

District Courts of Madhya Pradesh Digitisation of Records Rules, 2016

MADHYA PRADESH

India

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Rule

DISTRICT-COURTS-OF-MADHYA-PRADESH-DIGITISATION-OF-RECORDS OF 2016

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District Courts of Madhya Pradesh Digitisation of Records Rules, 2016Last Updated 7th February, 2020 [mh909]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 of records with optimum utilisation of available space, which can be addressed through digitisation of administrative and judicial records of the district judicial establishment.The digitisation solution will be an integrated web technology based solution capable of running seamlessly over Internet/Intranet, Virtual Private Network (VPN) that allows the High Court of Madhya Pradesh and District Courts of Madhya Pradesh to scan and integrate records and enable the end user to search quickly and comprehensively.

Chapter I

1. Short title, extent and commencement.

(1)These Rules may be called the District Courts of Madhya Pradesh Digitisation of Records Rules, 2016.(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 in the state of Madhya Pradesh.

2. Definitions.

(1)Digitisation means the process of converting physical records into a digital and un-editable format.(2)Digitised/electronic records Shall bear the same meaning as assigned under the Information Technology Act, 2000.(3)Microfilming means a film bearing a photographic record on a reduced scale.(4)Repository means a central space where data in digital, un-editable format, is stored and maintained.(5)Physical Records means and include records on paper of -
(1)cases-pending or disposed of,(2)administrative records,(3)gazette notifications/circulars/publications,(4)journals,(5)books and(6)registers etc.

3.

The words and phrases not mentioned herein shall bear the same meaning as assigned under the Madhya Pradesh Civil Court Rules, 1961 and Rules and order (Criminal) or the Information Technology Act, 2000.

Chapter II

Presentation of Matters at the Filing Centre

4. Notwithstanding anything to the contrary contained in Madhya Pradesh Civil Court Rules, 1961 and Rules and order (Criminal).

(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 recognised 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 is filed in hard copy, the same shall be scanned.(4)The scanned files and the soft copies of the files shall be saved in the Server. Such files shall be regularly updated in electronic format in the server.

Chapter III

Preservation and Elimination of Records

5.

(1)Notwithstanding any period of preservation prescribed in these Rules, any physical record, may be eliminated after being retained and secured in electronic form in accordance with:(a)section 7 of the Information Technology Act, 2000; and(b)sub-section (4) of section 65-B of Indian Evidence Act, 1872.Note. - See Appendix No.-(Information Technology Act Section-7 and Indian Evidence Act, 1872, Section 65-B (4))(2)After digitisation, the original documents shall be returned to the

party/any person duly authorised by the party to collect the same. In the event no one appears to collect the document within 1 month from the date of digitisation, 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 District Registrar or, by 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 original documents pertaining to title, educational achievements and creating personal rights shall not be eliminated for a period of 12 (twelve) years, from the date of digitisation or the date of final disposal of the lis from the highest Court, whichever is later. Provided further that original documents or 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. (3) Notwithstanding anything contained in the Madhya Pradesh Civil Court Rules, 1961 and Rules and order (Criminal) the entire judicial record of every case filed in and disposed of finally by the Courts shall be digitised and preserved permanently in the un-editable format and thereafter eliminated under the superintendence of the District Court Manager. (4) The District Court Manager shall certify under his physical and digital signatures that the entire judicial record of the given case has been digitised 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, digitised format. (5) 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. (6) The digitised and electronically secured records shall be archived in following format to facilitate easy retrieval: (a) name of either party (b) Registration number (c) Filing number and date (d) date of Judgement/final Order (e) name of Presiding Judge.