

# **THE GAUHATI HIGH COURT AT GUWAHATI**

(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

## **NOTIFICATION NO. 60**

*Dated Guwahati, the 27<sup>th</sup> August, 2020*

### **THE GAUHATI HIGH COURT ELECTRONIC FILING (e-FILING) RULES, 2020**

In exercise of power conferred under Articles 225 and 227 of the Constitution of India, the Gauhati High Court is pleased to frame these Rules to regulate e-filing.

#### **1. Short Title, Applicability and Commencement:**

- 1.1 These Rules may be called the Gauhati High Court Electronic Filing (e-filing) Rules, 2020.
- 1.2 These rules will apply to Electronic Filing (e-filing) of cases in the Gauhati High Court (Principal Seat and all the outlying Benches), District & Sessions Courts, Family Courts, Special Courts and Tribunals under the administrative control of the Gauhati High Court.
- 1.3 These rules will apply to such categories of cases as would be notified by the Gauhati High Court from time to time.
- 1.4 These Rules shall amend and consolidate the existing Rules and Practice Directions including those prescribed in (1) the Gauhati High Court Rules, (2) Civil Court Rules & Orders of Gauhati High Court, (3) and Criminal Court Rules and Orders of Gauhati High Court.
- 1.5 These Rules shall come into force from the date notified by the Gauhati High Court.

#### **2. Definitions:**

- 2.1 '**Action**' means and includes all proceedings instituted in the Court such as suits, criminal complaints, appeals, civil or criminal writ petitions, revision petitions, contempt petitions, execution petitions, arbitration petitions, probate cases, caveat and interlocutory applications.
- 2.2 '**Administrator**' means the Registrar (IT)/Central Project Coordinator or any officer designated by the Chief Justice of Gauhati High Court or any officer designated by the District & Sessions Judge, Special Judge, Principal Judge of Family Courts, Presiding Officer/Member of Tribunals under the administrative control of the Gauhati High Court for administering and dealing with matters connected with or relating to e-filing.
- 2.3 '**Authorised person**' means the engaged advocate or recognized agent as defined in Code of Civil Procedure.
- 2.4 '**Bench**' means one or more Judges assigned to adjudicate upon an action and includes the Presiding Officer of a District Court, Family Court, Special Court or Tribunal, as the case may be.
- 2.5 '**Designated Counters**' means the counters designated for e-filings.
- 2.6 '**District Court**' means and includes the Courts and Tribunals established and functioning under the administrative control of the Gauhati High Court.



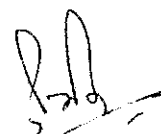
- 2.7 **'Electronic Filing (e-filing)'** means e-filing through the internet (at the web portal of the Court), or through the internet/intranet at the designated counters, unless the context requires otherwise.
- 2.8 **'Evidence'** means and includes evidence as defined under the Indian Evidence Act, 1872.
- 2.9 **'High Court'** means Gauhati High Court (Principal Seat and Outlying Benches).
- 2.10 **'Objection(s)'** means and includes deficiencies and errors pointed out by the Registry in relation to the actions instituted in the Bench.
- 2.11 **'Party'** means and includes plaintiff(s), petitioner(s), complainant(s), applicant(s), decree holder (s), and appellant(s).
- 2.12 **'Opposite Party'** means and includes defendant(s), respondent(s), judgment debtor(s), opposite party/parties, and non- applicant(s).
- 2.12 **'Physical Filing'** means actions and pleadings filed as hard copies.
- 2.14 **'Pleadings'** means pleadings, both original and amended, filed in support or defence of an action including affidavits, additional affidavits and supplementary affidavits.
- 2.15 **'Statement of Defence'** means and includes written statement(s), both original and amended, reply/replies, counter- affidavits, and additional or supplementary affidavits.
- 2.16 **'PDF'** means an electronic document filed in a portable document format.
- 2.17 **'PDF/A'** means an ISO-standardized version of the portable document format (PDF) specialized for the digital preservation of electronic documents.
- 2.18 **'Registry'** means the Registry of the Gauhati High Court or the filing section of the District Court.
- 2.19 **'Technical Failure'** means a failure of the court's hardware, software, and/or telecommunications facility which results in the impossibility of submitting a file electronically. Technical failure does not include malfunctioning of the equipment of the person submitting an e-file.
- 2.20 **'Third Party'** means and includes any person or entity seeking to become a party or to intervene in an action.
- 2.21 **'Working Day'** means and includes a day when the Registry of the Court is working under the calendar published or as directed by the Court.

