

REPRESENTATION
(VIA EMAIL)

Dated: 16/05/2021

From, and on behalf of,

Advocates practicing in the Hon'ble High Court
of Judicature at Allahabad, Allahabad.

To,

1. The Hon'ble The Acting Chief Justice,
High Court of Judicature at Allahabad,
Allahabad.
Email: sanjayyadav@allahabadhighcourt.in
2. The Hon'ble Justice S.P. Kesarwani,
Chairman, E-Courts Committee,
High Court of Judicature at Allahabad,
Allahabad.
Email: suryapkesarwani@allahabadhighcourt.in
3. The Hon'ble Justice Siddhartha Varma,
High Court of Judicature at Allahabad,
Allahabad.
Email: siddharthavarma@allahabadhighcourt.in
4. The Hon'ble Justice Ajit Kumar,
High Court of Judicature at Allahabad,
Allahabad.
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5. The Registrar General,
High Court of Judicature at Allahabad,
Allahabad.
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**SUBJECT: REPRESENTATION FOR IMPLEMENTATION OF SOME
REMEDIAL/CORRECTIVE MEASURES AND SUGGESTIONS, INTER
ALIA, REGARDING E-FILING, E-NOTICE, URGENT
MENTIONING IN VIRTUAL COURT AND THE LISTING OF
CASES.**

Your Lordship(s)/Respected Sir(s),

These are unprecedented and dire times, when an invisible enemy runs riot through the City, the State and the entire country, devastating the lives and livelihoods alike, of Advocates and people from all walks of life across the tapestry of human society. Our hearts are ridden with untold sorrow, that numerous Advocates (more than 50 practicing in this Hon'ble Court itself) from our fraternity have fallen prey to the Virus and left for their heavenly abode. Even Shri Vikash Chandra Tripathi, the Chief Standing Counsel, and so also, many Clerks, etc., have lost their lives while battling with Covid-19.

In such harrowing times, the current system of e-filing (in its present form), urgent mentioning via email, service of notices in hard copies, filed petitions/applications being withheld for minor defects, *et al*, is causing insurmountable trauma and agony to the Advocates, their Clerks, the Litigants and likewise to their entire families.

The Covid restrictions, such as Curfew, Lockdown(s), etc., are in place, and we're being told by the State and the Hon'ble Courts alike, to stay at home as much as possible, maintain physical distancing, etc., so as to break the chain of the butchering Virus. However, it is a matter of great pity, that on the other hand the E-filing system, as it is now, is unduly and unnecessarily forcing the

Advocates and their Clerks, etc., out of the safety of their homes, to brave and weather the invisible virus.

As per the current system, the files of the cases have to be physically printed first and prepared physically by serving the hard copies thereof on the State or Government/Local Bodies – at such a time, when hardly any shops are open where one can get the files printed and photocopied. Owing to the same, the Advocates have to run hither and thither, from pillar to post and travel long distances to find shops that would provide the said services – daring the virus all throughout. Even the rare shops that are found to be open, squeeze exorbitant and unfair amounts from the Advocates (who are already financially devastated since last year, with no help from any quarter) for printing of pages and the photocopies thereof.

The e-notice option even provided earlier by this Hon'ble Court was made defunct by the importunacy of the State, Government and Local Bodies, by not providing notice numbers and insisting on service of files physically, with an arbitrary, unjustified, pertinacious resistance to e-notices – at a time when in almost all High Courts across the Country e-notices have become the norm, including in the Hon'ble Supreme Court of India.

Thereafter, the hard copies/photocopies of the files need to be physically served upon the State or Government/Local Bodies or their counsels, before preparing the physical copies for final scanning, book-

marking and hyperlinking at the Scanning Counter, so they can be filed at the “e-Filing” Counter – all the while being made to face up to the Virus, forced to flout all preventive norms and restrictions, reducing them to mere caricatures.

The aforesaid practices plunge the Advocates, their Clerks and their entire families into a vicious loop around the Covid virus, where it is only a matter of time before they get infected, or, even worse, become super-spreaders. This vicious loop around the virus would only end with the deaths or destruction of the Advocates, their Clerks, and their families, or until they’re so incapacitated by the infection that they quit the profession for fear of being devoured by the mass murdering Virus.

