

Hybrid hearing by Supreme Court

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In news : Supreme Court of India to start hearing cases in “hybrid mode” from March 15

What is hybrid hearing?

When hearings are conducted in a hybrid manner, the Advocates, advocates on Record and the parties in person will have an option to appear in either physically or virtual court while the matter will be heard in physical court.

In simple words, the ‘hybrid’ mode will enable counsel to appear either via video-conferencing or be physically present in court.

Standard Operating Procedure (SOP) on hybrid mode

- The apex court came out with a Standard Operating Procedure (SOP) in this regard. Following are the key guidelines in this regard;
- According to these guidelines issued by CJI, “on an experimental basis, and as a pilot scheme, the final hearing/regular matters listed on Tuesdays, Wednesdays and Thursdays may be heard in the hybrid mode, as may be decided by the Hon’ble Bench
- CJI also added that considering the number of parties in a matter ,as well as the limited capacity of courtrooms” and that “all other matters, including those listed on Mondays and Fridays shall continue to be heard through video/tele-conferencing”.
- It pointed out that “unless otherwise directed” by the Bench, “final hearing/regular matters where the number of advocates for the parties are more than the average working capacity of the Court rooms, as per Covid-19

norms 20 per courtroom at any given time shall invariably be listed for hearing through video/teleconferencing mode”.

- However, in case the court directs holding hearing of such matters through the hybrid mode, the appearance of the parties, whether by physical presence or virtually, will be facilitated as per the directions of the Bench
- The SOP says that if in a matter listed for hybrid hearing, the number of parties is more, then one **AOR (advocate-on-record)** and one arguing counsel per party will be allowed entry; one registered clerk per party, as may be chosen by the AOR, shall be allowed entry to carry paper books/journals etc. of the counsels upto the court-rooms
- It also says that in any such matter as may be listed for hybrid hearing, all the counsels appearing for one party can appear either through physical presence or through video/tele-conferencing
- The SOP also adds that the AORs may submit their preferences within 24 hours/1:00 PM next day after the publication of the Weekly List of Final Hearing/Regular matters
- Where the AOR for a party does not opt for either mode, “it shall be presumed that counsels for the party seek to appear through video/tele conferencing mode and will be facilitated accordingly
- As per the SOP, entry into the high security zone of the court through proximity cards/long term passes will however continue to remain suspended and entry of counsels/parties or such other stakeholders into the courtroom for hybrid hearing will be through daily “Special hearing passes” which will be issued by the registry, on the basis of authorisation by the concerned AOR
- In order to avoid overcrowding in the courtroom because of lawyers having more than one case waiting for their next hearing.

- The SOP said that counsel having more than one case for a hybrid hearing in the court rooms will be issued a separate 'Special Hearing Pass' for each case and after hearing of one case is complete, they may wait in the designated staging/waiting area for their next case.