

IN THE SUPREME COURT OF INDIA
ORIGINAL CIVIL WRIT JURISDICTION
UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA
W.P (C) NO. _____ OF 2020
(PUBLIC INTEREST LITIGATION)

IN THE MATTER OF:

P.G ARAVIND

...PETITIONER

VERSUS

State of Kerala & Anr

...RESPONDENTS

WITH

I.A. NO. _____ OF 2020

AN APPLICATION FOR STAY

AND

I.A. NO. _____ OF 2020

AN APPLICATION FOR EXEMPTION FROM FILING, COURT
FEE, NOTARISED AFFIDAVIT AND WELFARE STAMP

PAPER BOOK
FOR INDEX: KINDLYSEE INSIDE

ADVOCATE FOR THE PETITIONER: NATASHA DALMIA

RECORD OF PROCEEDINGS

S.NO.	PARTICULARS	PAGES
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A

PROFORMA FOR FIRST LISTING

SECTION:X

The case pertains to : (Please tick/check the correct box)			
	Central Act	:	Constitution of India
	Section	:	32
	Central Rule	:	N/A
	Rule No(s)	:	N/A
	State Act	:	N/A
	Section	:	N/A
	State Rule	:	N/A
	Rule No(s)	:	N/A
	Impugned Interim Order	:	N/A
	Impugned Final Order/Decree	:	N/A
	High Court	:	N/A
	Name of Judges	:	N/A
	Tribunal/Authority	:	N/A
1.	Nature of matter		CIVIL ☒
2.	(a) Petitioner/appellant No.1	:	P.G. ARAVIND
	(b) e-mail ID	:	N/A
	(c) Mobile phone number	:	N/A
3.	(a) Respondent No.1	:	STATE OF KERALA
	(b) e-mail ID	:	N/A
	(c) Mobile phone number	:	N/A
4.	(a) Main category	:	08
	(b) Sub classification	:	0812
5.	Not to be listed before	:	N/A
6.	a) Similar/disposed of matter with citation; if any & case details	:	N/A
	b) Similar pending matter with citation.	:	No similar matter is pending
7.	Criminal Matters	:	N/A

A-1

	(a)	Whether accused/convict has surrendered		Yes	No
	(b)	FIR No. Crime	Date:	N/A	
	(c)	Police Station	:	N/A	
	(d)	Sentence Awarded	:	N/A	
	(e)	Period of Sentence Undergone including period of detention/custody undergone.		:	N/A
8.	Land Acquisition Matters :			N/A	
	(a)	Date of notification	Section 4	N/A	
	(b)	Date of notification	Section 6	N/A	
	(c)	Date of notification	Section 17	N/A	
9.	Tax Matters			:	N/A
10.	Special Category (first petitioner/appellant only): N/A				
	Senior citizen > 65 years		SC/ST	Woman/child	
	Disabled	Legal case	Aid	In Custody	
11.	Vehicle Number (in case of Motor Accident Claim Matters): N/A				

Date: 06.07.2020

NATASHA DALMIA
Registration: No.: 2873
Email id: natasha0801@gmail.com

B

SYNOPSIS

The Petitioner is an Indian Citizen and an advocate practising across forums including the Hon'ble High Court in the State of Kerala. The Petitioner by way of the instant Public Interest Litigation filed under Article 32 of the Constitution of India, seeks to espouse a cause which not only affects the safety of litigants, advocates and court staff but also the Hon'ble Judges of the Hon'ble High Court of Kerala ("**High Court**") i.e. the issue of re-commencement of only physical filing of applications/petitions excluding bail applications and physical hearings thereof.

The Hon'ble High Court vide Notice No. 127 of 2020 under the subject head of '*Procedure for Filing – Modification – Reg*' dated 03.07.2020, issued by Respondent No. 2 has directed for the re-commencement of physical filing only of all applications/petitions excluding bail applications w.e.f. 06.07.2020 ("**Notice**"). In addition, the notice also states that the hearing of cases through video conferences shall continue only before the Single

C

Judge. Thus, as far as the hearing of other matters is concerned the same shall be done through physical court hearings only.

In case such Notice is enforced, there exists an enhanced risk of all the above-mentioned parties including the Judges of the Kerala High Court to get infected by Covid-19. The State of Kerala including Ernakulam has in the recent weeks seen a rapid increase in cases with several surrounding areas near the High Court complex being declared as containment zones. Owing to these reasons, it is humbly prayed that this Hon'ble Court be pleased to direct the Respondents for revocation/modification of the said Notice.

It is humbly submitted that the State of Kerala is currently battling the growing pace of the number of Covid-19 cases within its territory. Total cases within the state has increased to 4,465 as of 3rd July 2020, which is nine times more than the 499 reported cases in May, 2020. In fact, the Indian Medical Association (IMA) has already intimated the

D

State Authorities regarding the onset of “community transmission” stage within the State, which only means the rapid increase in reported cases of Covid-19 cases. Furthermore, several areas within the Ernakulam district including certain areas surrounding the High Court Complex have been declared as containment zones. Therefore, opening up the High Court premises to facilitate physical filing as well as physical hearings enhances the risk of all court staff, lawyers and the Hon’ble Judges contracting such infection.

It is humbly submitted that the entire process of physically filing of petitions/applications filing inevitably involves several members of the Registry being in direct physical contact with the filed documents. As is known, the Corona virus can spread this way from contaminated surfaces and in case even one Registry person unfortunately gets infected, all court personnel who may come in contact stand to get infected. To prevent such eventuality, it is essential that the practice of physical filing

E

not be imposed as a mandatory and sole mechanism upon the litigants. Considering even the perspective of the lawyers who have to arrange for such physical filing, it is essential to consider that various areas having been declared containment zones making process of printing, binding of paper books etc. impossible. Not only is it difficult for lawyers and clerks to travel due to lockdown restrictions, it is also challenging to make such arrangements especially since a considerable number of litigants have limited access to printers. In view of these circumstances and the increasing risk to health, it is humbly prayed that such imposition of physical filing be reconsidered.

Additionally, it is noteworthy that the assailed Notice exempts bail applicants from having to physically file the concerned petitions and that the High Court has made accessible an e-filing mechanism for the benefit of these class of litigants. Considering the rapid increase in number of Covid-19 cases and practical difficulties involved in the overall process of physical filing, it is humbly urged that the

F

High Court consider making such system accessible to the other class of litigants as well since as such there is no logical differentia between allowing e-filing for one set of matters only when the problems faced are same for all.

Even for appearances through video conferencing there is already a system in place which is to continue for cases to be heard before the Hon'ble Single Judge. Considering the same, there is no reason why such facilities should not be extended to hearings before other benches as well.

E-filing as a mechanism has been introduced by this Hon'ble Court and various other High Courts across the nation to ensure litigants can file their petitions online, without endangering their physical health or that of others. The same has made justice accessible in these uncertain times and is a measure which must be implemented in the current situation. The High Court of Kerala must also by taking inspiration from the success of e-filing implemented across other High Courts and District Courts must also



endeavour to implement such system. Infact, all hearing before this Hon'ble Court are also happening through Video Conferencing and even in those places where Covid-19 cases are lesser in numbers and the High Court's have resumed physical courts there is an option provided to the lawyers to opt for availing the video conferencing/e-filing facilities.