Further, to the utter dismay of the Advocates, the files after being filed do not get reported for weeks on end, even for extremely urgent cases, such as Habeas Corpus, Bail, Arrest Stay, etc., and in case they are, the files are withheld owing to minor and inconsequential defects as notified by the Registry, thus, putting the litigants through immense hysteria and torment, which goes on to deal a crowning blow to the mental health and stability and the professional practice of the Advocates.

What is more, the current ‘Urgent Mentioning’ system (via email) as put in place is completely crippling, ineffectual and humbug. Despite sending e-mails after e-mails, begging that the urgency of the matter(s) be promptly

taken note of and the case be listed in Court, hardly action is taken and the Advocates face a stonewall of apathy, when trying to enquire into the status of their urgent mentions or their “e-filed” cases. There is no accountability as to the same and no specified framework for the prompt processing, listing and hearing thereof. The persons sitting at the Help Desk (14600) are completely clueless as to the status of the cases, and totally unavailing and nugatory when it comes to providing any real ‘Help’ or information – parroting fruitless responses, such as “*Aa jayega,*” “*Aata hoga,*” “*Intizar kar lijeye,*” etc., when asked about the status of any filing or urgent mention.

Suggestions and Remedial/Corrective Measures to be Considered for Implementation

In the circumstances, from the facts adumbrated and in the light of the submissions compressed hereinbefore, it is picturesque that the system of “e-filing,” urgent mentioning and listing of cases, in its present form, is to the utter detriment to the life, health (both psychological and physiological), safety, stability (mental, financial and professional), practice and self-esteem of the Advocates – the proverbial Officers of the Court – and the Litigants alike, and in teeth of the rights guaranteed to them under Articles 14, 19 and 21 of the Constitution of India, 1950, and as such, for the ends of justice, it is

Most Respectfully beseeched that this Hon'ble Court may consider the following suggestions and corrective measures to be urgently implemented:

- i. **Filing of Softcopies:** Softcopies of the writ petitions, appeals, applications, etc., must be allowed to be directly uploaded and filed on the e-filing portal;
- ii. **E-Notice via Email:** State, Union and Local Bodies should be directed to mandatorily accept e-notices via email, as regards the filing of cases, to promptly share acknowledgment of receipt and the Notice Number and in no circumstance to insist upon service of physical copies;
- iii. **Prompt Listing of Cases with Defects:** The cases must be processed for listing in Court and should not be withheld owing to any defects (which may well be cured later on);
- iv. **Hearings via Virtual Open Court:** There should be a single VC link for the entire Causelist(s) for all the Advocates/Parties-in-person to join, to be published along with the Causelist itself or published on the website everyday, so as to bring the Virtual Hearings in conformity with the principle of 'Open Justice' and 'Open Courts' – on the lines of hearings being conducted in the Hon'ble Supreme Court of India, Delhi High Court, Bombay High Court, Madras High Court, Kerala High Court, NCLT, NCLAT, etc.;
- v. **Urgent Mentioning via VC:** By having a single VC link for the entire causelist(s), the Advocates/Parties-in-person shall be

enabled to appear and make urgent mentions directly before the Hon'ble Court, akin to the practice in physical Court; Alternatively, a separate VC link for urgent mentioning should be put in place, which may be shared on the email itself or on the Hon'ble Court's website;

- vi. **Streamlining of Urgency/Listing Applications:** The process of filing Urgency and Listing applications must be streamlined and the Registry be directed to deal with the same with highest concern, regard and vigilance, as the same could be a matter of life and death for the litigants;
- vii. **Strengthening the Help Desk Service:** The persons sitting at the Help Desk must be directed to provide proper 'help' and information as to the status of the files, urgent mentions, urgency/listing applications, etc., and listing and hearing thereof in the Court;
- viii. **Accountability in Administrative Functioning:** A framework or flowchart of the functioning of the Registry in dealing with and processing of the filed matters, including urgent mentions, urgency/listing applications, etc., should be published on the website of this Hon'ble Court to augment and bolster accountability and public faith in the administrative functioning of this Hon'ble Court, and further to allay the anxiety and consternation of the Advocates;
- ix. **Switching over to a better VC Software:** The software Jisti Meet currently is usage in this Hon'ble Court, which is extremely

cumbersome and unhandy to use, must be junked in favour of better alternatives available, such as Cisco Webex (used in most of the High Courts in India, including, Rajasthan High Court, Delhi High Court, Bombay High Court, etc.) or Zoom, or Vidyo Connect, or such other App/software as this Hon'ble Court may deem fit and proper;

