

NOTICE

The Executive Committee as per the letter dated 18.5.2021 of the President, KHCAA addressed to the Hon'ble Chief Justice had pointed out that the contents of Clauses 3, 4 & 7 of Notice No. A7-28644/2021 dated 18.5.2021 suffered from patent errors which would render the entire exercise of the discussions held between the High Court Administration and KHCAA otiose and that therefore, the High Court Administration should effect immediate corrections in the said notice. The said letter sent by the Association has already been published for the knowledge of our members. However, the copies of the aforesaid notice dated 18.5.2021 and our objection dated 18.5.2021 are also published herewith for facilitating ready reference of our members.

The High Court Administration has today issued Corrigendum No. A7-28644/2021 dated 19.5.2021 effecting modifications in Clauses 3, 4, & 7 pursuant to our letter dated 18.5.2021 referred in the corrigendum itself. A copy of the Corrigendum is appended herewith.

All members are requested to strongly adhere to the decision of the General Body held on 16th and 17th of May, 2021:

(i) not to associate with any activities related with the implementation of Electronic Filing Rules for Courts (Kerala), 2021.

and

(ii) not to use E-filing method for filing cases and to use only physical method of filing which right we have retained through our united move.

We thank all our members who have taken steadfast stance in our struggle for justice and protection of the invaluable rights of the Bar.

T.R. Renjith.
Secretary, KHCAA.

19.5.2021.

THE HIGH COURT OF KERALA

Kochi : 682 031

A7-28644/2021

Date : 18.05.2021

NOTICE

Sub:- Modification in filing and sitting arrangements from 19.05.2021 onwards – reg.

Ref:- High Court Notice of even no. dated 14.05.2021

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The instructions issued as per the reference cited regarding the filing / sitting arrangements in the High Court stand modified as follows w.e.f. 19.05.2021, until further orders:

1. **Two Division Benches and three Single Benches alone shall sit and the sittings shall be through video conferencing;**
2. **E-filing of cases in the High Court commenced through e-filing mode on 17.05.2021 will continue. The guidelines for filing of cases through e-filing mode is available in the High Court website. Physical copy of every case filed through e-filing mode during the lock down/restriction period shall be submitted with the Registry by the parties concerned within 45 days of date of filing and an undertaking in that regard shall be filed by the e-filer along with the e-file;**
3. **If any Advocate / party finds it extremely difficult to file cases through e-filing mode, he can file cases through physical mode, but such cases filed through physical mode will be scrutinised only on the next day and will be posted before court if it is in order. In such cases e-copy shall also be uploaded within 45 days from the date of filing and an undertaking in that regard shall be made by the advocate/party in the physical file;**
4. **If physical copy is not submitted or e-copy not uploaded as stipulated above, the case will be posted before the Bench concerned for appropriate orders;**
5. **Notice to the party respondent shall be taken by the e-filer / petitioner as ordered by the Court through Registered post with acknowledgement due or email or such other approved mode;**

6. **Advocates / parties desirous of moving again a case filed through e-filing mode shall file an urgent memo through e-filing mode, containing brief statement of facts and reason for urgency enabling the Judge concerned to take a decision on the urgency. Once the request is allowed, the case will be listed as per the orders of the Court;**
7. **If an Advocate / party desires to move a case which was physically filed either before or after the introduction of e-filing, the Advocates / party , as the case may be, shall file an urgent memo through e-filing mode containing a brief statement of facts and explaining the reasons for the urgency enabling the Judge concerned to take decision on the urgency and such cases will be listed as per the orders of the Court;**
8. **The Registry will be organising training sessions for Advocates and Advocate clerks regarding the e-filing procedure, including demonstrations through "Youtube" and printouts;**
9. **(i) Grievances related to e-filing may be redressed by contacting at the following telephone numbers:
8921962674 (Sri. Anes P.A.) , 9447116225 (Smt. Reshmi R.),
9497366435 (Smt Nimmy Jacob),
9633750628 (Smt.Amrutha Mohan)
0484-2562540, 0484-2562527 or by mailing to
efilegrievance@gmail.com**
- (ii) A special Cell consisting of Smt. Saleena V.G. Nair, Director (IT), Sri. Joseph Rajesh K.A. , Deputy Registrar (IT) and Sri. V.J. Ranjith, Assistant Registrar has also been constituted to oversee the proper functioning of the process and to ensure that the complaints / enquires of Advocates in relation to e-filing and ancillary matters are attended promptly.**
10. **Review of the present system of filing will be done after 15 days or lifting of lockdown whichever is earlier.**

It is clarified that e-filing module for the Subordinate Courts in the State is not approved except for the Commercial Courts, Munsiff-Magistrate Court, Kolenchery and Rent Control Court, Ernakulam.