It is humbly submitted, that the recent experience of various Tribunals and Courts across the nation, including the National Company Law Appellate Tribunal (NCLAT) or this Hon'ble Court itself have revoked all notices which called for physical appearances etc. Owing to the reported cases amongst registry members, clerical staff or others, these forums have all been compelled to restrict operations and continue with e-filing only. It is only natural that if physical filing is mandated, members of the registry, court staff as well as the Hon'ble Judges themselves shall be coming into contact with such documents.

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Therefore, it is humbly urged that in view of the foregoing circumstances, this Hon'ble Court entertains the accompanying PIL and passes suitable directions in the matter.

LIST OF DATES & EVENTS

- | | |
|------------|--|
| 24.03.2020 | Nationwide lockdown is imposed by the Central Government as a preventive measure for containing the spread of Covid-19. |
| 01.06.2020 | State of Kerala extended lockdown for two weeks, despite Centre lifting the nationwide lockdown. The same was done in view of the growing number of cases in various districts across State of Kerala. |
| 02.07.2020 | The NCLAT suspends operation including physical filing owing to a member of Registry contracting Covid-19. |

I

- 03.07.2020 The Hon'ble High Court vide Notice No. 127 of 2020 under the subject head of 'Procedure for Filing – Modification – Reg' dated 03.07.2020, issued by Respondent No. 2 has directed for the re-commencement of physical filing of all applications/petitions excluding bail applications w.e.f. 06.07.2020 ("**Notice**"). Such an imposition enhances the risk of all court staff inclusive of Hon'ble Judges to contract Covid-19.
- 05.07.2020 State Authorities have imposed lockdown in Thiruvanthapuram District of Kerala owing to surge in Covid-19 cases.
- 06.07.2020 Hence, the present Writ Petition.

IN THE SUPREME COURT OF INDIA
ORIGINAL CIVIL WRIT JURISDICTION
UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA
W.P (C) No. _____ OF 2020
(PUBLIC INTEREST LITIGATION)

IN THE MATTER OF:

P.G Aravind,
Advocate,
S/o Gopinatha Kurup ,
Aravind Nilayam Kanjikkal,
Powdikonam, Trivandrum, Kerala.
Aadhar No. 539474567262
PAN No. CCPPF1283A
Annual Income. Rs. 4. Lacs approx
Email: pgaravindkurup@gmail.com
M. No. +9 9846293949

...PETITIONER

VERSUS

1. STATE OF KERALA,
Represented by Secretary,
Home Department, Government Secretariat,
Thiruvananthapuram – 6950001.

2. REGISTRAR GENERAL,
High Court of Kerala,
Ernakulam – 682031

...RESPONDENTS

A WRIT PETITION FILED UNDER ARTICLE 32 OF THE
CONSTITUTION OF INDIA IN THE NATURE OF PUBLIC
INTEREST LITIGATION FOR ISSUANCE OF A WRIT IN
THE NATURE OF MANDAMUS OR ANY OTHER
APPROPRIATE WRIT AGAINST THE RESPONDENTS
THEREBY SEEKING AN ORDER/DIRECTION OF THIS
HON'BLE COURT TO REVOKE/MODIFY NOTIFICATION
NOTICE NO. 127 OF 2020 UNDER THE SUBJECT HEAD
OF 'PROCEDURE FOR FILING – MODIFICATION – REG'
DATED 03.07.2020, ISSUED BY RESPONDENT NO. 2
DIRECTING FOR THE RE-COMMENCEMENT OF
PHYSICAL FILING OF ALL APPLICATIONS/PETITIONS
EXCLUDING BAIL APPLICATIONS W.E.F. 06.07.2020

TO

THE HON'BLE CHIEF JUSTICE OF INDIA AND HIS
COMPANION JUSTICES OF THE SUPREME COURT OF
INDIA

THE HUMBLE PETITION OF THE
PETITIONER ABOVE NAMED –

MOST RESPECTFULLY SHOWETH:

1. The Petitioner is an Indian Citizen and an advocate practising across forums including the Hon'ble Court in the State of Kerala. The Petitioner seeks to approach this Hon'ble Court by way of the instant petition to espouse a cause which affects the safety of litigants and advocates approaching the High Court of Kerala i.e. the issue of re-commencement of physical filing of applications/petitions excluding bail applications. The Hon'ble High Court vide Notice No. 127 of 2020 under the subject head of ' Procedure for Filing – Modification – Reg' dated 03.07.2020 has directed for the re-commencement of physical filing of all applications/petitions excluding bail applications w.e.f. 06.07.2020 ("**Notice**"). In view of the increasing number of Covid-19 cases in the State of Kerala, the imposition of physical filing by litigants increases the risk of more people inclusive of the court staff being implemented.

2. BRIEF FACTS:

2.1 That it is humbly submitted, that the recent experience of various Tribunals and Courts across the nation, including the National Company Law Appellate Tribunal (NCLAT) or the Hon'ble Supreme Court of India itself have revoked all notices which called for physical appearances etc. Owing to the reported cases amongst registry members, clerical staff or others, these forums have all been compelled to restrict operations and continue with e-filing only. It is only natural that if physical filing is mandated, members of the registry, court staff as well as the Hon'ble Judges themselves shall be coming into contact with such documents. In case such documents have been contaminated or been handled by persons who may be asymptomatic etc; all other persons coming into contact run a risk of infection. In view of the

same, it is highly inadvisable for resumption of such physical filing. A Copy of the Notice issued by NCLAT, New Delhi dated 2nd July 2020 is annexed and marked hereto as **Annexure P-1** [Page No. 25 to —].

2.2 The Hon'ble High Court vide Notice No. 127 of 2020 under the subject head of ' Procedure for Filing – Modification – Reg' dated 03.07.2020 has directed for the re-commencement of physical filing of all applications/petitions excluding bail applications w.e.f. 06.07.2020 ("**Notice**"). A Copy of the Notice No. 127 of 2020 dated 03.07.2020 issued by the Hon'ble High Court of Kerala is annexed and marked as **Annexure P-2** [Page No. 26 to 27].

2.3 The contentious feature of the concerned Notice is that it calls for re-commencement of physical filing in the midst of the ongoing Covid-19 pandemic which continues to persist within the

state. Further, the Notice has mandated all filing to be undertaken only by physical means, thus removing the option of e-filing for all Petitions excluding Bail applications.

- 2.4 It is humbly submitted that the State of Kerala is currently battling the growing pace of the number of Covid-19 cases within its territory. Total cases within the state has increased to 4,465 as of 3rd July 2020, which is nine times more than the 499 reported cases in May, 2020. In fact, the Indian Medical Association (IMA) has already intimated the State Authorities regarding the onset of “community transmission” stage within the State, which only means the rapid increase in reported cases of Covid-19 cases. In the given circumstances, it is therefore crucial to enforce measures of social distancing within the court premises. Copies of two Articles dated 04.07.2020 published in the Kerala Daily

'Manorama' are annexed and marked as **Annexure P-3 [Page No. 28 to 31]**. Also, an Article dated 05.07.2020 published in the Economic Times regarding the growing cases in Kerala is annexed and marked as **Annexure P-4 [Page No. 32 to 34]**.

