



THE HIGH COURT OF KERALA

No: **DI-1/146/2016**

Ernakulam-682031
Email: dlsection.hc-ker@gov.in
Phone: 0484-2562985
Fax: 0484-2562451
Date: **18-10-2023**

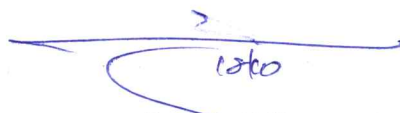
OFFICIAL MEMORANDUM

Sub: Kerala Digitisation of Court Records Rules, 2023 – notification
published in the Kerala Gazette – reg.

Ref: High Court Notification no. DI-1/146/2016 dated 04/10/2023
published in Part III of the Kerala Gazette Vol. XII, No. 41 dated
10/10/2023

A copy of the notification mentioned under reference is communicated for
information and necessary action.

(By Order)


Justus Wilson
Assistant Registrar



Encl: as above

To

All the District Judges
All the Chief Judicial Magistrates

P.T.O

Copy to

The Additional Chief Secretary to Government, Home (C) Department
The Advocate General, Kerala
The Director General of Prosecutions, Kerala
The Director, Kerala Judicial Academy, Athani
Adv. G. Unnikrishnan, Secretary, Rule Committee,
Vigneswaram, Ganapathy Temple Road, Edappally- 682 024.
The Chief Librarian, High Court
The IT Section, High Court (For publishing in the High Court website)
The ARS, High Court (2 copies)
The stock file

Copy submitted to -

The Registrars, High Court

compose.kerala.gov.in
egazette.kerala.gov.in
printing.kerala.gov.in



Regn.No. KERBIL/2012/45073
dated 2012-09-05 with RNI
Reg No.KL/TV(N)/634/2021-2023

കേരള സർക്കാർ
GOVERNMENT OF KERALA

കേരള ഗസറ്റ് KERALA GAZETTE

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
PUBLISHED BY AUTHORITY

ചൊവ്വ, 2023 ഒക്ടോബർ 10

Tuesday, 10th October 2023

1199 കന്നി 23

23rd Kanni 1199

വാല്യം 12

Vol. XII

1945 ആശ്വിനം 18

18th Aswina 1945

നമ്പർ

No.

} 41

Part III

Administration of Justice - Judiciary

©

കേരള സർക്കാർ
GOVERNMENT OF KERALA

2023



NOTIFICATION

No. D1-1/146/2016.

4th October 2023.

In exercise of the powers conferred under Articles 225 and 227 of the Constitution of India read with Section 122 of the Code of Civil Procedure, 1908 (Central Act 5 of 1908) and all other powers hereunto enabling it in this behalf, the High Court of Kerala after previous publication of the draft Rules in the Kerala Gazette Vol. XII, No. 12, dated 21st March, 2023 as Notification No. D1-1/146/2016, dated 17th March, 2023, and after having considered the objections/suggestions received thereon, and with the previous approval of the Government of Kerala conveyed in G.O.(Rt.) No. 2697/2023/Home dated 23-9-2023, hereby makes the following Rules, namely:—

Rules**PART—I**

1. *Short Title and Commencement.*— (1) These rules may be called the Kerala Digitisation of Court Records Rules, 2023.

(2) They shall come into force on the date of publication in the Official Gazette.

2. *Definitions.*—In these rules, unless the context otherwise requires,—

(a) “Application Software” means any programme or group of programmes, that is designed for the end user and shall include such things as database programmes, word processors, spreadsheets etc;

(b) “Authorised Officer” means and includes the Filing Scrutiny Officer of the High Court, the Chief Ministerial Officer and such other officer authorised or designated as such by the High Court or the District Judge or the Chief Judicial Magistrate or the Presiding Officer of the Tribunals and other courts as the case may be;

(c) “Chief Justice” means the Chief Justice of the High Court of Kerala and shall include any Judge appointed by the President of India under Article 223 of the Constitution of India to perform the duties of the Chief Justice;

(d) “Digitisation” means the process of converting analog data in any form into digital form or data in non-editable format including Portable Document Format or other appropriate non-editable format and includes documents, images, sound clips or any other electronic record that can be understood by computer systems or electronic devices and shall include creation of necessary backups for such data in such manner as may be decided by the High Court from time to time;

(e) “Digitisation of the High Court Records” means conversion of all physical files of the High Court including judicial records of disposed and pending cases, administrative and accounts records, all registers on the judicial, administrative and accounts side, Gazette notifications, memoranda and circulars, into digital form, capable of being understood by computer systems;

(f) “Digitisation of the Subordinate Court Records” means conversion of all physical files of subordinate courts including judicial records of disposed and pending cases, administrative and accounts records, all registers on the judicial, administrative and accounts side, Gazette notifications, memoranda and circulars, into digital form, capable of being understood by computer systems;

(g) “Electronic Record” shall have the same meaning as in clause (t) of sub-section (1) of section 2 of the Information Technology Act, 2000 (Central Act 21 of 2000);

(h) “High Court” means the High Court of Kerala;



(i) "Proceeding" includes all documents presented to or filed in court by any party or commissioner or other officer of court, other than documents produced as evidence;

(j) "Records of Disposed Cases" means the records of cases finally disposed of but shall not include the records which ought to have been destroyed under the Records Destruction Rules, Kerala;

(k) "Subordinate Court" means all the courts and Tribunals coming within the supervision and control of the High Court;

PART—II

3. *Preservation and Elimination of Judicial Records.*— (a) The records of cases pending and finally disposed of by the High Court or the Subordinate Courts shall be digitised and preserved permanently.