(By Order)



P. G. Ajithkumar
Registrar(District Judiciary)
Registrar General in-charge
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To

The Advocate-General, Ernakulam.
The Director General of Prosecutions & State Public Prosecutor, Ernakulam.
The Additional Advocate-General, Ernakulam (2).
The Additional Director General of Prosecutions, Ernakulam.
The Director, KJA (He shall bring the matter to the attention
of the Director (Academics), KJA.
The Member Secretary, Kerala State Legal Services Authority, Ernakulam
The Director, Kerala State Mediation and Conciliation Centre, Ernakulam
The President, Kerala High Court Advocates' Association, Ernakulam
The Vice-Presidents, Kerala High Court Advocates' Association, Ernakulam (2).
The State Attorney, Advocate-General's Office, Ernakulam.
The Secretary, Kerala High Court Advocates' Association, Ernakulam.
The General Secretary, Kerala High Court Senior Advocates' Association, Ekm
The Secretary, Indian Law Institute, Kerala, Ernakulam
The Senior Counsel, Government of India (Taxes), Ernakulam.
The Assistant Solicitor General of India, Ernakulam.
The Chairman, Bar Council, Ernakulam.
The President, Kerala Federation of Women Lawyers, Ernakulam.
The Secretary, Rule Committee under Section 123 CPC, High Court.
The President, Kerala High Court Advocates' Clerks' Association, Ernakulam.
The Registrar (Judicial), High Court.
All officers and Sections, High Court.
The Secretary, High Court Legal Services Committee, Ernakulam.
The Private Secretary to the Chief Justice, High Court.
The Protocol Officer, High Court.
The Public Relations Officer, High Court.
The Additional Public Relations Officer, High Court.
The Private Secretaries to Judges, High Court.
The Filing and Court Officers sections, High Court.
The IT Section, High Court (for publishing the notice in the
High Court Website.)
The Confidential Assistants to the Registrars, Director (IT)
and the Addl Registrar (GA).
The Admn. Records Section, High Court
The Notice Board, High Court
The File/Stock File

Copy submitted to :- The Honourable Judges



THE KERALA HIGH COURT ADVOCATES' ASSOCIATION

Reg. No. ER 931/2004

High Court Building, Kochi - 682 031

Ph : 2393244, Fax : 0484 - 2394435, E-mail : k.hcaa@yahoo.com

18.05.2021

From

The President, KHCAA.

To

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

Respected Sir,

Sub: Objection against the contents of the Notice issued by the Registrar General in charge – Reg:

Ref: Notice No. A7-28644/2021 dated 18.5.2021.

The contents of the captioned notice is highly objectionable as several clauses in the same are diametrically against the decisions taken by the Administrative Committee after the prolonged discussion with the Association held on 17.5.2021. It is indeed shocking to see that a few of the clauses incorporated are against the very spirit of the decisions taken. The purpose of the discussion held was to remove all the ill effects of the newly introduced Rules Viz. Electronic Filing Rules for Courts (Kerala), 2021 on the legal fraternity of Kerala in general and lawyers of this court in particular. The anguish of our members was amply exhibited by the unprecedented turn out in the three General Body Meetings held consecutively on the 15th 16th & 17th of May.

The grievances highlighted against the aforesaid rules require no repetition. The consensus reached at in the meeting held on 17th was immediately reported in the GB held on the same day evening which was attended by around 780 members on online platform. The highlight of the decision to permit the physical filing without any hurdles from the next day ie. 18.5.2021 onwards itself was unfortunately watered down without any justification whatsoever. Only after repeated efforts, could the registry be persuaded to receive the physical files, which process actually commenced only by around 12.30pm leaving only just half an hour for filing. Then came the threat that the files will be touched for scrutiny only after 4 days, something which was not mentioned at all at any stage of the discussion.



