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PATNA HIGH COURT

Notification

23rd September 2020

RULES FOR ON-LINE ELECTRONIC FILING (E-FILING) FRAMED UNDER ARTICLE 225 AND 227 OF THE CONSTITUTION OF INDIA

No.103(R)/2020—**Short Title, Applicability and Commencement.—**These Rules will be called e-filing Rules. They will be applicable to the High Court of Judicature at Patna and to the District Courts and Tribunals over which it has supervisory jurisdiction.

These Rules will come into force from the date notified by the High Court.

1. Preface.—These Rules will apply to on-line e-filing and e-filing through Designated Counters and facilities provided for e-filing, including e-Service Centres. The rules will apply to such categories of cases as would be notified by the High Court. These Rules amend and consolidate the existing Rules and Practice Directions.

2. Definitions

2.1. **Action:** 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 and interlocutory applications.

2.2. **Administrator:** means the Registrar (IT) or an officer appointed by the Chief Justice for administering and dealing with matters connected with or relating to e-filing.

2.3. **Bench:** means and includes one or more Judges assigned to adjudicate upon Actions or the presiding officer of the Court or Tribunal as the case may be.

2.4. **Physical Filing:** means Actions and pleadings filed as hard copies.

2.5. **Designated Counters:** means and includes those counters which find mention in Appendix-I and those that may be included or excluded from Appendix -I from time to time.

2.6. **District Courts:** means and includes the courts established and functioning under the control and supervision of the High Court.

2.7. **Electronic Filing (e-filing):** means e-filing as prescribed through the Internet (at the web portal of the Court) and through the internet/intranet at 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:** High Court means the High Court of Patna.

2.10. **Objections:** means and includes deficiencies and errors pointed out by the Registry in relation to the Actions instituted in the Court.

2.11. **Opposite Party:** means defendant(s), respondents, judgment debtor(s) and non-applicant(s).

2.12. **Party:** means appellant(s), plaintiff(s), petitioner(s), complainant(s) and applicant(s).

2.13. **Pleadings:** means pleadings filed in support or defence of an Action including affidavits, additional affidavits and supplementary affidavits.

2.14 **PDF:** means an electronic document filed in a portable document format.

2.15. **PDF/A:** means an ISO-standardized version of the Portable Document Format (PDF) specialized for the digital preservation of electronic documents.

2.16. **Registry:** means the Registry of the Court.

2.17. **Statement of Defence:** means and includes written statements, replies, counter affidavits and additional or supplementary affidavits.

2.18. **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.

2.19. **Third Party:** means and includes any person or entity seeking to become a party or to intervene in an Action.

2.20. **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. General Instructions

3.1. On-line e-filing shall be made by visiting the web portal of the Court, namely: https://efiling.ecours.gov.in/br/

3.2. Except as provided in these Rules, Actions, whether in fresh, pending or disposed of 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.

3.3. 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 charges as stipulated by Hon'ble The Chief Justice from time to time.

3.4. The size of the e-file should not exceed 25 MB. In case the file size exceeds 25 MB, the Advocate or litigant should visit any one of the Designated Centres for enabling e-filing through the intranet.

4. Steps for Registration

4.1. 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.ecours.gov.in/br/) to view the form.

b) Click the registration link.

c) Fill the form with requisite details.

d) 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

a) Should visit the web portal (https://efiling.ecours.gov.in/br/) to view the form.

b) Click the registration link.

c) Fill the form with requisite details.

d) Submit the filled-up form along with the self-attested copy of any identity document issued by the Government (in PDF format only).

4.2. 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 in. 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.

4.3. 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 Appendix-II.

5. Frame of Pleadings.—The pleadings should be clear and concise. Parties and third parties should set forth their claims/averments in separate paragraphs. The statement of truth/ 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).

6. Formatting

6.1. All the original typed text material including notice of motion, memorandum of parties, main petition or appeal, interlocutory application(s), reply, status report, affidavit, documents, will be prepared electronically using the following formatting style:

- Paper size : A-4
- Top Margin : 1.5"
- Bottom Margin : 1.3"
- Left Margin : 1.75"
- Right Margin : 1.0"
- Alignment : Justified
- Font : Times New Roman
- Font size : 14
- Line spacing : 1.5
- If any document is typed in a local language in Trial Courts, it must be in prepared using Unicode Font 14

6.2. The document should be converted into Optical Character Recognition (OCR) searchable Portable Document Format (PDF) or PDF/A using any PDF converter or inbuilt PDF conversion plug-in provided in the software. PDF/A is the preferred format.