(b) The Registrar General or the authorised officer shall supervise the digitisation in the High Court.

(c) The District Judge or the authorised officer shall supervise the digitisation in the Courts under his administrative control.

(d) The Chief Judicial Magistrate or the authorised officer shall supervise the digitisation in the Courts under his administrative control.

(e) The Presiding Officers of the Tribunals and all other courts, coming within the supervision and control of the High Court, shall supervise the digitisation process in their respective Tribunals and courts.

(f) On completion of digitisation, the Registrar General or the District Judge or the Chief Judicial Magistrate or the Presiding Officer of the Tribunals and other courts or the authorised officer, as the case may be, shall certify in Form A that the entire judicial records have been so digitised and that such records are available in appropriate non-editable format.

(g) After the digitised records are certified, they shall be used as original copies as provided in the Rules of the High Court of Kerala, 1971, Civil Rules of Practice, Kerala or the Criminal Rules of Practice, Kerala, 1982.

(h) In cases finally disposed of and on completion of digitisation, a notice shall be issued to the parties who have produced documents, in the address provided by them or in their last known address, calling upon them to collect all the original documents produced by them.

(i) The physical records so digitised shall be preserved/destroyed/disposed of as provided under the Records Destruction Rules, Kerala or the Rules of the High Court of Kerala, 1971, as the case may be.

PART—III

4. *Digitisation of Registers and Administrative Records.*—(a) All the Administrative/Judicial/Accounts Registers of the High Court and the Subordinate Courts which have to be preserved under the Records Destruction Rules, Kerala, shall be digitised and preserved permanently.

(b) The Registrar General or the authorised officer shall supervise the digitisation in the High Court.

(c) The District Judge or the authorised officer shall supervise the digitisation in the Courts under his administrative control.

(d) The Chief Judicial Magistrate or the authorised officer shall supervise the digitisation in the Courts under his administrative control.



(e) The Presiding Officers of the Tribunals and all other courts, coming within the supervision and control of the High Court, shall supervise the digitisation process in their respective Tribunals and courts.

(f) The digitisation of pending registers shall be updated as and when necessary.

(g) On completion of digitisation, the Registrar General or the District Judge or the Chief Judicial Magistrate or the Presiding Officer of the Tribunals and other courts or the authorised officer, as the case may be, shall certify in Form B, that the registers referred above have been so digitised and that such registers are available in appropriate non-editable format.

(h) After the digitised registers are certified, they shall be used as original for the purpose of generating certified copies as provided in the Rules of the High Court of Kerala, 1971, Civil Rules of Practice, Kerala or the Criminal Rules of Practice, Kerala, 1982.

(i) The physical registers so digitised shall be preserved/destroyed/disposed of as provided under the Records Destruction Rules, Kerala or the Rules of the High Court of Kerala, 1971, as the case may be.

PART—IV

5. *Digitisation of other documents.*— (a) Subject to what has been specifically provided for, all other documents forming part of the judicial proceedings/administrative records/accounts which have to be preserved under the Records Destruction Rules, Kerala or the Rules of the High Court of Kerala, 1971, shall be digitised and preserved permanently.

(b) The Registrar General or the authorised officer shall supervise the digitisation in the High Court.

(c) The District Judge or the authorised officer shall supervise the digitisation in the courts under his administrative control.

(d) The Chief Judicial Magistrate or the authorised officer shall supervise the digitisation in the courts under his administrative control.

(e) The Presiding Officers of the Tribunals and all other courts, coming within the supervision and control of the High Court, shall supervise the digitisation process in their respective Tribunals and courts.

(f) On the completion of digitisation of the records mentioned above, the Registrar General or the District Judge or the Chief Judicial Magistrate or the Presiding Officers of the Tribunals and other courts or the authorised officer, as the case may be, shall certify, in Form B, that such records are available in appropriate non-editable format.

(g) The physical records so digitised shall be preserved/destroyed/disposed of as provided under the Records Destruction Rules, Kerala or the Rules of the High Court of Kerala, 1971, as the case may be.

FORM A [Rule 3(f)]

Certified that the judicial records relating to (describe the record) have been digitised as per the Kerala Digitisation of Court Records Rules, 2023, in non-editable format using appropriate application software ensuring accuracy of such data and the said data has been compared with the hard copy and found to be correct.

Dated this the day of20....

Office Seal

Signature with Designation



FORM B
[Rules 4(g) and 5(f)]

Certified that the contents of the(describe the record) have been digitised as per the Kerala Digitisation of Court Records Rules, 2023, in non-editable format using appropriate application software ensuring accuracy of such data and the said data has been compared with the hard copy and found to be correct.

Dated this the ... day of 20....

Office Seal

Signature with Designation

(By order),

P. KRISHNA KUMAR,
Registrar General.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport)

There is remarkable increase in the filing and disposal of cases in the High Court and Courts in District Judiciary in recent years. With the constraints of space, the preservation of judicial records that have to be retained permanently has become a problem. With the help of technology, case records can be digitally preserved after their scanning and digitisation. Though space saving is the immediate benefit of digitisation, it also increases efficiency in retrieval of information, protection of vital records, prevents loss, enables quick finding of documents, prevents tampering etc.

In order to empower the Courts and Tribunals in the State including the High Court to preserve records digitally, it was decided to issue Kerala Digitisation of Court Records Rules, 2023.

The notification is intended to achieve the above object.

