

ITEM NO.4+7+15

Court 8 (Video Conferencing)

SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Item Nos.4+7

Writ Petition(s)(Civil) No(s). 310/2021

SUPREME COURT BAR ASSOCIATION & ANR.

Petitioner(s)

VERSUS

SUPREME COURT OF INDIA

Respondent(s)

(FOR ADMISSION and IA No.35850/2021-STAY APPLICATION)

WITH

Writ Petition(s)(Civil) No(s). 329/2021

(FOR ADMISSION and I.R.

[TO BE TAKEN UP ALONG WITH W.P.(C) No. 310/2021]

Item Nos.4.1 + 4.2 + 15

SLP(C) No. 4516/2021 (XIV)

(FOR ADMISSION and I.R)

SLP(C) No. 4759/2021 (XIV)

(FOR ADMISSION and I.R.)

WITH

SLP [C] Diary No(s). 7301/2021

(FOR ADMISSION and I.R. and IA No.42460/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.42465/2021-EXEMPTION FROM FILING AFFIDAVIT and IA No.42459/2021-PERMISSION TO FILE PETITION (SLP/TP/WP/...)....[TO BE TAKEN UP ALONG WITH ITEM NO. 4.1 I.E. SLP(C) No. 4516/2021])

Item No.15.1

SLP(C) No. 4819/2021 (XIV)

(FOR ADMISSION and I.R. and IA No.42140/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.42141/2021-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 23-03-2021 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE R. SUBHASH REDDY

For Petitioner(s)

Mr. Vikas Singh, Sr. Adv.
Mr. Pradeep Kumar Rai, Sr. Adv.
Mr. V. Shekhar, Sr. Adv.
Ms. Mahalakshmi Pavani, Sr. Adv.
Mr. Arijit Prasad, Sr. Adv.
Mr. Brijender Chahar, Sr. Adv.
Ms. Sonia Mathur, Sr. Adv.

- Mr. Vikas Pahwa, Sr. Adv.
 Mr. Ritu Bhardwaj, Adv.
 Mr. Anupam Mishra, Adv.
 Ms. K.V. Bharathi Upadhyaya, Adv.
 Mr. Mukesh Kumar Singh, Adv.
 Ms. Sasmita Tripathy, Adv.
 Mr. Prashant Singh, Adv.
 Ms. Prerna Kumari, Adv.
 Ms. Seema Patnaha, Adv.
 Ms. Nandani Gupta, Adv.
- WPC 329/2021
- Mr. Santhosh Paul, Sr. Adv.
 Mr. Sriram P., AOR
 Mr M.S. Vishnu Shankar, Adv.
 Mr. Sreenath S., Adv.
 Ms. A. Ushi Reddy, Adv.
 Mr. Sudhir Kumar Ojha, Adv.
 Mr. Deepak Kumar Singh, Adv.
 Mr. Vijendra Kumar Chourasia, Adv.
 Mr. Hemant Shukla, Adv.
 Mr. Santosh Kumar Sahu, Adv.
 Mr. Vaibhav Gupta, Adv.
 Mr. Roshan Kumar, Adv.
- 4.1
- Mr. Dhruv Mehta, Sr. Adv.
 Mr. Meet Malhotra, Sr. Adv.
 Mr. Gagan Gupta, AOR
 Mr. Manashwy Jha, Adv. Petitioner in Person
- SLP C 4759/2021
- Mr. A.S. Chandiook, Sr. Adv.
 Mr. Rajiv Nayar, Sr. Adv.
 Mr. Chander Lall, Sr. Adv.
 Mr. Mohit Paul, AOR
 Ms. Nancy Roy, Adv.
 Mr. Vedanta Verma, Adv.
 Mr. Kartik Nayar, Adv.
 Mr. Sachit Jolly, Adv.
 Mr. Amit Bhagat, Adv.
 Ms. Sunaina Phul, Adv.
- 15
- Ms. Geeta Luthra, Sr. Adv.
 Mr. Nitin Saluja, AOR
 Ms. Sanjana Saddy, Adv.
 Ms. Vertika Sharma, Adv.
 Ms. Shivani Luthra Lohiya, Adv.
 Ms. Sasha Maria Paul, Adv.
- 15.1
- Mr. Atul Nagarajan, Adv.
 Mr. Ankit Anandraj Shah, AOR
 Mr. Anant Hajelay, Adv.
 Mr. Ajay Khanna, Adv.
 Mr. Rajat Gautam, Adv.
 Ms. Shreya Arneja, Adv.
 Mr. Sourabh Rajpal, Adv.

Mr. Rahul Kaushik, AOR

For Respondent(s)
SLP C 4516/2021
DHC

Mr. A.D.N. Rao, Adv.
Mr. Annam Venkatesh, Adv.
Mr. Rahul Mishra, Adv.
Ms. Ananya Khandelwal, Adv.