6.3. A document which is not a text document and has to be enclosed with the Action, should be scanned using an image resolution of 300 DPI (Dots per inch) in OCR searchable mode and saved as a PDF document. The procedure for converting a document into an OCR searchable PDF as mentioned above and as required in clause 8.1 is set out in Appendix — III.

7. Digital Signatures

7.1. 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 possess 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.

7.2. A List of recognized Digital Signature Providers and the procedure involved in appending single or multiple signatures is set out in Appendix — IV.

7.3. 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-Sign based on Aadhaar authentication.

8. Dos and Don't's

8.1. The text documents and scanned documents set out in clauses 6.3 and 7.1 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. The procedure in this behalf is set out in Appendix -V.

8.2. The merged documents should be uploaded at the time of on-line e-filing. Screenshots 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 are set out in Appendix - I.

8.3. Once e-filing is accepted, the filing or registration number shall be notified to the Advocate or litigant in person.

8.4. In case on-line e-filing includes audio and/or video files, the Administrator shall generate a hash value.

8.5. Special Characters are not allowed while e-filling Memo of Parties and Advocate remarks.

8.6. 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 should not exceed 45 characters in length, including spaces. Single space must be counted as one character each.

8.7. On-line e-filing shall not be watermarked or encrypted. The e-filed documents shall not contain any virus, malware, spam-ware, trojan horse or the like. All the efiled documents shall be legible and free of markings, track changes or annotations.

9. Payment of Court Fees/Other Charges.—Court fee and other charges can be paid either electronically by purchase on the online facility provided by the authorised agency or from the Designated Counters

provided for the purpose in the High Court and District Courts or from any authorized court fee vendor. The Transaction ID provided upon payment of court fee and other charges is required to be entered in the appropriate field at the time of on-line e-filing.

10. Retention of Originals

10.1. Originals of the documents that are scanned and digitally signed 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.

10.2. The signed vakalatnama, signed and notarized/attested affidavit and 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.

10.3. Notwithstanding anything above, the following documents will have to 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 lA 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.

10.4. The responsibility of producing the originals and proving their genuineness shall be of the party that has electronically filed scanned copies of the document.

11. Access to the Electronic Data of the Action.—Access free of cost access will be available to authorized person(s) to data e-filed by any of the parties to the specific Action, as is presently being provided in pending Actions. This facility shall be in addition to the procedure of obtaining certified copies.

12. Exemption from e-filing.—Exemption from on-line e-filing of the entire pleading or a part of the pleadings and/or documents may be first put up before the Registrar (List) or Joint Registrar (Judicial) upon an application being made for that purpose in the following circumstances:

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

13. Service of Electronic Documents.—In addition to the prescribed mode of service, 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. 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.

14. Computation of Time

14.1. 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 (1ST) will apply.

14.2. E-filing through Designated Counters will be permissible up to 3.30 P.M. on any court working day. On-line e-filing carried out after 3.30 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.

14.3. 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 efiling between 9.00 A.M. to 3.30 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.

14.4. 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.

15. Procedure for Filing Caveat.—All caveats can be filed on-line. The procedure for this purpose is set out in Appendix — VI.

16. 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.

17. Storage and Retrieval of e-Filed Documents and Pleadings.—E-filings will be stored on an exclusive server maintained under the control and directions of the Court. Each such filing will be separately labelled and encrypted for 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.

18. Residuary provisions

18.1. 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.

18.2. 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).

18.3. 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.

19. General Caution.—Email is not a secure medium of communication. Any communication transmitted by email 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 assistance/advice.

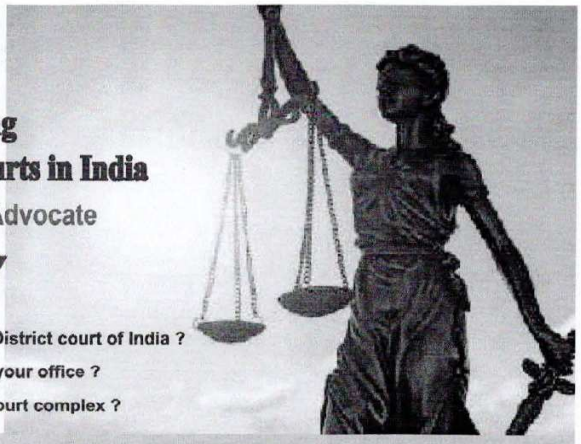
Appendices

APPENDIX — I	Screenshots showing the procedure for accessing the on-line portal, electronic filing of documents and list of Designated Counters.
APPENDIX — II	Screenshots showing the procedure for registration.
APPENDIX — III	Screenshots showing the procedure for converting a document into an OCR searchable PDF.
APPENDIX — IV	Screenshots showing the procedure for appending single or multiple digital signatures.
APPENDIX — V	Screenshots showing the procedure for book-marking.
APPENDIX — VI	Screenshots showing the procedure for filing Caveat.

