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HIGH COURT OF JHARKHAND, RANCHI

NOTIFICATION

19th of November, 2020

No.- 42/2020/R&S--

RULES FOR ON-LINE ELECTRONIC FILING (E-FILING)
(UNDER ARTICLE 225 OF THE CONSTITUTION OF INDIA)

Short Title, Applicability and Commencement:

These Rules shall be called High Court of Jharkhand e-filing Rules, 2020. These will be applicable to the High Court of Jharkhand and will come into force from the date of publication in the Jharkhand Gazette.

1. Preface

These Rules shall apply to on-line e-filing and e-filing through Designated Counters and facilities provided for e-filing, including e-Service Centres.

2. Definitions

2.1. **Action**: means all proceedings instituted in the Court such as Suits, Election Petitions, Civil and Criminal Applications, Appeals, Civil or Criminal Writ Petitions, Applications (B.A. & A.B.A.), Revision Petitions, Contempt Petitions, Execution Petitions, Arbitration Petitions & Appeals, Probate Cases, such other Cases as enumerated under

- Rule 84 of the High Court of Jharkhand Rules, 2001 as amended, Miscellaneous and Interlocutory Applications.
- 2.2. Administrator: means the Central Project Coordinator or an officer appointed by the Chief Justice for administering and dealing with matters connected with or relating to e-filing.
- 2.3. Bench: means one or more Judges assigned to adjudicate upon Actions or the presiding officer of the Court.
- 2.4. Physical Filing: means Actions and pleadings filed as documents in hard copies.
- 2.5 District Courts: means the courts established and functioning under the control and supervision of the High Court.
- 2.6. Electronic Filing (e-filing): means e-filing as prescribed through the Internet (at the web portal of the Court) and through the internet/intranet at Designated Counters, unless the context requires otherwise.
- 2.7. Evidence: means evidence as defined under the Indian Evidence Act, 1872.
- 2.8. High Court: High Court means the High Court of Jharkhand.
- 2.9. Objections: means deficiencies and errors pointed out by the Stamp Reporting or concerned section in relation to the Actions instituted in the Court.
- 2.10. Opposite Party: means Defendant(s), Respondent(s), Performa Respondent(s), Judgment Debtor(s), contemner(s) and non-applicant(s).
- 2.11. Party: means Appellant(s), Plaintiff(s), Petitioner(s), Complainant(s), and Applicant(s).
- 2.12. Pleadings: means pleadings filed in support or defence of an Action such as Affidavits, Additional Affidavits, Counter Affidavits, Supplementary Affidavits and any other document/report(s) permitted by the Court to be treated as part of the pleadings.
- 2.13. PDF: means an electronic document filed in a portable document format.
- 2.14. PDF/A: means an ISO-standardized version of the Portable Document Format (PDF) specialized for the digital preservation of electronic documents.
- 2.15. Registry: means the Registry of the High Court of Jharkhand.
- 2.16. Statement of Defence: means Written Statements, Replies, Rejoinder, Show Cause, Counter-Affidavits and Additional or Supplementary Affidavits.
- 2.17. Technical failure: means a failure of hardware, software, and/or telecommunications facility resulting in the impossibility of submitting a file electronically. Technical failure does not include malfunctioning of the equipment of the person submitting an e-file.
- 2.18. Third Party: means any person or entity seeking to become a party or to intervene in an Action. Third Party has to register in the Court web portal as provided under Rule 4 of these Rules either through Advocate or in person.
- 2.19. Working Day: means a day when the Registry of the Court is working under the Calendar published or as directed by the Court.
- 2.20. Regulation: means regulations made by the High Court of Jharkhand for the purpose of giving effect to these rules.

3. General Instructions

- 3.1. On-line e-filing shall be made by visiting or logging in the web portal of the Court, namely: <https://jharkhandhighcourt.nic.in>
- 3.2. Except as provided hereinafter, Actions, whether in fresh, pending or disposed of cases, will be filed electronically by an advocate or litigant in person from their home, office or other remote location in the manner provided in these Rules.
- 3.3. Dedicated counter facility exist in the High Court. Any person would be entitled to make use of the facilities provided at the Designated Counters for accessing the e-filing portal upon payment of such charges as stipulated.
- 3.4. The size of the e-file should not exceed 20 MB. In case the file size exceeds 20 MB, the Advocate or litigant should split and uploaded separately.
- 3.5. A document that an advocate or party files electronically under these Rules has the same legal effect as a document in paper form. Provided that for the time being, the parties and advocates shall continue to file the hard copy within 07 days of e-filing in urgent matter and 15 days in ordinary matter as opted by the e-filer in the e-filing module at the time of e-filing. The condition of filing of hard copy of e-filed cases within 07 days or 15 days, as the case may be, of e-filing can be relaxed by the Chief Justice by issuing Practice directions.