THE KERALA HIGH COURT ADVOCATES' ASSOCIATION

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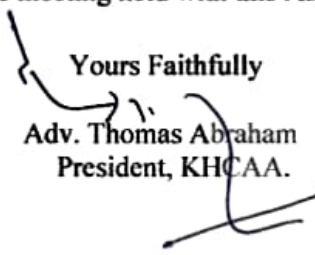
However, in clause 3 of the captioned notice it is stated that the gap decided for scrutiny is fixed as one day without stating any cogent reasons for such unwarranted delay. It is also stated that "E-copies shall also be uploaded within 45 days from the date of filing and an undertaking in that regard by the advocate/party in the physical file". How such a deterrent condition came to be included deserves to be examined by your lordship as the said condition can only result in total denial of right to file a case physically without any rider, whatsoever. Your lordship may kindly recollect that unconditional acceptance of physical file, in lieu of E-filing was a decision taken after long deliberations and inclusion of a condition leading to the flouting of the same can only result in our members losing confidence in what we had explained to them as the assurance given by your lordship and the members of the Administrative Committee. This situation, we genuinely apprehend can only widen the cleavage already created by the improper and illegal introduction of the E-filing Rules, between the Bar and High Court Administration.

To our utter shock and dismay, we have seen that some more conditions in blatant infraction of the solemn understanding reached at in the meeting also have been included, apparently to defeat the very purpose of the decision to allow physical filing. Clause 7 contains a provision that to bring up a case filed physically also an urgent memo has to be filed "through E-filing". This also is totally an unwarranted clause as the only purpose it can serve is to ensure that the advocate who files physically is harassed by compelling him to file a memo through E-filing. It is unworkable also as the channels through which a physical file and the memo filed through E-filing in that case are entirely different and both cannot be combined together at all. Thus, it can be seen that the above clauses have been included in the notice deliberately to defeat the spirit of the discussion held and the meaningful decisions taken therein.

We request your lordship to issue immediate directions to the registry to withdraw the captioned notice and to issue a fresh one after removing all the above clauses. We have also noticed that there is a deliberate attempt to delay the posting of physically filed cases. This also is an unhealthy attempt, needless to say, in utter violation of the decisions taken by your lordship and the Administrative Committee in the meeting held with this Association.

Yours Faithfully

Adv. Thomas Abraham
President, KHCAA.



THE HIGH COURT OF KERALA

A7-28644/2021

Kochi : 682 031

Date : 19.05.2021

CORRIGENDUM

Sub:- Modifications in filing and sitting arrangements from 19.05.2021 onwards – reg.

- Ref:-**
- 1. High Court Notice of even number dated 18.05.2021.**
 - 2. Letter dated 18.05.2021 from the President, Kerala High Court Advocates' Association.**

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With reference to the letter cited 2nd , I am directed to issue the following modifications to the reference cited 1st :-

- 1. The following sentence in Clause No.3 stands deleted**

In such cases e-copy shall also be uploaded within 45 days from the date of filing and an undertaking in that regard shall be made by the advocate / party in the physical file;

- 2. The words "or e-copy not uploaded" in Clause No.4 stand deleted.**
- 3. Clause No.7 stands deleted.**

(By Order)



**P.G.Ajithkumar
Registrar (District Judiciary)
Registrar General in-charge**

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p.t.o

To

The Advocate-General, Ernakulam.
The Director General of Prosecutions & State Public Prosecutor, Ernakulam.
The Additional Advocate-General, Ernakulam (2).
The Additional Director General of Prosecutions, Ernakulam.
The Director, KJA (He shall bring the matter to the attention
of the Director (Academics), KJA.
The Member Secretary, Kerala State Legal Services Authority, Ernakulam
The Director, Kerala State Mediation and Conciliation Centre, Ernakulam
The President, Kerala High Court Advocates' Association, Ernakulam
The Vice-Presidents, Kerala High Court Advocates' Association, Ernakulam (2).
The State Attorney, Advocate-General's Office, Ernakulam.
The Secretary, Kerala High Court Advocates' Association, Ernakulam.
The General Secretary, Kerala High Court Senior Advocates' Association, Ekm
The Secretary, Indian Law Institute, Kerala, Ernakulam
The Senior Counsel, Government of India (Taxes), Ernakulam.
The Assistant Solicitor General of India, Ernakulam.
The Chairman, Bar Council, Ernakulam.
The President, Kerala Federation of Women Lawyers, Ernakulam.
The Secretary, Rule Committee under Section 123 CPC, High Court.
The President, Kerala High Court Advocates' Clerks' Association, Ernakulam.
The Registrar (Judicial), High Court.
All officers and Sections, High Court.
The Secretary, High Court Legal Services Committee, Ernakulam.
The Private Secretary to the Chief Justice, High Court.
The Protocol Officer, High Court.
The Public Relations Officer, High Court.
The Additional Public Relations Officer, High Court.
The Private Secretaries to Judges, High Court.
The Filing and Court Officers sections, High Court.
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High Court Website.)
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and the Addl Registrar (GA).
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Copy submitted to :- The Honourable Judges