

भाग-४ (ग)
अंतिम नियम
विधि और विधायी कार्य विभाग

फा. क्र. 119-2019-इक्कीस-ब (एक)

भोपाल, दिनांक 28 जनवरी 2019

In exercise of the powers conferred by Articles 225 of the Constitution of India, section 54 of the States Reorganisation Act, 1956, clauses 27 and 28 of the letters patent, section 3 of the Madhya Pradesh Uchcha Nyayalaya (Khandpeeth ko Appeal) Adhiniyam, 2005, the High Court of Madhya Pradesh, hereby, makes the following amendments in the High Court of Madhya Pradesh Rules, 2008, Namely :—

AMENDMENTS

In the said rules,-

1. In chapter X,-

- (1) in rule 24, published in the Madhya Pradesh Gazette, (extraordinary) dated 07-06-2012 at page No. 532 (9), S.No. 10 (b) and 10(c) are withdrawn which runs as under.
- (b) after words "the name" & "address and" word "office" is inserted.
- (c) after words "address name" & "of the advocate" words "phone numbers" are inserted.

After withdrawal of S.No. 10(b) and 10(c), the following amendment are inserted in chapter X, rule 24:-

- (b) between words "High Court" & "the name", the symbol ",", is inserted.
- (c) between words "the name" & "address of", the symbol & words ", office" is inserted.
- (d) between words "address" & "of the advocate", the words ", phone number(s) and e-mail address (if any)" are inserted.
- (e) between words "the advocate," & "for the Principal Seat", the words "if any," are deleted.

After Amendments, Rule 24 of the Chapter X, shall be read as under:-

24. The Registrar shall require the Central Government and all local or other authorities under the control of the State or Central Government operating within the territory of the State of Madhya Pradesh to inform the High Court, the name, office address, phone number(s) and e-mail address (if any) of the advocate, for the Principal Seat of the High Court at Jabalpur and Benches at Indore and Gwalior, who is authorized to accept service on their behalf. Such information shall be maintained in the form of a Register and shall be made available to the Bar. Whenever such advocate is changed, intimation of such change shall be given to the Registrar, who shall notify it to the Bar.

Provided that it shall not be incumbent upon any such local or other Authority to authorize an advocate for accepting service on its behalf.

2. In Chapter-XIII, after Rule 3, the following rule shall be added, namely:-
"3A. In application for restoration/review/recall/modification/clarification of order or judgment passed in a main case, the Court may, at any time, direct the office to attach the record of main case."

There is an urgent need to cope with the need for creation of user-friendly database with features for text, context, keyword based searching and for purpose of safe custody and creation of space for records. The Digitization solution will be an integrated web technology based solution capable of running seamlessly over Intranet, Virtual Private Network (VPN) as well as on the Internet that allows the High Court of Madhya Pradesh to scan and integrate all types of records, Judgments/Orders and enable the end users to search quickly and comprehensively across different media from the vast database available at the High Court of Madhya Pradesh;

Therefore, In exercise of the powers conferred by Article 225 of the Constitution of India, Section 54 of the States Reorganisation Act, 1956, clauses 27 & 28 of the Letters Patent, the High Court of Madhya Pradesh, hereby, makes following rules for digitization of records of the High Court, namely:-

CHAPTER-I

1. **Short Title.**- These Rules may be called the "High Court of Madhya Pradesh Digitization of Records Rules, 2018".
2. **Commencement.**- These rules shall come into force with immediate effect from the date of their publication in the official Gazette.
3. **Definitions:-**
 - (1) **"Application software"** means a program or group of programs designed for end users. The application software includes database programs, word processors, spreadsheets, etc.
 - (2) **"Digitization"** means the process of converting analog signals or information in any form into a digital and un-editable format that can be understood by computer systems or electronic devices.
 - (3) **"Digitization of the High Court records"** means conversion of all physical files including Judicial records of disposed of, pending and freshly filed cases, administrative records, H.R publications, gazette notifications/publications, old books, all registers etc. into digital form capable of being understood by computer systems or an electronic device.
 - (4) **"Digitized/electronic records"** shall bear the same meaning as assigned under the Information Technology Act, 2000.
 - (5) **"Local Area Network"** means a computer network that interconnects computers in a limited area such as a home, school, computer laboratory or office building using network media.

- (6) “**Microfilming**” means a film bearing a photographic record on reduced scale of printed or other graphic matter.
- (7) “**Official**” means the officer and employees of the High Court of Madhya Pradesh.
- (8) “**Physical Records**” means and include records on paper of
 - (a) cases-pending or disposed of,
 - (b) administrative records,
 - (c) gazette notifications / circulars / publications,
 - (d) journals,
 - (e) books and
 - (f) registers etc.
- (9) “**Repository**” means a central place where data is stored and maintained and this data comprises of collection of electronic records.
- (10) The words and phrases not mentioned herein shall bear the same meaning as assigned under the High Court of Madhya Pradesh, Rules 2008.

