

HIGH COURT OF UTTARAKHAND AT NAINITAL

NOTIFICATION

No. 189/UHC/Admin.A (I.T.)/2024

Dated: May 01, 2024

In exercise of the powers conferred by Article 225 of the Constitution of India and all the other powers enabling in that behalf, the Hon'ble Court, with approval of the Governor of the State of Uttarakhand, is pleased to insert Chapter XLI-A and Chapter XLI-B in "Rules of Court, 1952" as applicable to the High Court of Uttarakhand, Nainital under U.P. Reorganization Act, 2000.

CHAPTER-XLI-A **DIGITAL PRESERVATION AND DESTRUCTION OF CIVIL AND** **CRIMINAL RECORDS**

1. **Presentation of matters at the filing centre** - Notwithstanding anything to the contrary contained in these Rules –
 - (i) A main case, an interlocutory application or any other document filed therewith may be presented in person at the presentation centre of the High Court during the working hours in soft copy in Portable Document File (PDF) format by any party or his recognized agent or his advocate.
 - (ii) On presentation, such person shall be given the date for appearance on next working day after removal of defects, if any.
 - (iii) In case the Petition, Counter, appeal, application or document including subsequent documents is filed in hard copy, the same shall be scanned and tagged with relevant case/file.
 - (iv) 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.
2. **Retention and security of Record-** Notwithstanding any period of preservation prescribed in these Rules, any judicial records book or paper, may be destroyed after being retained and secured in electronic form in accordance with –
 - (i) Section 7 of the Information Technology Act, 2000.
 - (ii) After certification as required by sub-section (4) of section 65-B of the Indian Evidence Act, 1872 (Appendix-A).
3. **Record to 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.

4. Scanned record be digitally signed- 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.

5. Elimination of Records-

- (i) Record of every disposed of Anticipatory Bail Application U/s. 438 Cr.P.C. shall be destroyed after expiry of one year from the date of final order.
- (ii) Record of every disposed of Bail Application U/s. 439 Cr.P.C. shall be destroyed after expiry of three years from the date of final order.
- (iii) All other records including paper books shall be destroyed after expiry of five years from the date of final order.
- (iv) No records referred in this Rule shall be destroyed unless it is digitized and verified. In the event, if any part of the file is so fragile that it cannot be digitized; such a file will be preserved permanently in a Fragile Record Section.

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

6. Period of computation for elimination- The time limit mentioned in the preceding rule shall be calculated from the date of the final decree or order, which, in cases of appeal to the Supreme Court will be that of the decree or order of Supreme Court respectively.

7. Notice to Parties- 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 Registrar (Judicial) or any other person authorized on his behalf in a separate storage space. Simultaneously, all the original documents after digitization shall be returned to the parties after giving them three months notice to receive the documents and in case the parties do not collect the documents within a period of three months, those documents shall be destroyed in accordance above rule under the general superintendence of the Registrar (Judicial), by the Supervising Officer(s) as may be appointed by the Chief Justice for that purpose.

8. Digitization of record- 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 2, as may be necessary, as above, shall be carried in the following manner, namely:-

- (i) 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.

- (ii) 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.
- (iii) Each scanned document 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 (ii) above.
- (iv) Every scanned case record, whether Civil or Criminal shall be provided with but not limited to the following meta-data, namely:-
 - a) Case Number
 - b) Case Year
 - c) Case Type
 - d) Barcode Number
 - e) Name of Petitioner(s)
 - f) Name of Petitioner's Advocate
 - g) Name of Respondent(s)
 - h) Name of Respondent's Advocate
 - i) Name of the Judge
 - j) District Name
 - k) Date of Disposal
 - l) Date of Scanning
 - m) Date of Verification
 - n) Name of Verifier
- (v) The existence of any of the following documents as specified in Rule 7, 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.

- (vi) The agency 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 DMS (Data Management System) server.
- (vii) 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.
- (viii) The agency entrusted with the scanning work shall in consultation with the Court prepare necessary facility for rectification of erroneous data in the server.
- (ix) 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 posterity. The digitized documents shall be further used for audit purpose as per the Section-7A of the Information Technology (Amendment) Act, 2008.
- (x) 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.
- (xi) While handing over records for digitization it will be ensured that duplicate copies of any part thereof are removed to avoid needless scanning.