- x. **Option for Court fees payment on the HC's website:** The website for payment of Court fees should be junked as the same does not work. Even the new website does not allow a person to create ID, as for activation purposes the old site needs to open which is already defunct. In place of the same, an internal option for payment of Court fees should be provided in the website of this Hon'ble Court itself, which may be put as one of the steps of e-filing – on the lines of the e-filing and Court fees payment mechanism of the Hon'ble Supreme Court of India;¹

- xi. **Suspension of Bookmarking, Hyperlinking, etc.:** The bookmarking, hyperlinking, etc., of the softcopies should be suspended and extra Court fees must be charged, to the tune of about Rs. 3/- per page, so that the files may be printed out by the Registry officials and placed before this Hon'ble Court to facilitate a more convenient and smooth hearing of the cases – on the lines of the practice in the Hon'ble Supreme Court of India;

otherwise the litigants, Advocates, and the public at large shall suffer extreme hardships and irreparable loss.

¹ <https://main.sci.gov.in/efiling>

It is requested that the issues raised and the suggestions put forth in the instant Representation be most urgently considered by this Hon'ble Court on the administrative side and appropriate remedial measures be put in place as beseeched for herein; or, the instant Representation be treated as a PIL/Letter-Petition and a Suo Moto petition be registered for taking necessary actions for remedying the issues raised herein; or, the instant Representation be treated as an intervention application in **PIL No. 574 of 2020, *In-Re Inhuman Condition At Quarantine Centres And For Providing Better Treatment To Corona Positive***: in the fitness of things and in the interests of justice.

With profound regards,

Yours Sincerely,

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|---------------------------|-------------------------|
| 1. Shashwat Anand | 2. Devesh Saxena |
| 3. Syed Ahmad Faizan | 4. Anuradha Sundaram |
| 5. Ashutosh Mani Tripathi | 6. Agnivesh |
| 7. Shailendra Kumar Singh | 8. Prabhav Srivastava |
| 9. Bhavya Sahai | 10. Rohit Nandan Shukla |
| 11. Surangma Sharma | 12. Pranvesh |
| 13. Taqi Abidi | 14. Vivek Srivastava |
| 15. Prashant Kumar Shukla | 16. Zain Abbas |
| 17. Shubham Agarwal | 18. Aakarsh Dwivedi |
| 19. Faiz Ahmad | 20. Anjani Rai |
| 21. Satyaveer Singh | 22. Shivam Shukla |
| 23. Saurabh Kesarwani | 24. Suvaanshit Jaiswal |

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|---------------------------|---------------------------|
| 25. Prashant Mishra | 26. Mayank Singh |
| 27. Ajeet Dixit | 28. Saurabh Tripathi |
| 29. Divy Pal Singh | 30. Deepali Pandey |
| 31. Zaheer Asghar | 32. Shrey Singh |
| 33. Shikhar Trivedi | 34. Sudhesh Gautam |
| 35. Ashish Rai | 36. Harshit Srivastava |
| 37. Praveen Srivastava | 38. Shailja Kant Tripathi |
| 39. Srestha Pandey | 40. Mohd. Kumail Haider |
| 41. Shashank Mishra | 42. Surya Pratap Singh |
| 43. Shardool Pratap Singh | 44. Sirshak Shekhar Sagar |
| 45. Jawed Khan | 46. Shiv Veer Singh |
| 47. Sagar Kushwaha | 48. Tushar Pandey |
| 49. Deeksha Dwivedi | 50. Sudhir Ranjan |
| 51. Abhishek Kumar | 52. Sankalp Pratap Singh |

Advocates

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