

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

I.A.NO. OF 2020

IN

SMW (C) NO.5 OF 2020

IN THE MATTER OF

In re Guidelines for Court Functioning through Video Conferencing during COVID 19 Pandemic

AND IN THE MATTER OF

VIKAS SINGH,
B-50, DEFENCE COLONY,
New Delhi – 110 024.

Applicant

APPLICATION FOR IMPLEADMENT/INTERVENTION

TO,

THE HON'BLE CHIEF JUSTICE OF INDIA
AND HIS OTHER COMPANION JUSTICES
OF THE HON'BLE SUPREME COURT

THE HUMBLE APPLICATION OF
THE ABOVE NAMED APPLICANT

MOST RESPECTFULLY SHEWETH

1. That the above numbered Petition is a suo moto case concerning guidelines for the functioning of the Court through Video Conferencing during COVID 19

Pandemic. On 25.03.2020 as the nation went into lockdown to reduce the risk of spreading COVID-19 and to ensure social distancing, the Supreme Court, High Courts and subordinate courts across the country halted regular functioning. Since then this Hon'ble Court has been hearing urgent matters through video conferencing in a bid to further limit human interface and the spread of Covid-19 in the court. To carry out proceedings via video conferencing, the Hon'ble Judges have been assembling at the residence or chambers of one of the Judges on the Bench. The lawyers arguing in the listed matters are required to join the video conference from their homes or offices. The Applicant was the first lawyer to appear when this Hon'ble Court started hearing the matters via video conferencing.

- 2.** The Applicant is a designated Senior Advocate and a Senior Member of the Supreme Court Bar Association (SCBA). The Applicant is also a former President, SCBA (2017-2018) and during his tenure the Applicant has undertaken numerous activities for the welfare of the Members of SCBA especially with regard to the health of the Members ranging from getting the

best medical professionals like padamshri Dr. Yash Gulati - orthopaedics, padamshri Dr. Harsh Mahajan - radiologist, Dr. Dipika Deka - gynaecologist- AIIMS etc to provide 'free health check-ups' and to speak with SCBA members who do not get the time to devote for themselves due to their very busy schedule, getting an internationally acclaimed Yoga instructor to teach Yoga to SCBA members, paid premium of life insurance policy of SCBA members earning up to Rs. 10 lakhs per annum for a risk cover of Rs.20 lakhs, gave a grant of Rs. 10 lakhs to SCAORA for medical insurance of all the members as, purchased and installed 25-state of the art air purifiers for Library-I, Library-II, Library-IV, Ladies Bar Room and SCBA Bar lounge, gifted gym equipment's for the ladies bar room, amongst others.

- 3.** That the Applicant in his term as President, SCBA actively took up with the then Hon'ble Chief Justice of India the issue of decongesting the courts by regulating movement of the Advocates, Clients and Media Persons in Court. It was assured by the then Hon'ble Chief Justice that the round annexe building

was to be vacated by the Registry and be used for the Bar. However, the said issue was not taken up by the next Executive Committee of SCBA.

4. In the present scenario when overcrowding/ mass gathering is a big problem and can become a centre for the spread of COVID 19 it is important to understand that the persons who are most vulnerable to COVID 19 in the Supreme Court are the Advocates, clients and the media persons. The Hon'ble Judges in the Courts are having sufficient distance from everyone and hence the norm for social distancing is easily met. The Applicant strongly believes that in order to reduce the person to person contact in the Supreme Court and also to reduce the rush of Advocates, clients and media persons inside the Supreme Court, some urgent steps need to be taken by this Hon'ble Court that would not only help to deal with the present scenario but also have a beneficial impact on the functioning of this Hon'ble Court in the long run especially relating to overcrowding in courts. As the Government cannot decide how judiciary has to function post lockdown hence this Hon'ble Court has

to play a proactive role in deciding protocols during social distancing that can serve dual purpose for future of lessening overcrowding. In this regard, the suggestions of the Applicant for kind consideration of this Hon'ble Court are as under:

A. That the Supreme Court Rules should be amended urgently to provide for compulsory Video Conference hearing for certain type of matters and voluntary Video Conferencing hearing for other type of matters. The compulsory Video Conferencing hearing should be provided for hearing of Bail Matters, Transfer Petitions, Matrimonial Matters, Service Matters involving a single employee, Matters of Petitioners-in-person (other than PIL) and all other similar matters as well as Chamber matters and the matters before the Registrars.

B. Voluntary Video Conferencing hearing of all other matters and the modalities for the same would be to provide in the listing performa a column for the Advocate on Record as to whether he should want his matter to be heard through Video

Conferencing. The said matter may go for hearing through Video Conferencing mode at the ex parte stage, however, if there is a caveator or after notice, such Video Conferencing should only be permitted with the consent of the caveator in case of the first hearing and the consent of the respondents in the case of hearing after notice.