### 3. Filing of Pleadings

- 3.1 Except as provided elsewhere in these rules, all petitions, applications, appeals and other pleadings/documents in fresh, pending 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 procedural 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.

Provided further that the Gauhati High Court in its discretion may direct for mandatory filing of pleadings under certain conditions by way of e-filing as per these Rules.



- 3.2 If the parties and advocate file the hard copy within 3 days of e-filing in urgent cases and 7 days in ordinary cases, the date of e-filing shall be taken to be the date of filing for computing the period of limitation and for other purposes.
- 3.3 The pleadings should be clear and concise. Parties and third parties should set forth their claims, averments in separate paragraphs. The statement of truth, verification, 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).
- 3.4 Filing of pleadings and document through e-filing shall be also subject to provisions of Section 4 of the Information Technology Act, 2000.

#### **4. Digital Signatures:**

- 4.1 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 possesses 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 it shall thereafter be scanned and uploaded.
- 4.2 A litigant in person or advocate who does not possess a digital signature issued by the competent authority can authenticate e-filed documents by e-signature based on Aadhaar authentication.

#### **5. Payment of Court Fees/Other Charges:**

The Court fee and other charges can be paid online electronically, subject to the orders of Gauhati High Court to be notified from time to time in this regard. The Transaction ID provided upon online payment of court fee and other charges is required to be entered along with uploading the e-payment receipt in the appropriate fields at the time of on-line e-filing.

#### **6. Retention of Original(s):**

- 6.1 The originals of the documents that are scanned and digitally signed either 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.
- 6.2 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 two years till after the final disposal of the action. Final disposal shall include disposal of the action by the superior appellate court.
- 6.3 Notwithstanding anything above and subject to any law in force, the following documents shall have to be preserved :-
  - 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/Court.
- 6.4 The responsibility of producing the originals and proving their genuineness shall be of the party that has electronically filed scanned copies of the document.

### **7. Access to the Electronic Data of the action**

The authorized person(s) of the parties shall have access to the data e-filed by any of the parties to the specific action free of cost, as is presently being provided in pending actions, save and except those which are not permissible under the relevant rules. This facility shall be in addition to the procedure of obtaining certified copies.

### **8. Exemption from e-filing**

The Bench upon an application being made for that purpose may exempt a party from on-line e-filing of the entire pleading or a part of the pleadings and/or documents under the following circumstances:

- a) where on-line e-filing is for reasons set out in the application not feasible; or
- b) where there are concerns about confidentiality and protection of privacy; or
- c) where the document cannot be scanned or filed electronically because of its size, shape or condition; or
- d) where the on-line e-filing portal is either inaccessible or not available for some reason; and/or
- e) for a just and sufficient cause.

### **9. Service of Electronic Documents:**

The notices, documents, pleadings 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 parties, if available in addition to the prescribed mode of service, or any other mode as directed by the Bench. The e-mail IDs of the Registry officials shall be published on the Court website to enable the recipients to verify the source of the e-mail.

### **10. Computation of Time**

10.1 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.
- 10.2 E-filing through designated counters will be permissible from 10.00 A.M up to 04.00 P.M. on any court working day. On-line e-filing carried out after 04.00 P.M. 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.
  - 10.3 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 from 10.00 A.M up to 04.00 P.M. 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.
  - 10.4 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.

#### **11. Procedure for filing caveat.**

All caveats may be filed on-line as laid down in these Rules.

#### **12. 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. The Registry will wherever required prepare hard copies for official use.

#### **13. Storage and Retrieval of e-Filed Documents and Pleadings.**

E-filings will be stored on an exclusive server under the control of the Court. Each such filing will be separately labeled 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.

#### **14. Residuary provisions.**

- 14.1 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.
- 14.2 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 have to be



provided to the opposite party. In such circumstances, the plaintiff/ petitioner can be called upon to deposit the charges calculated on the basis of the number of pages per defendant/respondent which are required to be photocopied. This facility will be provided by the Registry on a written request being made by the defendant(s)/respondent(s).