By order of the Court.
NAWNEET KUMAR PANDEY,
Registrar General.

Register for efiling for High courts / District courts in India

and Become a Digital Era Advocate



Register for efiling

- Are you an advocate practicing in High court / District court of India ?
- Do you want to file your case in the comfort of your office ?
- Do you want to file your case without visiting court complex ?

✓ Then choose efiling -the digital online filing process

- 10 step Registration procedure for Advocate at efiling portal www.efiling.ecourts.gov.in
- Visit efiling portal www.efiling.ecourts.gov.in and become registered user by following the 10 steps herounder

Getting started

"Before starting registration keep the following details ready"

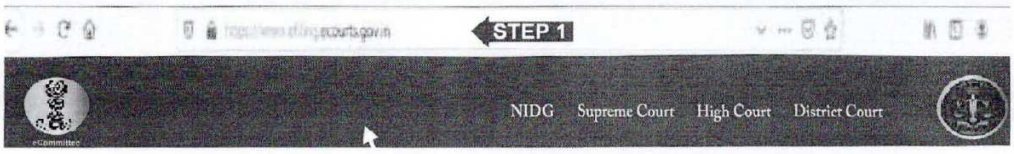
- Details of your mobile number, email ID registered with court database
- Details of your bar enrollment number
- Digital photo in Jpeg/Jpg format size between 5 KB and 5 MB
- Identity proof (Any one Pan card / Aadhar card / Voter card / Driving License / Bar Registration certificate in Jpeg / Jpg format size between 5 KB and 5 MB
- Smart Phone / Laptop with internet connection

- As it is a time bound registration you need to complete within 18 minutes. Dont start registration without having all the above details ready !

Lets start Registration

STEP : 1

Visit www.efiling.ecourts.gov.in



HIGH COURTS & DISTRICT COURTS
E-FILING REGISTRATION

Please select

STEP : 2

select your <state>

- by clicking on the drop list (or)
- by clicking the state directly from the India map

STEP 2

LOGIN

USER-ID

User-id

PASSWORD

Password

CAPTCHA

Captcha

LOGIN

your password ?
your password ?

STEP 3 New User ? Register How Do I ?

STEP : 3

Click "Register" in the login page

REGISTRATION

STEP 4

● ADVOCATE ○ PARTY IN PERSON

STEP : 4

Select the radio button **"Advocate"** in the registration form

REGISTRATION

○ ADVOCATE ● PARTY IN PERSON

STEP 5

MOBILE

Mobile Number ?

EMAIL

Email id ?

BAR REGISTRATION NO

Bar Registration Number ?

CHOOSE USER ID

Enter User Id For Login ?

○ HIGH COURT ● COURT ESTABLISHMENT

HIGH COURT

Select High Court

CAPTCHA

Captcha

GET OTP

STEP : 5

Fill up the following details

- **Mobile Number ***
- **Email ID ***
- (* The mobile number and the email ID that is registered with the court here the advocate practices must be furnished. If mobile number and email id are not registered with court database then registration will not be completed and in that case contact concerned court for registering the same)
- **Bar Registration Number of the Advocate**
- **Choose User ID (your preferable choice)**
- **Choose where you are Enrolled**
- **High Court / court establishment**
- **Choose the High court**
- **Enter the captcha**
- **Click "GET OTP"**

STEP : 6

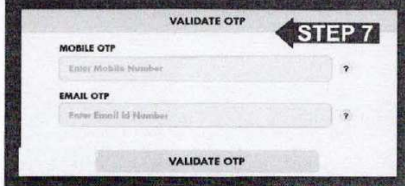
- **Check your registered mobile number and the registered email ID for OTP. You shou receive 2 separate OTP in your mobile number and the email ID. In some cases you m receive one OTP in your mobile number alone, in that case enter the OTP received**

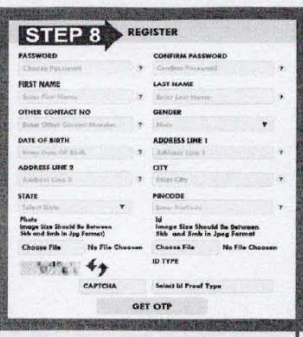
STEP : 7

Two OTP verification : If you have received Two OTPs, Enter the OTP received in your mobile number and the OTP received in your email Id in the respective entrybar and click verify OTP

(or)

One OTP verification : In some cases if you have received one OTP in your mobile number alone, then enter that OTP in the mobile OTP entry bar and click verify OTP.





