



SUPREME COURT BAR ASSOCIATION (Regd.)

SUPREME COURT OF INDIA, TILAK MARKG, NEW DELHI-110001 (INDIA)

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* *Mr. Ashok Arora suspended from the Post of Hony. Secretary vide EC resolution Dated 08.05.2020*

To,

August 12, 2020.

The Distinguished Members,
SCBA.

Subject :- Starting of Physical Hearings in the Supreme Court of India

Happy Janmashtami !

I hope this mail finds you all safe and sound. I wish you and your Families good health.

I write to you to inform you that the Meeting of the Committee of Seven Hon'ble Judges presided by Hon'ble Mr. Justice N.V. Ramana met yesterday as per their decision taken in previous meeting held about two weeks ago.

The Bar was represented by me and Shri Jadhav, President SCAORA. We had in one Voice requested Hon'ble Judges to recommend to Hon'ble the Chief Justice to restart the regular functioning of the Courts in the larger interests of Justice, the Litigants, the Bar and the support staff of the Lawyers. We had suggested that all necessary measures be taken to ensure health and well being of the Hon'ble Judges, the Registry staff and the Learned Members of the Bar as also other stake holders. We had suggested that for the time being only four or five Courts may restart physically while continuing and expanding / improving the Virtual Courts hearings.

The Hon'ble Judges informed us that the Experts consulted by them had advised that physical hearings may restart after two weeks and upon fresh review at that point. I had however brought it to Lordship's attention that these Top Experts had however advised the Government of India to lift lockdown and open economy and offices, so how and why they were advising the Supreme Court differently. In any case, both of us had insisted on restarting the regular Courts with effect from August 18, as we felt that situation will remain same even after two weeks as it has been for last over four months and that the Litigants, the Lawyers and their families together with the support staff and families were suffering immeasurably.

The Hon'ble Committee has, while assuring to make their recommendation to the Hon'ble Chief Justice, assured that at least three Courts can start on trial basis.

I had informed Lordships that there will be challenges but we must find just solutions and move on. I had believed genuinely and Shri Jadhav supported me, in my thinking that even after two weeks of situation is to remain same, why not restart soon to overcome challenges and hardships being felt by majority of Lawyers, especially the Young Lawyers and Junior Lawyers . We did so in larger interests of the Institution, the Bar, the Litigants and most of all in the larger interests of Justice.

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I must state that some time ago when I had sent a message to You to elicit your views on the issue of restarting the Courts, over ninety percent of your responses had favoured the restarting with strict restrictions and regulations. This has weighed with me immensely and for last few weeks I had been urging the Hon'ble Chief Justice to take a decision. He readily constituted the Committee of seven Hon'ble Judges and came the outcome yesterday.

Friends, this is a good beginning, a positive outcome of efforts by SCAORA and SCBA in your interests and I would urge you to move forward. No decision in present circumstances is easy and so one must take tough decision in larger interests and that is what we, as your Elected Representatives, have done. I must place on record the unstinted and untiring response of the Executive Committee in this regards and particularly of its Office Bearers led by the Vice President Shri Kailash Vasdev.

In this regard, I must also mention that a separate Committee of three Honble Judges presided by Hon'ble Mr. Justice L. Nageshwara Rao had met us day before only to suggest modalities of how to go about fixing and then hearing Regular Matters. While insisting on restarting the old system of Terminal List followed by Monthly list and Weekly list before publishing Daily list, must be restored, I had suggested that for the time being, the Regular Matters list published in Feb/March 2020 be taken as the Base list to kick start the hearings. The said list be re-circulated as an Interim list to begin with by this week and AORs on both sides can jointly inform the Registry as to whether matter can be and should be heard or not in the proposed hearings. This way convenience may be respected. Once this is done, matters can be taken up by the Hon'ble Courts and proceeded with, without any issue.

But I did inform the Hon'ble Committee, and they understood the request, that this is a trial process and difficulties being faced will slowly be ironed out by the Bar and the Bench. Hon'ble Judges assured total cooperation and understanding as also to accommodate Lawyers in genuine difficulties but expected Bar to also cooperate fully.

Friends, I request you to now extend your full cooperation to each other, to the Court and to us in moving forward. We all will have to understand the seriousness of the COVID challenge, take utmost precautions and yet move on for regular functioning of the Supreme Court of India. Yes, there will be difficulties and challenges, so let us resolve to overcome them with our individual and joint efforts.

Warm Regards,

Sd/-
DUSHYANT DAVE
President, SCBA

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