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भारतीय विधिज्ञ परिषद् BAR COUNCIL OF INDIA

(Statutory Body Constituted under the Advocates Act, 1961)

21, Rouse Avenue Institutional Area, New Delhi - 110 002

Press Release Dated 01.02.2021

The meeting between leaders of the Bar and Hon'ble Chief Justice of India was held today in the Conference Hall of Supreme Court of India on the issue of resumption of physical hearing in Supreme Court.

The meeting had been convened by Mr. S. A. Bobde, Hon'ble the Chief Justice of India. Following persons were invited to attend the meeting.

1. Mr. Tushar Mehta, Senior Advocate and Solicitor General of India;
2. Mr. Manan Kumar Mishra, Senior Advocate and Chairman, Bar Council of India;
3. Mr. Kailash Vasdev, Senior Advocate and Vice-President, Supreme Court Bar Association;
4. Mr. Rohit Pandey, Acting Secretary, Supreme Court Bar Association;
5. Mr. Manoj Kumar Mishra, Vice-President, Supreme Court Advocates-on-Record Association; and
6. Mr. Joseph Aristotle, Honorary Secretary, Supreme Court Advocates-on-Record Association

Subsequently, Mr. Vikas Singh, Senior Advocate and Former President of Supreme Court Bar Association also joined the meeting on the invitation of the Hon'ble Chief Justice of India.

All the leaders of the Bar were of the view that the open Court hearings should start forthwith as the normal functionings in all the Government Offices have been resumed, Restaurants, Picture Hall and most of the High Courts are also running the physical courts. But, due to continuation of Video-Conferencing majority of lawyers of Supreme Court are facing a lot of difficulties. Lawyers are in agitating Mode.

The discussions went on for long and lastly the meeting arrived at following conclusions: -

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1. The Hon'ble Chief Justice of India made it clear that the Judges of Supreme Court themselves are willing to restart the open court hearings, but, there are medical and technical issues, which the registry of Supreme Court of India is trying to sort out and solve. Therefore, it will be done gradually.
2. The Secretary General was asked by Justice Bobde to get the technical problems solved at the earliest so that Courts could resume its functioning physically from the first week of March, 2021.
3. After deliberations, it was also decided that though there shall be hybrid system of hearing till the pandemic period is over, but, as proposed by Mr. Vikas Singh, the Video-Conferencing (during the hybrid hearings) could only be done by the lawyers who are present in Delhi and that should be done only through cable connections either in the lawyers chambers or the cubicles (to be installed in the premises of Supreme Court).

Earlier, Mr. Singh had given a call to agitate for the physical court hearings, some Lawyers were seen with placards, but, after the meeting, the idea of protest or agitation has to be given a go-bye, but, Mr. Singh has announced to continue with the agitation.

No lawyer should be allowed to join the Video-Conference through the internet as it creates a lot of problems and it results in strong resentment among the Members of the Supreme Court Bar. The Hon'ble Chief Justice of India also agreed to such proposal.

On the proposal of the leaders of Supreme Court Bar Association and Supreme Court Advocates-on-Record Association, the Hon'ble Justice Bobde assured that the lawyers' chamber will be allowed to remain open from 09.00 AM to 07.00 PM on all the 7 days.

It was also resolved to evolve the required SoP (Standard of Procedure) for the physical and hybrid hearings and for laying down such SoP, the Secretary General is to coordinate with the leaders of the Supreme Court Bar very soon. This apart, the lawyers were also requested to make their suggestions to the Secretary General through email in order to make the procedure easy and practical.

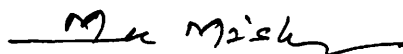
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Mr. Mishra requested for evolving an effective and expeditious method for mentioning and listing of urgent matters, on which the Hon'ble Chief Justice of India gave a positive assurance. Most probably one or two Judges will sit on all the working days for "Mentioning Matters" only. A decision to this effect shall be taken soon by the Hon'ble Chief Justice of India in consultation with the other Judges.

The Hon'ble Chief Justice of India further requested Mr. Manan Kumar Mishra to coordinate with the Senior Advocates of Supreme Court and other Bar Associations of the country in order to make them agreeable for the physical hearings. There should be no controversy on this issue, Chief Justice of India said, that "this is a matter for Bar Council of India's Chairman to find out an amicable solution to such problems".

From today's meeting, it is clear that the physical hearings are going to start in the Apex Court within 3-4 weeks. The Chairman, Bar Council of India also made the Chief Justice of India acquainted with the feelings and strong resentment of the Bar with regard to the statement of the some of the Judges of Supreme Court of India where the Hon'ble Judges have talked of continuation of Virtual Hearings, even after the pandemic period is over.

Mr. Mishra made it clear that such concept is not at all accepted to the Indian Bar and in any event, the "Video-Conferencing Mode" cannot replace the Open Court Hearings during the normal days. The leaders of Supreme Court Bar Association will have their meeting with the Secretary General of Supreme Court day-after-tomorrow to discuss the various issues relating to SoP.



(Manan Kumar Mishra)
Chairman
Bar Council of India