



SUPREME COURT BAR ASSOCIATION (Regd.)

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

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SCBA/Registry.31/2021

Dated 06.09.2021

To,
Shri Sanjeev S. Kalgaonkar
Secretary General
Supreme Court of India
New Delhi.

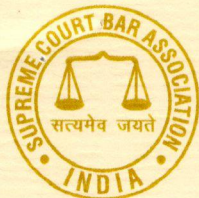
Sub: Problems faced by Lawyers in the present SOP dated 01.09.2021 and suggestions thereof.

Dear Sir,

The Bar welcomes the step taken by the Hon'ble Supreme Court for starting the hearing to a certain extent by physical mode as an interim measure. However, the SOP dated 01.09.2021 has certain lacunae which has been brought before the undersigned by the members of the bar and need urgent attention of the Court.

PROBLEMS FACED BY THE BAR

1. Certain Courts have mandatorily put the matters listed before them in physical/ virtual mode and the same is creating problem for Advocates on Record and arguing counsels as they are in a fix as to how to attend the matters which are listed in both types of Courts. You will appreciate that It is not possible to attend one court physically and the other one virtually being present in the Court.
2. Miscellaneous matters listed on Non miscellaneous days are put up for hearing on virtual mode whereas the regular matters listed on the same day are listed with an option of physical/virtual mode of hearing. The same is creating problem for the members of the bar as there is uncertainty and they are finding it difficult to choose physical mode of hearing for regular hearing matters.
3. The process of marking the matters on regular days as physical/ virtual is very cumbersome and majority of the Advocates on Record are facing difficulty in doing so.



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4. A large number of Advocates on Record are willing to come to the Hon'ble Court for physical hearing but the Senior Advocates may or may not wish to appear physically due to their age and/or due to more than one matter listed in various Courts. In such circumstances, the Advocates on Record and/or the briefing counsels are in a very precarious position as to the hearing of such matters.

SUGGESTIONS FROM THE BAR

1. All Courts should follow one principle as to giving the option to the lawyers to choose either physical or virtual mode of hearing including the miscellaneous matters listed on Non Miscellaneous days so as to save the precious judicial time.
2. The advance list for the coming week should be issued by Friday evening and a simple letter by the Advocates on Record [Like in the case of circulation of letter for adjournment] should suffice the process of choosing the mode of hearing. The registry can fix a timeline [viz. Sunday evening upto 6 PM] for circulation of such letter for opting physical or virtual mode of hearing. This will ease the process of choosing a mode of hearing to a very large extent and the lawyers can conveniently do so and/or instruct their office to do so from their registered Email ID which is available with the Registry of this Court.
3. It should be clarified that in case an Advocate on Record has not chosen the mode of hearing for the matter listed before the Hon'ble Court, the same would be deemed to be physical or virtual hearing as the Hon'ble Court desires.
4. In case the Advocates on Record wishes to choose physical mode of hearing as he/she may have more than one matter in this Hon'ble Court, his/her Senior Advocate/ Arguing Counsel, if any, may be permitted simultaneously to appear before the Hon'ble Court in virtual mode.
5. The Advocates on Record whose matters are listed on a particular day shall be allowed to enter the High Security Zone and the Court Rooms along with their Registered Clerk without issuance of any pass as their names are already displayed in the Cause List and the same can be verified at the time of entrance. The same procedure may be adopted for Senior Advocates.



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6. As the Hon'ble Courts are listing few matters for final hearing [101 series], the entry to the High Security Zone can be allowed without issuance of any pass. The lawyers are aware of their responsibilities towards the society and as the registry officials/ staffs that are seen in the corridor following Covid norms, the same can be followed by us which will not adversely affect the situation in the High Security Zone. In case this request is not acceded to, issuance of E-pass can to enter the Court Room be continued, with simple process of obtaining the same.

I am hopeful that the suggestions of the bar will be put up before the Hon'ble Judges Committee and will be considered positively for the betterment of assistance to be provided by the bar in dispensation of Justice. In the meantime a request be made to Hon'ble Judges not to pass any adverse orders in any matter wherein advocate is unable to appear.

Sincerely,

ARDHENDUMAULI KUMAR PRASAD
Hony. Secretary
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