9. **Digitization of LCR-** In respect of the Lower Court Records (LCR), the following procedure mentioned as below is to be adopted, namely:

- (i) No original LCR whether in a disposed of or a pending case shall be retained in the High Court. After scanning and verification in the manner provided hereinbefore the original LCR shall be forthwith returned to the Court concerned. Whenever any order requisitioning

the LCR is passed hereafter, the concerned Court will only send a scanned and verified copy of such LCR (duly signed digitally, using digital/ electronic signature, by the concerned authority) to the High Court. If, for some reason, the Court concerned is unable to scan and verify the softcopy of such LCR, then the hardcopy of such LCR shall on its receipt in the High Court shall be scanned and verified in the High Court and thereafter be returned to the Court concerned.

- (ii) In the event, if the Court concerned while hearing a pending matter decides to peruse the original hardcopy of the LCR, then upon an order passed by such Court, the original LCR shall be called for.
- (iii) In a pending matter when the Court so desires, a print out of the softcopy of the LCR shall be placed before the Court.

10. Elimination of record in Division Bench Cases- Notwithstanding anything contained in the foregoing rules, in Division Bench cases second copy of brief and in all types of cases, all Miscellaneous cases except relating to amendment of pleadings, intervention, addition of party, taking documents or subsequent events by way of additional evidence, substitution and setting aside abatement, if any, shall be destroyed after disposal of the case.

11. Mode of Destruction- 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 Chief Justice 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 concerned Deputy Registrar (Judicial) or Section Officer of the Record Room.

12. The Chief Justice may, from time to time, issue directions for effective implementation of these Rules.

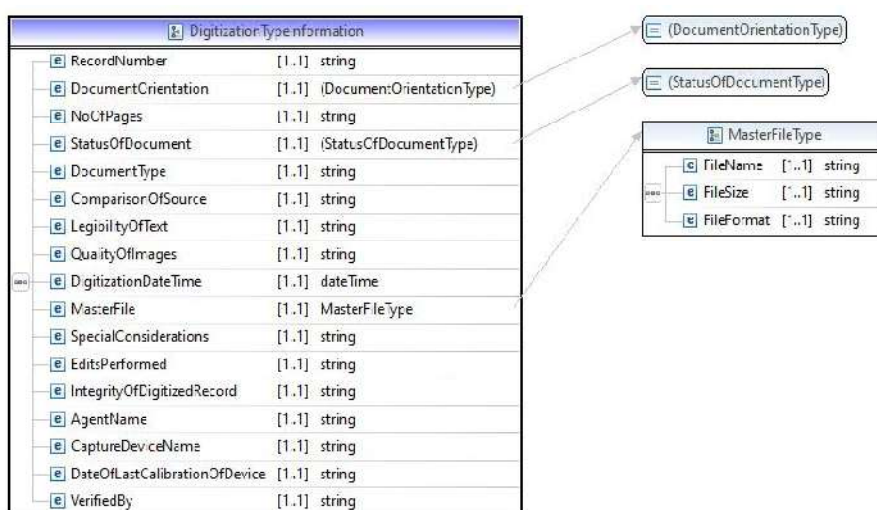
Appendix-A Verification of Digitized Records

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 (e.g. name of the outsourced bureau or name of the in-house operator)
14)	Capture Device Name (Hardware/Software)
15)	Date of Last Calibration of Device
16)	Verified by



(The XML schema for DVI)

CHAPTER-XLI-B

DIGITIZATION OF REGISTERS, ADMINISTRATIVE RECORDS, OTHER PAPERS AND PUBLICATIONS

1. **Digitization of Administrative Record-** All the administrative records/files and Registers are to be digitized and preserved permanently in the digitized form by the Supervising Officer(s) as may be appointed by the Chief Justice for that purpose and under the general superintendence of the Registrar (Computer) or Officer heading the Computer and Information Technology Section.
2. **Record to be digitally signed-**The official of the concerned section digitizing the register shall certify that the entire Administrative Records/Files and Registers have been digitized. The Supervising Officer shall then as soon as possible give a certificate under his physical and digital signatures that the entire Administrative Records/Files and Registers are available in the digitized form retained and secured in electronic form in accordance with –

- a) Section 7 of the Information Technology Act, 2000 and

b) After certification as required by sub-section (4) of section 65-B of the Indian Evidence Act, 1872 (Appendix-A).

