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**17<sup>TH</sup> August, 2020**

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

**Subject: Continuation of Virtual Hearings before the Delhi High Court and District Courts**

Respected Sir,

I hope this letter finds you in the best of health and spirits.

The pandemic has taken a toll on all of us, and life as we knew it will never be the same. We all need to adjust to the 'new normal', and how well we have. As the leader of our esteemed Court, I must congratulate you on the manner in which our Court and systems have adapted to these testing times through highly efficient filing systems, online court procedures and hearings through seamless video conferencing. I must complement your brother and sister judges for their tireless efforts in making the 'online functioning' of this Court possible.

The systems adopted by our Court are the best anywhere in the Country and has ensured that the quality of hearings before the Hon'ble Court are not compromised in any manner, while maintaining safety of all concerned.


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 through video conferencing.

While the system is working so well, I have learnt that there is a proposal of resumption of physical hearings before a handful of courts, which is proposed to be implemented in a graded manner. I have seen an order from the Registrar General dated 15<sup>th</sup> August, 2020 proposing an experimental plan to resume physical hearings in 1/4<sup>th</sup> of the Courts on a rotational basis. With the greatest of respect, I submit that the order requires serious thought and immediate reconsideration on the following aspects:

- As per the data available on the internet, India is recording the highest number of Covid – 19 infections per day in the world. To resume physical hearings at this time or partially re-opening Courts at this time would pose a serious threat to all of us. Having lost my own court clerk to this deadly virus, I can say from personal experience that we must not take the situation lightly.
- The World Health Organisation (WHO) and Government of India has issued various advisories for employers to encourage 'work from home' as far as possible. The advisories are still in vogue.
- Even though the situation in the national Capital seems to be improving, one cannot rule out the possibility of fresh infections being contracted as a result of lawyers, litigations, court staff and support staff coming in contact with each other. In many countries such as Spain, France and Germany where the infections were extinguished are today seeing a fresh surge in cases.
- Resumption of physical hearings would create a situation where the lives of judges, lawyers, court staff, supports staff, clerks and litigants would be endangered. More so for persons with health issues and comorbidities such as blood pressure, diabetes, asthma and the like.
- The resumption of physical hearings (even though for a limited number of benches) would result in an anomalous situation where a lawyer may be compelled to appear on the same day in a physical hearing in one court and a virtual hearing in another. It would only mean that the lawyer would have to spend longer than usual within the court premises and use the facilities in the court premises for his virtual hearings as well.
- Many of our colleagues do not have access to chambers and as such how would they attend their hearings, is a question that needs serious thought. There are various connectivity problems and issues in the High Court as well as District Court, which are also a huge cause for concern.
- The constant fear of being exposed to the virus will linger in everyone's mind, and in such a circumstance it is not feasible for a lawyer to do justice to his brief.

These are only a few issues that come to mind and I am sure the proposal to partially open the Court is not recommended for the present.

While we look forward to having a full scale resumption of our Court, but I feel that the same cannot come at the cost of endangering any lives. Our Court should not resume physical hearings until the situation in the national Capital improves further and there are negligent fresh cases. Furthermore, I believe the views of all stakeholders including junior and senior members of the Bar, along with medical experts ought to be taken before any decision is taken in haste.

  
Rajiv Nayar