

Atul

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT NO. 142 OF 2021**

P ...Plaintiff
Versus
A & Ors ...Defendants

Ms Abha Singh, for the Plaintiff.
**Dr Birendra Saraf, Senior Advocate, with Shweta Jaydev, Supriya
Lopes & Ms Urvi Gupte, i/b Rashmikant & Partners, for
Defendants Nos. 1 and 2.**
Mr Lancy D'Souza, i/b VM Parker, for Defendant No. 3.

**CORAM: G.S. PATEL, J
DATED: 24th September 2021**

PC:-

1. This proceeding involves issues under the Sexual Harassment of Women at the Workplace (Prevention, Prohibition and Redressal) Act, 2013 (“**the POSH Act**”) and Sexual Harassment of Women at the Workplace (Prevention, Prohibition and Redressal) Rules, 2013 (“**the POSH Rules**”).

2. It is imperative, therefore, to protect the identities of the parties from disclosure, even accidental disclosure, in these proceedings. This is in the interest of both sides. There appear to be no established guidelines so far in such matters. This order, setting

out a working protocol for future orders, hearings and case file management, is a first endeavour in that direction. These are only initial guidelines, and will necessarily be subject to revision or modification as needed. I would suggest that these guidelines are the *minimum* required.

3. ORDERS

In all orders, the endeavour will be to anonymize the identities of the parties. Therefore:

- (a) In the order sheets, the names of the parties will not be mentioned. The orders will read “A v B”, “P vs D” etc.
- (b) In the body of the order, the parties will not be referred to by their names but only as Plaintiff, Defendant No.1 etc.
- (c) In the body of any order, there will be no mention of any personally identifiable information (“**PII**”) such as email ids, mobile or telephone numbers, addresses etc. No witness’s names will be mentioned, nor will their addresses be noted.
- (d) Orders/judgments on merits will not be uploaded. Because this order sets out general guidelines and does not address the merits, it is permitted to be uploaded.
- (e) All orders and judgments will be delivered in private, that is to say, not pronounced in open court but only in Chambers or in-camera.

4. FILING PROTOCOLS

- (a) No PII document shall be retained by the Registry when any affidavit, application or pleading is being filed.
- (b) For verification of identity, the Registry may ask for production of an identity document to establish the identity of the deponent, but no copy of any such document is to be retained on file.
- (c) In the short titles of all further affidavits, parties must use the anonymized title as given at the head of this order.
- (d) Under no circumstances will the registry enter the email id, mobile number, Aadhaar number or any other PII of any of the parties or witnesses in the CIS.

5. ACCESS

- (a) The Registry will not permit anyone other than the Advocate-on-Record with a current and valid vakalatnama to take inspection or copies of any filing or order.
- (b) The entire record is to be kept sealed and is not to be given to any person without an order of the Court.
- (c) Fresh filings will also be sealed and kept with the main record.
- (d) The record is not to be digitized by any third-party solution provider without an order of the court. If the

record is to be digitized, directions will be sought from the Court for supervised digitization.

- (e) Witness depositions will not be uploaded under any circumstances.

6. HEARINGS

- (a) All hearings will only be in Chambers or in-camera.
- (b) There will be no online or hybrid facility for hearings. All hearings must be by physical attendance.
- (c) Only the advocates and the litigants are permitted to attend hearings. Support staff (clerks, peons, etc), must leave the Court.
- (d) Except the Court Master/Associate or Sheristedar and the stenographer or person providing secretarial assistance, other Court staff must also leave the court and not be present at the hearing.

7. DIRECTIONS TO CERTIFIED COPY DEPARTMENT

- (a) The Certified Copy Section/Department will not raise any objection because of the difference in the short or long title of the matter and the order in question.
- (b) To the extent possible, parties will function using an ordinary, authenticated or digitally signed copy of every order.

8. PUBLIC ACCESS

- (a) If any order is to be released into the public domain, this will require a specific order of the Court.
- (b) This will be on the condition that only the fully anonymised version of the order of judgement is let into the public domain for publication.

9. BREACH

- (a) The prohibition on publishing the names, address or other PII of the parties is absolute.
- (b) It will continue to apply where that information about the parties has been obtained by using the contents of a judgment or order to discover information already in the public domain.
- (c) All persons, including the media, are required to ensure strict compliance with these conditions of anonymity. Failure to do so will be a contempt of court.

10. MEDIA DISCLOSURE FORBIDDEN

- (a) Both sides and all parties and advocates, as also witnesses, are forbidden from disclosing the contents of any order, judgment or filing to the media or publishing any such material in any mode or fashion by any means, including social media, without specific leave of the court.

- (b) Witnesses to the action, in addition to the usual oath, must sign a statement of non-disclosure and confidentiality.
- (c) All concerned will be bound by these guidelines, and failure to abide by these conditions will also be a contempt of court.

11. RECORDING PROHIBITED

- (a) Any form of recording of any part of the proceedings is strictly forbidden.
- (b) Any attempt to record or transcribe any part of the proceedings will be a contempt of court.

12. INDUSTRIAL/LABOUR COURT PROCEEDINGS

- (a) The Plaintiff has a pending appeal before the Industrial Court/Labour Court. That Court will strictly adopt and follow these and any future guidelines. Under no circumstances will that Court deviate from these Guidelines.
- (b) A copy of this order will be sent to the president of that court for his immediate attention and action. Both sides will ensure that a copy of this order is placed before the president of that Court and the presiding judge.

- 13.** This order is to be uploaded.

14. All concerned will act on production of a digitally signed copy of this order.

(G. S. PATEL, J)