STEP : 8

Fill other Details

- Password

  (Password must contain minimum 8 digi and must include 1 uppercase characte 1 lower case character, 1 number, 1 specia character)

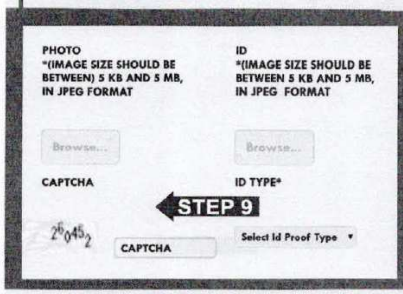
- Confirm Password
- First Name — Last Name
- Other contact number — Gender
- Date of Birth (DD/MM/YY)
- Address Line 1 — Address Line 2
- City — State

  Pincode

STEP : 9

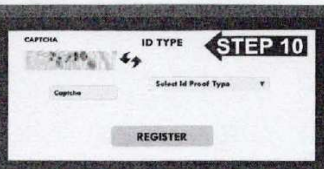
Upload your Photo and ID

- Upload your Photo (in Jpeg/Jpg format of size less between 5 KB and 5 MB) using "Choose file" option
- Upload Identity proof in image size less than 5 KB and 5 MB using the "Choose file" option
- Suppose you don't have digital photograph just take a photo from your smart phone and upload



Similarly, if you don't have digital copy of your ID cards, then you can take a photo or scan the ID cards using any scan application and upload. Before uploading ensure that your photo and the ID card are in the format Jpeg or Jpg and in size between 5 KB and 5 MB

Then you have to choose the type of ID card uploaded i.e. Pan card / Aadhar card / Voter card / Driving License / Bar Registration certificate from the drop box.



STEP : 10

- Finally enters the captcha code given in box and click the "Register" button to complete the Registration process. You will finally get the message "Registered Sucessfully"

You have sucessfully become a registered Advocate of efiling
Welcome to the digital world of efiling of High Courts / District Courts of India
Start efiling you cases from the comfort of your office

Circulated by

APPENDIX-III

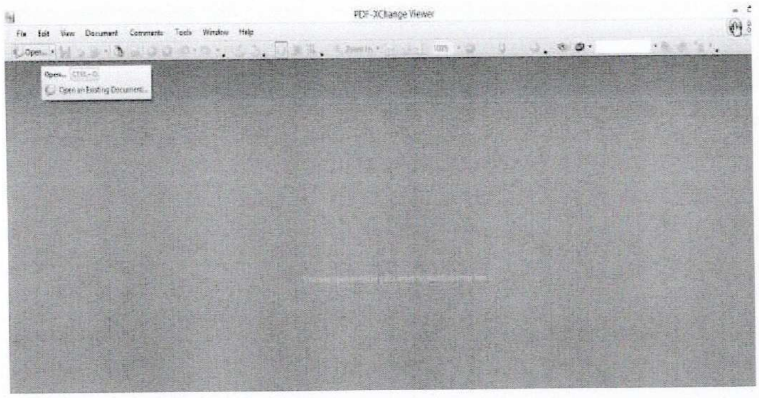
Procedure for converting a document into an OCR searchable PDF.

There are many free & trial version software available online that can be downloaded from internet for creating OCR in PDF files. These includes PDF -XChange viewer, Adobe Acrobat, Abbyy FineReader etc.

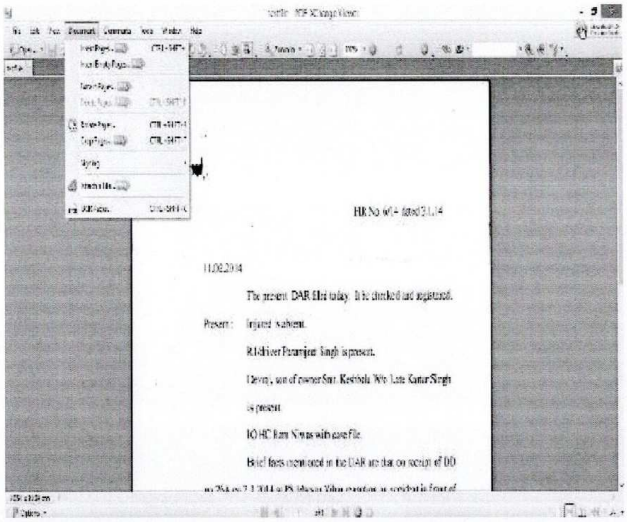
Open the PDF file containing a scanned image you wish to Convert in OCR Format

