

HIGH COURT OF JAMMU & KASHMIR AND LADAKH

(Office of the Registrar General at Jammu)

Subject: Electronic Filing (e-Filing) in the High Court of Jammu & Kashmir and Ladakh and in Subordinate Courts and Tribunals of Jammu & Kashmir and Ladakh, Rules, 2021.

NOTIFICATION

No: 1245 of 2021/Reg

Dated: 15/11/2021.

In exercise of its powers under Articles 225 and 227 of the Constitution of India, the High Court of Jammu & Kashmir and Ladakh, with prior approval of the Lieutenant Governor of the Union Territory of Jammu and Kashmir, hereby makes the following Rules:

1. Short Title and Commencement:

These Rules shall be called "the Electronic Filing (e-Filing) in the High Court of Jammu & Kashmir and Ladakh and in Subordinate Courts and Tribunals of Jammu & Kashmir and Ladakh, Rules, 2021".

These rules shall come into force from the date as may be notified by the Chief Justice of the High Court of Jammu and Kashmir and Ladakh from time to time.

2. Applicability:

These Rules shall apply to Electronic Filing (e-Filing) of cases in the High Court and Subordinate Courts in Jammu & Kashmir and Ladakh and Tribunals over which the High Court has supervisory jurisdiction.

3. Definition:

- (a) "Administrator" means the Registrar (IT) or an officer appointed by the Chief Justice for administering and dealing with matters connected or relating to e-Filing.
- (b) "Case Information System (CIS)" is the system of networked software and hardware used by High Court and subordinate courts in Jammu and Kashmir, and Ladakh that may receive, organize, store, retrieve and transmit data of cases.
- (c) "Conventional Filing" means the physical non-electronic presentation of Documents before the Court.
- (d) "Common Service Centres" means and includes those centres which are designated by the High Court for the purposes of e-Filing under these Rules.
- (e) "Document" mean pleadings, annexures, exhibits, affidavits, memoranda, papers, orders, notices and any other filing to the court.

- (f) "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 e-Filer 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.
- (g) "e-Filer" 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.
- (h) "Electronic Filing (e-Filing)" means the electronic transmission of, a Document to the court using the court's electronic filing system either by an e-Filer or through Common Service Centres, together with the transmission from the court of a notice of electronic filing.
- (i) "E-Filing System (EFS)" is the system of networked hardware, software, and service providers approved by the High Court for the filing of Documents via the Internet/Intranet for use by the Courts in Jammu and Kashmir, and Ladakh.
- (j) "Electronic identity" means the combination of the e-Filer's login ID/username, password, and profile.
- (k) "Evidence" means and includes evidence as defined under the Indian Evidence Act, 1872.
- (l) "Litigant" means a person who contests, defends or intervenes in a Pleading such as appellant(s), plaintiff(s), petitioner(s), complainant(s), applicant(s), defendant(s), respondent(s), decree-holder(s), judgment-debtor(s) non-applicant(s) or intervener(s).
- (m) "Notice of Electronic Filing (NEF)" means a notice sent by email or SMS containing the details automatically generated by the E-Filing System at the time of filing the Document with the system, in Indian Standard Time (IST). A Notice of e-Filing will be sent to the registered email and mobile phone number given at the time of e-Filing by e-Filer immediately after the e-Filing.
- (n) "Objections" means and includes deficiencies and errors pointed out by the Registry in relation to the Documents filed electronically.
- (o) "PDF" means an electronic document filed in a portable document format.
- (p) "PDF/A" means an ISO-standardized version of the Portable Document Format (PDF) specialized for the digital preservation of electronic documents.

- (q) "Pleadings" includes all proceedings instituted in a Court such as suits, criminal complaints, appeals, civil or criminal writ petitions, revision petitions, contempt petitions, execution petitions, arbitration petitions, probate cases and interlocutory applications, written statements, replies, counter-affidavits an additional or supplementary affidavit.
- (r) "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.
- (s) "Registry" means the registry of the court.
- (t) "Scanned document" means an electronic image created by scanning a paper document, by use of any scanning device or desktop or mobile-phone software application.
- (u) "Technical failure" means failure of the court's hardware, software, and/or telecommunications facility which results in the impossibility for an e-Filer to submit a filing electronically. Technical failure does not include malfunctioning of an e-Filer's equipment.
- (v) "User Agreement" is an agreement in a form approved by the High Court that establishes obligations and responsibilities of the e-Filer within the EFS.
- (w) "Working Day" means and includes a day and time when the Registry of the court is working under the calendar published or as directed by the Court.

Words and expressions which are used in these Rules and have not been defined shall have the same meaning as given to them under the J&K High Court Rules, 1999.

4. Document to be Filed Electronically

Except as provided elsewhere in these rules, all Documents in fresh, pending or disposed of cases, may be filed electronically in the manner hereinafter provided. A Document that an Advocate or a Litigant file electronically under these Rules has the same legal effect as a document filed through Conventional Filing.

