner.

2. That the above Writ Petition was filed on 03.08.2019. It has been mentioned before the Hon'ble Chief Justice on the number of occasions, but the matter has not been taken up for hearing.
3. That the Petitioner/Applicant along with the Writ Petition had filed I.A. 11892/2019, in which he had sought live streaming of the proceedings in Civil Appeal No. 10866-67/2010, famously known as the Ayodhya Ram Temple case. In it, this Hon'ble Court vide its Order dated 16.09.2019 had passed the following order-

"The Registry to inform as to if this Court orders for live streaming of the Ayodhya matter (i.e. Civil Appeal Nos. 10866-10867/2010 and other connected cases), what time would be taken to make the system operational."
4. That the Registry failed to comply with the above Order of the Hon'ble Court as it did not provide the report in time. The judgment in the Ayodhya Ram Temple case was pronounced on 09.11.2019. The Petitioner believes that the Registry has by now submitted a report to this

Hon'ble Court, but the same has not been shared with the Petitioner.

5. That on one hand, with respect to de-criminalization of politics, this Hon'ble Court vide its judgment dated 13.02.2020 has directed political parties, both at Central and State level, to publish within 48 hours on their website, social media and one local newspaper, the criminal antecedents of their candidates along with the reasons for their selection. However, on the other hand, this Hon'ble Court is yet to implement its own judgment dated 26.09.2018 in Centre for Accountability and Systemic Change (CASC) &Ors. v. Secretary General &Ors. (2018) 10 SCC 639.

True Copy of judgment dated 13.02.2020 in Contempt Pet. (C) No. 2192 of 2018 is attached herewith as **ANNEXURE-1.**

6. That the Petitioner has taken the following steps for live streaming of court proceedings, but the same is yet to be made functional by this Hon'ble Court-

Date	Event
10.01.2019	Representation to Cabinet Secretary and Secretary General for live streaming of

	Ayodhya matter.
03.08.2019	The Hon'ble Court on 02.08.2019 directed for day to day hearing of Ayodhya matter from 06.08.2019. Accordingly, Petitioner filed Writ Petition (Civil) 1016/2019 before Hon'ble Supreme Court
05.08.2019	Mentioned the above stated Writ Petition before Court No. 2 as Court No. 1 was not sitting
06.08.2019	Mentioned the said matter before Five Judge Bench before the commencement of final hearings in the Ayodhya matter.
06.09.2019	Matter listed before Court No. 5, which ordered, "In the fitness of things, we feel that this petition should be moved before the very Bench which is hearing the matter. Place the petition before the Bench presided over by Hon'ble the Chief Justice of India on 11.09.2019."
16.09.2019	Matter last listed before Court No. 1, which sought a report from the Registry.
22.11.2019	Petitioner filed IA 178586/2019 seeking live streaming of Article 370 matters.

05.12.2019	Petitioner mentioned IA 178586/2019 before the Hon'ble Chief Justice Bench, who asked the matter to be mentioned before the Mentioning Registrar.
05.12.2019	Petitioner mentioned and submitted 3 paper books to the Mentioning Registrar.
06.12.2019	Petitioner approached the Mentioning Registrar, who informed that the report has been filed by the Registry, and that the matter will be listed in due course.

7. That the Court's action of not proceeding with live streaming, which is necessary for judicial reforms, does not enhance the confidence of the general public in the judiciary. In the last few years, controversies have arisen in a number of matters before the Hon'ble Supreme Court, which could have been avoided if live streaming was present. A sitting judge of this Hon'ble Court has stated, "it is the duty of the judiciary to rise to the occasion and see to it that the faith and trust of the people in the judiciary are not shaken." In addition, a former judge of this Hon'ble Court has also written an article titled "India's Judiciary Is Facing An Increasing Lack Of Trust By Public".

8. That besides live streaming, there are a number of issues of judicial reforms. However, they are not addressed on priority. The Hon'ble Supreme Court while holding National Judicial Appointments Commission Act, 2014 as unconstitutional, in Supreme Court Advocates-on-Record Assn. v. Union of India, (2016) 5 SCC 1 said, "the Collegium System needs to be improved requiring a "glasnost" and a "perestroika", and hence the case needs to be heard further in this regard." However, years have gone by and the matter is still pending before the Hon'ble Court, as has been stated by the Government before Parliament.
9. The Hon'ble Supreme Court in Centre for Accountability and Systemic Change (CASC) &Ors. v. Secretary General &Ors. (2018) 10 SCC 639 has already held, "sunlight is the best disinfectant. Live streaming as an extension of the principle of open courts will ensure that the interface between a court hearing with virtual reality will result in the dissemination of information in the widest possible sense, imparting transparency and accountability to the judicial process."
10. That the Hon'ble Supreme Court is also facing a huge crowd management problem. Such is the problem that

even the Ld. Attorney General has apprised the Hon'ble Court about the issue. In fact, as per reports, the Hon'ble Chief Justice has reportedly backed the idea of a new building for the Supreme Court. It is submitted that the Annexe Building of the Supreme Court was reportedly built at a cost of Rs. 800 crores. Adopting live streaming/recording/transcription in comparison will cost peanuts, and has the potential of solving the problems of crowd management within the existing building infrastructure.

