

To,

**Hon'ble The Chief Justice,  
Hon'ble High Court of Uttar Pradesh  
Allahabad.**

**Sub: Representation / PIL seeking your kind intervention and indulgence into  
the issues concerning Life and Personal Liberty of Scores of individuals and  
issues relating to e-filing.**

My Lord,

The applicant herein is a post graduate in Laws and Management , having secured two Gold Medals in Laws at Masters Level (LL.M.) besides being the topper of Laws (LL.B.) of the 1998 batch of Faculty of Law , Jamia Millia Islamia, New Delhi. The applicant has been a practicing Lawyer of the Lucknow Bench of the Allahabad High Court and is presently associated with a leading telecom infrastructure provider of the country as their In-House counsel, saddled with the responsibility of taking care of its legal issues in the States of Uttar Pradesh and Uttarakhand . The applicant is a conscientious individual who tries to perform his fundamental duties , and to serve the ailing society by making relentless efforts , which he believes , are a part of every Individual's Social Responsibility.

The applicant has, in the performance of his fundamental duties as a responsible citizen, succeeded in seeking the kind attention of this Hon'ble Court in amending the draconian 10 days bail rule, (**Sub Rule 3a of Rule 18 of Chapter XVIII of Allahabad High Court Rules**) which mandated a compulsory imprisonment of an individual for atleast 10 days before his matter was actually taken up for hearing by the Hon'ble Court. The said rule has since been amended to the respite of scores of individuals.

The applicant, by way of his duly researched representations also persuaded the department of Administrative Reforms, Government of Uttar Pradesh to come up with the process of e-filing of RTI Applications and e-filing of the First Appeal, making the State of Uttar Pradesh amongst the pioneers in this innovative step, after Delhi and Maharashtra. The applicant has tried replication of this success story by writing extensively to the other State Governments all through the country.

Applicant's crusade for the cultural heritage of Lucknow is also leading to conservation of Lucknow's signature monuments, under the directions of the Hon'ble Allahabad High Court, in a PIL filed by the applicant in 2013.

The instant issue relates to the process of e-hearing of urgent petitions by the Hon'ble High Court, which certainly was intended to give a respite to all those whose rights were denied or being prejudiced by State Action or any other cogent reason. However, these rules which were meant for High Courts are not being able to cater to the requirement of the Lawyers as well as the litigants for many reasons which need the kind consideration of the Hon'ble Court.

Besides this, there has to be a Standard Operating Protocol(SOP) for all the cases which are being filed by way of e-filing, while also devising the similar plan for the Subordinate Courts also which account for the majority of litigation, as going ahead, with the speed and magnitude of the pandemic , it, at present, seems difficult to return to the conventional system of filing and hearing the cases and e-filing and e-hearing seem to be the way of life at-least for the next few months.

In this regard, I seek to draw your kind attention to the following issues which necessitate your kind indulgence and direction:-

1. How does a lawyer, who has filed a petition online, in terms of the guidelines circulated, be confident that his petition has actually been received at the given mail id? Why can't there be an automated reply from the very same id that the mail with attachment has been received?
2. Who operates the mail ID of the HC filing? Is it the joint registrar listing /any other judicial officer or Clerk? The details, contact numbers and mail IDs of all such authorities be made available on the Website of the High Court
3. How is it ensured that the clerk dealing with e-filing does not delete a particular lawyer's mail? What is the mechanism to ensure that this does not happen
4. What is the standard SOP for the e-filing of petitions in High Court and what shall be the process for the Subordinate Courts which account for the majority of litigation?
5. What is the capacity of the High Court's mailbox for e-filing? Is it secured ? And what does one do when the mailbox becomes full and the mail bounces? Who is authorized to delete the mails and at what frequency? Is there a way to archive the mails ?
6. At what frequency is the matter placed before the Senior Judge/Bench? Is it immediately at the time of filing the petition or at some fixed intervals? Who is authorized to take a call on this and decide whether the matter is to be placed before the Hon'ble Court immediately/ Later on or not to be placed?
7. Why can't there be a similar process of hearing for lower courts where thousands are still languishing without hearing, even for petty offences? Why can't there be an e-hearing there as well? The Lower Courts need to have a separate room, preferably in the Bar where the computers with a proper internet connection with proper bandwidth and camera and sound system be put in place, well sanitized, where the Lawyers who do not have the personal computers/ android systems be facilitated to appear and argue their matters before the designated courts for the purpose, after following the Covid-19 Protocols.
8. In order to ensure transparency and accountability, the High Court must publish a daily dashboard of petitions received on its website and share the details of defects (if any) so that the lawyers and litigants can at-least know that their matters are filed, cure the defects and proceed with the matter.

9. I would also strongly recommend that the Hon'ble High Court must appoint amicus for all the District Courts amongst those lawyers who are aware of the use of computer applications and e-process, who could volunteer to visit and educate their fellow lawyers into the nuances and process for use of technology into litigation. This may involve visit, creation of mail IDs of Lawyers and educating them adapt to the changing circumstances, which is going to be the way ahead for this noble profession which impacts the Society at large.

I am confident, Sir, that my bonafide representation shall certainly succeed in getting your kind attention and your very kindself shall pass necessary instructions in the matter in the larger interest of the citizenry of the State which looks upon your very kindself as the custodian of their legal , constitutional and fundamental rights.

With kind regards,

Dated : 03.05.2020

Yours faithfully,

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