

HIGH COURT OF UTTARAKHAND AT NAINITAL

NOTIFICATION

No. 190/UHC/Admin.A (I.T.)/2024

Dated: May 01, 2024

In exercise of the powers conferred under Articles 227 of the Constitution of India and all other powers enabling it in this behalf, the High Court of Uttarakhand, with the approval of the Governor of the State of Uttarakhand, hereby makes the following Rules for digitization of Administrative and Judicial records of the District Judicial Establishment.

THE DISTRICT COURTS OF UTTARAKHAND **DIGITIZATION OF RECORDS RULES, 2024**

Statement of object and Reasons- There is an urgent need for a user friendly database with features for text, context keyboard based searching and for purpose of safe custody, long term preservation of records with optimum utilization of available space, which can be addressed through digitization of administrative and judicial records of the district judicial establishment.

The digitization solution will be an integrated web technology based solution capable of running seamlessly over Internet/Intranet, Virtual Private Network (VPN) that allows the Courts to scan and integrate records and enable the end user to search quickly and comprehensively.

CHAPTER I **GENERAL**

1. Short title, extent and commencement-

- 1) These Rules may be called the District Courts of Uttarakhand Digitization of Records Rules, 2024.
- 2) These Rules shall come into force from the date of its notification in the Official Gazette.
- 3) These Rules shall apply to all District Court establishments under the supervision of High Court of Uttarakhand.

2. Definitions -

- 1) **Digitization** means the process of converting physical records into a digital and un-editable format which includes but not limited to text, audio-visual files that can be capable of retained by electronic devices.
- 2) **Digitized/electronic records** shall bear the same meaning as assigned under the Information Technology Act, 2000.
- 3) **District Court** means Courts under the supervision of High Court of Uttarakhand.
- 4) **Microfilming** means a film bearing a photographic record on a reduced scale.

- 5) **Repository** means a central space where data in digital, un-editable format, is stored and maintained and includes any disaster recovery sites.
 - 6) **Physical Records** means and include records on paper or on any other similar medium of-
 - i. Cases, pending or disposed of,
 - ii. Administrative records,
 - iii. Gazette notifications/circulars/publications,
 - iv. Journals,
 - v. Books and
 - vi. Registers etc.
3. The words and phrases not mentioned herein shall bear the same meaning as assigned under the General Rules (Civil), 1957 and General Rules (Criminal), 1977 as applicable in the State of Uttarakhand or the Information Technology Act, 2000.

CHAPTER II
PRESENTATION OF MATTERS AT THE FILING CENTRE AND
DIGITIZATION

4. Notwithstanding anything to the contrary contained in General Rules (Civil), 1957 and General Rules (Criminal), 1977 as applicable in the State of Uttarakhand –
- 1) A main case, an interlocutory application or any other document filed therewith may be presented in person at the presentation centre of the District Court during the working hours in soft copy in Portable Document File (PDF) format by any party or his recognized agent or his advocate.
 - 2) On presentation, such person shall be given the date for appearance on next working day after removal of defaults, if any.
 - 3) In case the plaint, written statement, appeal, application or document including subsequent documents is filed in hard copy, the same shall be scanned and tagged with relevant case/file.
 - 4) The scanned images of the judicial records after digital signature of Supervising Officer(s) shall be kept in such format and in such medium as may, from time to time, be specified by the Chief Justice. Such files shall be regularly updated in electronic format in the server.

CHAPTER III
PRESERVATION AND ELIMINATION OF RECORDS

5. Notwithstanding any period of preservation prescribed in General Rules (Civil), 1957 and General Rules (Criminal), 1977 as applicable in the State of Uttarakhand, any physical record may be eliminated after being retained and secured in electronic form in accordance with –

- 1) Section 7 of the Information Technology Act, 2000 and
 - 2) After certification as required by sub-section (4) of section 65-B of the Indian Evidence Act, 1872 (Appendix-A).
6. Record shall be digitized and preserved permanently in the un-editable digitized format. The Supervising Officer shall then as soon as possible give a certificate under his physical and digital signatures, that the required entire judicial record of the given case is available in the un-editable digitized format.
 7. After digitization, the original documents shall be returned to the party/any person duly authorized by the party to collect the same. In the event no one appears to collect the document within one month from the date of digitization, three month's notice to receive the documents shall be given to the party concerned and in case the document is not collected within a period of three months, it shall be eliminated in accordance with the provisions of these Rules under the general superintendence of the Supervising Officer(s) as may be appointed by the District Judge for that purpose. The supervising officer so appointed shall be deemed to be the official responsible for the purposes of sub-section (4) of section 65-B of Indian Evidence Act, 1872.

Provided that the unreturned original documents pertaining to title, educational achievements, service record and creating personal rights shall not be eliminated for a period of 12 (twelve) years, from the date of digitization or the date of final disposal of the *lis* from the highest Court, whichever is later.

Provided further that original documents of historical, sociological, scientific and artistic value, as in the opinion of the District Judge, shall be permanently preserved.

Provided further that administrative record pertaining to the previous 3 financial/calendar years shall not be eliminated.

