

बरुण मित्रा, मा.प्र.से.
BARUN MITRA, IAS



सचिव
न्याय विभाग
विधि और न्याय मंत्रालय
भारत सरकार
SECRETARY
DEPARTMENT OF JUSTICE
MINISTRY OF LAW & JUSTICE
GOVERNMENT OF INDIA

DO No. No.12012/992020-eCourts

Dated the 30th November, 2021

A communication has been addressed by Dr. Justice D. Y. Chandrachud, Hon'ble Judge, Supreme Court of India and Chairperson eCommittee on 09.10.2021 to all Chief Justices of the High Courts urging them to ensure that e-filing of cases/petitions by the government in all matters is made mandatory from 1st January, 2022 and that there should be no physical filing of cases by the Government in any matter thereafter. The relevant excerpts of the letter is enclosed as annexure.

As part of the eCourts Project, the system of e-filing and online payment of fees has been given a strong foundation. The next step is to create an ICT enabled eco-system which supports digitized hearing to pave the way for digital and paperless courts. However, for this to succeed, there is an urgent and definite need to make e-filing the standard norm. However, it has been noticed that the preferred mode of filing by most stakeholders of the judicial system continues to be in the physical form. The Government being the biggest litigant contributes majorly to the volume of cases in the various courts across India. Hence adoption of e-filing by Government departments will impart the best possible boost to the goal of court digitization.

I would request you to kindly sensitise all Central Government Ministries/Departments to gear up for mandatory e-filing for all Government litigation by 1st January, 2022.

Yours sincerely,
Sd/-
(Barun Mitra)

Shri Anoop Kumar Mendiratta,
Secretary,
Department of Legal Affairs,
Shastri Bhawan
New Delhi

N.O.O.

Copy to All Secretaries of Central Ministries/Departments, Government of India.


(Barun Mitra)

Annexure

The excerpt of the suggestions made by Dr. Justice D. Y. Chandrachud in the letter dt. 9th October 2021 are enlisted below:

1. Government is one of the major litigants in court matters. If governmental institutions adopt e-filing, it will serve the cause of digitization. Please ensure that e-filing of cases/petitions by government in all types of matters is made mandatory from 1 January 2022. After such date, there should be no physical filing of cases by government in any matter;
2. The High Court may also consider making e-filing compulsory for all in some categories of matters like revenue, tax, arbitration, commercial disputes and any other category as deemed fit by the High Court, from 1 January 2022;
3. You may consider making e-filing of petitions, appeals and revisions against the judgments/orders of the subordinate courts mandatory from 1 January 2022. In case of e-filing of an appeal or revision, the required record of the trial court can be digitally linked with the appellate/revisonal court. This will serve as an incentive for litigants and advocates to adopt e-filing as they will not be required to file copies of the trial court record in the petition, appeal or revision;
4. Suits for money recovery (loan recovery suits by banks, arrears of rent, etc.), complaints under Section 138 of the Negotiable Instruments Act, applications for maintenance, petitions for divorce by mutual consent and bail applications can also be considered for mandatory e-filing;
5. Embrace of technology by judges is equally important to institutionalise digitization. I may share with you that I access all court cases only on the digital platform. I request you to encourage your brother/sister judges and the judges of the district judiciary to access court records digitally, either scanned or e-filed. This will also send a positive message among advocates to adopt e-filing;
6. One of the ways to popularise e-filing is to incentivise advocates for e-filing. It has come to the notice of the eCommittee that High Courts insist on advocates submitting physical copies of the case even if they have resorted to e-filing. This defeats the entire purpose of e-filing. Advocates are reluctant to file the case electronically since in any event, they have to submit a physical copy. I request you to issue an

appropriate practice note/ circular to withdraw the requirement of submission of physical copies of the case file if e-filing has been made;

7. Digitization of court record includes legacy record. Availability of the record in a good condition is a prerequisite for scanning and digitization. You are requested to ensure that all the legacy records are preserved properly to avoid any damage or destruction due to poor storage; and
8. The Digital Preservation SOP provides for digitization of the entire legacy record. It also provides for interoperability of such data. There is also a provision for backup and disaster recovery. In view of this, once digitization takes place, except a few documents, there may not be a need to preserve such data in the physical form awaiting its destruction as per the prevailing rules of the High Court. One of the benefits of digitization is decongestion of court premises, occupied by the legacy record. The available space can be used for other purposes. You are requested to consider suitably amending the rules/practice notes enabling expeditious destruction of physical legacy record, which has been duly digitised as per the digital preservation SOP.