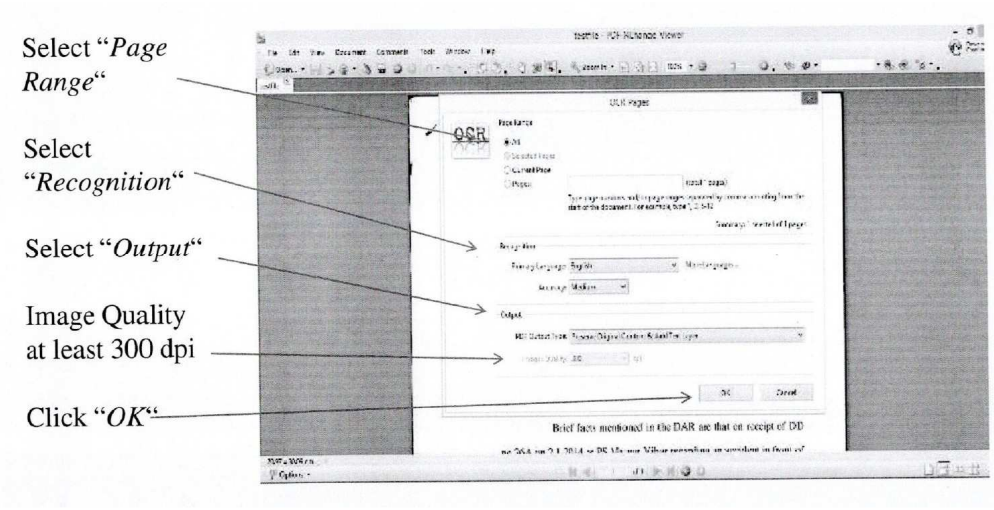
Using PDF- XChange Viewer – free

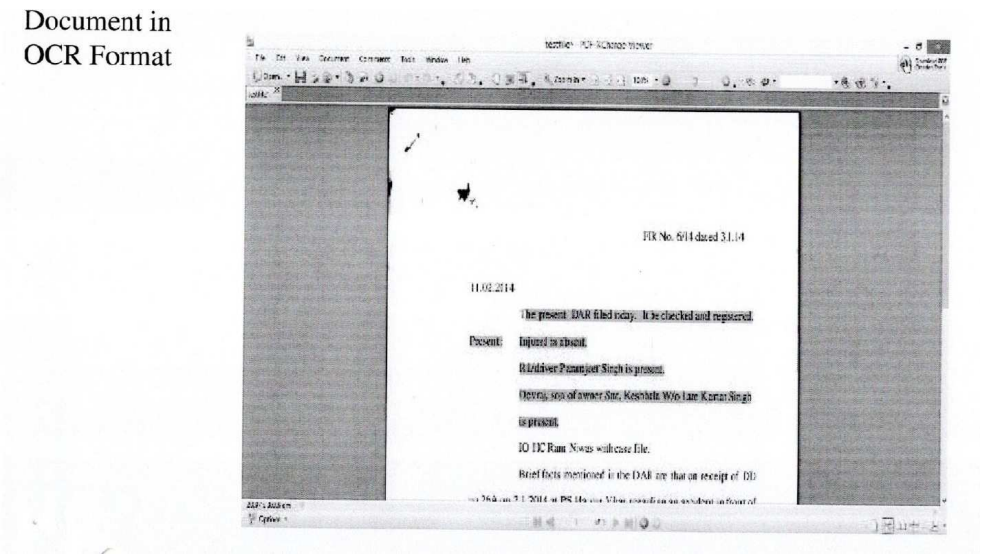
From the main menu, select "*Open*" → "*Open an Existing Document*"→ Open any PDF Document.



From the main menu, select "*Document*" → "*OCR Pages*".

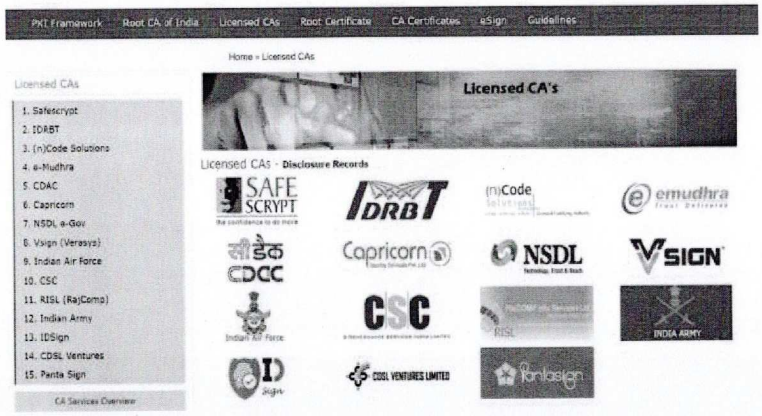



Select "*Page Range*"
Select "*Recognition*"
Select "*Output*"
Image Quality at least 300 dpi
Click "*OK*"


