

HIGH COURT OF HIMACHAL PRADESH AT SHIMLA, 171001

No. HHC/Rules/e-filing-2019-11002-22

Dated: 24/25.04.2019

NOTIFICATION**RULES FOR ELECTRONIC FILING (E-FILING) IN THE HIGH COURT AND SUBORDINATE COURTS OF HIMACHAL PRADESH****1. NOMENCLATURE:**

These Rules may be called Electronic Filing (E-filing) in the High Court and Subordinate Courts of Himachal Pradesh Rules, 2019.

2. APPLICABILITY AND ENFORCEMENT:

These Rules will apply to Electronic Filing (e-filing) of cases in the High Court and subordinate courts of Himachal Pradesh and will come into force from the dates and for the categories of cases as may be notified by the Chief Justice of the High Court of Himachal Pradesh from time to time.

3. DEFINITION:

- (a) "Conventional Filing" is the physical non-electronic presentation of documents to the Court.
- (b) "Documents" mean pleadings, annexures, exhibits, affidavits, memoranda, papers, orders, notices and any other filing to the court.
- (c) "Electronic court records" are electronic records created, generated, sent, communicated, received, or stored by electronic means which are capable of being printed on paper, or transferred to archival media, without loss of content or material alteration of appearance. Court records may be created or converted to electronic formats by the eFiler or court to searchable electronic records using scanning technology. Electronic court records shall constitute the official record and will be equivalent to court records filed in paper.
- (d) "eFiler" means an individual filing the documents electronically through the electronic filing system and who has a user ID, password, and limited authority to file documents electronically.
- (e) "Electronic filing (eFiling)" means the electronic transmission of a document to the court using the court's electronic filing system, together with the transmission from the court of a notice of electronic filing. Sending a document to the court via email or facsimile does not constitute "electronic filing."
- (f) "E-Filing System (EFS)" is the system of networked hardware, software, and service providers approved by the High Court of Himachal Pradesh for the filing of documents via the Internet for use by the Courts in Himachal Pradesh.

- (g) "Electronic identity" means the combination of the eFiler's login ID/username, password, and profile.
- (h) "High Court Case Information Software (HCCIS)" and "Case Information Software (CIS)" are the systems of networked software and hardware used by High Court and subordinate courts in Himachal that may receive, organize, store, retrieve and transmit data of cases.
- (i) "Notice of Electronic Filing (NEF)" means a notice sent by email or SMS containing the details automatically generated by the electronic filing system at the time of filing the document with the system, in Indian Standard Time (IST). A Notice of Electronic Filing will be sent to the registered email and mobile phone number given at the time of e-filing by eFiler immediately after the e-filing.
- (j) "PDF" means an electronic document filed in a portable document format, which is readable by the free Adobe® Acrobat® Reader.
- (k) "PDF/A" means an ISO-standardized version of the Portable Document Format (PDF) specialized for the digital preservation of electronic documents.
- (l) "Public Access Terminal" is a publicly accessible computer provided by a court that allows a member of the public to access the EFS and public court records.
- (m) "Scanned document" means an electronic image created by scanning a paper document.
- (n) "Technical failure" means failure of the court's hardware, software, and/or telecommunications facility which results in the impossibility for an eFiler to submit a filing electronically. Technical failure does not include malfunctioning of an eFiler's equipment.
- (o) "User Agreement" is an agreement in a form approved by the High Court of Himachal Pradesh that establishes obligations and responsibilities of the e-filer within the EFS.

4. **PETITIONS TO BE FILED ELECTRONICALLY**

Except as provided elsewhere in these rules, all petitions, applications, appeals and other pleadings/documents in fresh, pending or disposed of cases, may be filed electronically in the manner hereinafter provided. 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 the parties and advocates shall continue to file the hard copy within 3 days of e-filing in urgent cases and 7 days in ordinary cases. The date of filing of hard copy shall be taken to be the date of filing and date of e-filing shall be taken to be the date of filing for computing the period of limitation.

5. **REGISTRATION AND RESPONSIBILITIES OF EFILERS**

(1) Registration in EFS would be limited to:

- (a) Advocates practising in the High Court or subordinate court in Himachal Pradesh registered with HCCIS or CIS;and
- (b) Self-represented parties.

(3) Registration.

