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## Part III—Section 2

Statutory Notifications and Orders issued by  
Heads of Departments.

NOTIFICATIONS BY HEADS OF DEPARTMENTS, ETC.

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**NOTIFICATIONS BY HEADS OF DEPARTMENTS, ETC.**

## JUDICIAL NOTIFICATIONS

**The Madras High Court Digitization Rules, 2022***(R.O.C. No. 1224-A/2014/Digtz)*

No. SRO C-2/2024.

**Scope and objective:**

The advancement in technology has dispensed with the need to hold huge records physically by digitization of the same. The digitization requires to cope with the need for creation of user-friendly database with features for free text, context, keyword-based searching and for purpose of safe custody, creation of space for records and systematic destruction and preservation methods. The digitization, through integrated web technology, enables utilization of data seamlessly over Intranet, Virtual Private Network (VPN) as well as on the Internet that allows the High Court of Madras to scan and integrate all types of records, Judgements/Orders and enable the end users to search quickly and comprehensively across different media from the vast database available at the High Court of Madras.

Various types of archival material/data in the Courts comprise of case data/records or Judgements/orders and other records collectively called "Court Holdings", or "artifacts". Courts of India have, principally, following kinds of holdings, which are considered in the scope of digitization:

- Fresh filed cases (current cases),
- Documents received in pending cases,
- Pending records,
- Disposed of records (daily disposal - unripe for destruction),
- Disposed of records (before digitization initiated - legacy),
- Electronic documents created (electronically signed) by different stakeholders.

Digitization initiatives need to take account of existing policies, policies evolved and practice in relation to both the management of current records and the digital preservation of any records which are produced because of such digitization.

**Preamble:**

Therefore, in exercise of the powers conferred under Article 225 of the Constitution of India and in consonance with the relevant provisions of the Indian Evidence Act, 1872, Information Technology Act, 2000, Right to Information Act 2005 and Public Records Act, 1993, the High Court of Judicature at Madras hereby makes the following rules for digitization of records, namely:-

**CHAPTER-I / PREFATORY**

**1. Short Title:** - These Rules may be called as the "THE MADRAS HIGH COURT DIGITIZATION RULES, 2022".

**2. Commencement :** - These rules shall come into force from the date of their publication in the Tamil Nadu Government Gazette.

**3. Definitions:-**

(1) "**Administrative records**" shall mean records emanating in the administrative side of the court functioning, including all files, notings, directions, minutes of meetings, notifications, rules, directions and practice directions;

(2) "**Appellate Side Rules**" shall mean the Madras High Court Appellate Side Rules of 1965, as amended from time to time;

(3) "**Application software**" means a program or group of programs designed for the end users. The term 'application software' includes reference to database programs, word processors, spreadsheets;

(4) "**Case records**" means all records relating to cases before the Court, including entire pleadings, forms as per filing procedures, docket sheets, daily orders, proceedings, order, judgement, decree;

(5) **"Designated Authority"** means such officer of the Court, or department of the Court, as may be identified by the Administrative Committee of the High Court to discharge the functions contained herein under the supervision of the Registrar (I.T.-cum-Statistics);

(6) **"Digitization"** means the process of converting analog signals or information in any form, into a digital and un-editable format that can be understood by computer systems or electronic devices.

(7) **"Digitization of High Court records"** means digitization of all types of physical files, including case records, namely, legacy, disposed of, pending and current records, documents filed in pending cases, administrative records, all Law Reports, Gazette notifications / publications, old books, all registers;

(8) **"Digitization SOP"** means the Digital Preservation Standard Operating Procedure (SOP) as and when framed and brought into force by the e-Committee of the Supreme Court of India and adopted by the High Court.

(9) **"Digitized/Electronic Records (e-Records)"** shall bear the same meaning as assigned under the Information Technology Act, 2000;

(10) **"Digital Preservation"** is a secure and trustworthy mechanism to ingest, process, store, manage, protect, find, access, and interpret digital information such that the same information can be used in spite of obsolescence of everything: hardware, software, processes, format and people;

(11) **"Disaster Recovery"** means the backup of the digitized records in a storage central place at remote area as established by the High Court in terms of the National Digital Preservation Policy for the purpose of recovery of such data, apart from the master data in the Judicial Digital Repository.

(12) **"Judicial Digital Repository"** means the permanent storage central place, where data is stored and maintained in systems as master data and this data comprises of collection of all electronic records by way of digitization.

(13) **"Local Area Network"** means a computer network that interconnects computers in a limited area such as home, school, computer laboratory or office building, etc., using network media;

(14) **"Official"** means the officer and employees of the High Court of Madras;

(15) **"Original Side Rules"** shall mean the Madras High Court Original Side Rules, as amended from time to time;

(16) **"Physical Records"** means and include records on paper of:

- a) legacy records,
- b) cases-current, pending or disposed of,
- c) records generated in the pending cases,
- d) administrative records,
- e) gazette notifications /circulars / publications, etc.,
- f) journals and books,
- g) registers, etc.,

(17) **"Record Retention Policy"** shall mean such policy as may be evolved by the High Court for selection of physical records for digitization, which may provide, Inter alia, the following:

- i. Disposed cases,
- ii. Judicial records requiring permanent preservation,
- iii. Administrative records requiring permanent preservation,
- iv. Judicial records of historical importance,
- v. Judicial records requiring preservation after its disposal (completion / end of life cycle),
- vi. Judicial records required for frequent reference by different parties simultaneously / frequently,
- vii. Pending records.

(18) **"Systems integration"** means integration of internal and external systems starting from the level of Subordinate Judiciary to the Hon'ble Apex Court, which is vertical in nature and also integration of internal and external systems of Legal Services Authorities, Home, Prison, Police, Prosecution, Revenue, Law and Finance Departments of the Government of Tamil Nadu, e-stamping vendor (Stockholding Corporation of India), etc., which is horizontal in nature or any other vertical or horizontal systems as approved by High Court.