Document in OCR Format

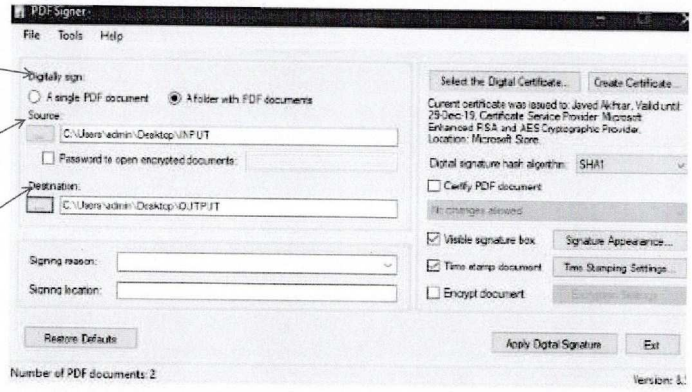
APPENDIX - IV

Please go to the website - http://cca.gov.in to get the list of Licensed CAs-

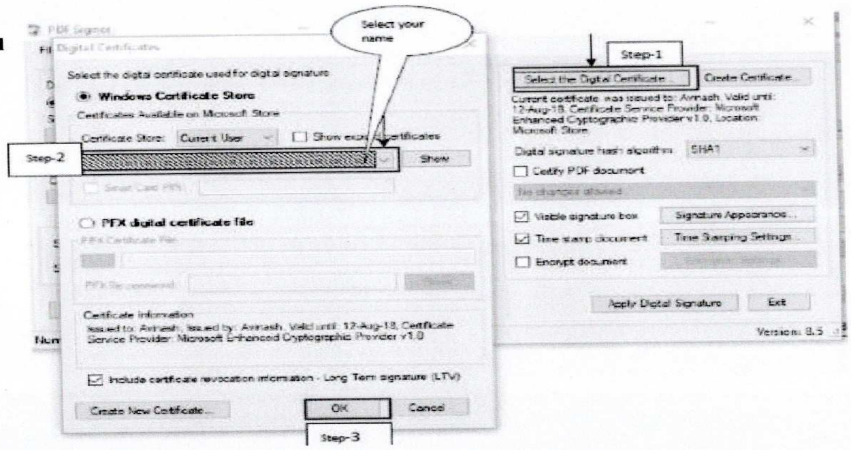


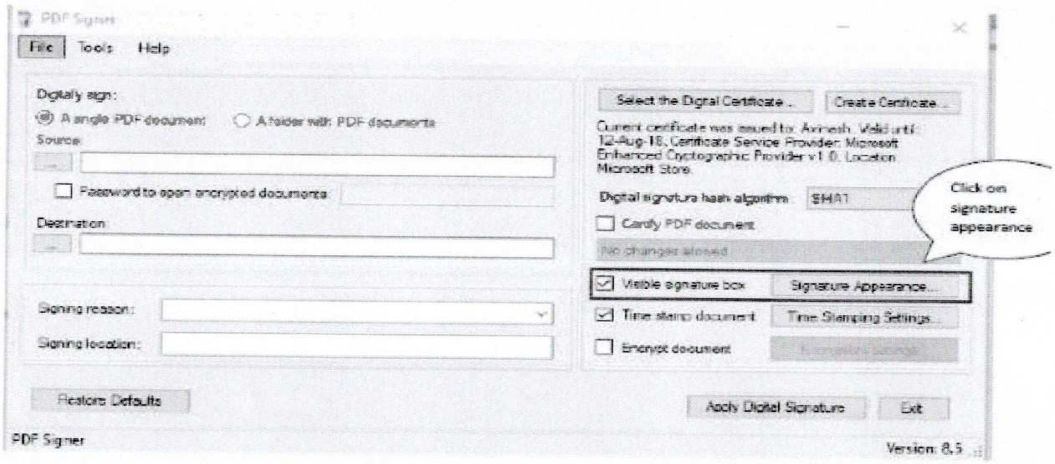
Procedure for Digital Signature

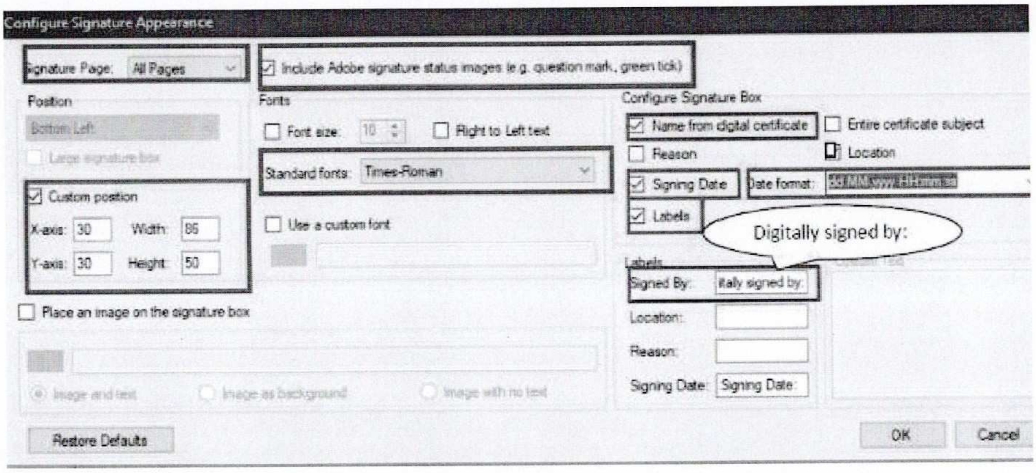
1. Using PDF Signer.
2. Select "A single PDF document" or "A Folder with PDF documents".
3. Select Source
4. Select Destination