CHAPTER-II

PRESENTATION OF MATTERS AT THE FILING COUNTER

4. Notwithstanding anything to the contrary contained in Rule 1, Chapter 11 of High Court of Madhya Pradesh Rules, 2008.
 - (1) Any main case, interlocutory application or any other document in a main case may be presented at the presentation centre of the High Court during working hours in soft copy (pdf format) by any party or his recognized agent or counsel in person.
 - (2) On such presentation, the advocate/party shall be given the facility of listing of his/her case on next working day after removal of default.
 - (3) In case the advocates/parties are submitting the hard copy of paper book the same will be scanned at scanning center by the scanning team of the High Court or by the vendor appointed by the High Court for the said purpose.
 - (4) The scanned files and the soft copy shall be uploaded on the Server added in the repository.
 - (5) All subsequent orders, memo's, reminders, rejoinders shall be appended/ added in the scanned digital file either through scanning process or digitally attaching the documents with the relevant file/case.

- (6) Any additional amendment submitted later by the parties/advocates at filing center either in the hard copy or soft copy shall be tagged with the relevant file/case in sequential order.

CHAPTER-III

Preservation and Elimination of Records

5. (1) 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 with the provisions of Chapter XIX of the Rules, 2008 under the general superintendence of the Registrar (IT), by the Supervising Officer(s) as may be appointed by the Chief Justice for that purpose. Record to be digitized and preserved permanently in the un-editable digitized format.
- (2) Notwithstanding anything contained in Rule 23 to 31, Chapter XIX of High Court of Madhya Pradesh Rules, 2008, Part A of every case shall be digitized and preserved permanently in an un-editable format under the general superintendence of the Registrar (IT) and the Supervising Officer(s) nominated by the Chief Justice.
- (3) The official digitizing the record of the High Court shall certify that the entire judicial record as per sub-rule (2) of Rule 5 of the given case has been digitized. 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) 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) The judicial records of the given case which has been digitized for the period specified in Rules 23 to 31 of chapter XIX (records) of the High Court of Madhya Pradesh, Rules 2008 in the physical form.
6. After digitization of the disposed of cases, all the judicial records in the physical form except the judicial record as mentioned in rules of the chapter XIX of High Court of Madhya Pradesh Rules, 2008 shall be destroyed and destruction shall be carried out from time to time as may be necessary in accordance with the provisions of rules of chapter XIX of High Court of Madhya Pradesh Rules, 2008 under the general superintendence of the

Registrar (IT) by the Supervising Officer(s) as may be appointed by the Chief Justice for that purpose.

7. Notwithstanding anything contained in these Rules, all documents, other than those required to be preserved in perpetuity in accordance with the High Court of Madhya Pradesh Rules, 2008, 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.

CHAPTER-IV

Digitization of Registers, Administrative Records, Others papers and Publications:

8. **Digitization of Registers & Administrative Records:-**

- (1) 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 (IT). For the digitization of Registers related to judicial branch, the digitization will be done by the Supervising Officer(s) as may be appointed by the Chief Justice for that purpose and under the general superintendence of the Registrar (IT).
- (2) The official of the IT 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.
- (3) The registers mentioned in part II of chapter XIX of High Court of Madhya Pradesh Rules, 2008, which have been duly digitized and certified by the Supervising Officer, shall be eliminated. The destruction shall be progressively carried out from time to time in accordance with the provisions of rule 42 (3) of chapter XIX of High Court of Madhya Pradesh Rules, 2008 under the general superintendence of the Registrar (Admin) and Registrar (IT). The digitization of Registers related to judicial branch be done by the Supervising Officer(s) as may be appointed by the Chief Justice for that purpose.
- (4) The administrative records/files which have been duly digitized and certified by the Supervising Officer, shall be destroyed. The destruction process shall be carried out as per the directions of the Chief Justice. It shall be done under the general superintendence of Registrar (Admin).

by the Supervising Officer(s) as may be appointed by the Chief Justice for that purpose.

- (5) Notwithstanding anything contained in these Rules, all documents, other than those required to be preserved in perpetuity in accordance with the High Court of Madhya Pradesh Rules, 2008, 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.

9. **Digitization of all other papers:-**

- (1) 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 (IT) by the Supervising Officer(s) as may be appointed by the Chief Justice for that purpose.
- (2) The official of the IT department digitizing the papers shall certify that the entire papers have been digitized. The Supervising Officer shall then as soon as possible give a certificate under his physical and digital signatures that the said papers are available in the digitized form.
- (3) All the papers which have been duly digitized and certified by the Supervising Officer, shall be destroyed except the papers of the current year which shall be preserved in physical form. The destruction shall be progressively carried out from time to time in accordance with orders of the Chief Justice. It shall be done under the general superintendence of Deputy Registrar (Judicial), by the Supervising Officer(s) as may be appointed by the Chief Justice for that purpose.
10. The Chief Justice may, from time to time, issue directions for effective implementation of these Rules and Chapter XIX of "The High Court of Madhya Pradesh Rules, 2008".
11. **Repeal and Saving:-**High Court of Madhya Pradesh Digitization of Records Rules, 2014, in force immediately before the commencement of these Rules, are hereby repealed, in respect of matters covered by these rules;

Provided that any order made or action taken under the Rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these Rules.

REGISTRAR GENERAL,
High Court of Madhya Pradesh