

SIKKIM

GOVERNMENT



GAZETTE

EXTRAORDINARY PUBLISHED BY AUTHORITY

Gangtok

Thursday 31st March, 2016

No. 98

HIGH COURT OF SIKKIM GANGTOK

No. 61/COMP/HCS

Dated: 24.03.2016

NOTIFICATION

In exercise of the powers conferred by Article 225 of the Constitution of India and Section 7(iii) & 8 of the High Court of Judicature (Jurisdiction and Powers) Proclamation of 1955 as amended by the Adaptation of Sikkim Law (No.1) Order, 1975 and all other enabling powers, the High Court of Sikkim, hereby makes the Digitization of Records Rules, 2016 for the High Court and Subordinate Courts of Sikkim.

PART –I GENERAL

1. Short title and commencement :-

- (1) These rules may be called the High Court of Sikkim Digitization of Records Rules, 2016.
- (2) They shall come into force on the date of publication in the Official Gazette.

2. Definition:-

In these rules, unless the context otherwise requires:-

- (a) "Chief Justice" means the Chief Justice of the High Court of Sikkim and includes any Judge appointed by the President under Article 223 of the Constitution to perform the duties of the Chief Justice;
- (b) "High Court" means the High Court of Sikkim;
- (c) "Subordinate Courts" means the District Courts, Courts of the Chief Judicial Magistrate cum Civil Judge, Courts of the Civil Judge cum Judicial Magistrate, Courts of the Sub-Divisional Civil Judge cum Judicial Magistrate in Sikkim;
- (d) "Digitization" means the process of converting analog data or information in any form into digital form/data and un-editable format which includes text of Files, documents, photographs/images, voice, any electronic records that can be understood by computer systems or electronic devices;
- (e) " Electronic Record "shall have the same meaning as assigned to it in Section 2(t) of the Information Technology Act, 2000;

- (f) "Repository" means a central place where data is stored and maintained. Such data shall comprise of a collection of electronic records;
- (g) "Digitization of the High Court Records" means conversion of all physical Files including Judicial records of disposed of, pending and newly filed cases, Administrative and Accounts Records, Gazette Notifications/Publications, Sikkim Code Volume I & Volume II, All Registers on the judicial, accounts and administrative side into digital form capable of being understood by a computer system or an electronic device;
- (h) "Digitization of the Subordinate Courts Records" means conversion of all physical Files including Judicial records of disposed of, pending and newly instituted cases, Administrative and Accounts Records, Gazette Notifications/ Circulars, Registers on the judicial, administrative and accounts side into digital form capable of being understood by a Computer system or an electronic device;
- (i) "Official" for the purpose of this rule means the officers and employees of the High Court and Subordinate Courts of Sikkim involved in the digitization process;
- (j) "Application Software" means a program or group of programs designed by the concerned technical manpower for end users. The application software includes Database Programs, Word Processors, Spreadsheets, etc;
- (k) "Local Area Network" means a Computer network that interconnects Computers in a limited area such as home, Library, Computer Laboratory or Office building using network media.
- (l) "Scanning Center" means the area earmarked in concerned Court premises for the purpose of scanning;

PART-II

3. Presentation of Matter at the Filing Counter:

- (a) Any Main Case, Interlocutory Application or any other document in any such case may be presented at the Filing Counter/Judicial Service Center of the High Court or Judicial Service Centre of the Subordinate Courts during working hours in soft copy (**pdf format**) by any party or his recognized agent or counsel or petitioner in person.
- (b) On such presentation, in case of any defects the advocate/party shall be afforded an opportunity of filing his/her case on the next working day before the Judicial Service Center after removal of such defects.
- (c) In case the advocates/parties are submitting the hard copy of paper book, the same will be scanned at the Scanning Center by the scanning team of the High Court or the Subordinate Courts as the case may be or by the vendor appointed by the High Court for the said purpose both for the High Court and the Subordinate Courts.
- (d) The Scanned File and Soft copy shall be uploaded on the Server in the Repository.
- (e) All Subsequent Orders, Memos, Reminders, Rejoinders shall be added in the scanned digital File either through scanning process or digitally attaching the document with the relevant File/Case.
- (f) Any Additional Pleadings/Documents submitted later by the parties/advocates at the Filing Center or Judicial Service Center either in Hard Copy or Soft Copy shall be tagged with the relevant file/case in seriatim.

PART-III-

4. Preservation and elimination of Records:-

- (a) On completion of digitization all the original documents shall be returned to the parties after giving them three months' notice to obtain the documents. In case the parties do not collect the documents, the documents shall be destroyed in accordance with the approval and within the time frame set by Hon'ble the High Court.
- (b) The Registrar General and the Supervising Officer(s) in the High Court shall supervise such digitization and for the Subordinate Courts it shall be under the general supervision of the Administrative Officer or the Supervising Officer as may be appointed by the Chief Justice for that purpose.
- (c) Notwithstanding anything contained in the Rules, the entire judicial records of every case filed in and disposed of by the High Court or the Subordinate Courts shall be digitized and preserved permanently in the digitized un-editable format.
- (d) The digitization of current cases shall be carried out and updated periodically as may be necessary under the general supervision of the Registrar General and the Deputy Registrar (Judicial) or the Supervising Officer(s) as may be appointed by the Chief Justice and under the general supervision of Administrative Officer or the Supervising Officer(s) as may be appointed by the concerned District Judge for that purpose.
- (e) The official digitizing the judicial records shall certify that the entire judicial records of a given case have been digitized. The Deputy Registrar (Judicial) or Supervising Officer of the High Court /the Administrative Officer or the Supervising Officer (s) of the Subordinate Courts shall then as soon as possible issue a certificate of completion of digitization and its availability in un-editable digitized format.
- (f) After digitization, the judicial records of any given case mentioned below shall be preserved for a period of **30 years** in physical form, namely:-