3. **Elimination of Registers-** The registers mentioned in Rules of Court, 1952 as applicable to High Court of Uttarakhand, which have been duly digitized and certified by the Supervising Officer, shall be eliminated.

Provided that the 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*, if any, 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 Chief Justice, shall be permanently preserved.

Provided further that administrative record pertaining to the previous 5 financial/calendar years shall not be eliminated.

4. **Progressive elimination of records-** The destruction shall be progressively carried out from time to time in accordance with the provisions of Rules of Court, 1952 as applicable to High Court of Uttarakhand under the general superintendence of the Registrar (Judicial) and Registrar (Computer) or Officer heading the Computer and Information Technology Section.
5. **Elimination of other records-** Notwithstanding anything contained in these Rules, all documents, other than those required to be preserved in perpetuity in accordance with the Rules of Court, 1952 as applicable to High Court of Uttarakhand, may be eliminated after being retained and secured in electronic form and after certification as required by sub-section (4) of Section 65-B of the Indian Evidence Act, 1872 as mentioned above.
6. **Digitization of miscellaneous record-** All the other papers as per directions of the Chief Justice shall be digitized and preserved permanently in the digitized form under the general superintendence of the Registrar (Computer) or Officer heading the Computer and Information Technology Section by the Supervising Officer(s) as may be appointed by the Chief Justice for that purpose in accordance with foregoing rules.
7. The Chief Justice may, from time to time, issue directions for effective implementation of these Rules.

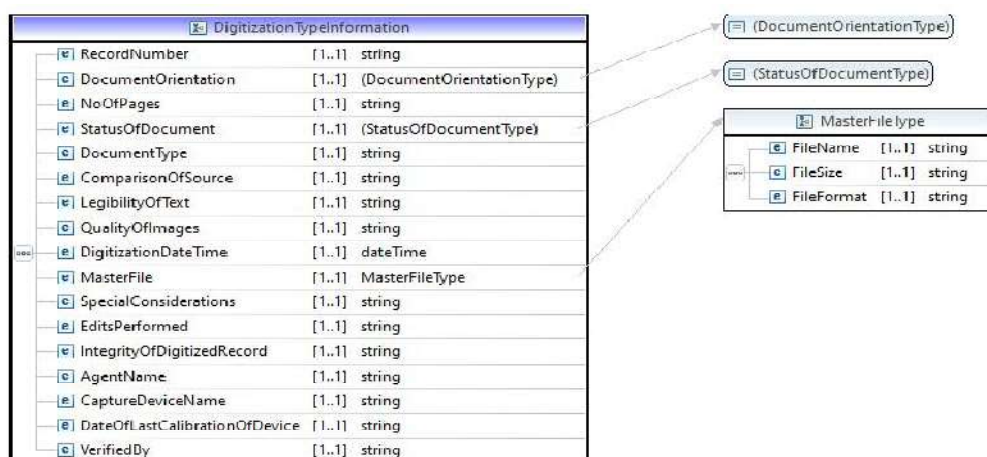
Appendix-A

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)

These amendments shall come into force with immediate effect.

By Order of the Court ,

Sd/-
(Ashish Naithani)
Registrar General

No. 2248/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 & Legal Academy, Bhowali, Nainital.*
11. *All the District Judge, State Judiciary, Uttarkahand.*
12. *Principal Judge/Judges, Family Court, State Judiciary, Uttarakhand.*
13. *Member Secretary, Uttarakhand State Legal Services Authority, 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. *Joint P.P.S. / Head P.S. / Head B.S. of the Court.*
19. *All the Deputy Registrars/ Assistant Registrars/ Section Officers of the Court.*
20. *Deputy Registrar (I.T.) of the Court with direction to upload the same on the Official website of High Court of Uttarakhand.*
21. *Librarian of the Court with the directions that the above amendments be incorporated in all the relevant books immediately.*
22. *P.A. to Registrar General.*
23. *Director, Printing & Stationery, Government Press, Roorkee, District Hardwar, for publication of the Notification in the next Gazette of the Uttarakhand.*
24. *Guard file.*

By order,

C.P.C.