- (a) The eFiler's login ID/username, password, and profile will constitute the eFiler's electronic identity and user account for the purposes of these Rules. eFilers must register online through the website of High Court of Himachal Pradesh.
- (b) The eFiler will be subject to the terms of the eFiling system user agreement.

(4) Responsibilities of eFilers.

- (a) It will be the responsibility of the eFiler to have a valid and working email address that has not exceeded its size limitation in order to receive notification from EFS electronically. It will not be the responsibility of the court to ascertain whether an eFiler is receiving notifications from the eFiling system via email or not.
- (b) If an eFiler's email address, phone number, or other information provided in the eFiler's profile has changed, the eFiler must promptly make the necessary changes to his or her profile.
- (c) An eFiler shall be liable for:
 - (i) Any conduct undertaken using his user ID; and
 - (ii) The conduct of any person to whom access is provided by him by sharing his user ID and password.

Any inappropriate conduct may result in suspension of the account or other proceedings as may be permissible under the law for the time being for contempt of court, or commission of an offence under relevant laws in force at the time of the inappropriate conduct. It shall be presumed that the document(s) has(ve) been filed by the person using the user id and it shall be the responsibility of the user to maintain the secrecy of his id and password. If an eFiler believes that the security of his or her electronic identity has been compromised or that a threat to the system exists, the eFiler must notify the eFiling website administrator.

(d) An eFiler shall take all reasonable steps to ensure that the filing does not contain computer code, including viruses, that might be harmful to the court's electronic filing system and to other users of that system;

6. **PROCEDURE FOR E-FILING**

(a) Whenever a party intends to file a petition, application or document etc. it shall prepare the original text material, documents, notice of motion, memorandum of parties, main petition or appeal, interlocutory applications etc.

electronically using any word processing software in a format that can be rendered with high fidelity to originals, is searchable while maintaining original document formatting and capable of being tagged, the formatting style of the text will be as under:

- i. Page Size:** The documents shall be prepared on the A-4 page size. Conventionally filed documents shall conform to the existing Rules regarding the page size and nature of the page.
 - ii. Print Size :** The font shall be Arial, Baskerville, Book Antigua, Bookman, Bookman Old Style, Century, Century Schoolbook, Courier, Courier New, CG Times, Garamond, Georgia, New Baskerville, New Century Schoolbook, Palatino or Times New Roman and the typeface shall be 14-point or larger in both body text and footnotes.
 - iii. Spacing:** All text shall be 2.0 line spaced or more, except that footnotes, tables, charts, or similar material and text that is blocked and indented shall be 1.5 line-spaced or more.
 - iv. Numbering:** The pages shall be numbered at the bottom of all pages including the front page. Index and the chronological list of events shall be consecutively numbered at the bottom beginning with numeral one (1) with central alignment.
 - v. Margins.** All the documents will have minimum top, bottom and right margins of 1.5” from the end of the documents while the left margin will be 2.25” from the end of the document.
 - vi. Alignment:** All the documents will be aligned with justified alignment.
 - vii. Cover/Page Headers.** Each page, except for the front page, of the document shall contain a header that lists the name of the party(ies) filing the document and the document name (e.g., "Writ petition filed on behalf of AB" or "Reply filed on behalf of XY").
- (b) Documents must be converted to PDF/A or PDF format before they are filed in the eFiling system by using any PDF converter or in-built PDF conversion plug-in provided in the software. PDF/A is the preferred format for EFS.
- (c) Where the document is not a text document and has to be enclosed with the petition, appeal or application or other pleadings, as the case may be, the document should be scanned using an image resolution of 300 dpi (dot per inch) and saved as a PDF or PDF/A document in A4 size. The eFiler must ensure that the filing is an accurate representation of the document and is complete and readable. Where the original is not clearly legible, a typed copy of the same shall be filed at the same time duly certified by the advocate filing the

same to be a true typed copy of the document. It shall also be scanned and uploaded along with the original. The documents shall be printed on one side of the paper and when the original is printed on both sides, its typed copy will be typed on one side only.

(d) The maximum permissible size of the file that can be uploaded at the time of e-filing is 20 MB. However, if the file is large, it can be split and uploaded separately.

(e) Documents filed in other formats or exceeding the prescribed size limits will not be accepted for filing, save that the same can be filed using a conventional filing.

