

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE DEVAN RAMACHANDRAN

&

THE HONOURABLE MR.JUSTICE T.R.RAVI

FRIDAY, THE 24TH DAY OF APRIL, 2020 /4TH VAISAKHA, 1942

W.P. (C). NO.9401 OF 2020

PETITIONER:

SUO MOTU

RESPONDENTS:

1. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO THE
GOVERNMENT OF KERALA,
SECRETARIAT, THIRUVANANTHAPURAM 695001
2. THE SECRETARY,
HOME DEPARTMENT, GOVERNMENT OF KERALA.
3. THE STATE POLICE CHIEF,
POLICE HEAD QUARTERS, TRIVANDRUM.
4. THE UNION OF INDIA,
REPRESENTED BY THE SECRETARY,
MINISTRY OF HOME AFFAIRS,
GOVERNMENT OF INDIA, NEW DELHI.
- *5. THE SPECIAL SECRETARY,
SOCIAL JUSTICE DEPARTMENT,
GOVERNMENT OF KERALA,
SECRETARIAT, THIRUVANANTHAPURAM PIN - 695001.
- *6. THE DIRECTOR,
WOMEN AND CHILD DEVELOPMENT DEPARTMENT,
GOVERNMENT OF KERALA, THIRUVANANTHAPURAM.

[ADDL. RESPONDENTS 5 AND 6 ARE SUO MOTU IMPEADED AS PER ORDER DATED 6.4.2020]

BY SRI.RANJITH THAMPAN, ADDL. ADVOCATE GENERAL
BY SRI.P. NARAYANAN, SR. GOVERNMENT PLEADER
BY CENTRAL GOVERNMENT COUNSEL, SRI.JAYASANKAR V.NAIR

THIS WRIT PETITION HAVING COME UP FOR ADMISSION ON 24/04/2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:-

O R D E R

Devan Ramachandran J.

The days of lockdown – new and hitherto unknown to all of us – has been testing to everybody, including the judicial system.

2. Nevertheless, the Courts have been functioning – adopting innovative technologies – thanks to a substantial extent, on account of the assistance and resolve of the Advocates.

3. When this matter was taken up today in the pre-lunch session, the learned President of the Kerala Advocates' Association, Shri Laxmi Narayanan, made a request before us that the Government of Kerala be directed to issue necessary orders to allow the Advocates to open their Chambers/Offices so as to enable them to pursue their professional requirements. However, the learned Central Government Standing Counsel, Shri Jayasankar V.Nair, submitted that Central Government has neither prohibited nor expressly permitted the opening or operationalising of the Advocates Offices or Chambers; and that all such activities will have to be guided by the imperatives of the lockdown guidelines.

4. We then adjourned this matter for a while and took it up post-lunch, when Shri Laxmi Narayanan submitted that the proceedings of the forenoon session appears to have been misunderstood by the Media and

that it has been reported that there is a clamp-down even on the movement of Advocates supported by valid affidavits and passes to their offices and chambers.

5. We, therefore, make it very very clear that we did not, in any manner, prohibit the operationalisation of the offices of the lawyers or their chambers but, only that we do not intent to pass an order allowing them to do so contrary to the guidelines proposed by the State and Central Governments as regards the lockdown.

6. In such circumstances, we deem it apposite and necessary to clarify that our proceedings are not to be misinterrupted by anyone, including the State Government and its functionaries, to gather an impression that we have, in any manner, stopped Advocates from operating their offices or chambers subject to the guidelines and imperatives of the lockdown and subject to such conditions applicable to citizens who travel for purposes that are unexpendable.

**DEVAN RAMACHANDRAN
JUDGE**

**T.R.RAVI,
JUDGE**

ms/DSN