4. Steps for Registration

4.1. Advocates and litigants in person will take the following steps to register themselves.

i) Advocates

- a) Should visit or login the web portal (<https://jharkhandhighcourt.nic.in>) to view the form.
- b) Click the registration link.
- c) Fill the form with requisite details.
- d) Submit the filled-up form along with a self-attested copy of the Bar Council Registration Certificate or Bar Council I-card (in PDF format only).

ii) Litigants in person

- a) Should visit the web portal (<https://jharkhandhighcourt.nic.in>) to view the form.
- b) Click the registration link.
- c) Fill the form with requisite details.
- d) Submit the filled-up form along with the self-attested copy of any identity document issued by the Government (in PDF format only).

4.2. Litigant-in-person shall submit an affidavit/undertaking that he has not engaged an Advocate in the Action. A litigant-in-person, who subsequently engages an Advocate, shall make an application before the Administrator for transferring the data in respect of the Action to the Advocate's account. Once the Administrator allows the application, the data in the Action shall be transferred in the user account of the Advocate. The

litigant-in-person cannot be in a position to modify the data of the subject Action, without the permission of the Court.

4.3. A login ID will be allotted on the next working day if the application is found complete in all respects. The procedure for registration is set out in Appendix-II.

5. Frame of Pleadings

The pleadings should be clear and concise. Parties and third parties should set forth their claims/averments in separate paragraphs. The statement of truth/ affidavit of the concerned person must bear their signature. Opposite parties should also file their replies under sequentially numbered paragraphs and headings (such as Preliminary Objections and Objections on Merits).

6. Formatting

6.1. All the original typed text material including notice of motion, memorandum of parties, main petition or appeal, interlocutory application(s), reply, status report, affidavit, documents, will be prepared electronically using the following formatting style:

- Paper size : A-4
- Top Margin : 1.5"
- Bottom Margin : 1.5"
- Left Margin : 1.75"
- Right Margin : 1.0"
- Alignment : Justified
- Font : Verdana
- Font size : 14
- Line spacing : 1.5
- If any document is typed in a Hindi in Trial Courts, it must be in prepared using Kruti Dev Unicode Font 14

6.2. The document should be converted into Optical Character Recognition (OCR) searchable Portable Document Format (PDF) or PDF/A using any PDF converter or in-built PDF conversion plug-in provided in the software. PDF/A is the preferred format.

6.3. A document which is not a text document has to be attached with the Action, after being scanned using an image resolution of 300 DPI (Dots per inch) in OCR searchable mode and saved as a PDF document.

7. Digital Signatures

7.1. The PDF document shall be digitally signed either by the parties and/or by their Advocate. The digital signatures shall be appended on such places on the PDF document as prescribed under the extant rules. If neither the party nor the Advocate who has been engaged possess a digital signature, a print out of the Action shall be physically signed by the party concerned and/or their Advocate in accordance with Rules and thereafter scanned and uploaded.

7.2. A litigant-in-person or advocate without a digital signature issued by the competent authority can authenticate e-filed documents by e-Sign based Aadhaar authentication.

8. Dos and Don'ts

8.1. The text documents and scanned documents set out in clauses 6.3 and 7.1 should be merged as a single OCR searchable PDF file and book-marked as per the Master Index.

8.2. The merged documents should be uploaded at the time of on-line e-filing. Screenshots of the manner of accessing the on-line e-filing portal and for the filing of the main case and documents including written statements, Applications, replies, replications, rejoinders, affidavits and evidence in a pending case are set out in Appendix - I.

8.3. Once e-filing is accepted, the filing or registration number will be notified to the Advocate or litigant-in-person.