(f) If the filing of an electronically submitted document requires leave of court, the eFiler should attach the proposed document as an attachment to the application requesting leave to file. If the court grants the leave and allows the proposed document, the eFiler must refile the proposed document to make it part of the record.

(g) (1) Signatures

(i) A document electronically filed using the eFiling system must bear the digital signature of the filing party's advocate, or party where it is not represented by an advocate as more fully described in paragraphs (a) and (b) below. The digital signature of the filing party's advocate will be treated as a personal signature and will serve as a signature for purposes of Code of Civil Procedure, 1908, Criminal Procedure Code, 1973 or any other Rules of Procedure and Practice, applicable statutes, the Local Rules and any other purpose for which a signature is required in connection with proceedings before the court.

(a) An electronically filed document must include a signature block setting forth the name, mailing address, phone number, fax number, and email address of the filing party's advocate or party where it is not represented by an advocate.

(b) In addition, the name of the filing party's advocate must be preceded by a "/sd/" and typed in the space where the signature would otherwise appear. A handwritten signature is required for any conventionally filed document.

(c) Affidavits and exhibits to pleadings with original handwritten signatures must be scanned and filed in PDF or PDF/A format.

(h). (1) Where the party or the advocate does not possess the digital signatures issued by the competent authority, such an advocate or the party can authentic efiled documents by adhaar authentication using the adhaar

number belonging to the advocate or party and the OTP sent to the registered mobile number of the advocate or party with UIDAI (Unique Identification Authority of India). Such an authentication shall be considered as valid identification for all intents and purposes and it shall be the responsibility of the party or the advocate to maintain the security of his aadhar number and the mobile phone registered with the UIDAI.

(2) Where a document requires signatures of more than one party it may be filed either by:

(a) representing the consent of the other parties on the document by inserting in the location where each handwritten signature would otherwise appear the typed signature of each person, other than the filing party, preceded by a "/sd/" and followed by the words "by permission" (e.g., "/sd/ AB by permission"); or by

(b) electronically filing a scanned document containing all necessary signatures.

(3) The signature on any document required to be notarized, acknowledged, verified, or made under oath must be handwritten and scanned into the eFiling system. The court will maintain the scanned document as the official court record, and the filing party must file the original documents with the pleadings by conventional filing.

(i) The applicable instructions for eFiling will be made available on the website of High Court of Himachal Pradesh (<https://hphighcourt.nic.in/>) and every eFiler will have to abide by the same.

7. DOCUMENT BINARY FILE NAME STANDARDS

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

- A quotation mark (")
- A number sign/Pound (#)
- Per cent (%)
- Ampersand (&)
- Asterisk (*)
- Colon (:)
- Angle brackets (less than, greater than) (<>)
- A question mark (?)
- Backslash (\)
- Forward slash (/)

- Braces (left and right) ({})
- Pipe (|)
- A tilde (~)
- The period (.) character used consecutively in the middle of the file name or at the beginning or end of the file name.

File names will not end with any of the following strings:

- .files
- _files
- -Dateien
- _fichiers
- _bestanden
- _file
- _archivos
- -filer
- _tiedostot
- _pliki
- _soubory
- _elemei
- _ficheiros
- _arquivos
- _dosyalar
- _datoteke
- _fitxers
- _failid
- _fails
- _bylos
- _fajlovi
- _fitxategiak
- In addition, file names should not exceed 45 characters in length, including spaces. Single space must be counted as one character each

8. **PAYMENT OF COURT FEE:-**

Court fee can be paid by the purchase of electronic court fee either from the online facility provided by the Stock Holding Corporation of India Limited (<http://www.shcilestamp.com/>) or from any other authorized court fee vendor in Himachal Pradesh. The payment code whether automatically generated on payment of court fee online through the payment gateway of

Stock Holding Corporation of India Limited on the receipt when court fee is purchased from the counter has to be filed in the appropriate box at the time of e-filing.

9. **RETENTION OF ORIGINALS:-**

The originals of the documents that are scanned and digitally signed either by counsel or parties in person at the time of e-filing should be preserved for production upon being directed by the court at any time. In any event, signed Vakalatnama, signed and notarized/attested affidavit shall be filed in original in the Registry. Any other document whose authenticity is likely to be questioned should be preserved at least for a period of two years after the final disposal of the case including appeals if any and 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 Power-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.

