

DIRECTORATE OF INFORMATION TECHNOLOGY

GOVERNMENT OF MAHARASHTRA

GAD-DIT/39

Date: 24th November, 2020

Subject: Online hearings through video conferencing

Reference: Government Circular No.Misc2020/C.R.62/18 (O & M), General Administration Department (G.A.D), dated October 13, 2020

Coronavirus (COVID -19) continues to remain a major public health hazard across the world. While it is necessary to undertake precautionary measures to contain its spread, including social distancing and avoiding physical public gathering/meetings, it is important to leverage technology to carry on with the official work without compromising the safety and health of public and officials.

In view of the above, and in line with the Government Circular provided in the Reference, the Directorate of Information Technology (DIT) shall, henceforth, use online mode to conduct regular hearing of cases under the Information Technology Act, 2000 (as amended in 2008) (IT Act), through video conferencing. The Standard Operating Procedure for the online hearings is attached in Annexure A.

Accordingly, DIT encourages all the parties interested in the hearings of cases under the IT Act to avail online video conferencing facilities. However, if any party is not able to use these online facilities for want of required hardware, connectivity or any other reason, it may request for a personal physical hearing. The same shall be allowed on a case to case basis.

This Order is available at the website www.maharashtra.gov.in and shall come into effect immediately and will be further reviewed, based on the status of Covid-19 pandemic. This Order is signed digitally.

Principal Secretary (Information Technology)
Government of Maharashtra,
Mantaralaya, Mumbai 400 032

Annexure A – Standard Operating Procedure (SoP) for Online hearings through Video Conferencing

****RECORDING OF THE VC HEARING PROCEEDING/HEARING IN VIDEO, AUDIO AND/OR ANY OTHER FORM IS STRICTLY PROHIBITED. HOWEVER, THE ONLINE PROCEEDINGS WILL BE RECORDED BY THE OFFICE OF ADJUDICATING OFFICER****

Parties be informed that New Complaints along with the Court fees shall be submitted through the existing mode only, that is, through registered post to the office address of DIT:

*Directorate of Information Technology, 7th Floor, Mantralaya- Annex,
Madam Cama Road, Hutatma Rajguru Chowk, Nariman Point, Mumbai - 400032*

| Steps | Description |
|-------|--|
| 1. | <p>Parties shall send scanned copy of the documents at the following email address: itcases@maharashtra.gov.in</p> <p>Parties shall be able to upload any number of documents; however, it is recommended that the document size per file is less than or equal to 1 MB. The hard copy of the original documents would also be sent simultaneously to DIT through registered post to the office address as provided above.</p> <p>If digitally signed documents are available, then the parties would not need to send the original documents by post. For sending electronic copies of documents through email, refer to 'Annexure B – Guidelines for Scanned and Photographed Documents'.</p> |
| 2. | <p>The schedule of hearing date and the link of Video Conferencing shall be communicated to the respective parties (complainant and respondent) vide their respective email addresses and text messages on their phone numbers.</p> <p>The meeting number and password for each slot shall be generated and conveyed to the Parties/Advocates concerned well in advance which they shall not share with others except to intimate their adversary, as a matter of caution.</p> |
| 3. | <p>Both Parties/Advocates shall be punctual to join the meeting on time and shall cooperate with the Authority to sum up their arguments within the time allotted to them. The Authority retains the right to close the hearing on expiry of the time period allotted to the case or to adjourn it, if the Authority deems it fit.</p> |
| 4. | <p>In oral arguments only the points which require elaboration/explanation may be touched upon, to finish the matter in time.</p> |
| 5. | <p>Parties be informed that if they fail to attend the matter as scheduled, the orders according to law shall be passed. They shall be precluded from making grievance of it. However, they can complain in regard to the quality or audibility of feed, if any on the helpline number, provided in email, of the Authority only during the proceeding or immediately after its conclusion failing which, no grievance in regard to it will be entertained thereafter.</p> <p>All hearings conducted via Video Conferencing proceed as if the Advocates/Parties are appearing before the Authority in person. Therefore, Advocates/Parties are reminded to comply with all rules of hearing as provided in 'Annexure C – Rules of Hearing.'</p> |