8.4. In case on-line e-filing includes audio and/or video files, the Administrator shall generate a hash value.

8.5. Special Characters are not allowed in e-filing of Memo of Parties and Advocate remarks.

8.6. Document Binary File Name Standards

The following special characters are not allowed in a file name:

1. A quotation mark (")
2. A number sign/Pound (#)
3. Per cent (%)
4. Ampersand (&)
5. Asterisk (*)
6. Colon (:)
7. Angle brackets (less than, greater than) (<>)
8. A question mark (?)
9. Backslash (\)
10. Forward slash (/)
11. Braces (left and right) ({ })
12. Pipe (|)
13. A tilde (~)
14. The period (.) character used consecutively in the middle of the file name or at the beginning or end of the file name.

File names should not exceed 45 characters in length, including spaces. Single space must be counted as one character each.

8.7. On-line e-filing shall not be watermarked or encrypted. The e-filed documents shall not contain any virus, malware, spam-ware, trojan horse or the like. All the e-filed documents shall be legible and free of markings, track changes or annotations.

9. Payment of Court Fees/Other Charges

Court fee and other charges can be paid either directly on the E-filing portal or electronically through on-line facility provided by the authorised agency or through the

Designated Counters provided for the purpose in the High Court and District Courts or through any authorized court fee vendor. The Transaction ID provided upon payment of court fee and other charges is required to be entered in the appropriate field at the time of on-line e-filing.

10. Retention of Originals

10.1. Originals of the documents that are scanned and digitally signed by the Advocate or the litigant in person at the time of e-filing should be preserved, for production or inspection, as may be directed by the Bench.

10.2. The signed vakalatnama, signed and notarized/attested affidavit and any other document authenticity of which is likely to be questioned should be preserved, at least, for two years till after the final disposal of the Action. Final disposal shall include disposal of the Action by the superior appellate court.

10.3. Notwithstanding anything above, the following documents shall be preserved permanently:-

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 Trusts 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.

f) Any other document as may be directed by the Bench.

10.4. The responsibility of producing the originals and proving their genuineness shall be of the party electronically filing the scanned copies of the document.

11. Access to the Electronic Data of the Action

Access free of cost will be available to authorized person(s) to data e-filed by any of the parties to the specific Action, as is presently being provided in pending Actions. This facility shall be in addition to the procedure of obtaining certified copies.

12. Exemption from e-filing

Exemption from on-line e-filing of the entire pleading or a part of the pleadings and/or documents may be permitted by the Bench upon an application being made for that purpose in the following circumstances:

i) where on-line e-filing is for reasons set out in the application not feasible; or

ii) where there are concerns about confidentiality and protection of privacy; or

iii) where the document cannot be scanned or filed electronically because of its size, shape or condition; or

iv) where the on-line e-filing portal is either inaccessible or not available for some reason; and/or

v) for a just and sufficient cause.

13. Service of Electronic Documents

In addition to the prescribed mode of service, such notices, documents, pleadings that are filed electronically may also be served upon order of the Court through the designated e-mail IDs of Administrator or such official designated for this purpose to the e-mail address of the advocates or parties, if available. E-mail IDs of designated officials will be published on the Court website for verification of the source of the e-mail.

14. Computation of Time

14.1. Wherever limitation/time limits apply, it will be the responsibility of the party concerned to ensure that the filing is carried out well before the cut-off date and time. The date of e-filing will be taken as that date when the Action is electronically received in the Registry within the prescribed time on any working day. For computing the time at which e-filing is made, Indian Standard Time (IST) will apply.

14.2. E-filing through Designated Counters will be permissible up to 1530 hours on any court working day. On-line e-filing carried out after 1530 hours on any day, will be treated as the date which follows the actual filing date provided it is a court working day. Actions filed on a day declared as gazetted holiday or on a day when the court is closed, will be regarded as having been filed on the next working day. For the computation of limitation, on-line e-filing shall be subject to the same legal regime as applicable to physical filing, save and except as provided herein above.

14.3. The facility for on-line e-filing through the web portal shall be available during all twenty four hours of each day, subject to breakdown, server downtime, system maintenance or such other exigencies. Where on-line e-filing is not possible for any of the reasons set out above, parties can either approach the Designated Counters for e-filing between 1030 to 1530 on court working days or take recourse to physical filing. No exemption from limitation shall be permitted on the ground of failure of the on-line or web based e-filing facility.

14.4. Provisions for limitation governing on-line e-filing will be the same as those applicable to physical filing. The period of limitation for such actions will commence from the date when e-filing is made as per the procedure prescribed in these Rules.

15. Hard Copies of Pleadings and Documents filed Electronically

Advocates, as well as parties, may print hard copies of all pleadings and documents filed electronically for their use in the court or elsewhere. Hard copies will be prepared by the Court, wherever required.