Note:-The responsibility for producing the originals and proving their genuineness shall be of the party that has electronically filed the scanned copies thereof.

10. **PROOF OF FILING**

The proof of e-filing will be available in the account of the eFiler and shall be sent by way of email and sms at the time of e-filing on the registered email address and mobile number of the eFiler.

11. CASE ENTRIES.

The official nominated to receive an electronic filing will create a case entry using the information provided by the eFiler to record the document filed. If errors in the filing or case entry are discovered by the officials, the official will notify the eFiler of the error and advise the eFiler of what further action, if any, is required to address the error. eFilers notified of an error through a Notification of Court shall make corrections within seven (7) business days of receiving the Notification of Court from the officials in order to preserve the original timestamp found on the Notice of Electronic Filing. Failure to make corrections will result in the rejection of a filing by the court and could result in a failure to comply with limitation, if so applicable.

12. HARD COPIES OF PLEADINGS AND DOCUMENTS FILED ELECTRONICALLY:-

Lawyers, as well as parties, can print hard copies of all pleadings and documents filed electronically for their use in the Court or elsewhere. Party or the Advocate e-filing a document or petition shall also file a hard copy at the filing counter of the Registry of High Court of Himachal Pradesh along with a note mentioned in the beginning certifying that, "Hard copy and Soft copy are the same" and in case of any discrepancy between the hard copy and the Soft copy, the preference shall be given to the hard copy.

13. STORAGE AND RETRIEVAL OF ELECTRONICALLY FILED DOCUMENTS AND PLEADINGS:-

The pleadings and documents electronically filed will be stored on an exclusive server maintained for this purpose. Each case will be separately labelled and encrypted for this purpose to facilitate easy identification and retrieval. The security of such document and pleadings will be ensured and access to them would be restricted in the manner indicated hereinbefore and as may be notified from time to time. Backup copies of all electronically filed pleadings and documents will be preserved in the manner decided by the Court on its administrative side.

14. ACCESS TO ELECTRONIC DOCUMENTS:-

Access to documents and pleadings filed electronically in a case will be provided only to Advocates for the parties or the concerned parties themselves. The Advocate(s) or the party may obtain documents from the relevant entries in his account.

15. EXEMPTION FROM ELECTRONIC FILING

Exemption from e-filing of the whole or part of the pleadings and/or documents may be permitted by the Court upon an application for that purpose being made to the Court in the following circumstances:

- (i) e-filing is, for the reasons to be explained in the application, not feasible; or.
- (ii) there are concerns about confidentiality and protection of privacy; or
- (iii) the document cannot be scanned or filed electronically because of its size, shape or condition; or
- (iv) the e-filing system is either inaccessible or not available for some reason; or
- (v) any other sufficient cause.

16. COMPUTATION OF TIME:-

- (a). Electronic filing through the e-filing centre will be permissible up to 4 p.m. on the date of filing. All other rules relating to holidays etc. for the purpose of computation of limitation, as specified in these Rules will apply to online electronic filing as well. The period during which e-filing system is in-operational for any reason will be excluded from the computation of such time. This, however, will not extend limitation for such filing where Section 5 of the Limitation Act, 1963 or any other statutory extension of the period of limitation is not available.
- (b). An electronic filing may be submitted to the portal at any time of the day or night, twenty-four (24) hours a day seven days a week. However, the filing will not be official information of record until it has been stored on the court's case information software system.
- (c). A document will be deemed E-Filed with the court, subject to payment of all applicable fees, on the date and time reflected in the Notice of Electronic Filing regardless of when the eFiler actually transmitted the document to the court.
- (d). Filing a document electronically does not alter the filing deadline for that document. The filing must be completed BEFORE MIDNIGHT, Indian Standard Time, in order to be timely filed. However, if the time of day is of the essence, the presiding judge may order a document be filed by a certain time.
- (e) Emailing a document to the court or to the presiding judge does not constitute filing the document and such emails will be filed without any intimation to the eFiler. A document will not be considered filed until the eFiling system generates a Notice of Electronic Filing.
- (f) While the eFiling system is designed to accept filings 24 hours a day, it may not always be available due to scheduled maintenance or technical difficulties experienced by the eFiler or system. eFilers should file documents in advance of filing deadlines and during normal court hours.