11. That the aspect of crowd management is of vital importance as it also relates to public health. Recently, six judges of the Hon'ble Supreme Court were down with Swine Flu. Now, the Hon'ble Supreme Court has released a notification regarding restrictions on functioning of Court due to COVID-19 pandemic. Thus, it is clear that the Judges, Advocates and Litigants are at a great risk of communicable diseases due to their increased public interaction. To minimize the same, the notification puts in place several restrictions, which are as following-

- i. functioning of the Courts from Monday, 16 March, 2020 shall be restricted to urgent matters

- ii. restriction on number of Benches
- iii. restriction on number of lawyers allowed to enter court room
- iv. restriction on entry of litigants and visitors in Supreme Court
- v. Mentioning of matters before Mentioning Officer only

True Copy of Notification dated 13.03.2020 regarding restrictions on the functioning of Supreme Court in view of COVID-19 is attached herewith as **ANNEXURE-2**

12. That there are about 60,000 cases pending before the Hon'ble Supreme Court. Restricting the functioning on account of unforeseen events and situations like COVID-19, Court puts a huge toll on the pendency. Thus, it is clear that the Court needs to have adequate systems in place to continue with dispensation of justice, at a time when the public health emergency can last for months.

13. That the public has a fundamental right to access justice under Article 21 of the Constitution. Both the Hon'ble Chief Justice as well as the Prime Minister have heralded the use of technology in dispensation of

justice. It is submitted that due to COVID-19, many industries have switched to work from home. It has ensured that the industries continue functioning, without affecting productivity. However, the steps taken by the Hon'ble Court are of self-containment, without any concerns towards productivity. It is submitted that the COVID-19 pandemic presents an opportunity to embrace technology in the justice system. Attendance of undertrials through video-conferencing is a step taken in this regard by lower courts. Similarly, this Hon'ble Court by mandating live streaming can usher in a new era.

14. That this Hon'ble Court by deciding to use double sided pages has taken a huge step towards protection of trees and water. This decision of the Hon'ble Court has become a trend setter, with many High Courts following the example of this Hon'ble Supreme Court. Similarly, the Hon'ble Court should lead the way and implement its judgment of live streaming, which can also be adopted by High Courts and lower courts.

15. That Writ Petition (Civil) 1016/2019 has not been heard after 16.09.2019, despite several mentioning before the Mentioning Registrar as well as the Hon'ble

Court. It is most humbly submitted that the non-listing of the Writ Petition for many months requires serious attention towards formally notifying the mentioning and listing mechanism of this Hon'ble Court.

16. The Hon'ble Court recently regarding non-payment of Adjusted Gross Revenue (AGR) by telecom companies reportedly observed on 14.02.2020 that it is better to wind up the Supreme Court if its judgments were not going to be respected in the country. Thus, the Petitioner prays to this Hon'ble Court to implement live streaming, as per its own judgment of 26 September 2018, which is yet to be implemented by the Hon'ble Court itself.

17. That drastic measures taken in view of COVID-19, which affect the working of the Hon'ble Court, would not have been required had the Hon'ble Supreme Court been live streaming its proceedings. It would have saved country-wide travel of litigants and further protected them from COVID-19.

PRAYER

It is therefore prayed that this Hon'ble Court may be pleased to:

- a) Fix an early date for an immediate hearing of Writ Petition (Civil) 1016/2019 for live streaming in view of COVID-19 pandemic; and/or
- b) Pass further order(s) as may be deemed fit and proper fit in light of above facts and circumstances or the interest of justice;

Drawn by
Gaurav Pathak, Advocate
Drawn on: 14.03.2020
Filed on: 16.03.2020

Filed by
Sachin Mittal
Advocate for the Petitioner

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AFFIDAVIT

I, K.N. Govindacharya,

do hereby

solemnly affirm and state as follows:-

1. That I am the Petitioner in the aforesaid matter and am conversant with the facts and circumstances of the case and am competent to swear this affidavit.
2. That I have read and understood accompanying application from para to , pages to , and do state that the facts stated therein are true and correct to the best of my knowledge.
3. That the Annexures are true copy of their originals.
4. That the Petitioner has no personal gain, private motive or oblique reason in filing the PIL.
5. That it is in the interests of justice that the Petitioner's signature in vernacular in Devnagari script in Hindi may be accepted as English translation for the purpose of hearing of the instant petition.

DEPONENT

VERIFICATION

I, the deponent above named do hereby verify that averments made in this affidavit are true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed therefrom. Verified at New Delhi on this the ____ day of _____ 2020.

DEPONENT