5. Registration and Responsibilities of e-Filers

- (1) Registration in EFS would be limited to:
- (a) Advocates practising in the High Court or Subordinate Courts in Jammu and Kashmir, and Ladakh and Tribunals over which the High Court registered with CIS; and
- (b) Self-represented Litigant.

Litigant in person shall submit an affidavit/undertaking that he/she 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 Document to the Advocate's account. Once the Administrator allows the application, the data in the Document shall be transferred in the user

account of the Advocate. The Litigant in person will not be in a position to modify the data of the Document, without the permission of the Administrator.

Registration:

- (a) The e-Filer's login ID/username, password, and profile will constitute the e-Filer's Electronic Identity and user account for the purposes of these Rules. e-Filer must register online through the website of High Court of Jammu & Kashmir and Ladakh.
- (b) The e-Filer will be subject to the terms of the e-Filing system User Agreement.
- (4) Responsibilities of e-Filer.
 - a. It will be the responsibility of the e-Filer 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 e-Filer is receiving notifications from the e-Filing System via email or not.
 - b. If an e-Filer's email address, phone number, or other information provided in the e-Filer's profile has changed, the e-Filer must promptly make the necessary changes to his or her profile.
 - c. An e-Filer 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.

Provided that 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 e-Filer to maintain the secrecy of his id and password. If an e-Filer believes that the security of his or her Electronic Identity has been compromised or that a threat to the system exists, the e-Filer must notify the Administrator.

- d. An e-Filer shall take all reasonable steps to ensure that the Document 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 an e-Filer intends to file a Document, it shall prepare the Pleadings 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 Document shall be prepared on the A-4-page size. Conventionally Filing of 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 Antiqua, Bookman, Bookman Old Style, Century, Century Schoolbook, Courier, Courier New, CG Times, Garamond, Georgia, New Baskerville, New Century Schoolbook, Palatino, Times New Roman or any other legible font and the typeface shall be 12-point or larger in both body text and footnotes.
 - iii. **Spacing:** All text shall be 1.5 or more, except the footnotes, tables, charts, or similar material and text that is blocked and indented shall be 1.15 line-spaced or more.
 - iv. **Numbering:** The pages shall be numbered at the top of all pages with central or right alignment.
 - v. **Margins.** All the documents will have minimum top and bottom margins of 1.5", right margin will be 1.0" while the left margin will be 1.75".
 - vi. **Alignment:** All the documents will be aligned with justified alignment.
- (b) Documents must be converted to PDF/A or PDF format before they are filed in the e-Filing 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 pleadings, the document should be scanned using an minimum image resolution of 300 dpi (dot per inch) and saved as a PDF or PDF/A document in A4 size. The e-Filer 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.
 - (d) If any Document is in a local language, an English translation of the same may be filed at the same time duly certified by the Advocate filing the same in the form and manner prescribed hereinabove.
 - (e) The maximum permissible size of the Document that can be uploaded at the time of e-Filing is 25 MB. However, if the file is large, the e-Filer may visit one of the Common Service Centre for e-Filing through intranet.
 - (f) 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.
 - (g) If the filing of an electronically submitted Document requires leave of court, the e-Filer 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 e-Filer must refile the proposed document to make it part of the record.

(h) (1) Signatures

(i) A Document electronically filed using the e-Filing system must bear the digital signature of the Advocate, or a Litigant, where it is not represented by an Advocate as more fully described in paragraphs (a) and (b) below. The digital signature of the 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, Jammu and Kashmir High Court Rules, 1999 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, and email address of the filing Advocate or Litigant where it is not represented by an Advocate.

(b) In addition, the name of the filing 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.

(i) (1) Where the Litigant or the Advocate does not possess the digital signature issued by the competent authority, such an Advocate or the party can authentic e-Filed Documents by Aadhaar authentication using the Aadhaar number belonging to the Advocate or Litigant 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 Litigant or the Advocate to maintain the security of his Aadhaar number and the mobile phone registered with the UIDAI.

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

(a) representing the consent of the other Litigants 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 Litigant, 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 e-Filing 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.

- (j) Wherever required by the Registry, advance copy of the Document to be filed shall be provided to the other side, either physically or virtually, and a proof of the same shall be attached to the Document.
- (k) The applicable instructions for e-Filing will be made available on the website of High Court of Jammu and Kashmir (<https://jkhighcourt.nic.in/>) and every e-Filer 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 filename.

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 reach

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 Jammu and Kashmir, and Ladakh. 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 Original: -

The original of the Document that are scanned and digitally signed either by Advocate or Litigant in person at the time of e-Filing should be preserved for production upon being directed by the court at any time. 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 Litigant 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 e-Filer 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 e-Filer.

11. Case Entries

The official nominated to receive an Electronic Filing will create a case entry using the information provided by the e-Filer to record the Document filed. If errors in the filing or case entry are discovered by the officials, the official will notify the e-Filer of the error and advise the e-Filer of what further action, if any, is required to address the error. e-Filer notified of an error through a Notification of Court shall make the necessary corrections within the time specified. After the objections are cleared the case will be processed for listing and the Advocate/Litigant in person will be informed including by email/SMS.

