



# THE KERALA HIGH COURT ADVOCATES' ASSOCIATION

Reg. No. ER 931/2004

High Court Building, Kochi - 682 031

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KHCAA/HC-23/2021

12.5.2021

From

President,  
Kerala High Court Advocates' Association.

To

The Hon'ble Chief Justice  
High Court of Kerala, Ernakulam.

Respected Sir,

The urgent meeting of the Executive Committee of the Advocates' Association after discussing the decision of the meeting held on 11.5.2021 with the Administrative Committee has decided to render unqualified support to the High Court Administration in all its attempts to tide over the consequences of the pandemic in the management of dispensation of justice in the State.

As your Lordship may kindly recollect I had clearly expressed the stand of the Association that when we suddenly think of a change in the mode of filing from physical to virtual the easiest possible method of E-mail filing alone may be considered in view of the arduous technical procedure involved in the e-filing system the details of which are yet to be made familiar because the relevant Rule viz. Electronic filing Rules for Courts ( Kerala) 2021 has been approved by the Government of Kerala and notified only on 7-5-2021. Any decision touching the basic functioning of the lawyers' offices and courts in the State can be taken only after affording an opportunity to all stake holders to hold creative and meaningful discussion on the same to make the same flawless. The Bar Associations in the State including the Kerala High Court Advocates Association are elected bodies functioning in a democratic manner and presenting the Rules for the information of the members is a must and the failure in following such an essential procedure is certain to invite objection, resentment and wrath of the lawyers in the State.



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The Rules in the present form without imparting sufficient training regarding the technical process to be undergone is certain to convert filing of cases into an unworkable herculean task particularly for the majority who do not have any "Electronic" exposure and expertise. Since the Advocates clerks who are the backbone of our present system will be rendered practically jobless if the proposed Rules are implemented without any change their problems also have to be considered by us. We have to reckon the fact that they are also part of the establishment in all its sense and legal obligations cast on us regarding the protection of their rights also cannot be discarded.

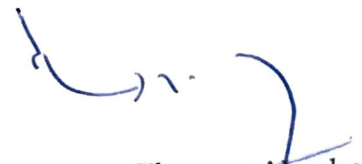
Apart from the above, the draft of the above Rule ought to have been circulated to all Bar Associations in the State as well to other stake holders including Advocates' Clerks Association in advance for ensuring their participation also as warranted in a democratic system.

In the light of the above we humbly request your Lordship that the implementation of the Electronic Filing Rules for Courts (Kerala) 2021 may be deferred for KHCAA and other stake holders to deliberate on the same and necessary positive changes found essential can be suggested by them. Till such time the system of E mail filing which was practiced during the initial lockdown period may be directed to be followed. We have decided to give stringent directions to our member to forthwith file the hard copies in all instances of latches pointed out by the registry.

We once again offer our earnest support to your lordship for the approach adopted by your Lordship to take this association into confidence in all matters in which we have concern in common.

Yours Faithfully,



  
Thomas Abraham  
President