

Date: 05/05/2020

To,

1. **The Hon'ble The Chief Justice,
High Court of Judicature at Allahabad,
Allahabad.**
2. **The Registrar General,
High Court of Judicature at Allahabad,
Allahabad.**
3. **The Administrative Committee,
High Court of Judicature at Allahabad,
Allahabad.**
4. **The High Court Bar Association (HCBA),
Through the Secretary, HCBA,
High Court of Judicature at Allahabad,
Allahabad.**

In Re: Representation/PIL for non-reopening of the Courts at Allahabad and Lucknow from 08/05/2020, in the wake of non-improvement and worsening of the serious COVID-19 pandemic situation and the ongoing nation-wide lockdown.

My Lord,

In continuance of my letter on the subject aforesaid dt. 04/05/2020, I write to Your Lordship, by way of this representation/PIL instead of filing

a regular PIL, owing to the gravity and urgency of the matter involved and the practical constrains of the current e-filing and listing procedure.

The petitioner/applicant in this letter/PIL is a practicing Advocate-On-Roll in this Hon'ble Court at Allahabad and as such, is well aware of his rights and duties as public spirited and concerned citizen of India.

The nation-wide lockdown ongoing since 25/03/2020 and set to end on the 3rd May, 2020, was further extended for two weeks from 4th May, 2020, by Order No. 40-3/2020-DM-I(A) of the Government of India through the Ministry of Home Affairs dt. 01/05/2020 in exercise of its powers under Section 10(2)(l) of the Disaster Management Act, 2005 ('2005 Act,' for short), in compliance of the Order No. 1-29/2020-PP issued by the National Disaster Management Authority (NDMA) in exercise of its powers under Section 6(2)(i) of the said Act.

To the utter dismay of the petitioner, it has been notified by the Order of the Hon'ble Court dt. 04/05/2020 that the Courts at Allahabad and Lucknow are set to open from 08/05/2020. Significantly, the Order of the Ministry of Home Affairs, Government of India, *supra*, is still in force and in currency and as such has not been set aside, invalidated, modified or declared inapplicable or null and void by any authoritative pronouncement of this Hon'ble Court. The said Order which is well-founded, based upon quantified data, stats, scientific, medical and risk assessment and owing to the unforeseeability of the loss or damage that may ensue to human life,

health and safety and the insurmountable dangers involved, due to the lack of scientific certainty as to the probable hazard, prevails as a precautionary measure and principle.

In this view of the matter, the aforesaid Order of the Union Government of India, *supra*, occupies the field and as such is a binding law on the matter and the same shall prevail. Thus, the administrative order of this Hon'ble Court providing for reopening of the Courts at Allahabad and Lucknow dt. 04/05/2020 is liable to be quashed and set aside, being repugnant to and hit by the aforesaid Order dt. 01/05/2020 of the Ministry of Home Affairs, Government of India which is the binding and settled law occupying the field, on the instant matter(s) involved in this letter/PIL.

Importantly, the COVID-19 is a deadly and highly contagious strain of the corona-virus. As of now, there is no cure or remedy available or known to mankind. When the one day 'Janta-Curfew' was held on the 24th March, 2020, nation-wide there were only 562 COVID-19 patients and 9 deaths. At that time, in Allahabad there were no detected or confirmed COVID-19 cases. The nation-wide lockdown has been in place since the 25th March, 2020, which was originally to be implemented only for a period of 21 days but has subsequently been getting extended owing to the non-improvement of the situation and the massive threat to the life, safety and health of the public at large and to avoid community transmission and exponential spread of the COVID-19. Ever since the lockdown was put in

place, the situation has only worsened nation-wide and as of yet there is no respite or normalization of the pandemic situation. As of now, nation-wide there are more than 40,000 COVID-19 cases and more than 1000 deaths. In Allahabad, there are more than 9 detected and confirmed COVID-19 cases.

If the Courts so open for physical presence, it is highly likely that the chances of COVID-19 transmission and spread shall increase manifold and the Advocates and the High Court staff members would be bound to overlook and slight the lockdown guidelines and preventive measures put in place. Further, it is not practically possible to take utmost care and precaution as against an invisible virus and there are bound to be lapses in our vigilance. In addition to above, as is well known, we as Indians are very laid back people and as is clear from experience as observed during the lockdown at numerous places across the country, the social-distancing and precautionary rules and norms in all likelihood shall be reduced to caricatures and bound to be flouted, thus endangering and putting to peril the lives, health and safety of countless persons across the city.

Instead of reopening the Court(s), thus allowing physical intermingling and chance of contracting and risking the spread of COVID-19, it is requested and prayed that this Hon'ble Court may increase the strength of Benches sitting in Virtual Courts and to take such measures as may be necessary to streamline the Procedure for E-Filing, so as to make it hassle-free, efficient and more-effective, desirably, somewhat on the lines

of the E-Filing procedure of the Hon'ble Supreme Court, so as to facilitate the Advocates in easily filing their respective cases and this Hon'ble Court in hearing and deciding the matters by the Video Conferencing mode.

In the light of the submissions made and as prayed hereinbefore, it is expedient and necessary in the welfare of the Hon'ble Judges, Advocates, members of the Staff and the public generally that: until the lifting of the nation-wide lockdown and the normalization of the pandemic situation, this Hon'ble Court may remain closed for physical presence and continue to function as per the E-Filing and Video Conferencing hearing modes, in the interests of justice, fairplay and the society at large.

With profound regards,

Yours Sincerely,

Dated: 05/05/2020



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