17. INABILITY TO E-FILE

(a) The rights of the parties shall not be affected by an EFS failure.

(b) When E-Filing is prevented by an EFS failure, an eFiler or party may revert to conventional filing.

(c) A technical failure, including a failure of the eFiling system, will not extend the period of limitation. The eFiler must ensure that a document is timely filed to comply with limitation and, wherever necessary, the eFiler must file the document conventionally to meet the limitation.

(2) Technical failures.

(a) If an eFiler experiences a technical failure as defined herein, the eFiler may file the document conventionally. The official receiving documents conventionally may require the document to be accompanied by a USB drive, CD-ROM, memory card or any other storage media containing the document in PDF or PDF/A format.

(b) An eFiler who suffers prejudice as a result of a technical failure as defined herein or an eFiler who cannot file a time-sensitive document electronically due to unforeseen technical difficulties, other than a document filed under a limitation deadline, may seek relief from the Court. Parties may also enter into an agreement deeming a document, other than one filed under a limitation deadline, timely filed.

(3) Anticipated system maintenance and downtime. When the eFiling system will not be available due to scheduled maintenance, eFilers will be notified by means of a notice posted on the court's website of the date, time, and anticipated length of the unavailability.

(4) Unanticipated downtime. When the eFiling system is unexpectedly unable to accept filings continuously or intermittently for more than one hour, eFilers will be notified of the problem by the posting of a notice of the problem on the court's website.

BY ORDER

HIGH COURT OF HIMACHAL PRADESH

Endst.No. HHC/Rules/e-filing-2019-11002-22

Dated: 24/25.4.2019

Copy forwarded for information and necessary action to:-

1. The Principal Private Secretary to Hon'ble the Chief Justice, High Court of Himachal Pradesh, Shimla-171001.
2. The Secretaries to the Hon'ble Judges, High Court of Himachal Pradesh, Shimla-171001.

3. The Principal Secretary (Home/Personnel) to the Government of Himachal Pradesh, Shimla-171002.
4. The L.R.-cum-Secretary (Law) to the Government of Himachal Pradesh, Shimla-171002.
5. The Registrar General, Registrar (Vigilance), Registrar (Secy. H.P. High Court Legal Services Authority), Registrar (Judicial), Registrar (Rules), Registrar (Establishment) and Registrar (Accounts), High Court of Himachal Pradesh.
6. All the District and Sessions Judges/Additional District and Sessions Judges/Senior Civil Judges/Civil Judges in Himachal Pradesh.
7. The Director/Joint Director/Deputy Director, Himachal Pradesh Judicial Academy, Ghandal, PO Shakraha, Sub-Tehsil Dhamsi, District Shimla, Himachal Pradesh, Shimla-171011.
8. *The Central Project Coordinator, High Court of Himachal Pradesh, Shimla-171001.*
9. The President, High Court Bar Association, Shimla-171001.
10. All the Presidents, District/Sub-Division bar Associations in Himachal Pradesh.
11. All the Presidents, Consumer Redressal Fora, Shimla, Mandi and Kangra at Dharamshala, Himachal Pradesh.
12. The Presiding Officers, Labour Court -cum -Industrial Tribunals, Shimla and Dharamshala, Himachal Pradesh.
13. The Member Secretary/Administrative Officer, H.P. State Legal Services Authority, Shimla-171009.
14. The Registrar, Himachal Pradesh State Administrative Tribunal, Shimla.
15. All the Additional Registrars, Deputy Registrars, Assistant Registrars, Court Masters, Secretaries, Section Officers, High Court of Himachal Pradesh.
16. The Chief Librarian and PRO High Court of Himachal Pradesh, Shimla.
17. The Accountant General (Audit), Himachal Pradesh, Shimla-171003.
18. The Section Officer (Computers), High Court of Himachal Pradesh for conversion in digital form as well as updating the High Court website.
19. The Technical Director, NIC, High Court of Himachal Pradesh for updating the High Court website with a request to upload the Rules in searchable PDF file not in the scanned form.
20. The Scrutiny Assistant of this Registry with five spare copies.
21. Guard File.

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(Ajay Mehta)
Registrar (Rules)