



Supreme Court Advocates-On-Record Association

Golden Jubilee Bar Room, Supreme Court of India, New Delhi-110201
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02.06.2020
New Delhi.

To,
Hon'ble the Chief Justice of India,
and all other Puisne Judges of the
Supreme Court of India

Sub- Request for resumption of working of the Courts in a physical setting

Hon'ble Chief Justice and Judges,

At the outset, I would like to congratulate the proactive role of the Supreme Court in the effort to provide access to justice in these difficult times of Covid-19 Pandemic. I would also like to take this opportunity to express my gratitude for the provision of the new E-Filing module software. We are truly honoured to receive such individualized services for lawyers which would enable them to now use their time in a more effective manner. Hon'ble Dr. Justice D.Y. Chandrachud, Chairman of the E-Committee has rightly said that "Access to justice cannot suffer in a lockdown, whatever be the circumstances", and that online filing of matters, scrutiny, curing of defects etc., will now be possible 24/7 with the new E-Filing module.

We are also truly grateful for the acknowledgment that Open Court hearings are the spine of our system and that Virtual Courts are not a substitute to physical Courts. Given that effective consultation and feedback has often been sought from the Bar, it is my duty and responsibility to apprise the Hon'ble Court about the feedback as received by SCAORA for your kind consideration as under :

1. Most lawyers (almost 95%) are not comfortable with the Virtual Court hearings. The common feedback seems to be that the lawyers are unable to present their cases effectively in the Virtual medium and the same is acting as a major deterrent for lawyers to consent for such virtual hearings.
2. In matter involving several parties and appearance by many lawyers, not all lawyers are given a chance to speak and sometimes, their mics are put on mute by the Coordinator as a result of which, their matters get heard in their absence.
3. There are problems with audio and video quality of hearings, which results in the lawyers not being able to effectively put forth their arguments.



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4. Many lawyers are not well equipped with knowledge on the use of computers and hence they are unable to participate in the process effectively.
5. There are still several lawyers who are outside Delhi/NCR and in their respective hometowns, not having access to their files and thus unable to participate effectively in Virtual Court hearings.
6. Many a times, when a Senior Advocate or arguing Counsel appears, he/she is left to appear on their own. The AOR/briefing lawyer is unable to assist them effectively in this virtual medium.
7. Most lawyers are facing severe financial problems during this pandemic, due to staggered working of Courts for the past 3 months. Several lawyers have expressed their concern over to the Executive Committee of SCAORA over the loss of livelihood during the past few months. Unless the normal functioning of Courts is resumed, the said concern will not abate.
8. Many a times, all documents filed through E-filing are not available with the Bench.
9. Lawyers are not able to effectively present their cases like reading out Judgments, provisions from Bare Acts etc.
10. After filing of matters, the Registry takes its own time to scrutinize matters. Lawyers are having to follow up and give several reminders to the Registry officials. The defect curing mechanism as well as the registration of matters are problematic areas which needs urgent re-consideration.

In view of such practical difficulties, I, on behalf of SCAORA and thousands of lawyers, request the Hon'ble Court to resume physical Court hearings upon re-opening in July 2020 after summer vacations. Moreso, in light of the announcement of the Unlock 1.0 and measures to be undertaken to resume normalcy in a phased manner.

The Hon'ble Court may, of course, consider imposing other conditions for the safety of all concerned, such as allowing limited number of lawyers for the matters. Few suggestions in this regard are as follows:

1. The total number of matters be split into two slots, to be taken up before lunch and post lunch. Every lawyer could be required to compulsorily leave the Courtroom after his/her matter is over.



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2. Limited number of lawyers per matter be allowed, such as only the concerned AOR with Senior Advocate or arguing Counsel and one junior lawyer.
3. Lawyers appearing in 10 matters be allowed to be present at any given time. (Items 1-10, 11-20, 21-30 and likewise).
4. Entry of litigants, interns and law students be restricted for the time being.
5. Clerks' entry/exit be regulated. They may be permitted to keep the files and books before the Court sits and retrieve the same after the Court rises.
6. The existing distance between the lawyers and Judges be increased. The quality and working of mics be improved so that lawyers can be heard even from a distance.
7. Every person entering Court room be necessarily told to sanitize his/her hands.
8. Wearing of masks be made compulsory for all lawyers even inside the Courtroom, with the lawyer who is arguing to wear a face shield.
9. Separate door for entry and exit of lawyers be earmarked.
10. Entry to lawyers in the Court be confined only to the lawyers in the cause list. The library, canteen etc. to remain closed.

I would like to conclude by expressing the hope that we all must work collectively towards resumption of the working of the Courts in a physical setting, with all possible precautions, as and when the Hon'ble Court resumes in July 2020.

Thanking you,

Shivaji M Jadhav
President, SCAORA