- 2.5 The assailed Notice among its directions has also called for such physical filing to be undertaken between the fixed time slot between 10 AM to 1 PM. The provision of such a short time window will only result in crowding of court clerks, advocates and litigants alike who wish to file their respective applications/petitions. The assailed notice also does not clearly list out any safety measures which shall be undertaken within the court premises in case such overcrowding occurred or even otherwise to ensure social distancing is maintained.

- 2.6 The impugned notice further mandates physical hearing for all other cases except for those that are listed before the Single judge, which will add to the difficulties of the lawyers and staff members at an increased risk. Moreover, the lawyers from all parts of the city will be traveling to the High Court which is surrounded by containment zone areas and going back to their homes and offices, thus increasing the possibility of the spread of the virus further.
- 2.7 It is noteworthy that Ernakulam has now been placed on high alert owing to the rapid increase in reported cases. Several wards, including those areas falling near this Hon'ble Court premises have been marked as containment zones. In this precarious situation therefore, the imposition of only physical filing for all petitions other than bail applications poses a risk to litigants and court staff alike. A Copy of an

article dated 05.07.2020 published by the Hindu listing out the numerous containment zones in Ernakulam is annexed and marked as **Annexure P-5 [Page No. 35 to 37]**.

It is also pertinent to mention here that Kerala's capital city Trivandrum is also undergoing '*triple lockdown*' for a week due to rapidly increasing number of corona cases. A copy of the Article published by Indian Express dated 05.07.2020 stating the same is annexed as **Annexure P-6 [Page No. 38 to 40]**.

- 2.8 It is critical to note that there exists an enhanced risk of all court staff including the Hon'ble Judges of getting infected in case such physical filing of matters is made compulsory. The process of physical filing inevitably involves several members of the Registry being in direct physical contact with the filed documents. As is known, the Corona virus can spread this way

from contaminated surfaces and in case even one Registry person unfortunately gets infected, all court personnel who may come in contact stand to get infected. To prevent such eventuality, it is essential that the practice of physical filing not be imposed as a mandatory and sole mechanism upon the litigants. Considering that e-filing mechanism is available for bail applicants, in view of the ongoing pandemic, it is submitted that the same mechanism be made accessible to other classes of litigants as well.

- 2.9 Owing to the reported cases amongst registry members, clerical staff or others, these forums have all been compelled to restrict operations and continue with e-filing only. The measure of e-filing has been a boon to litigants nation wide who through such mechanism have been able to file their matters online, in the safe comfort of

their homes/offices. Therefore, such imposition of physical filing in such situation when the pandemic appears to be worsening in the region serves no purpose and is in fact detrimental to the public health.

3. **QUESTIONS OF LAW:**

- A. Whether the Notice issued by Respondent No. 2 is arbitrary and adversely impacting the Right to Health of all stakeholders under Article 21 of the Constitution of India?
- B. Whether the Notice issued by Respondent No. 2 suffers from the vice of arbitrariness?
- C. Whether the Notice issued by Respondent No. 2 satisfies the twin requirement of intelligible differentia and rational nexus under Article 14 of the Constitution of India?
- D. Whether the Notice has been issued under guidance of expert officials in the medical field?

- E. Whether the High Court as a State instrumentality must take steps which ensure the right to health as recognised under Article 21 of the Constitution of India, to which all citizens are entitled to?
4. That the source of knowledge of facts of the present case have been obtained by the Petitioner through the official High Court notification, media reports available in public domain.
 5. That the present petition is being filed in the interest of justice, for ensuring safety of public at large. Some of the stakeholders being represented by virtue of this instant PIL may not be aware of their legal rights being infringed or have the economic means to approach this Hon'ble Court.
 6. That for the sake of brevity and keeping in mind the precious time and resources of the Court, the present petition is being filed to avoid the filing of plethora

suits that maybe filed against the Respondents for the same relief.

7. That the Petitioner undertakes to bear the costs, if any imposed by the Hon'ble Court arising out of this Petition.
8. That the present petition is being filed owing to the larger questions of fundamental rights involved in the matter. This Hon'ble Court being empowered under Article 142 of the Constitution of India to pass any order or decree as is necessary for doing complete justice & the said decree shall be enforceable throughout the territory of India.
9. That the Petitioner has preferred the above petition on the following amongst other grounds –

GROUND

- A. The direction issued vide Notice No. 127 of 2020 dated 03.07.2020 mandating the recommencement of physical filing of all

applications/petitions excluding bail applications w.e.f. 06.07.2020 are detrimental to public health and interest and thus liable to be revoked;

- B. The State of Kerala has in the recent weeks begun reporting an increase in the number of Covid-19 cases with Ernakulam being a major hotspot, therefore enhancing the need for strict enforcement of social distancing measures;
- C. That the Hon'ble Supreme Court of India in the constitution bench decision of **Devika Biswas v. Union of India reported in (2016) 10 SCC 726** has reiterated the settled legal position that the right to life guaranteed under Article 21 of the Constitution includes the facet of right to health and hence all actions by state instrumentalities must protect such right;
- D. That the assailed Notice suffers from the vice of arbitrariness as it imposes physical filing for all

other petitions excluding bail applications without providing reasons for such distinction since the risk of contracting the disease is the same;

- E. That in the wake of the ongoing pandemic, the public at large runs the risk of being infected by Covid-19 and hence mandating physical filing for one class of litigants while excluding bail applicants does not satisfy the twin requirement of establishing intelligible differentia and rational nexus under Article 14 of the Constitution of India;
- F. That various other Courts and Tribunals across the country have revoked notifications which impose requirement for physical filing of petitions/applications owing to the increasing number of Covid-19 cases and its impact on the Court staff;

- G. That there exists an enhanced risk of all court staff including the Hon'ble Judges of getting infected in case such physical filing of matters is made compulsory. The process of physical filing inevitably involves several members of the Registry being in direct physical contact with the filed documents and hence in case even one Registry member is infected, the entire staff's health is endangered. There impugned notice affects the right to livelihood of numerous lawyers who have underlying diseases or elderly family members which make them high risk targets of Covid-19 as they would not be able to attend physical hearings in the court without putting their lives at risk;
- H. That the notice extends appearance through video conferencing only for cases to be heard before the Single Judge therefore meaning that

all other cases will be heard in open court by way of physical hearings;

- I. That this would necessarily lead to crowding of court rooms and unnecessarily expose the lawyers, litigants, court staff as well the Hon'ble Judges to the virus. Whereas, video conferencing facility is made available for hearings before the Single Judge, there is no reason why the same should not be extended even in case of other matters for lawyers who wish to avail the same;
- J. That several areas in Ernakulam as well as areas nearing the premises of this Hon'ble Court have recently been identified as containment zones, thus enhancing the risk of spread of infections in case the assailed Notice is made operational;
- K. That in case the assailed Notice is made operational, the court staff and the Hon'ble

Judges also run the risk of being infectedd by Covid-19 cases owing to the reduction in social distancing which emerges as a direct consequence of the directions mentioned in the assailed Notice;

- L. That even in case there are standard guidelines which impose the enforcement of social distancing measures within the court complex, it is extremely difficult to ensure strict compliance;
- M. That the assailed Notice neither prescribes any standards to be maintained in terms of social distancing etc; nor does it appear to have been issued after guidance and consultation from experts in the medical field whether such physical filing can be commenced and hence demonstrates a lack of due application of mind in the given circumstances;
- N. Infact, mandating of physical filing and physical appearances before the Hon'ble High Court

runs contrary to the various advisories that have been issued time and again by the Central as well State Governments. State of Kerala has itself announced a triple lockdown in its capital town Trivandrum.

