



Supreme Court Advocates-On-Record Association

Golden Jubilee Bar Room, Supreme Court of India, New Delhi-110 001
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20.07.2020

RESOLUTION OF THE JOINT MEETING OF SUPREME COURT BAR ASSOCIATION AND SUPREME COURT ADVOCATE-ON-RECORD ASSOCIATION

A joint online meeting of the Executive Committees of Supreme Court Bar Association (SCBA) and Supreme Court Advocate-On-Record Association (SCAORA) was held on the evening of 20.07.2020. The meeting was called to examine and discuss systems, methods and suggestions to reopen the Courts, and in particular the Supreme Court of India, which has been working on limited basis under severely constrained "virtual courts" following the pandemic caused by the corona virus (SARS-Cov-2). Various matters were debated, including the following, and the EC Members of both the Associations put forward the problems faced by their members and their clients, i.e. the litigants, and made the following suggestions:-

1. The spread of Novel Corona virus (COVID-19) led to a restrictive functioning of the Hon'ble Supreme Court since March, 2020.
2. SCBA and SCAORA have, during the lockdown period, passed various resolutions pertaining to the unsatisfactory functioning of the virtual hearings by the Hon'ble Supreme Court as also the issues cropping up during e-filing. SCBA and SCAORA have stated that a majority of the lawyers were not comfortable with the virtual Court hearings. The common feedback seems to be that the lawyers are unable to present their cases effectively on the virtual platform presently available. In matters involving appearances by many lawyers, several lawyers are not given an opportunity to speak and, at times, their mics are put on mute by the coordinator, and consequently, their matters have been dealt with by the Hon'ble Supreme Court in their absence. There are problems with audio and video quality of hearings, which often results in the lawyers not being able to present their arguments.



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3. The Hon'ble High Courts and the Courts subordinate thereto inevitably follow the SOP's followed by the Hon'ble Supreme Court. The working of the Supreme Court lays down the parameters for the subordinate courts. The limited functioning of the Supreme Court has adversely impacted the dispensation of justice. While the litigants continue to suffer, the lawyers, who are the officers of the Court, are also facing acute hardships.
4. The Hon'ble Supreme Court has now decided to also hear regular matters and final hearing matters through the virtual medium. While it is undoubtedly the prerogative of the Hon'ble Court to list matters for hearing, it is the lawyers who have to argue those matters professionally. It is not possible for a lawyer to do justice to the case if called upon to argue on the virtual because of the infirmities in the working of these applications *esp.* those involving voluminous record and/or the appearance of a large number of lawyers, more so, in light of the aforesaid issues that makes the hearing illusionary.
5. Access to justice is an essential service; it is primarily the responsibility of the State, including the judiciary, to provide a safe working environment. In recognition of this position, the Bar has co-operated with the restrictive functioning of the Hon'ble Supreme Court.
6. The participating members were informed that both Associations had been in correspondence with the Supreme Court on these issues. However, there was no response to the entreaties and requests which had been made. This left the members dismayed because, being stake holders in the administration of justice, their view is that it is in the interest of the judiciary to physically re-open with precautions just like all other work places including Parliament, airports, offices, shopping centers, police pickets, hospitals have resumed working.

After considering the aforesaid matter the members unanimously **RESOLVED:-**



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- A. That the resumption of court hearings of all class of matters is imperative. The hearings should be conducted inside court hall with Advocates presenting their case. Initially hearing can be hybrid i.e. both online and in the physical presence of the Judges and the Advocates.
- B. Given that the country is in the process of emerging from a complete lockdown, it has become imperative to reopen/resume the physical functioning of the Hon'ble Supreme Court in a phased and regulated manner. The physical functioning of the Hon'ble Court be resumed for hearing Fresh, Admission, After Notice Matters, Part-heard Matters, Regular Matters, Final Disposal Matters, Batch Matters and such other matters which are voluminous in nature and/or involve the appearance of a large number of lawyers. Virtual hearing may be afforded only to Chamber Matters and Registrar Court Matters.
- C. Proper guidelines and due precautions, after thorough consultation from a Committee of Doctors, can be formulated for restricted entry into the Supreme Court premises, wearing of masks and face shields, maintenance of highest sanitization standards, proper social distancing and so on so forth.
- D. For hearing of cases where Advocate are present in person all notified norms like social distancing, use of masks and due sanitization will be strictly followed.
- E. Entry to the Court can be restricted only to lawyers of the matters listed, at the entry point of high security zone itself. Litigants and Clerks may not be allowed to the high security zone but for exceptional reasons/occasions.
- F. It was also RESOLVED that the Hon'ble Chief Justice of India be requested to meet the Presidents and other Office Bearers of the two Associations to work out the modalities on the suggestions made herein.



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- G. It was also resolved to request the Hon'ble Chief Justice and concerned Committees of the Hon'ble Judges to start dialogues with the representatives of the two associations immediately on all issues affecting the functioning of the Court including its Registry and to upgrade the Virtual hearing system to better platform.
- H. It was further RESOLVED that the resolutions passed today be sent to Hon'ble the Chief Justice of India requesting the Court to consider the matters raised and take steps in terms of the Resolutions which had the concurrence of all members of both the Associations.
- I. The Committee RESOLVED to meet after one week to discuss the response from the Hon'ble Supreme Court and decide the further course of action.

The meeting ended with a Vote of Thanks

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