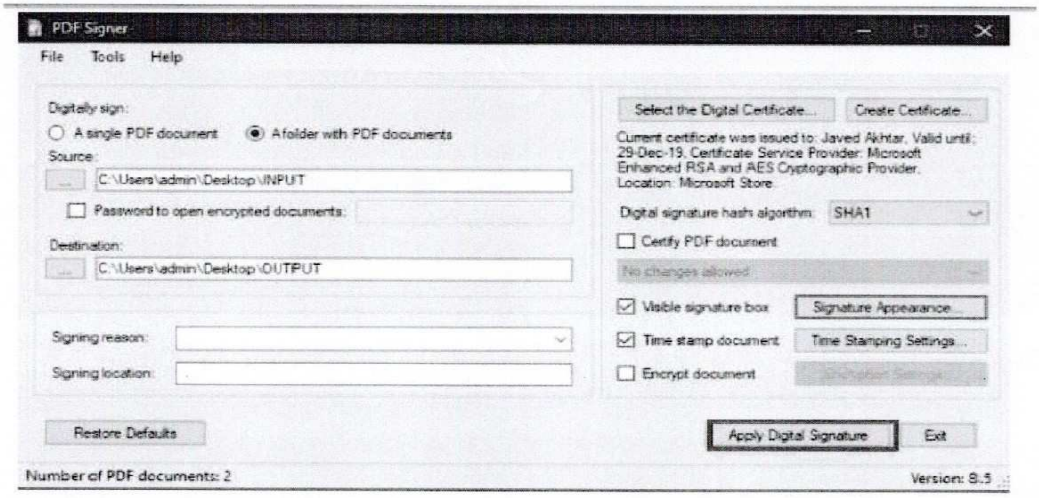


1. **Select Digital Certificate**
2. **Select your Name.**
3. **Click *OK***





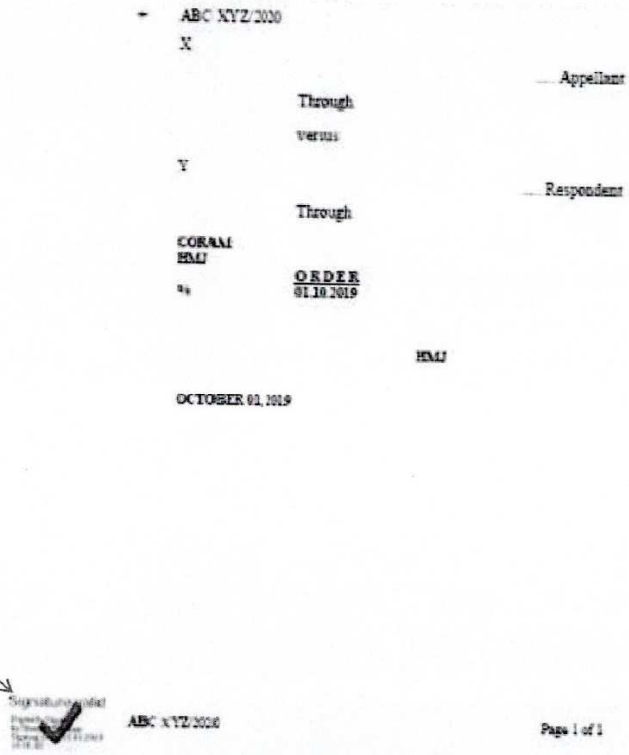




1. **Go to Destination Folder & check Digitally signed PDF File**

2. **PDF File After Digital Signature**

3. **Digital Signature**



APPENDIX - V

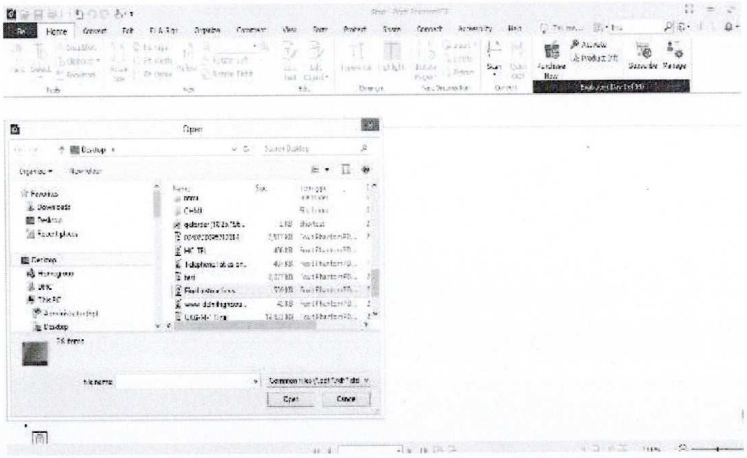
There are many free software program available online that can be downloaded from internet for creating bookmarks in PDF files. These includes Foxit Reader, Abbyy FineReader, Adobe Acrobat etc.

Foxit Reader(Using for Bookmark)
Download the software from website https://www.foxitsoftware.com/pdf-reader. The software program may be downloaded by clicking on Free Foxit Reader Download link available on website.