O. That alternatively even, the litigants and advocates are effectively able to file the petitions/applications before this Hon'ble Court by availing the e-filing mechanism launched by this Hon'ble Court and hence no party stands to be prejudiced in case physical filing is not resumed.

10. That this Hon'ble Court has the jurisdiction to entertain and try this petition.

11. The Petitioner craves leave to alter, amend or add to this Petition as may be required or directed by this Hon'ble Court.

12. There is no civil, criminal or revenue litigation involving the Petitioner which has or could have a legal nexus with the issues involved in this petition.
13. The Petitioner has not submitted any representation to the Respondents and is directly approaching this Hon'ble Court for relief.
14. The Petitioner has not filed any other petition before this Hon'ble Court or before any other Court seeking the same.
15. That this petition is motivated by Public Interest. There is no personal gain, private motive or oblique reason in filing the petition.
16. The Petitioner seeks permission to exempt the notarised affidavit, welfare stamp and deficit court fee (if any) in the prevailing circumstances as the matter is urgent and need urgent hearing. The Petitioner is also agreeable for hearing of the present petition through video conferencing.

17. This Petition is bona fide and in the interest of Justice.

PRAYER

In view of the above circumstances, it is humbly prayed that this Hon'ble Court may be pleased to –

- a. Issue a Writ of mandamus or any other appropriate Writ to the Respondent directing it to quash Notice No. 127 of 2020 dated 03.07.2020 which directs and mandates the re-commencement of physical filing of all applications/petitions excluding bail applications w.e.f. 06.07.2020 and for physical appearances except before the Single Judge; and
- b. Issue a Writ/ Direction to the Respondent to stop physical filing and physical appearance in Court and make available the facility of e-filing and video conferencing to all ; and

- c. Pass any such other Order/direction it may deem fit in the given circumstances;

**AND FOR THIS ACT OF KINDNESS, THE PETITIONER AS
IN DUTY BOUND SHALL EVER PRAY.**

FILED BY:

[NATASHA DALMIA]
ADVOCATE FOR THE PETITIONER

Filed On: 06.07.2020
Place: New Delhi

**IN THE SUPREME COURT OF INDIA
ORIGINAL CIVIL WRIT JURISDICTION
UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA
W.P (C) NO. _____ OF 2020
(PUBLIC INTEREST LITIGATION)**

IN THE MATTER OF:

P.G ARAVIND

...PETITIONER

VERSUS

State of Kerala & Anr

...RESPONDENTS

AFFIDAVIT

I, P.G. Aravind S/o Gopinatha Kurup, R/o Aravind Nilayam Kanjikkal, Powdikonam, Trivandrum, Kerala do hereby solemnly affirm and state as under:-

1. That I am the Petitioner in present Public Interest Litigation and I am well acquainted with all the facts and circumstances of the case and as such fully competent to swear this affidavit.
2. That I have filed the present petition as a public interest litigation I have gone through the relevant Supreme Court Rules/Notifications and do hereby affirm that the present Public Interest Litigation is in conformity thereof.
3. That the petitioner have/has no personal interest in the litigation and neither myself nor anybody is Personally interested and would in any manner benefit from the relief sought in the present litigation save as a member of the general public. This petition is not guided by self-gain or gain of any person, institution, body and there is no motive other than of public interest in filing this petition.

4. That I have done whatsoever inquiry / investigation which was in my power to do, to collect all data/ material which was available and which was relevant for this court to entertain the present petition. I further confirm that I have not concealed in the present petition any data/ material / information which may have enabled this court to form an opinion whether to entertain this petition or not and / or whether to grant any relief or not.
5. That I state that the contents of the accompanying synopsis & list of dates at page 6 to 1 and accompanying Writ Petition (PIL) at page 1 to 24 and I.A.'s are drafted by my counsel under my instructions and the facts mentioned therein are true and correct to the best of my knowledge and belief as the same and nothing material has been concealed therefrom.
6. That the annexures annexed with the instant writ petition are true copies of their respective originals.
7. That I state that the contents of the accompanying public interest litigation are drafted by my counsel under my instructions and the facts mentioned therein are true and correct to the best of my knowledge and belief as the same and nothing material has been concealed therefrom.

**DEPONENT****VERIFICATION:**

Verify at Thiruvananthapuram on this 6th day of July, 2020 that the contents of above affidavit are true and correct to the best of my knowledge, no part thereof is false and nothing material has been concealed therefrom.

**DEPONENT**



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ANNEXURE P-1

F.No.10/37/2020-NCLAT

NATIONAL COMPANY LAW APPELLATE TRIBUNAL

2nd & 3rd Floor of Mahanagar Doorsanchar Sadan (M.T.N.L. Building),
9,CGO Complex, Lodhi Road, New Delhi — 110003 (Near Scope Complex)

Tel No.: 011-24306829

Dated : 2nd July, 2020

NOTICE

Whereas a staff member was reported to have tested positive for Covid-19 on 26th June 2020, which mandated further sanitization and sealing of the premises of this Appellate Tribunal and suspension of work till 3rd July 2020; and

Whereas the Hon'ble Acting Chairperson, Hon'ble Members, Officers of the Registry and the staff of this Appellate Tribunal coming in contact with the affected official, directly or otherwise, were subjected to Covid-19 test after collection of their nasal swabs by a team of Doctors from National Centre for Disease Control (NCDC) on 29th and 30th June, 2020; and

Whereas one of them tested positive; and

Whereas some members of the Staff have come in direct contact with the affected person warranting following of the mandatory norms in terms of the Guidelines issued by the Government, for ensuring personal safety of all concerned and to prevent any peril or hazard to human life it has been decided to extend the suspension of Court work to enable all concerned to observe home quarantine.

It is accordingly notified that the Court work (Virtual hearing) and filing etc. in the NCLAT will remain suspended till 10th July, 2020

By order of the Hon'ble Acting Chairperson

Sd/-
(Peeush Pandey)
Registrar

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THE HIGH COURT OF KERALA

A7- 127/2020

Kochi : 682 031
Date : 03.07.2020

NOTICE

Sub:- Procedure for Filing –Modification - reg.