8. In the event, if any part of the file is so fragile that it cannot be digitized; such a file will be preserved in a Fragile Record Section or designated venue for the period mentioned in General Rules (Civil), 1957 and General Rules (Criminal), 1977 as applicable in the State of Uttarakhand, as the case may be.
9. Before destruction, the documents listed out in the First Schedule in The Information Technology Act, 2000 as amended from time to time have to be segregated and preserved in a sealed cover with case number signed by the Supervising Officer or any other person authorized on his behalf in a separate storage space.
10. The conversion of judicial records, books, or papers, in electronic form, shall be carried out from time to time, before their destruction, in accordance with Rule 5, as may be necessary, as above, shall be carried in the following manner, namely:-

- a. Each case record shall be applied with a barcode sticker so that the data that will be captured from the record will be readable using the barcode reader.

Explanation: A barcode is a way to encode information into a visual pattern which can be read by a Bar Code scanner or any other appropriate device. The prescribed meta-data shall be embedded in the Bar Code in such a way that such data can be retrieved in a readable format by using a Bar Code scanner or other appropriate device.

- b. Each scanned case record shall be indexed in accordance with the indexing parameters of the physical case record in such way that the prescribed software accurately identifies every indexed document available in the scanned record.
 - c. Each scanned page shall be converted to PDF/A (Portable Document Format/ Archiving) format in OCR (Optical Character Recognition) mode. Each PDF file shall be segregated according to indexing parameter (order sheet page, annexure page, judgment page & etc) as indicated in point (b) above.
 - d. Every scanned case record in order to facilitate easy retrieval, whether Civil or Criminal shall be provided with but not limited to the following meta-data, namely:-
 - 1) Case Number
 - 2) Case Year
 - 3) Case Type
 - 4) Barcode Number
 - 5) Name of Petitioner(s)
 - 6) Name of Petitioner's Advocate
 - 7) Name of Respondent(s)
 - 8) Name of Respondent's Advocate
 - 9) Name of the Judge
 - 10) District Name
 - 11) Date of Disposal
 - 12) Date of Scanning
 - 13) Date of Verification
 - 14) Name of Verifier
11. The existence of any of the following documents as specified in preceding Rule, shall be entered as Additional Meta Data so that the digitized records containing the said documents can be easily identified for taking steps to return the said documents in the physical form to the concerned parties/advocates –
- a. A negotiable instrument (other than a cheque) as defined in section 13 of the Negotiable Instruments Act, 1881 (26 of 1881).
 - b. A power-of-attorney as defined in section 1A of the Powers-of-

Attorney Act, 1882 (7 of 1882).

- c. A trust as defined in section 3 of the Indian Trust Act, 1882 (2 of 1882).
 - d. A will as defined in clause (h) of section 2 of the Indian Succession Act, 1925 (39 of 1925), including any other testamentary disposition by whatever name called.
 - e. Any contract for the sale or conveyance of immovable property or any interest in such property.
12. The Court or agency, as the case may be, in charge of scanning the case records shall ensure entry of the above meta-data in the software application used for scanning and digitizing case records. It shall also be the duty of such agency to provide sufficient safeguards to prevent alteration of the meta-data once it is verified and the case record is uploaded in the Document/Data Management System (DMS) server.
13. The Court shall use the DMS with a secure user ID provided by the scanning team to manage the complete electronic record life cycle such as Creation, Distribution, Usage, Maintenance and Destruction of electronic records. These IDs will be permission specific meaning that basing on the privilege assigned to these IDs, a user can view, download or print but cannot make any changes in the uploaded feed for the sake of the security of the scanned records available in the server.
14. The agency entrusted with the scanning work shall in consultation with the Court prepare necessary facility for rectification of erroneous data in the server.
15. The agency entrusted with the work of scanning and digitization shall use necessary technology to ensure that the scanned and digitized documents stored in the server shall remain accessible, readable and printable without affecting the information originally generated, sent and received for repository. The digitized documents shall be further used for audit purpose as per the Section-7A of the Information Technology (Amendment) Act, 2008.
16. The database containing the digitized records of the Court shall only be accessible in the local area network (LAN) of the Court. It shall be ensured that no portion of the database or the server containing the digitized records of the Court is accessible through internet or to any person in any manner beyond the permission granted in this regard.
17. While handing over records for digitization it will be ensured that duplicate copies of any part thereof are removed to avoid needless scanning.
18. The Record room official or Officer in charge of record room or supervising officer, as the case may be, shall certify under his digital signatures that the entire judicial record of the given case has been digitized and electronically

secured in accordance with section 7 of the Information Technology Act, 2000 and section 65-B (4) of the Indian Evidence Act, 1872 and is available in an un-editable, digitized format.

19. The scanned images/un-editable formatted documents of the judicial records after being certified by the Quality Control Team to be constituted by the District Judge shall be written on microfilm rolls as per the technical specification prescribed by the High Court.
20. The destruction of all papers shall be carried into effect by the process of cutting with use of shredder or by any other manner as the Court may direct. Such destruction shall be made in presence of the Superintendent in-charge of the Record Room of the Court under the supervision of the Officer in charge of record room or supervising officer, as the case may be.
21. The Chief Justice may, from time to time, issue directions for effective implementation of these Rules.