- 5.** It is submitted that till the time the Supreme Court Rules are not amended, the above can be implemented by an administrative order in view of the grave situation prevailing in the country due to the COVID-19 pandemic.
- 6.** That in order to implement the above suggestions on a continuing basis so as to reduce the person to person contact in the Supreme Court and also to reduce the rush of Advocates, clients and media persons inside the Supreme Court, the following modalities may be put in place immediately:
 - a. The round annexe building in front of Court No. 12 should be vacated by the Registry completely and a major portion of it should be converted into cubicles with Computer terminals affixed having

wired LAN connectivity to the chamber of Hon'ble Judges who would be sitting for video conferencing. This will enable the practicing lawyers of the Supreme Court to use the Video Conferencing hearing even while attending to other matters listed in other courts which are not permitted through the Video Conferencing mode. This will also permit the briefing/assisting lawyers and the client to be present at the time when the Video Conferencing hearing will be going on. The person to person contact in such hearing will be minimal and in the long run it will help in decongesting the other Courts as a large number of lawyers would be using this facility for the matters nominated through the Video Conferencing mode.

- b. Some cubicles can be provided to the media persons who can witness hearing of matters rather than going to a particular court room to hear the proceedings. This will not only help in decongesting the courts but also ensure apt reporting of the court proceedings by the media

persons. The Court proceedings should also be available to the accredited media persons only to watch and not to record the proceedings.

c. The rest of the area in the said annexe building should be converted into a library for lawyers who can wait in the said area while their matters have to be called through the Video Conferencing mode. As of now only Library-2 is being used for such waiting purposes by lawyers having matters in various courts, being the most proximate area to the various court rooms. The Library to be created in the annexe building will act as a buffer to the Library-2 for the waiting lawyers as the annexe building also happens to be the next proximate area to most of the court rooms after Library-2. The providing of the said library is also necessary because the corridors being not air-conditioned, the lawyers use the court rooms for waiting for their matters when infact they can easily sit in one of the proximate libraries being the air conditioned area proximate to the Courts.

d. During the tenure of the Applicant as President,

SCBA, the then Hon'ble Chief Justice of India had assured the then Executive Committee that the SCBA will be given a proper place for the office of the President, Secretary and a committee room in the said annexe building. The same can also be provided alongside the new Library to be created in the said annexe building.

- 7.** That it is hoped that the lockdown will be partially lifted from 15.04.2020 and therefore the above measures can be put in place immediately on the date of re-opening, except that needs infrastructure upgrade which process can also be started so that the infrastructure is in place in the shortest possible time. Till such time the infrastructure is created, the Wifi facility in the corridor of the Supreme Court can be upgraded so that Advocates practicing in the Supreme Court can appear through Video Conferencing from their laptops while sitting in one of the libraries/conference room or anywhere convenient.
- 8.** The Courts on a regular basis should also follow the system of the Court rising for atleast 15 minutes after finishing half the matters listed on that date on a

Miscellaneous Day so that the lawyers appearing in the second half need not crowd the Court till the matters of the first half are being considered.

9. The Applicant strongly believes that all these measures listed above will also help in de-congesting the Courts which problem the Supreme Court has been facing in the last so many years causing severe inconvenience to the Senior members in the bar as well as the lady advocates practicing in the Court. The said problem has been highlighted by the Ld. Attorney General several times as well as successive Chief Justices of this Hon'ble Court. That the Applicant has also sent a letter dated 05.04.2020 via email to the Hon'ble Chief Justice of India and Hon'ble Dr. Justice D.Y. Chandrachud, head of the e-committee regarding the abovementioned suggestions. A true copy of the letter dated 05.04.2020 is annexed hereto and marked herewith as **ANNEXURE A-1**.

10. That the pandemic COVID 19 has delayed the adjudication process. This Hon'ble Court by starting the process of hearing via video conferencing has taken some steps to hear urgent matters during the

lockdown, however, to ensure that the justice delivery system in India is not hindered in future due to any reasons whatsoever, this Hon'ble Court need to take urgent steps in this regard. In light of the aforesaid circumstances, the Applicant seeks an impleadment and intervention in the present matter to highlight and bring to this Hon'ble Court's notice the above suggestions and to assist this Hon'ble Court in framing guidelines for Court Functioning through Video Conferencing. No prejudice whatsoever would be caused to anyone if the relief as prayed for is granted.

PRAYER

It is most respectfully prayed that this Hon'ble Court may be pleased to

- a) allow the present Application and permit the Applicant to intervene in the above suo moto Petition; and/or
- b) Pass such other and further order/s as may be deemed fit and proper in the circumstances.

AND FOR THIS ACT OF KINDNESS THE APPLICANT AS IN DUTY BOUND SHALL FOREVER PRAY

FILED BY:

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Advocate for the Applicant

Place: New Delhi
Filed on: 06.04.2020

Drawn by: Ms. Deepeika Kalia

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AFFIDAVIT

I, VIKAS SINGH, aged 60, s/o Late Shri. Suresh Pratap Singh, residing at B-50, Defence Colony, New Delhi - 110024 do hereby solemnly affirm and state as under:-

1. I say that I am the Applicant in the above mentioned matter and as such conversant with the facts and circumstances of

the case and hence, competent to swear the present Affidavit.

2. I state that the contents of the Application for Impleadment/Intervention are true and believed by me to be true and correct.
3. I state that the Annexures along with the Application for Impleadment/Intervention are true copies of its original and believed me to be true and correct.
4. That the contents of this Affidavit are true to the best of my knowledge, nothing material has been concealed therefrom.

DEPONENT

VERIFICATION:

Verified at New Delhi on this 06 day of April, 2020 that the contents of the above affidavit are true to the best of my knowledge and believed by me to be correct. No part of this affidavit is false and nothing material has been willfully concealed there from.

DEPONENT