Ref:- High Court notice of even no: dated 17.05.2020, 19.05.2020 &
22.06.2020

.....

In modification to the notices cited, the following instructions are issued
with effect from 06.07.2020.

- Except Bail Applications, all other matters shall be filed in physical mode from 06.07.2020 until further orders.
- Filing time shall be from 10:00 a.m. to 1:00 p.m.
- The practice hitherto followed for filing by putting the files in the drop box placed in the atrium shall be continued until further orders.
- Bail Applications alone will be accepted in online mode from 06.07.2020.
- Hearing through Video Conferencing of Single Judge Benches shall continue

(By Order)

Sd/-

Sophy Thomas
Registrar General

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 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, Ernakulam.
The Secretary, Indian Law Institute, Kerala, Ernakulam
The Senior Standing 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 President, Kerala High Court Advocates' Clerks' Association, Ernakulam.
The Director of the Kerala Judicial Academy, Athani. (He shall bring
the matter to the attention of the Chairperson, KJA).

The Member Secretary, Kerala State Legal Services Authority, Ernakulam
The Director, Kerala State Mediation and Conciliation Centre, 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 Private Secretaries to Judges, High Court.
The Filing Section, High Court.
The IT Section, High Court (they shall publish the notice in the High Court Website.)
The Court keepers, High Court
The Admn. Records Section, High Court
The Notice Board, High Court
The File/Stock File

**Copy submitted to :- The Honourable the Chief Justice
&
The Honourable Judges**

TRUE COPY

COVID-19: High alert in Thiruvananthapuram, more areas declared as containment zones

Onmanorama Staff
JULY 04, 2020 11:35 AM IST

Thiruvananthapuram: High alert has been sounded in Thiruvananthapuram to contain the COVID-19 spread with District Collector Dr Navjot Khosa declaring more areas as containment zones to limit the further spread of the highly infectious viral disease.

A police personnel was among the 17 people who tested positive for COVID-19 in Thiruvananthapuram district on Friday.

The cop, of the Nandavanam AR camp, was on guard duty at the secretariat. Curbs have been intensified at the secretariat.

Apart from him, the disease was confirmed in three people in the corporation limits. They are residents of Poonthura, Manacaud, and Paravilla.

A fish vendor of the market at Ambalathara was also among the infected.

The infection was also confirmed in two people working at the Vikram Sarabhai Space Centre (VSSC) in Thiruvananthapuram. Therefore, COVID-19 tests will be made mandatory for those coming from other states for work at the VSSC.

Areas lately declared as containment zones include Chemmaruthi Mukku (fifth ward) in Nagaroor Panchayat, Kuravara (10th ward) in Ottasekharamangalam Panchayat, Vaniyacode (18th ward) and Injivila (16th ward), both in Parassala Panchayat.

Some areas in Poonthura ward, and the Vazhuthoor ward in Neyyattinkara municipality, and Thaliyil ward in Balaramapuram panchayat have also been declared as containment zones.

As reported earlier, the number of COVID-19 cases with no known source of infection has been on the rise in Thiruvananthapuram.

In response the authorities are again imposing drastic measures as they had done during the early part of lockdown declared in late March.

Police checks have been stepped up to avoid large gatherings of people at bus stops, government and private offices. The city residents, who venture out of their homes, will have to note down the areas they visited and the route they travelled through.

Store worker infected

Major markets in the Thiruvananthapuram city have been shut after the viral disease was confirmed in an Assamese migrant worker at the Saphalyam shopping complex at Palayam.

The Saphalyam complex was shut on Thursday.

After Palayam ward of the city was declared as containment zone, Connemara Market at Palayam too was shut.

Initially, the Thiruvananthapuram Municipal Corporation, which is the largest city corporation in Kerala, had decided to keep the market open with regulations. However, after the district administration raised apprehensions, Mayor K Sreekumar gave instructions to shut the market, and nearby hotels and shops for seven days.

The Palayam market and the Saphalyam complex were disinfected.

Steps have been taken to prepare the contact list of those who directly interacted with the Assamese case. He had turned up for duty at the shop on June 17. The symptoms surfaced on June 18. He came in contact with several people, including the staff. Most of these people are residents of the city.

Lottery seller too

The disease has also been confirmed in a lottery seller at Vanchiyoore, a locality in the capital city itself. As in the case of the employee at Saphalyam Complex, the source of infection of the lottery seller remains unknown.

Curbs were imposed at Vanchiyoore as the lottery seller was found positive for coronavirus that brings about COVID-19.

Secretariat road, Ayurveda College Junction and Vanchiyoore were subsequently disinfected.

Wayside eateries open till 7pm

Restrictions on public activities have also been intensified in the city due to a spike in cases, especially with unknown infection source.

The city civic body has ordered that all shops in the city, including wayside eatery (thattukada) can function only till 7pm.

The time regulations imposed at the Palayam and Chala markets will come into effect at all other markets in the city.

Regulations for shops

- Fruit and vegetable shops can function on Monday, Tuesday, Friday and Saturday.
- Shops selling groceries and stationery can function on alternate days.
- Only 50 per cent of other shops, including those selling fish and meat, can function on each day.

Supermarkets at malls

Supermarkets at malls can only function on Monday, Wednesday, Friday and Saturday. Only home delivery is allowed on holidays.

The Mayor also said that the CCTV cameras at the malls will be connected to the control room at the corporation.

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Advertisement

COVID-19: Kerala in the middle of community transmission, says IMA

Our Correspondent

JULY 04, 2020 06:48 PM IST

Thiruvananthapuram: The Indian Medical Association (IMA) has confirmed what many have feared – Kerala is already in the community transmission stage of COVID-19.

The IMA has already informed the Chief Minister Pinarayi Vijayan about this, the association's Kerala president Dr Abraham Varghese told *Manorama Online*. He said there were three reasons for IMA's conclusion.

The first is that the number of patients without symptoms is increasing. Secondly, health workers who have not attended to COVID patients are contracting the infection, like the two doctors in Edappal in Malappuram, for example.

The third reason is that those leaving Kerala without any symptoms are testing positive when they reach other states.

Edappal was in the middle of a scare after five health employees, including the two doctors, tested positive on June 27 midnight. Officials said the five were working till a day before they were tested positive and must have come in contact with at least 20,000 people.

The IMA has said that the number of tests in the state should be increased and that more tests should be conducted among health workers.

Controlling the disease will not be easy once it reaches the community transmission stage, the IMA said.

Dr Varghese said besides increasing the number of tests, restrictions imposed to fight the disease should also be tightened.

People should act responsibly at this stage. The situation is so grave that Kerala may need another complete lockdown, he said.

Many people in the state are misusing the relaxations in lockdown restrictions. The concessions should be removed and the anti-COVID measures should be strictly implemented, he said.

Dr Varghese said many people are going about their daily lives thinking they will not get COVID. The lockdown stipulations must be tightened to make such people behave responsibly, he said.