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| <p>6.</p> | <ul style="list-style-type: none"> ▪ Both the parties should ensure the following technical requirements during the hearing: <ul style="list-style-type: none"> ➤ Internet connection of 2 Mbps from any service provider (Broadband/FTTH/4G etc); ➤ Laptop/Desktop with camera or suitable Smart Phone; ➤ The laptop or phone used should ideally be identifiable by the name of the Complainant/Advocate joining the meeting; and ➤ Wired Earphone/Headphones with good quality Microphone. ▪ The Video Conferencing shall be held through Microsoft Teams Meetings. The parties are required to download the software/app on their laptop / smart phones and test the same before the hearing. The parties may also log in to Microsoft Teams Meetings through a web browser. ▪ In the notice to the participants, the Authority will share the Meeting ID and Password for the Video Conferencing and the Parties/Advocates concerned may connect to the Video Conference Room using the Meeting ID and Password shared with them. |
| <p>7.</p> | <ul style="list-style-type: none"> ▪ The Parties/Advocates shall ensure that their camera is in a stable position and focused at their eye level and there is sufficient light on the Parties/Advocates. They shall not sit too far from or too close to the camera. On the screen, the face should not be blurred or dark but must be clearly identifiable. ▪ The Parties/Advocates shall maintain discipline by speaking one at a time in order to experience a good conference during multiparty hearing and keep microphone on mute and unmute only to speak. Only the Speaker's microphone should be unmuted at any given time. ▪ Persons whose presence is not necessary or otherwise impede the smooth conduct of proceedings or violate the etiquette will be removed without notice or warning. Persons removed will not be able to re-join. No complaint will be entertained against removal. ▪ The Advocate/duly authorized person will address the Authority. The hosts and co-hosts are authorized to mute/unmute any of the participants. |
| <p>8.</p> | <p>Both parties should join the Video Conference 10 minutes before the hearing time.</p> <p>The Roznama shall be digitally signed by the Presiding Chairman and shall be emailed to the parties.</p> |
| <p>9.</p> | <p>The Order(s) shall be delivered to the Parties through their respective email IDs after it is typed and signed.</p> |
| <p>10.</p> | <p>Such matters with respect to which no express provision has been made in these guidelines shall be decided by the Adjudicating Officer consistent with furthering the interests of justice.</p> |

Annexure B - Guidelines for Scanned and Photographed Documents

The documents referred in Step 1 of the SoP include miscellaneous applications, written statements/replies, documentary evidence, etc. The documents shall be sent for the perusal of Adjudicating Officer on the following email address: itcases@maharashtra.gov.in well in advance of the hearing date allotted to the parties. The parties may mail any additional/supplementary documents, by obtaining the Adjudicating Officer's approval in this regard.

If the below guidelines are not followed and the document(s)/photograph(s) is unreadable, they will be required to be re-submitted.

- The contents of the scanned/photographed documents must be clear and legible.
- The scanned copy of the documents must be in searchable PDF format.
- Scans from a photocopy or a faxed copy are not accepted
- Photographed documents may be in one of the following formats: pdf, jpg, jpeg, tif, bmp, or png
- The party/parties may use a mobile device to take a digital photograph of their documents
- Where a document has stamps, seals or text on both sides of the page then both sides must be scanned/photographed
- Documents must be photographed from the original and must be placed on a flat and plain background when photographed
- Information in the photograph must not be obstructed (for example, by fingers or a shadow)
- Parties must ensure no part(s) or page(s) of the document is/are missing

Guidelines for sending documents through e-mail

- Throughout the hearing process, the parties shall be able to peruse the pleadings and documents of each other and shall be able to email any other document which they desire to in order to make their case
- While sending the documents through mail, the parties shall ensure that the details of person/advocate arguing and attending their case like Name, Designation, email id, mobile number are included.
- Respondent(s) shall email their reply in a concise form, within the time indicated at the hearing date or in the hearing notice
- Written notes of argument/synopsis shall not be more than 2-3 pages
- Either party shall keep the other party/parties in copy (cc) while mailing the scanned copies of the documents to the DIT. In cases where either party does not have an email address and require submission of documents through post, the other party must ensure delivery of the said documents through registered post and email the scanned copy of the proof of delivery to DIT
- Documents submitted after the complaint is closed for Final Order will not be considered.

Annexure C – Rules of Hearing:

- Parties shall wear sober attire consistent with the dignity of the proceedings
- Parties shall adhere to the courtesies and protocol that are followed at the time of physical hearings
- Parties/ Advocates and other participants shall keep their microphones muted till such time as they are called upon to make submissions
- Remote users shall ensure that their devices are free from malware
- Cell phones of all parties/Advocates shall remain in silent/airplane mode during the proceedings
- All participants should endeavour to look into the camera, remain attentive and not engage in any other activity during the course of the proceedings