4,4.1,4.2
DHCBA

Mr. Mohit Mathur, Sr. Adv.
Mr. Sudhandhu Batra, Sr. Adv.
Mr. Abhijat, Adv.
Mr. Jatan Singh, Adv.
Mr. Mohit Gupta, Adv.
Mr. Amit Sakexa, Adv.
Mr. B.S. Dhir, Adv.
Ms. Kajal Chandra, Adv.
Ms. Rupali Kapoor, Adv.
Ms. Kanika Singh, Adv.
Mr. Nikhil Mehta, Adv.
Mr. Dhan Mohan, Adv.
Mr. Harshit Jain, Adv.
Mr. Naginder Benipal, Adv.
Mr. Shaashwat Jindal, Adv.
Mr. Arpit Kumar Singh, Adv.
Ms. Nidhi Mohan Parashar, AOR

UPON hearing the counsel the Court made the following
O R D E R

Item Nos.4+7

Writ Petition(s)(Civil) No(s). 310/2021
Writ Petition(s)(Civil) No(s). 329/2021

The Minutes of the meeting held by the Judges Committee on 19.03.2021 in pursuance of the order passed on 16.03.2021 has been placed before us. We may notice that we had called upon the learned Secretary General to request the Seven Member Judges' Committee to facilitate a meeting with the Bar.

In terms of the Minutes of the meeting placed before us, it has been recorded that in pursuance to the letter dated 29.01.2021 addressed by Mr. Vikas Singh, learned senior counsel (not then the President) the Hon'ble Chief Justice of

India had a meeting on 01.02.2021. In terms of the note with respect to the said meeting, the Registry was required to take certain steps after seeking opinion of the medical experts, examining the technical feasibility and considering the availability of staff and their capacity to support the hybrid system. The Co-ordination Committee thereafter is stated to have held meetings on 03.02.2021, 04.02.2021 and 13.02.2021 which meeting was attended by the representatives of Supreme Court Bar Association (SCBA) and Supreme Court Advocates on Record Association (SCAORA). The principal item on the agenda is stated to be preparation of Standard Operating Procedure (SOP).

The matter was placed before the Committee and certain recommendations were made by the Committee on 10.02.2021.

In the subsequent meeting of the Co-ordination Committee held on 13.02.2021 various facets of hybrid system were discussed and decision was arrived at. It is further recorded that in the meeting held on 04.03.2021, the Committee considered all materials including the opinion of medical experts and resolved that physical hybrid system could be operational with effect from 15.03.2021.

The Committee has opined that the SOP was formulated after detailed consultations with the representatives of SCBA and SCAORA and after taking the views of the medical experts as well as technical professionals. All the relevant material including recommendations of the Committee made on 04.03.2021 were then placed before the Hon'ble Chief Justice of India and

after his approval the SOP was published on 05.03.2021.

The final view of the Committee is that since SOP was prepared and published after due consultation with the representatives of the SCBA and SCAORA, the Committee did not find any reason in revisiting the issue and in meeting the representatives of the Bar at this stage. However, it has been observed that in case there is any grievance or objection with regard to the functioning of SOP or against any particular part or term of SOP, and if any such issue requires any modification/addition, the same may be placed before the Committee.

Mr. Vikas Singh, learned senior counsel who is the President of the Bar has quite belligerently opposed this approach of the Committee and submits that the earlier meetings with the Registry have not really considered the perspective of the Advocates and the problems being faced by the lawyers. It is his view that the SOP must go as a whole and a fresh SOP must be drawn.

We specifically put to Mr. Vikas Singh, learned senior counsel whether it would be acceptable for him to make suggestions/modifications in the existing SOP so that the same could be discussed with the Registry and thereafter placed before the Committee as recorded in the Minutes dated 19.03.2021. Of course, whether the Committee wants to hear the representatives of the Bar is a matter for the Committee to consider.

Mr. Vikas Singh, however, submits that the said course is

not acceptable to him and he would like to discuss the matter only with the Judges' Committee.

The result is that there appears to be some kind of impasse on this issue as the course suggested by the Committee is not acceptable to the representatives of the Bar.

The aforesaid being the situation, in our perspective, it is not a subject which can be discussed in a petition under Article 32 of the Constitution of India. It relates to the administrative working of the Supreme Court. We had endeavoured to facilitate an interaction so that the problems perceived to be faced by the Bar can be ironed out. That course appears not to be acceptable to the Bar.

As a result of the aforesaid, we are of the view that on the judicial side little can be done on this aspect and we thus, close the proceedings.

Pending application(s) stand(s) disposed of.

Item Nos.4.1 + 4.2 + 15

SLP(C) No. 4516/2021 (XIV)

SLP(C) No. 4759/2021 (XIV)

SLP [C] Diary No(s). 7301/2021

Permission to file SLP is granted in SLP [C] Diary No.7301/2021.

In view of the subsequent clarification issued by the High Court itself, nothing really survives in these petitions and the petitions stand disposed of. We appreciate the constructive approach adopted by the Bench and Bar of Delhi

High Court for a common acceptable working arrangement.

Pending applications stand disposed of.

Item No.15.1

SLP(C) No. 4819/2021 (XIV)

We are of the view that the aspects sought to be raised in this petition need to be really ironed out on the administrative side including the aspects of quasi judicial bodies by the High Court. If there are any aspects *qua* the latter requiring judicial intervention at the High Court level, we are not precluding the same.

The petition accordingly stands disposed of.

Pending application(s) stand(s) disposed of.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
COURT MASTER (NSH)