The IMA also pointed out that many people don't maintain social distancing and vehicles and marketplaces are crowded. They don't use masks to cover their mouths and the noses; they rather let it rest on their necks when they move around or travel.

The crisis can be overcome only with restrictions and if people behave responsibly, the IMA said.

There has been an alarming rise in the number of cases in Kerala in the past few days. On Friday, the state recorded its highest daily count of 211, after registering over 100 cases for about two weeks.

Many areas in Thiruvananthapuram have been declared as containment zones, forcing the district administration to sound a high alert to contain COVID.

The state capital has been seeing a spike in the number of cases with no known source.

In Kochi, the police have increased monitoring and have started acting against people not following guidelines issued by the state against COVID.

Also, at least 15 employees of Indira Gandhi Hospital at Kadavanthra are in quarantine after an out-patient who had visited the hospital two days ago tested positive.

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Is Kerala's well-managed Covid-19 fight threatening to unravel?

Five months after it began relentlessly chasing the virus, Kerala's healthcare has reached a delicate pass.

By Dinesh Narayanan, ET Bureau | Last Updated: Jul 05, 2020, 08:58 AM IST

20
Comments

A Girl From Bengaluru Became a Billionaire Using This Method

By News-speaker



Statistically, while there has been a spike in cases post-lockdown, the management has been more effective in the state.

COVID-19 CASES		Confirmed	Deaths
India	World	673,165	19,268

When ET Magazine called, the doctor had just poured himself a drink to wash down the fatigue of the punishing week. "You have no idea what we are going through," says the doctor, who oversees a Kerala government-run Covid-19 centre an hour's drive from Kochi airport. "I cannot describe the exhaustion with words."

Five months after it began relentlessly chasing the novel coronavirus, Kerala's public healthcare system is so wound up that it now risks snapping as new cases surge. It comes at a time when other communicable diseases such as dengue and leptospirosis, common during the monsoon, are spreading in some regions. The state also has a high

incidence of diabetes, cancer and other lifestyle diseases that often turn a Covid-19 infection into a fatal affliction.

On January 30, Kerala's first case tested positive. It was a medical student from Wuhan in China, the epicentre of the outbreak that has affected more than 10 million people in 213 countries. A vigilant health minister, KK Shailaja, had primed the state's public healthcare system when news of a lethal virus in China began trickling in in December and ordered passenger screening at airports.

Shailaja had the experience of dealing with the virulent Nipah outbreak in 2018. The state keeps a close watch on contagions worldwide as it receives millions of tourists every year and has a diaspora spread across the globe, increasing its chances of importing a disease.

Italy had discovered its first case around the same time as Kerala. While the virus wreaked havoc in the European nation with a case fatality rate (CFR) of 14.4% and killing about 30,000 people by early May, Kerala had just three deaths.

The state, along with the rest of the country, then went into a six-week lockdown which helped slow the spread of the germ. By May 3, when the lockdown was cautiously lifted to restart a halted economy, the number of active cases had climbed to a peak of 262 (on April 7) and tapered off to 95. No new cases were reported. During the period, the whole administrative machinery, including the police, was focused on one mammoth task — taming the virus.

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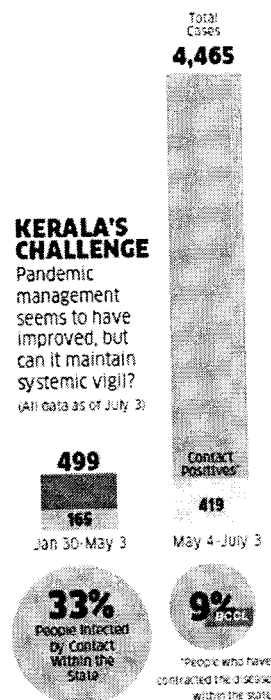
Coronavirus in Delhi Coronavirus in Kerala Congress

Narendra Modi Rahul Gandhi Amit Shah

Mamata Banerjee

The picture has changed dramatically two months later, with the virus hitching a ride with migrant Malayalis returning home from other states and abroad. More than a million Malayalis live and work in the Gulf countries and about 300 of them have reportedly died abroad in the pandemic. Total Covid cases in Kerala jumped nearly nine times from 499 on May 3 to 4,465 on July 3. The death toll has risen to 25 and another 10 are said to be on ventilator support.

It is a complex administrative operation to monitor 1,77,011 people, 1,74,117 of them in home quarantine. While the police make sure they are not breaking isolation rules, health workers keep a look out for symptoms. Simultaneously, surveys are being carried out to check for transmission. Over a hundred people are being added every day to this list of persons to be watched.



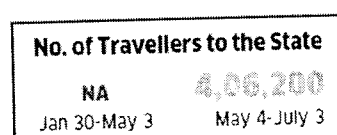
Challenges

Additionally, 1,140 psychiatrists, counsellors and social workers are tracking the psychological health of infected persons, elderly people living alone and children. They have made more than 5.7 lakh calls to quarantined persons and nearly 12.7 lakh calls overall so far. About 3,500 people have reported anxiety and depression and another 1,765 have reported issues related to Covid-19 stigmatisation, according to government data.

Vigilance fatigue is setting in slowly as overworked doctors, nurses, police personnel and administrators deal with exhaustion, worried family members and, above all, the fear of infection.

Two popular doctors — a paediatrician and a physician — testing positive in Edappal in Malappuram spread panic, with one estimate suggesting that 20,000 people might have come in contact with them. The government has yet to release the findings of a rapid test study for community spread in containment zones, but media reports quoting unnamed sources have suggested that surveys using rapid tests indicate the spread is "higher than anticipated".

"The only way to prevent it is to regulate the flow of new arrivals in the state," says Mohammed Asheel, executive director of Kerala Social Security Mission and the person in charge of coordinating the state's response to the pandemic.





Kerala

Contact could not be traced for about 1% of positive cases. Asheel says that indicates silent circulation of the virus but it was not yet treated as "community spread" because clusters have to emerge to satisfy WHO's definition of such a classification. To compare, he points out that Covid-19 positive people with untraceable contact in India are over 40%.

Statistically, while there has been a spike in cases post-lockdown, the management has been more effective in the state. The chairperson of the expert committee on Covid-19 management, B Ekbal, says that effective screening and isolation of imported cases have helped in containing the spread. "The proportion of contact positives (those residing in the state who have contracted the disease) is in single digit. It was about 33% before May 3," Ekbal said. It was 9.4% between May 4 and July 3.

Kerala's Covid-19 strategy has two key elements; keeping the CFR below 2 and the rate of spread at 1 or below (which means one person infects one other or less). The whole of February, both were zero, perhaps a first in the world. The CFR on July 3 stood at 0.5% compared with India's 2.9%. The strategy of "trace, quarantine, test, isolate and treat" paid off. But maintaining it is a challenge as it requires people and constant vigil.

"Fatigue is developing," says Ekbal, adding hospitals have started "layering" or dividing the staff into two teams. One works for a week and rests the next while the other team takes over. This is not ideal as the virus' gestation period is considered to be up to a fortnight. So far, 4,06,200 people, excluding travellers from other states, have arrived in Kerala. While 4,465 cases in the second phase turned out to be positive, only 419 of them were infected through contact.

