

Court No. - 83

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Case :- CRIMINAL MISC. BAIL APPLICATION No. - 10207 of 2021

Applicant :- Smt. Jyoti

Opposite Party :- State of U.P.

Counsel for Applicant :- Rajendra Kumar Srivastava

Counsel for Opposite Party :- G.A., Amrit Shanker Dubey

Hon'ble Saurabh Shyam Shamsbery, J.

This Court is convened through Video Conferencing.

A video link sent to learned counsel for the applicant remain non-responsive.

Sri Amrit Shanker Dubey, learned counsel appearing on behalf of the informant through video conferencing and learned A.G.A. appearing on behalf of the State.

We all are going through difficult times for last one and a half year due to COVID-19 pandemic and keep trying to adopt different ways to adjust ourselves to overcome unexpected eventualities. Adhering to the COVID protocol, wearing mask, to keep adequate distance, getting vaccinated are few to mention. The Courts in order to keep dispensation of justice continue have switched over to virtual mode for hearing cases. The courts have relaxed advocate's dress code, exempting coat and gown while appearing through video conference in the modalities issued from time to time.

The Bar Council of Advocates has issued a administrative order dated 14.5.2020 that "It is notified (vide Bar Council of India Resolution dated 13.05.2020) for information of all Advocates of the country, that considering the medical advice and also the circular dated 13.05.2020 issued by Hon'ble Supreme Court of India, all Advocates may presently wear "Plain White Shirt/White Salwar- Kameez/White Saree With Plain White Neck Band" during hearings/proceedings before all the High Courts and all other Courts, Tribunals, Commissions and all other forums and no coats or Gowns/Robes are/is required to be worn during such time period during which the threat of spread of Corona Virus looms large and/or till such time the Council further issues another Administrative order modifying/overriding this order".

Off late this court, other High Courts, even the Supreme Court had witnessed various incidents, where many advocates adopted very casual approach while appearing through virtual mode and

appeared wearing vest, tee shirt or coloured shirt, in puja attire, while driving scooter, while taking a leisurely walk, sitting inside a stationed vehicle, from market places, places with noisy surrounding, places with unpleasant backgrounds, keep talking on phone or not paying attention to the court though video and audio tab remained on, even an advocate appeared lounging on the bed and a lady advocate with face pack on.

Appearance of advocates in causal attire is very inappropriate and unacceptable in any circumstance. Advocates should understand that their appearance for hearing of cases through virtual mode from their house or office or chamber is like a extended court room and it is as serious as attending a court proceedings inside a court .They are required to wear 'Plain White Shirt/White Salwar- Kameez/White Saree With Plain White Neck Band' while appearing through virtual mode from a premise where while addressing the court, they have decent and presentable background with peaceful surrounding and to remain attentive towards the court. It would be appreciated if they wear black coat also.

This court has earlier ignored many such casual appearances, however is constrained to observe the aforesaid as today while hearing the present case through virtual mode, an advocate, appearing on behalf of one of the parties, appeared wearing a coloured shirt and has not shown any remorse despite his conduct was objected. The Court has shown leniency in not imposing any cost on the erring advocate.

The office bearers of the Bar Associations of the High Court should advise it's members, not to adopt any casual approach while appearing before this Court through virtual mode which may cause hurdle in the administration of justice.

The Registrar General of this Court is directed to send a copy of this order to the Bar Association of High Court forthwith.

Lay the present case as fresh on 28.7.2021.

Order Date :- 30.6.2021

A.Dewal

[Saurabh Shyam Shamshery,J]