In Civil Cases including Civil Writs:-

1. The judgments of the High Court/Subordinate Courts.
2. The signed/certified Decree of the High Court/ Subordinate Courts.
3. Unreturned original deeds of title.
4. The affirmation/verification part of all the affidavits of the parties on record.
5. All order sheets duly signed by the Judges.
6. Original Power of Attorney (Vakalatnama).
7. Entire case records in original in the trial courts, paper books in original in the main matter as well as the applications and memorandum of appeal, which bear signatures/affirmation/ verification of the parties/Advocates.
8. Pleadings in the main matter in original as well as the applications which bear signatures/affirmation/verification of the parties/Advocates.
9. Such papers, in case of historical, sociological and scientific value, as in the opinion of the Court, should be permanently preserved.

In Criminal cases including Criminal Writ Petitions:-

1. The judgments of the High Court /Subordinate Courts.

2. Unreturned original documents.
 3. All order sheets duly signed by the Judges/ Magistrates.
 4. Original Power of Attorney (Vakalatnama).
 5. Entire case records in original in the trial courts, paper books in original in the main matter as well as the applications and memorandum of appeal, which bear signatures/affirmation/ verification of the parties/Advocates.
 6. Such papers, in case of historical, sociological and scientific value, as in the opinion of the Court, should be permanently preserved.
- (g) After digitization of the disposed of cases, all the judicial records, books and papers in the physical form except the judicial records mentioned in rule 4 (f) supra shall be destroyed within a period of one (01) year and destruction shall be carried out periodically as may be necessary in accordance with the approval of Hon'ble the High Court. The Registrar General and the Supervising Officer(s) in High Court shall supervise such destruction and for the Subordinate Courts it shall be under the general supervision of the Administrative Officer or the Supervising Officer as may be appointed by the Chief Justice for that purpose.

PART-IV

5. Digitization of Registers, Administrative Records:-

- (a) All the Administrative and Accounts Records/Files and Registers of the High Court and Subordinate Courts of Sikkim are to be digitized and preserved permanently in the digitized form by the Deputy Registrar (Judicial) or Supervising Officer (s) as may be appointed by Hon'ble the Chief Justice for High Court and the Administrative Officers or Supervising Officer (s) of the Subordinate Courts of Sikkim as may be appointed by the concerned District Judge for that purpose.
- (b) For the digitization of Registers related to judicial branch of the High Court and Subordinate Courts of Sikkim, the digitization will be done by the Supervising Officer(s) as may be appointed by Hon'ble the Chief Justice for the High Court and the concerned District Judge for the Subordinate Courts of Sikkim for that purpose and under the general supervision of the Registrar General in High Court and the Administrative Officer in the Subordinate Courts of Sikkim.
- (c) The official concerned with digitization shall certify that the entire Administrative and Accounts Records/Files and Registers have been digitized. The Deputy Registrar(Judicial) or the Supervising Officer of High Court and Administrative Officer or the Supervising Officer of the Subordinate Courts shall then as soon as possible issue a certificate under his/her signature(s) of completion of digitization and its availability in un-editable digitized format.
- (d) The Registers and Administrative and Accounts Records mentioned herein above, which has been duly digitized and certified by the Deputy Registrar (Judicial) or the Supervising Officer of the High Court and the Administrative Officer or the Supervising Officer of the Subordinate Courts shall be destroyed except the Registers of the current year and the personal files which shall be preserved in physical form for a period of **20 years**. The destruction shall be progressively carried out periodically as may be necessary in accordance with the approval of Hon'ble the High Court on the recommendation of the Registrar General. The Registrar General and the Supervising Officer(s) in High Court shall supervise such digitization and for the Subordinate Courts it shall be under the general supervision of the Administrative Officer or the Supervising Officer as may be appointed by the Chief Justice for that purpose.

- (e) The Administrative and Accounts Records/Files which have been duly digitized and certified by the Deputy Registrar (Judicial) or the Supervising Officer of the High Court and the Administrative Officer or the Supervisory Officer of the Subordinate Courts shall be destroyed. The destruction process shall be carried out as per the direction of Hon'ble the High Court. The Registrar General and the Supervising Officer(s) in the High Court shall supervise such digitization and for the Subordinate Courts it shall be under the general supervision of the Administrative Officer or the Supervising Officer as may be appointed by the Chief Justice for that purpose.
6. Digitization of all other papers/documents:-
- (a) All other papers of the High Court as per the direction(s) of Hon'ble the High Court shall be digitized and preserved permanently in the digitized form under the general supervision of the Registrar General or by the Supervising Officer(s) of the High Court and by the Administrative Officer or the Supervising Officer(s) of the Subordinate Courts as may be appointed by the Hon'ble the Chief Justice.
- (b) The official digitizing the paper shall certify that the entire papers have been digitized. The Administrative Officer or the Supervising Officer shall then as soon as possible issue a certificate of completion of digitization and its availability in un-editable digitized format.
- (c) All the papers which have been duly digitized and certified by the Administrative Officer or 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 periodically in accordance with orders of Hon'ble the High Court on the recommendation of the Registrar General. The Registrar General and the Supervising Officer(s) in High Court shall supervise such digitization and for the Subordinate Courts it shall be under the general supervision of the Administrative Officer and the Office Superintendent or the Supervising Officer as may be appointed by the Chief Justice for that purpose.

BY ORDER,

**REGISTRAR GENERAL
HIGH COURT OF SIKKIM
GANGTOK**