16. Storage and Retrieval of e-Filed Documents and Pleadings

E-filings will be stored on an exclusive server maintained under the control and directions of the Court. Each such filing will be separately labelled and encrypted to facilitate easy identification and retrieval. The security of such filings will be ensured. Access to e-filings would be restricted in the manner provided herein above and as may be notified from time to time. For continuity of operations in case of disaster, natural calamity or breakdown, a mirror image of e-filings available on the servers located in the

Court may be maintained at different geographical locations, as decided from time to time by the Court.

17. Residuary provisions

17.1. The e-filing made by an Advocate/litigant in person will be rejected if they do not follow the protocol or practice mandated by these Rules.

17.2. Subject to such further directions as may be issued, it would not be obligatory on the part of the opposite party to accept pleadings and documents by email. In such an eventuality, hard copies of pleadings and documents will be served on the opposite party. In such circumstances, the plaintiff/ petitioner can be called upon to deposit the photocopy charges of the pleadings and documents per respondent/defendant. This facility will be provided by the Court on a written request made by the respondent(s)/defendant(s).

17.3. The objections or defects, if any, regarding the Action filed will be communicated by email/SMS/web hosting to the concerned Advocate/litigant-in-person. After the defects are cleared the Action will be processed for listing and the Advocate/litigant in person will be informed including by email/SMS.

18. General Caution

Email is not a secure medium of communication. Any communication transmitted by email can be intercepted or read by a third party. An Advocate or litigant in person seeking to transmit confidential or sensitive document/material shall approach the Court for requisite assistance/advice.

19. Regulation Making Power

The High Court of Jharkhand may frame, as and when required, necessary regulation(s) not inconsistent with these rules, regarding all or any of the matters for which provision is necessary or expedient, for the purpose of giving effect to these rules.

20. Interpretation of these Rules

Whenever any difficulty or doubt arises in applying and /or interpreting these Rules, the decision of the High Court of Jharkhand thereon shall be final.

Appendices

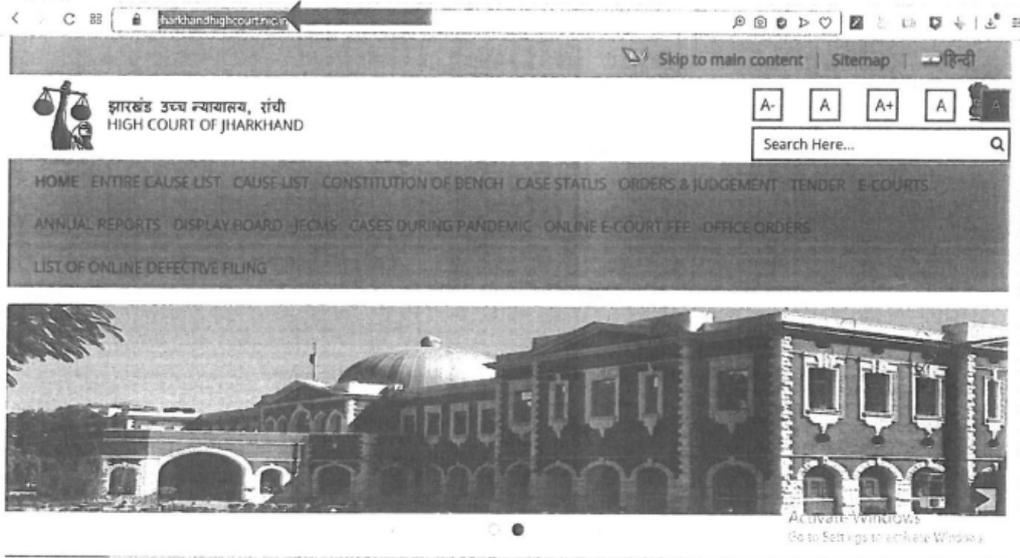
APPENDIX – I Screenshots showing the procedure for accessing the on-line portal, electronic filing of documents

APPENDIX – II Screenshots showing the procedure for registration.

APPENDIX-I

1) Procedure for accessing the on-line portal of e-filing.