14.3 The Registry will communicate the objections, if any, regarding the cases filed by email/SMS/web hosting to the concerned Advocate/ litigant in person. 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.

**15. General caution.**

15.1 e-mail is not a secure medium of communication. Any communication transmitted by e-mail 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 Registry for requisite permission/advice.

15.2 The Registry shall not be responsible in any manner if any pleading or document is filed by way of impersonation.

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**Schedule-I  
General Instructions**

1. On-line e-filing shall be made by visiting the web-portal of the Court, namely :<https://efiling.ecourts.gov.in/as>.
2. Except as provided in these Rules, actions, whether fresh or pending 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. Any person who is unable to access the e-filing portal would be entitled to make use of the facilities provided at the designated counters for that purpose upon payment of stipulated charges, if any.
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 visit any one of the designated centres for enabling e-filing through the intranet.

**Schedule-II  
Steps for Registration**

1. Persons other than Advocates and litigants in person who are already registered on the Court web-portal will take the following steps to register themselves.
  - i. Advocates
    - a. Should visit the web-portal (<https://efiling.ecourts.gov.in/as>) to view the form.
    - b. Click the registration link.
    - c. Fill the form with requisite details.
    - d. While entering the mobile number and email id, enter the mobile number and email id as registered in software of the respective Court.



- e. While entering the 'Bar Registration Number' which is the Bar Council Enrollment Number, enter the same enrollment number in the same format as entered in the software of the respective Court. The format for entering the Bar Registration No in the requisite field of the registration form is as follows:

AS-1-2020  
AS-11-2020  
AS-111-2020  
AS-1111-2020

'AS' is the Assam State code followed by hyphen '-', then enrollment number, again hyphen '-' and then the enrollment year. There should not be any blank space in between the Bar Council registration number.

Similarly, 'NL' is the State code for Nagaland, 'MZ' for Mizoram and 'AR' for Arunachal Pradesh.

- f. 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
- Should visit the web-portal (<https://efiling.ecourts.gov.in/as>) to view the form.
  - Click the registration link.
  - Fill the form with requisite details.
  - Submit the filled-up form along with the self-attested copy of any identity document issued by the Government (in PDF format only).
2. Litigants in person shall submit an affidavit/undertaking that they have 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 will not be in a position to modify the data of the subject action without the permission of the Administrator.
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 user manual at Appendix-I.

### **Schedule-III**

#### **Formatting**

- All the original typed text material including notice of motion, memorandum of parties, main petition or memo of appeal, interlocutory application(s), reply, status report, affidavit, documents, will be prepared electronically using the following formatting style for the High Court and all subordinate Courts under its jurisdiction:
  - Page should be A4 size white paper.
  - Maximum 26/27 lines be typed out in each sheet in 1.5 space in between the lines.
  - Words in size 11 of Tahoma font.



- Margins 4 cm at top, 1 cm below, 5 cm left and 2 cm right.
  - If any document is typed in a local language, it must be in prepared using Unicode Font only.
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.
  3. A document which is not a text document and has to be enclosed with the action, should be scanned using an image resolution of 300DPI (Dots per inch) in OCR searchable mode and saved as a PDF document. The procedure for converting a document into an OCR searchable PDF is given at Appendix-II.

**Schedule-IV**  
**Do's and Don'ts**

1. The text documents and scanned documents should be merged as a single OCR searchable PDF file and should be book-marked as per the Master Index, duly approved by the Registry/Court.
2. The merged documents should be uploaded at the time of on-line e-filing. Screen shots of the manner of accessing the on-line e-filing portal and for the filing of the main case and documents including written statements, replies, replications, rejoinders, affidavits and evidence in a pending case as set out in user manual at Appendix-I.
3. Once e-filing is accepted, the filing or registration number shall be notified to the Advocate or litigant in person.
4. In case on-line e-filing includes audio and/or video files, the Administrator shall generate a hash value.
5. Special characters are not allowed while e-filing Memo of Parties and Advocate remarks.
6. Document Binary File Name Standards.