The rest arrived with the infection. Regulating the flow of arrivals has become a contentious issue. Initially Chief Minister Pinarayi Vijayan had said that only those who were tested at their origin station will be allowed entry into the state. A hue and cry followed and the state relented. "It's become an emotional issue. People say that families are separated and parents and children have not been able to unite. Many of our staff have also not seen their children in months," says Asheel.

Phase four of Vande Bharat Mission began on July 1. The Ministry of External Affairs has listed 497 flights from across the world, of which 177 or 35% would land in Kerala. The new flood of visitors will challenge Kerala's fated public healthcare system. It would have to draw deep from its depleting reservoir of public will to fight this phase out.

Read more on

The Ministry Of External Affairs

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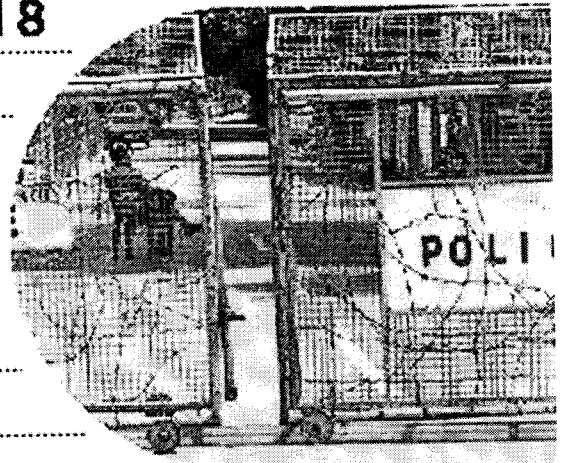
(Catch all the **Business News**, **Breaking News Events** and **Latest News Updates** on **The Economic Times**.)

KOCHI

Coronavirus | Local transmission evident in Ernakulam

Containment zones in Ernakulam

- Kochi Corporation - Wards 11, 27, 43, 44, 46, 55, 56, and 67
- Ernakulam Broadway market
- Parakadavu grama panchayat - Ward 8
- Amballoor grama panchayat - Ward 2
- Kanjoor grama panchayat - Ward 12
- Chellanam - Wards 15 and 16
- Piravom - Ward 17
- Paingottoor - Ward 5
- Kadungalloor - Ward 8
- Thrikkakara Municipality - Ward 28
- Malayattoor Neeleswaram grama panchayat - Ward 15

**Recommended for removal**

- Nayarambalam grama panchayat - Wards 2 and 15
- Sreemoolanagaram grama panchayat - Wards 1, 7, 9, 10, 11, and 12

STAFF REPORTER

KOCHI, JULY 05, 2020 00:31 IST

UPDATED: JULY 05, 2020 12:04 IST

Efforts on to trace source of infection in five positive cases

Five persons in the district, with no travel history and no immediately apparent contact with COVID-19 positive patients, tested positive for SARS-CoV-2 on Saturday.

Health officials said they were still in the process of tracing the sources of infection and contacts of the five persons.

Ward 17 of Piravom and Ward 5 of Paingottoor panchayat were declared containment zones on Saturday. Divisions 43, 44, 46, 55, and 56 of the Kochi Corporation, Ward 8 of Paravur Municipality, Ward 8 of Kadungalloor panchayat, and Ward 28 of Thrikkakara Municipality have also been declared as containment zones on the basis of the new cases. At present, there are 14 containment zones in the district.

A 52-year-old woman from Kadavanthra who visited the Indira Gandhi Cooperative Hospital, Kadavanthra, complaining of fever two days ago, tested positive after visiting a private laboratory nearby.

Around 15 staff members and doctors at the hospital have been quarantined, along with staff members at the laboratory. Health officials said she had been working at the Naval Base and a possible source of infection at the base was being investigated.

A 35-year-old resident of Palarivattom who also tested positive had reportedly visited a private laboratory at Thammanam to receive his test results, and staff members of the lab have gone into quarantine.

A 54-year-old resident of Vennala who also tested positive without a travel history might have links to the area around the Ernakulam market which were being investigated, Health officials said. A 51-year-old resident of Thrikkakara, a 51-year-old from Kadungalloor, and a 29-year-old from Paravur have also tested positive with no travel history.

Of the 135 persons tested from the area around the Ernakulam market, 61 tests have returned negative. Antigen tests are also being conducted among residents of the containment zone at Chellanam.

13 cases

A total of 13 positive cases were reported from the district on Saturday.

Health officials said testing would be ramped up, particularly among symptomatic people, irrespective of whether or not they had a travel history. Two additional RT-PCR test processing facilities are likely to come up soon—a third one at the Kalamassery Government Medical College Hospital and one at the Ernakulam Public Health Lab.

Printable version | Jul 5, 2020 4:08:21 PM |

<https://www.thehindu.com/news/cities/Kochi/local-transmission-evident-in-ernakulam/article31992018.ece>

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INDIAN EXPRESS

05-07-2020

Kerala: Thiruvananthapuram to go under 'triple lockdown' for a week

Kadakampally Surendran, the minister in-charge of the district, told reporters Sunday, "Kerala's capital is sitting on top of a volcano. It can burst any moment. We request people to stay at home."

Vishnu Varma

The Kerala government announced a 'triple lockdown' for a week in areas of Thiruvananthapuram city falling under the jurisdiction of the local corporation, starting 6 am Monday. The step was taken after a surge in Covid-19 cases and fears of community spread. Read in Malayalam.

A triple lockdown entails all the restrictions put into place to suspend movement of the public, except for essential purposes, and thus break the chain of the transmission of the virus.

All roads except one leading to the city will be shut down, with police personnel posted round-the-clock to monitor the movement of people. Grocery and vegetable shops, medical shops, hospitals, banks, ATMs, petrol pumps and cooking gas agencies will be allowed to operate within specified timings.

Also Read| Kerala Covid-19 safety guidelines to remain in force for a year: All you need to know

The movement of passengers from airports and railway stations will be allowed with safety precautions in place. Trucks carrying essential supplies, workers associated with electricity, water supply and sanitation, those employed with mobile service shops, data entry operators and journalists will be allowed to commute through containment zones. Public exams in all educational institutions remain suspended.

The public are advised to stay at home unless they need to step out for essential work. Such persons must carry signed declaration forms stating why they have stepped out of their homes. The police will have the authority to book and fine offenders. The police, along with volunteers, will help with doorstep delivery of essential services for those unable to step out, and helpline numbers have been issued for this.

A release from the police department confirmed that all government offices in Thiruvananthapuram city, including the secretariat, will remain closed for the next one week. The chief minister is likely to hold meetings and discharge his duties at his official Cliff House residence.

Also Read| **Kerala CM condemns ostracisation of returnees, says humanity biggest weapon against pandemic**

Kadakampally Surendran, the minister in-charge of the district, told reporters Sunday, "The state capital is sitting on top of a volcano. It can burst any moment. We request people to stay at home. We are on the brink of community spread and the situation can get really worse."

