

ITEM NO.302

Court 1 (Video Conferencing)

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS**SUO MOTO WRIT PETITION(C) No(s).4/2021****IN RE: DELAY IN RELEASE OF CONVICTS AFTER GRANT OF BAIL****(MR. DUSHYANT DAVE, SENIOR ADVOCATE IS AMICUS CURIAE IN INSTANT MATTER.****IA No.89866/2021 - EXEMPTION FROM FILING AFFIDAVIT****IA No.107179/2021 - EXEMPTION FROM FILING AFFIDAVIT****IA No.94758/2021 - EXEMPTION FROM FILING O.T.****Date : 23-09-2021 This matter was called on for hearing today.****CORAM :****HON'BLE THE CHIEF JUSTICE****HON'BLE MR. JUSTICE L. NAGESWARA RAO****HON'BLE MR. JUSTICE SURYA KANT****Amicus Curiae(s) Mr. Dushyant Dave, Sr.Adv.****For Petitioner(s) By Courts Motion****For Respondent(s) Dr. Manish Singhvi, Sr.Adv.****For State of Raj. Mr. Sandeep Kumar Jha, AOR****For State of U.P. Ms. Garima Prasad, Sr.Adv.****Mr. Pradeep Misra, Adv.****Mr. Suraj Singh, Adv.****Mr. Bhuwan Chandra, Adv.****For State of Ms. Bansuri Swaraj, AAG****Haryana Dr. Monika Gusain, Adv.****For State of Mr. Tapesh Kumar Singh, AAG****Jharkhand Ms. Pragya Baghel, Adv.****Ms. Tulika Mukherjee, Adv.****Mr. Zain Khan, Adv.****Ms. Aastha Shrestha, Adv.****For State of H.P. Mr. Vikas Mahajan, Sr.Adv.****Mr. Vidit Anand, Adv.****Mr. Vinod Sharma, Adv.****Mr. Joydip Roy, Adv.****Mr. Arun Singh, Adv.****Mr. Binod Kumar Singh, Adv.**

Mr. Parijat Som, Adv.
Mr. Surinder Singh Manak, Adv.

For State of Meghalaya Mr. Avijit Mani Tripathi, Adv.
Mr. Shaurya Sahay, Adv.

For State of W.B. Mr. Suhaan Mukerji, Adv.
Mr. Vishal Prasad, Adv.
Mr. Nikhil Parikshith, Adv.
Mr. Abhishek Manchanda, Adv.
Mr. Sayandeep Pahari, Adv.
For M/S. Plr Chambers and Co., AOR

Mr. Shovan Mishra, AOR

For State of A.P. Mr. Mahfooz Ahsan Nazki, AOR
Mr. Polanki Gowtham, Adv.
Mr. Shaik Mohamad Haneef, Adv.
Mr. T. Vijaya Bhaskar Reddy, Adv.
Mr. Amitabh Sinha, Adv.
Mr. K.V. Girish Chowdary, Adv.

For UT of Chandigarh Mr. Abhimanyu Tewari, AOR

For State of Arunachal Pradesh Mr. Abhimanyu Tewari, AOR
Ms. Eliza Bar, Adv.

For State of Gujarat Mr. A.P. Mayee, Adv.

For State of Sikkim Mr. Vivek Kohli, AG
Mr. Sameer Abhyankar, AOR

For UT of Andaman Mr. K.V. Jagdishvaran, Adv.
Ms. G. Indira, AOR
Ms. Haibila Nana, Adv.

For State of Nagaland Ms. K. Enatoli Sema, AOR
Mr. Amit Kumar Singh, Adv.
Ms. Chubalemla Chang, Adv.

For State of Karnataka Mr. V. N. Raghupathy, AOR
Md. Apzal Ansari, Adv.

For State of Bihar Mr. Saket Singh, Adv.
Mrs. Niranjana Singh, AOR

For State of Kerala Mr. G. Prakash, AOR
Ms. Priyanka Prakash, Adv.
Ms. Beena Prakash, Adv.

For State of Mr. Siddhesh Kotwal, Adv.

Mizoram Ms. Ana Upadhyay, Adv.
Ms. Manya Hasija, Adv.
Ms. Pragya Barsaiyan, Adv.
Mr. Akash Singh, Adv.
Mr. Nirnimesh Dube, AOR

For State of Manipur Mr. Pukhrambam Ramesh Kumar, AOR
Mr. Karun Sharma, Adv.

For State of Goa Mr. Arun R. Pedneker, Adv.
Ms. Mukti Chowdhary, AOR

For State of Pb. Ms. Uttara Babbar, AOR
Mr. Manan Bansal, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The Court is convened through Video Conferencing.

The applications for exemption from filing affidavit are allowed.

These *Suo-motu* proceedings were initiated on 16.7.2021 basing on the reports stating non-release of the prisoners after the grant of bail. This Court, therefore, contemplated to adopt the procedure termed as FASTER (Fast and Secured Transmission of Electronic Records) to ensure that such situation does not arise in future.

In furtherance of the same we directed the Secretary General of this Court to submit a proposal suggesting the modalities to implement the FASTER system. We had further directed the Secretary General to co-ordinate/consult the Amicus Curiae Mr. Dushyant Dave, learned senior counsel and Mr. Tushar Mehta, learned Solicitor General of India, National Informatic Centre and other Government authorities.

In compliance of the aforesaid order, a proposal suggesting modalities to implement the FASTER system has been placed before this Court by the Secretary General.

Heard learned *Amicus Curiae* on the proposal submitted by the Secretary General of this Court.

We are concerned about the plight of the jail- inmates who are not released despite the bail orders passed by this Court

due to delay in communication of such orders. It is high time to utilize the Information and Communication Technology tools for efficient transmission of Court's orders.

The FASTER (Fast and Secured Transmission of Electronic Records) system proposes transmission of e-authenticated copies of the interim orders, stay orders, bail orders and record of proceedings to the duty-holders for compliance and due execution, through a secured electronic communication channel.

The proposal contains the pre-requisites and the timelines to work out the pre-requisites for implementation of the FASTER system.

19 States have submitted compliance report/affidavits with regard to availability of internet facility in prisons. The States of Arunachal Pradesh, Nagaland, Assam and Mizoram have indicated non-availability/partial availability of internet connectivity. Rest of the States have not filed affidavits in this regard. We direct the Chief Secretaries of all the States/UTs to ensure the availability of internet facility with adequate speed in each and every jail in their respective States/UTs and take necessary steps to arrange for internet facility expeditiously wherever the same is not available. Till then, communication shall be made through the Nodal Officers of the State Governments under FASTER system.

The Director General, National Informatics Centre, Secretary (Home) of all the States/UTs and the Director General/Inspector General of Prisons of all the States/UTs shall ensure smooth and successful implementation of FASTER system and shall coordinate with the Registry of this Court in this regard.

The requisite amendment in the Rules and Procedure for the Supreme Court of India be taken up on the administrative side. Further, all the duty-holders shall amend their Rules/Procedure/Practice/directions forthwith, to recognize the e-authenticated copy of the order of this Court communicated to them through FASTER system and shall comply with the directions contained therein.

List the matter after two weeks.

**(SATISH KUMAR YADAV)
DEPUTY REGISTRAR**

**(R.S. NARAYANAN)
COURT MASTER (NSH)**