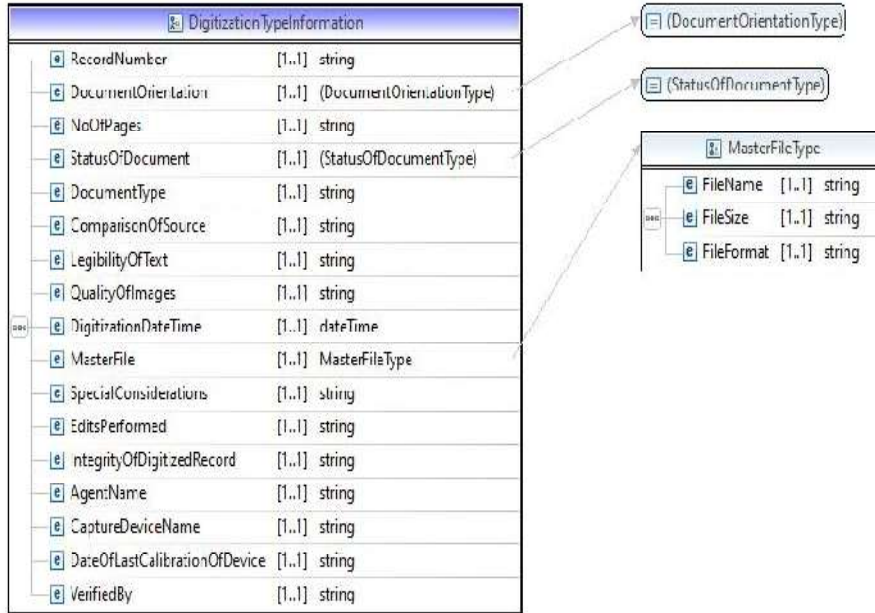
Appendix-A

Verification of Digitized Records

The Designated/Supervising Officer(s) of the Court should verify each digitized record by comparing it against the original document as per following parameters (as applicable) and store the following information in a database.

The information forms the basis for issuing the certificate by the Designated Officer for certifying the admissibility of digitized record in the Court as per the Section 65B of Indian Evidence Act. The rank and designation of the Officers In-charge of the particular digitization processes should be identified for uniform implementation.

S. No.	Parameters
1)	Record number
2)	Document orientation (Portrait or landscape)
3)	Number of pages
4)	Original or Photocopy
5)	Comparison of source and digitized record
6)	Legibility of text in scanned document
7)	Quality of images
8)	Date and time of Digitization
9)	Master File name, Size and Format
10)	Special Considerations
11)	Edits Performed
12)	Integrity of Final Digitized record
13)	The name of the agent associated with the digitization process <i>(e.g. name of the outsourced bureau or name of the in-house operator)</i>
14)	Capture Device Name (Hardware/Software)
15)	Date of Last Calibration of Device
16)	Verified by



(The XML schema for DVI)

By Order of the Court,

Sd/-
(Ashish Naithani)
Registrar General

No. 2249/UHC/Admin.A(IT)/2024

Dated: May 01, 2024.

Copy forwarded for information and necessary action to:

1. *P.P.S. to Hon'ble the Chief Justice with request to place the same for kind perusal of Her Lordship.*
2. *P.S./ P.A. to Hon'ble Judges with request to place the same for kind perusal of Hon'ble Judges.*
3. *Advocate General, Government of Uttarakhand, Nainital.*
4. *President/ Secretary, High Court Bar Association, Nainital with request to inform all the members.*
5. *Assistant Solicitor General, Government of India, Nainital.*
6. *Chief Standing Counsel, Government of Uttarakhand, Nainital.*
7. *Additional Chief Standing Counsel, Government of Uttar Pradesh, Nainital.*
8. *Principal Secretary, Legislative & Parliamentary Affairs, Govt. of Uttarakhand, Dehradun.*
9. *Principal Secretary, Law- cum-L.R. Government of Uttarakhand, Dehradun.*
10. *Director, Uttarakhand Judicial And Legal Academy, Bhowali, Nainital.*
11. *All the District & Sessions Judge, State Judiciary, Uttarakhand.*
12. *Principal Judge/Judges, Family Court, State Judiciary, Uttarakhand.*
13. *Member Secretary, State Legal Services Authority, Uttarakhand, Nainital.*
14. *All the Registrars of the Court.*
15. *Secretary, High Court Legal Services Committee, Nainital.*
16. *O.S.D./C.P.C. of the Court.*
17. *Registrar (HC Cadre) of the Court.*
18. *Deputy Registrar (I.T.) of the Court with direction to upload the same on the Official website of High Court of Uttarakhand.*
19. *Librarian of the Court with the directions that the above rules be incorporated in all the relevant books immediately.*
20. *P.A. to Registrar General.*
21. *Director, Printing & Stationery, Government Press, Roorkee, District Hardwar, for publication of the Notification in the next Gazette of the Uttarakhand.*
22. *Guard file.*

By order,

C.P.C.