



THE MADRAS BAR ASSOCIATION

(Established in 1865 – Reg.No.120/2019)
HIGH COURT BUILDINGS, CHENNAI - 600 104

AR.L.SUNDARESAN
SENIOR ADVOCATE
PRESIDENT

M.BASKAR
ADVOCATE
SECRETARY

To

08.07.2020

The Hon'ble Chief Justice
And the Hon'ble Companion Judges
High Court, Madras

Respected Lordships,

We are submitting this representation to your Lordships on behalf of the members of the Madras Bar Association placing before your Lordships the difficulties faced by the Bar in the light of the present sitting and listing arrangements and the modus of functioning at the Principal Bench and the Madurai Bench of our High Court as to the hearing of cases.

(i) Posting of final hearing cases for hearing through Video conference is causing hardship to the Advocates. They are unable to effectively make the submissions due to the connectivity issues, inability to refer to original records and documents, inability to refer to precedents, etc., Most of Advocates were using the library facilities provided by the Association for the same. Now the premises are closed and there is also no access to the Law Chambers. Hence arguing final hearing cases through Video conference is not possible.

By venturing to argue final hearing matters through video conference the real affected person would be the litigant who rely so much on his Advocate and the Justice delivery system. We have to compromise on the quality of service the Advocate would render to his client. That is unwelcome.

Hence we appeal to your Lordships final hearing cases may not be listed during the period of hearing through video conference.



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(ii) Filing of hard copies at the South gate:

As per the notification issued by the High Court, cases are being filed through e-filing made through the respective E-mail ID's. Now directions has been issued that hard copies will also have to be submitted at the South Gate, and in case any defects are pointed out, another copy set has to be submitted after rectifying the defect. On every such occasion the hard copies will be processed only after a day. This procedural requirement is very cumbersome, time consuming and express the Advocate clerks and clients to the risks of pandemic, apart from huge expenditure.

Many Advocates who are not in station are also unable to file the hard copies of case filed by them through e-filing.

Hence we request that the necessity of filing hard copies may be dispensed with for the present during the current period of a filing and an undertaking may be obtained from the Counsel to file one set of hard copy as soon as the lockdown period and the COVID-19 restrictions end.

(iii) WEBEX Passwords:

For logging in to the video conference at the Principal Bench, the Counsel has to first feed the 10 digit meeting number and then the given password (Eg.)52s4yGBAB53 so far as the Madurai Bench is concerned, for the same portal the Counsel has to first feed the 10 digit meeting number and then the given password (Eg) 0807.

The password in Principal Bench as seen above has small letter, capital letters and numbers all jumbled, while the password in Madurai is simple numerals, namely the date and the month like 0807.



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The password in the Principal Bench is not user friendly. Counsels are finding it difficult to log in, move from one Court to another etc.,

Hence we request the password in the Principal Bench also may be simplified as in the Madurai Bench.

(iv) E-filing and listing:

- (1) As soon as E-filing of cases is done an acknowledgement may be given through e-mail to the concerned advocate.
- (2) The AE to whom the case is allotted for scrutiny and passing may, in case of defects call the Counsel on the phone number given by the Counsel and inform the defects to be rectified or communicate the same through e mail and after the defects are rectified pass the case without delay.
- (3) Admission matters and fresh matters may be listed before Court on the 2nd day atleast after filing.
- (4) The nodal phone numbers given for contacting the respective sections of the registry are either not responding or the person attending is not able to answer about the status of the filed case, stage where it is in the process of passing, date likely to be listed etc. The provision of such nodal number should be made purposeful and useful.
- (5) Cases which are adjourned to a particular date during this period may be posted on the respective dates without driving the Advocates to again mention before Court.
- (6) Liberty to mention before Court May be given without insisting for circulating memos in advance as even when memos are circulated the matter is not included in the mentioning list



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(v) Chambers:

Many Advocates have been functioning from their allocated Law Chambers only. They have their bundles, computers, books, etc., in the Chambers.

Those who want access to the Law Chambers may be permitted subject to following safety protocols.

The permission earlier given to apply through email to open the Chamber and take the bundles subject to permission being given by the Registry on Saturday and Sunday could not be used as soon thereafter the mode of functioning of the Court was rolled back to urgent cases only. Now chambers cannot be accessed on Sunday as the Government has announced Total lockdown on all Sundays.

Hence we request Advocates who need to use their Chambers may be permitted to use their Chambers between Monday to Saturday subject to safety protocols.

(vi) ORDER COPIES:

(i) Provision may be made for issuing certified copies on copy application being filed by the Counsel, as Subordinate Courts have started functioning and order copies have to be filed there.

(ii) Copies of orders may be uploaded at the earliest and the date of uploading the order may also be entered in the orders, as Anticipatory Bail orders/conditional orders etc are time bound orders, and the date of receipt of the orders is very important.



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(vii) ADJOURNMENTS:

- (i) Among the cases listed before the Hon'ble Courts, in case any Advocate is not able to argue due to lack of connectivity, non availability of papers, lack of access to judgements, inability to get instructions from clients, inability to instruct seniors, etc., the Hon'ble Judges may liberally consider adjourning the cases to a later date.
- (ii) Adverse orders may not be passed in the absence of the Advocate.

We have placed the difficulties faced by the Members of the Bar for consideration of your Lordships in the interest of the Litigants, Members of the Bar and all the stake holders.

We request your Lordships to kindly consider our representation and do the needful in the interest of justice and all the stake holders in the Justice Delivery System.

Thanking you

Yours sincerely

AR.L.SUNDARESAN
President