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

- A quotation mark (") or (')
- A number sign/Pound (#)
- Percent (%)
- Ampersand (&)
- Asterisk (\*)
- Colon (:)
- Angle brackets (less than, greater than) (<>)
- A question mark (?)
- Back slash (\)
- 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.


Provided that the Registry from time to time may amend/ modify/ alter the list of (a) special characters, and (b) strings.

7. File names should not exceed 45 characters in length, including spaces. Single space must be counted as one character each.
8. On-line e-filing shall not be water marked or encrypted. The e-filed documents shall not contain any virus, malware, spam-ware, Trojan horse or the like and the same is to be certified by the e-filing applicant in the format given at Appendix-III. All the e-filed documents shall be legible and free of markings, track changes or annotations.

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### Appendices

- APPENDIX – I** eFiling User Manual.
- APPENDIX – II** Procedure for converting a document into an OCR searchable PDF.
- APPENDIX – III** Procedure for book-marking.
- APPENDIX – IV** Undertaking for Virus, etc., free uploaded documents.


By Order   
Registrar General  
Gauhati High Court

**Memo No. HC.III-12/2020/2222-2251 /G, Dated: 27<sup>th</sup> August, 2020.**

**Copy to:**

1. The Secretary General, Supreme Court of India, Tilak Marg, Mandi House, New Delhi-110001.
2. The Registrar General, High Court of \_\_\_\_\_.
3. The Registrar (Vigilance/Judicial/Administration/Establishment), Gauhati High Court, Guwahati.
4. The Registrar, Gauhati High Court, Kohima Bench, Kohima / Aizawl Bench, Aizawl/ Itanagar Permanent Bench, Naharlagun. They are requested to forward this Notification amongst the respective District/ Subordinate Courts within their jurisdiction.
5. The Registrar-cum-Principal Secretary to Hon'ble the Chief Justice, Gauhati High Court, Guwahati. Guwahati.
6. The District & Sessions Judge, \_\_\_\_\_ Assam.
7. The L.R.-cum-Commissioner & Secretary to the Govt. of Assam, Judicial Department, Dispur, Guwahati, Assam.
8. The Principal Judge, Family Court, \_\_\_\_\_ Assam.
9. The Member, MACT, \_\_\_\_\_, Assam.
10. The Presiding Officer, Special Court \_\_\_\_\_, Assam.
11. The Presiding Officer, Labour Court \_\_\_\_\_, Assam.
12. The President/Secretary General, Gauhati High Court Bar Association, Guwahati.
13. The President/General Secretary, Gauhati High Court Advocates' Association, Guwahati.
14. The Chairman, N.E. Bar Council, Gauhati High Court, Guwahati.
15. The President/Secretary, All Assam Lawyers' Association, Guwahati.
16. The President/Secretary, Lawyers' Association, Guwahati.
17. The Joint Registrar (\_\_\_\_\_), Gauhati High Court, Guwahati.
18. The Deputy Registrar (\_\_\_\_\_), Gauhati High Court, Guwahati.
19. The Librarian-cum-Research Officer, Gauhati High Court, Guwahati.
20. The Asstt. Registrar (\_\_\_\_\_), Gauhati High Court, Guwahati.
21. The Court Manager, Gauhati High Court, Guwahati.
22. The Special Officer, Translation Wing, Gauhati High Court, Guwahati.
23. The Project Manager, Gauhati High Court, Guwahati. *He is requested to upload this Notification in the website of the Gauhati High Court.*
24. The P.S. to Hon'ble Mr. /Mrs. Justice \_\_\_\_\_, Gauhati High Court, Guwahati.
25. The A.O. (Judicial), \_\_\_\_\_ Section, Gauhati High Court, Guwahati.
26. The Court Masters, Court No. \_\_\_\_\_, Gauhati High Court, Guwahati.
27. The Court Officer Nos. 1 & 2, Gauhati High Court, Guwahati.
28. The Chief Security Officer, Gauhati High Court, Guwahati.
29. The C.A. to the Registrar General, Gauhati High Court, Guwahati.
30. The Gauhati High Court Notice Board, (Old Block & New Block).

  
**REGISTRAR GENERAL**

  
27/8/2020