12. Hard Copies of Documents Filed Electronically:-

Advocates, as well as Litigants, can print hard copies of all Documents filed electronically for their use in the Court or elsewhere. Advocate or Litigant e-Filing a Document may be directed by the court, in its discretion, to also file a hard copy at the filing counter of the Registry 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 copy filed earlier in time.

13. Storage and Retrieval of Electronically Filed Documents: -

The 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 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 Documents will be preserved in the manner decided by the Court on its administrative side.

14. Free Access to Electronic Documents:-

Free access to Documents filed electronically in a case will be provided only to Advocates or the concerned Litigants themselves. Documents filed conventionally earlier by an Advocate or the concerned Litigant and digitized by the court shall also be provided to such Advocate or the concerned Litigant on an application to the Administrator. The Advocate(s) or the Litigant 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 Document 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 just and sufficient cause.

16. Service of Electronic Documents

In addition to the prescribed mode of service, notices, Documents that are filed electronically may also be served through the designated e-mail IDs of Registry officials to the e-mail address of the advocates or Litigants, if available. E-mail IDs of Registry officials will be published on the Court website to enable the recipients to verify the source of the e-mail.

17. Computation of Time: -

- (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.
- (2) E-filing through Common Service Centres will be permissible up to 1600 hours on any court Working Day. On-line e-Filing carried out after 1600 hours on any day, will be treated as the date which follows the actual filing date provided it is a court Working Day. Documents 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, e-Filing shall be subject to the same legal regime as applicable to physical filing, save and except as provided hereinabove.
- (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 Common Service Centres for e-Filing on court working days or take recourse to physical filing. No exemption from limitation shall be permitted on the ground of a failure of the web based on-line e-Filing facility.
- (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.

18. 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 e-Filer may revert to conventional filing.
 - (c) A technical failure, including a failure of the e-Filing system, will not extend the period of limitation. The e-Filer must ensure that a Document is timely filed to comply with limitation and, wherever necessary, the e-Filer must file the Document conventionally to meet the limitation.
- (2) Technical failures.
- (a) If an e-Filer experiences a technical failure as defined herein, the e-Filer may file the Document conventionally. The official receiving Documents conventionally may require the Document to be accompanied by a CD-ROM, or any other storage media containing the Document in PDF or PDF/A format.
 - (b) An e-Filer who suffers prejudice as a result of a technical failure as defined herein or an e-Filer 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.
- (3) Anticipated system maintenance and downtime. When the e-Filing system will not be available due to scheduled maintenance, e-Filers 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 e-Filing system is unexpectedly unable to accept filings continuously or intermittently for more than one hour, e-Filers will be notified of the problem by the posting of a notice of the problem on the court's website.

19. Procedure for Filing Caveat

All caveats may be e-Filed and the Caveatee may also be served online. The procedure for this purpose may be set out by the Court as Appendix to these Rules.

20. Residuary provisions

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

By Order.


(Jawad Ahmed)
Registrar General

Dated: 15/11/2021

No: 47152-91/Reg/evs
Copy of above forwarded to the:

- 1. Principal Secretary to Hon'ble the Chief Justice, High Court of J&K and Ladakh,
- 2. Secretary to Hon'ble Mr/Mrs Justice _____
..... for information of their Lordships.

3. Secretary to Government, Department of Law, Justice and Parliamentary Affairs, UTs of J&K and Ladakh,
4. Registrar Vigilance, High Court of J&K and Ladakh, Jammu
5. Registrar Rules, High Court of J&K and Ladakh, Jammu
6. Member Secretary, J&K Legal Services Authority, Jammu
7. Registrars Judicial, High Court of J&K and Ladakh, Jammu/Srinagar,
8. All Principal District & Sessions Judges, UT of J&K and UT of Ladakh,
..... for information.
9. CPC, e-Courts, High Court of J&K and Ladakh, Jammu for information and with the request to get the same uploaded on the official website of the High Court.
10. Manager, Government Press, Jammu for publication in the next issue of the Government Gazette.
11. In-charge Library, High Court Wing Jammu/Srinagar for information and keeping the record.


19/01/2011
Registrar General

APPENDIX

PROCEDURE FOR e-FILING CAVEAT

1. Open the home page of e-Filing Portal in web browser using web address <https://efiling.ecourts.gov.in/jk>.
2. Login into the portal with the User-ID and Password provided to the registered users.
3. On logging in, a Dash Board Screen will appear having **Caveat Application** button on the left side of the page.
4. Click on the **Caveat Application** button and fill the Caveator & Caveatee information in the corresponding fields.
5. Also fill the **Extra Party Information** and **Subordinate Court Details** in the corresponding fields on subsequent pages.
6. Then opt for the **Digital Authorization Method / Sign Method** and upload the scanned documents on the portal.
7. Then fill the court fee details in corresponding fields on **Pay Court Fee** page.
8. Then on **Applicant Affirmation** page, give affirmation and digitally verify it with OTP.
9. Do verification of all the filled details and click on **Final Submit** button to submit the Caveat to e-Filing Admin.
10. A notification will appear on the Dash Board indicating successful submission of Caveat on the e-Filing Portal.

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