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To,
Sh. D.N. Patelji
The Hon'ble Chief Justice
Delhi High Court
New Delhi 110503

Subject: Discontinuation of Physical Hearings in the High Court and Subordinate Courts

Respected Sir,

I write to you in continuation of my previous letter dated 17th August, 2020 where I had made an earnest request to you to continue with and expand virtual hearings in the Delhi High Court and subordinate Courts, instead of a graded resumption of physical hearings as was proposed at the time.

The said proposal has been implemented w.e.f. 1st September, 2020 where a handful of Courts are functioning as 'physical courts' whereas others are functioning on the virtual medium, *albeit* on an 'experimental' basis.

With a deep sense of anguish and pain I say that the time has come to have a serious re-look at the viability of continuation of these physical hearings especially keeping in mind the health and safety of the Hon'ble Judges, my fellow lawyers and the staff, whether employed by the Court or by lawyers. Hon'ble Judges are at the greatest risk as they have not been given an option (like lawyers) to opt for virtual hearing on days when they are designated to sit in physical court.

Today, India has the 2nd highest number of cases in the entire world standing at 43.7 lacs, and is reporting close to 1 lac cases a day. I have no hesitation in hazarding a guess that by the end of the year, India will have the highest number of cases in the world over taking the United States of America. In fact, Delhi and its surrounding areas itself are reporting cases in excess of 3500 per day, which represents a six fold increase from the middle of August, 2020 when I had earlier written to you. Judicial notice of the sharp increase in the number of cases has been taken by the Hon'ble Division Bench in W.P. (C) No. 3031/2020 in its recent order dated 8th September, 2020 and directions have been passed.

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At the time of consideration of the proposal as aforesaid, the number of cases were reported at close to 600 per day and it was felt that the situation was improving, at least in Delhi. However, the situation has drastically worsened in the past few weeks and there are no signs of improvement atleast in the near future. I have learnt that there is once again a shortage of beds in hospitals for COVID patients and hence there is an urgent need to maintain precautions.

I have also read media reports which confirm that a large number of persons working in the Court, including Judicial Officers, have also been tested positive for this deadly virus. This fact itself is sufficient to warrant a re-look at the decision to continue with physical hearings. The system of hearings through video conferencing, which has been put in place is working wonders and now the time has come to expand the hearings to regular matters as well instead of *en bloc* adjournments to another date. The Hon'ble Courts have adapted well to these systems and now are in position to take up a large number of matters, if not all, through video conferencing.

In view of the changed scenario and increasing number of cases each day, I would most earnestly request you to reflect upon on the decision to continue with physical hearings as we have a efficient and effective mechanism for dealing with cases through the video conferencing. Once the situation improves, we all look forward to a full scale resumption of our beloved High Court.

Regards



Rajiv Nayar