Open the PDF file to Bookmark

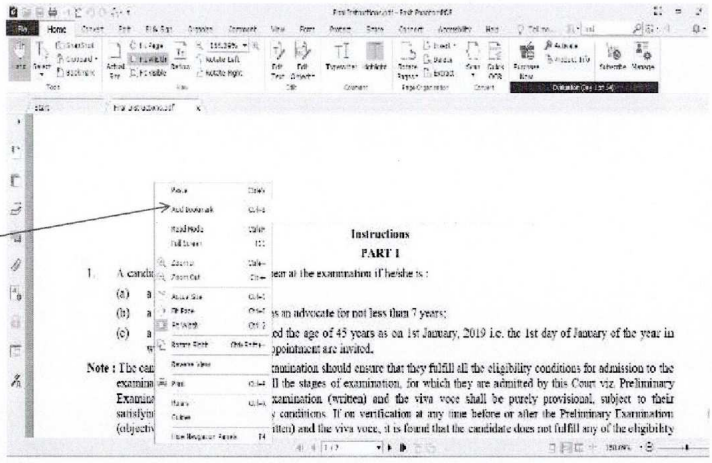
Using Foxit Reader – free trial

Select & open the PDF document to make bookmark



Using Foxit Reader – free trial

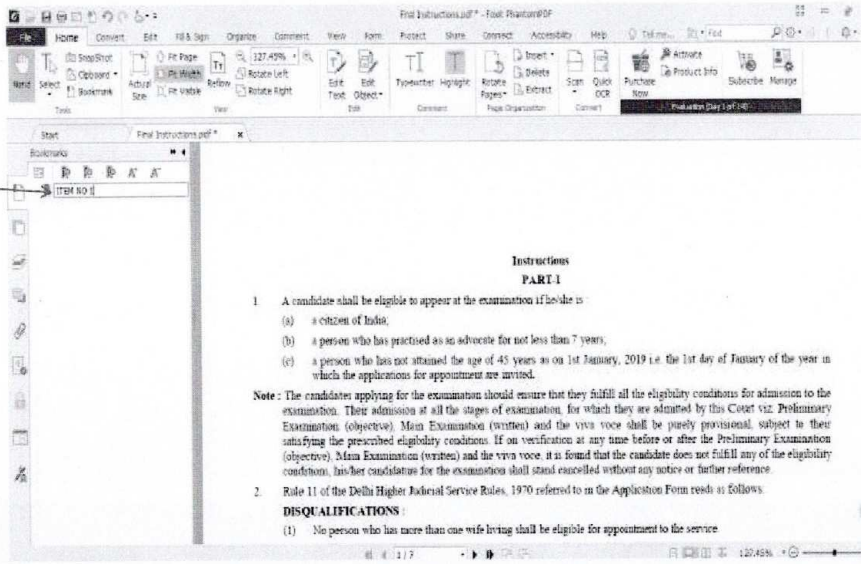
Right-click the selection and click **Add Bookmark...** on the shortcut menu or Press Ctrl+B → Click on Add Bookmark (**Bookmarks** panel will open)



Using Foxit Reader – free trial

1. Type the name of your Bookmark

2. By default, the newly created bookmark will point to the start of the current page.



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