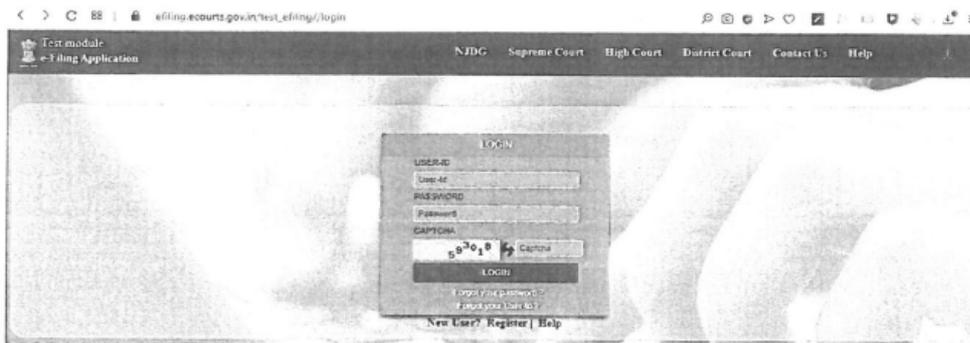
step 1 - Visit <https://jharkhandhighcourt.nic.in>



Step 2 – Click on the e-filing link.



Open a new window of e-filing portal.



Now You are accessing the on-line portal of e-filing.

APPENDIX - II

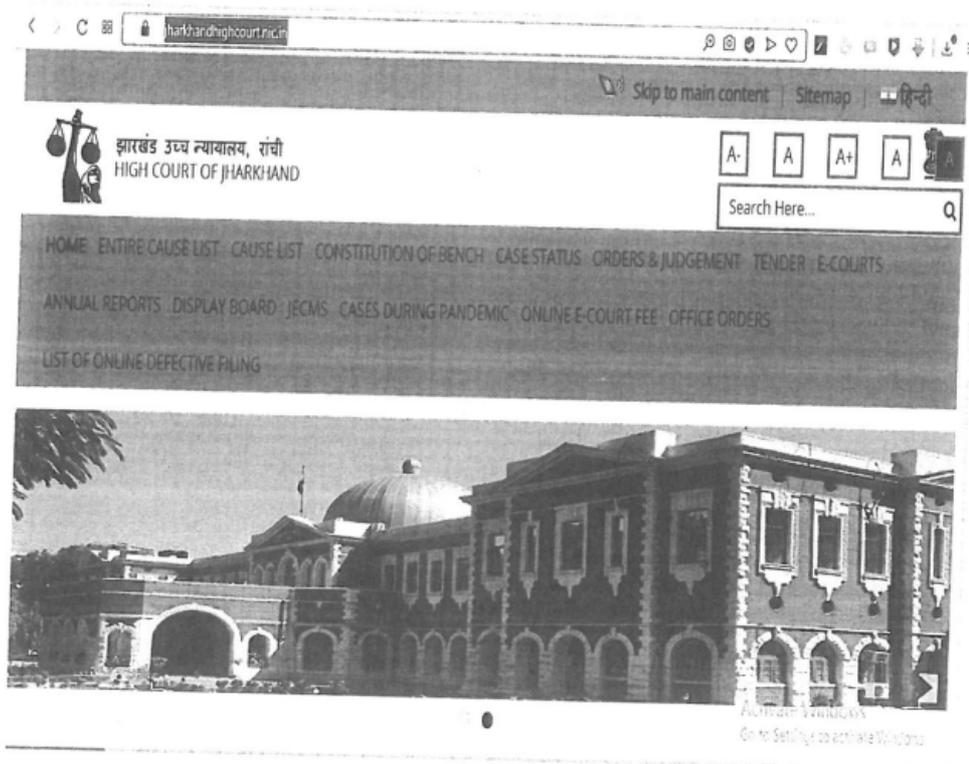
Procedure for registration.

10 step Registration procedure for Advocate at e-filing portal.

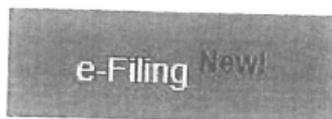
Getting started: "before starting registration keep the following details ready"

- Details of your mobile no., email ID registered with court database.
- Details of your bar enrollment no.
- Digital Photo in jpeg/jpg format size between 5 KB and 5 MB.
- Identity proof (Any one Pan Card /Aadhar Card / Voter Card / Driving License/ Bar Registration certificate in jpeg /jpg format size between 5KB and 5 MB.
- Smart phone /Laptop with internet connection.

Step 1 : Visit <https://jharkhandhighcourt.nic.in>



Step 2- Click On e-filing link.



By order of the Court

(Ambuj Nath)
Registrar General