The concern among authorities in the state capital and the district is the rise in Covid-19 cases through primary or secondary contact, many of whose origin of infection is yet to be established. This means that such persons have no travel history or a known contact with an infected person. On Sunday alone, 22 among the 27 new infections in the district are through primary or secondary contact. The origin of infection in many of them are yet to be established.

Health officials plan to carry out large-scale antigen tests in coastal areas like Poonthura, which have reported many cases. They aim to use the next one week in carrying out extensive contact tracing of those who have tested positive so far and put them under quarantine

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41

**IN THE SUPREME COURT OF INDIA
ORIGINAL CIVIL WRIT JURISDICTION
UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA
W.P (C) NO. _____ OF 2020
(PUBLIC INTEREST LITIGATION)**

IN THE MATTER OF:

P.G ARAVIND

...PETITIONER

VERSUS

State of Kerala & Anr

...RESPONDENTS

AN APPLICATION FOR STAY

To

THE HON'BLE CHIEF JUSTICE OF INDIA AND HIS
COMPANION JUSTICES OF THE SUPREME
COURT OF INDIA.

THE HUMBLE APPLICATION OF THE PETITIONER
ABOVE-NAMED:

MOST RESPECTFULLY SHOWETH:

1. The Petitioner is an Indian Citizen and an advocate practising across forums including the Hon'ble Court in the State of Kerala. The Petitioner seeks to

approach this Hon'ble Court by way of the instant petition to espouse a cause which affects the safety of litigants and advocates approaching the High Court of Kerala i.e. the issue of re-commencement of physical filing of applications/petitions excluding bail applications. The Hon'ble High Court vide Notice No. 127 of 2020 under the subject head of ' Procedure for Filing – Modification – Reg' dated 03.07.2020 has directed for the re-commencement of physical filing of all applications/petitions excluding bail applications w.e.f. 06.07.2020 ("**Notice**"). In view of the increasing number of Covid-19 cases in the State of Kerala, the imposition of physical filing by litigants increases the risk of more people inclusive of the court staff being implemented.

2. That the Petitioner craves leave to refer to and rely upon the contents of accompanying Writ Petition as part and parcel of this application.

3. The Hon'ble High Court vide Notice No. 127 of 2020 under the subject head of 'Procedure for Filing – Modification – Reg' dated 03.07.2020, issued by Respondent No. 2 has directed for the re-commencement of physical filing only of all applications/petitions excluding bail applications w.e.f. 06.07.2020 ("**Notice**"). In addition, the notice also states that the hearing of cases through video conferences shall continue only before the Single Judge. Thus, as far as the hearing of other matters is concerned the same shall be done through physical court hearings only.
4. In case such Notice is enforced, there exists an enhanced risk of all the above-mentioned parties inclusive of the Judges of this Hon'ble Court to get infected by Covid-19. The State of Kerala including Ernakulam has in the recent weeks seen a rapid increase in cases with several surrounding areas near the High Court complex being declared as

containment zones. Owing to these reasons, it is humbly prayed that this Hon'ble Court be pleased to stay of the said Notice.

5. Therefore, it is humbly urged that in view of the foregoing circumstances, this Hon'ble Court entertains the accompanying application and grant an order in favour of the Petitioner.
6. That the Petitioner has a good prima facie case and the balance of convenience lies in favour of the Petitioner and against the Respondents. The relative strength of the case is also in favour of the Petitioner and against the Respondents.
7. That this application is made bonafide and in the interest of justice.

PRAYER

In these circumstances it is therefore most respectfully prayed to this Hon'ble Court that:-

45

- a) Stay the operation of the Notice No. 127 of 2020 dated 03.07.2020 and Direct to the Respondent to modify Notice No. 127 of 2020 dated 03.07.2020 to the extent that facility of e-filing and hearing through video conferencing is made available to all those who wish to avail it till the disposal of the present petition; and
- b) Pass such other and further order as may deem fit and proper in the facts and circumstances of the present case.

**AND FOR THIS ACT- OF KINDNESS THE PETITIOENR
AS IN DUTY BOUND SHALL EVER PRAY.**

FILED BY:

[NATASHA DALMIA]
ADVOCATE FOR THE PETITIONER

Filed On: 06.07.2020
Place: New Delhi

46

**IN THE SUPREME COURT OF INDIA
ORIGINAL CIVIL WRIT JURISDICTION
UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA
W.P (C) NO. _____ OF 2020
(PUBLIC INTEREST LITIGATION)**

IN THE MATTER OF:

P.G ARAVIND

...PETITIONER

VERSUS

State of Kerala & Anr

...RESPONDENTS

**AN APPLICATION FOR EXEMPTION FROM FILING
NOTARIZED AFFIDAVIT, COURT FEE WELFARE STAMP**

To,

THE CHIEF JUSTICE OF THE HON'BLE SUPREME
COURT OF INDIA AND HIS COMPANION
JUSTICES OF THE SUPREME COURT OF INDIA:

THE HUMBLE APPLICATION PETITION OF
THE PETITIONER ABOVE NAMED

MOST RESPECTFULLY SHOWETH:-

1. The Petitioner is an Indian Citizen and an advocate practising across forums including the Hon'ble Court

in the State of Kerala. The Petitioner seeks to approach this Hon'ble Court by way of the instant petition to espouse a cause which affects the safety of litigants and advocates approaching the High Court of Kerala i.e. the issue of re-commencement of physical filing of applications/petitions excluding bail applications. The Hon'ble High Court vide Notice No. 127 of 2020 under the subject head of ' Procedure for Filing – Modification – Reg' dated 03.07.2020 has directed for the re-commencement of physical filing of all applications/petitions excluding bail applications w.e.f. 06.07.2020 ("**Notice**"). In view of the increasing number of Covid-19 cases in the State of Kerala, the imposition of physical filing by litigants increases the risk of more people inclusive of the court staff being implemented.

2. That for the sake of brevity the Petitioner carves leave of this Hon'ble Court to refer and rely upon the

Special Leave Petition for the purpose of this application also.

3. That the Court Fee, Welfare Stamp, and notarized affidavit could not be obtained because of the National COVID-19 lockdown situation. For the same reason, the accompanying affidavit could not be obtained and could not be attested and notarized. The Petitioner undertaken to file a notarized affidavit in accordance with law once the National Coiv-19 lockdown is lifted.
4. That in the interest of justice the same may be taken on record and the Petitioner herein may be exempted from filing the Court Fee, Welfare Stamp and notarized Affidavit.

PRAYER

In the premises set forth above, it is therefore, most respectfully submitted that this Hon'ble Court may graciously be pleased to:

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- a. EXEMPT the petitioner from filing Court Fee, Welfare Stamp and notarized Affidavit; and
- b. PASS such other order or orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.

**AND FOR THIS ACT OF KINDNESS, THE PETITIONER AS
IN DUTY BOUND SHALL EVER PRAY.**

FILED BY:

[NATASHA DALMIA]
ADVOCATE FOR THE PETITIONER

Filed On: 06.07.2020
Place: New Delhi