(19) All words, technical terminologies, abbreviations and list of acronyms shall carry the meaning or reference as listed in the Digitization SOP or periodically updated.

(20) The words and phrases not mentioned herein and defined in the Information Technology Act, 2000, shall carry the definitions given to those terms in that enactment.

## CHAPTER-II / DIGITIZATION

### 4. Existing Physical Records

4.1 The Designated Authority shall commence the Digitization of High Court Records in accordance with the Digitization SOP and the Record Retention Policy of the High Court.

4.2 The Court holdings / artifacts shall be digitized as per the Record Retention Policy, after undergoing the relevant process, viz., (i) Pre- scanning, (ii) Scanning; and (iii) Post-Scanning activities, and preserved in an un-editable digitized format.

### 5. Born Digital documents / e-records

5.1 The case records filed in terms of e-filing Rules and created, saved and maintained electronically into the system as per the procedure.

5.2 Electronic documents created (electronically signed) by different stakeholders, including case papers, orders and administrative records.

5.3 The provisions of the Appellate Side Rules and Original Side Rules and amendments to Rules to regulate the proceedings under Article 226 of the Constitution of India in relation to the scrutiny of physical records shall apply mutatis mutandis to scrutiny of born digital records and case papers.

5.4 In case the advocates / parties submit hard copies of case papers, the same shall be scanned at the scanning center by the Designated Authority of the High Court or by the vendor, if engaged by the High Court for the said purpose and shall be part of born digital case papers / records or prior case records, as case may be.

5.5 All subsequent orders, memos, reminders, rejoinders, etc., of case records shall be tagged / added to the scanned digital file, either through scanning process or through attaching the documents digitally with the relevant file / case by way of incremental process.

### 6. Archival Texts:-

6.1 All the archival texts comprising the stock of Hon'ble Judges' Library shall be digitized, according to priority, on the basis of their relevance for the History of State Judiciary as well as the march of law. Appropriate metadata have to be created for making a digital catalogue in conformity with Paris Principles of Cataloging.

6.2 Additionally, these digitized books are made compatible for delivery across all sorts of digital platforms, including mobile applications.

6.3 Original shall be maintained and protected under appropriate preservation conditions for as long as they remain usable, as per the Records Retention Policy.

6.4 Since the archival texts form part of holdings of Hon'ble Judges' Library, multiple copies should be made and stored in the designated repositories as well as linked to the library of the Hon'ble Supreme Court of India, by way of sharing resources.

### 7. Digitization of Judicial / Administrative Records and Registers:-

7.1 All Judicial, administrative records and Registers are to be digitized and preserved permanently in the digitized form by the Designated Authority.

7.2 The official of the Designated Authority digitizing the above said records shall certify that the entire records are digitized as per the Certificate in the Appendix.

7.3 The Supervising Officer(s) shall ensure that digital signature is available in the entire records so digitized.

**8. Digitization of all other papers:-**

8.1 All other papers, as per directions of the Hon'ble Chief Justice, shall be digitized and preserved permanently in the digitized form under the general superintendence of the Designated Authority.

8.2 The Designated Authority shall certify as per the Certificate in the Appendix that the entire papers are digitized and shall ensure that digital signature is available in the records so digitized.

**9. Supervision of Digitization:-**

9.1 The entire process of digitization, by conversion of the physical records or born digital documents shall be carried out from time to time by the High Court or the vendor, if so appointed for the said purpose and authenticated by the Officer so authorized with the required digital signature.

9.2 The Designated Authority shall certify as per the Certificate in the Appendix that the entire papers are digitized and shall ensure that digital signature is available in the records so digitized.

9.3 The above said case records and the administrative records, which are duly digitized and certified as per the Certificate in the Appendix, shall be transmitted to the Sections concerned, for being preserved or destroyed, as per the applicable provisions of the Appellate Side Rules, Original Side Rules, Madras High Court Writ Rules, and amendments thereto.

**CHAPTER-III / STORAGE****10. Storage**

10.1 The digital records shall be stored in open standards-based formats in Judicial Digital Repository and the Disaster Recovery by transferring the digital records from time to time in terms of the Digitization SOP.

10.2 The Designated Authority shall ensure that the specifications for ensuring the records searchable using OCR, as prescribed in the Digitization SOP are adhered to.

10.3 The file naming of digitized files must comply with Case Number Record (CNR) Numbering System. Incremental serial numbers may be added in the CNR string of characters to define page numbers.

10.4 The following proforma for storage media label shall be followed:

Date:

Batch No.:

Media No.:

Subject:

Name of Court/Department:

Name of Officer/Authority:

Signature:

Mobile No.:

10.5 The Designated Authority shall verify each digitized record by comparing it against the original document as per relevant parameters (as applicable) and store the information of such comparison as required by Section 65B of the Evidence Act, 1872. Such information shall form the basis for issuing certificates in future by the Designated Authority for certifying the admissibility of digitized record in the court as per Section 65B of the Indian Evidence Act, 1872.

**CHAPTER-IV / PRESERVATION****(A) Preservation Of Digitized Records**

11.1 The digitized records shall be ensured to be following secure and recoverable storage and shall also ensure countering the threat of technical obsolescence. This shall be done in guidance with the Digitization SOP.

11.2 The digitized records shall be preserved permanently in such a way that it is possible of being found, read, re-presented, rendered, interpreted and the information is delivered accurately, as original along with all associated information necessary for proper comprehension in an un-editable digitized format.

11.3 The digitized records shall also be preserved in such a way that it remains accessible, reliable, discoverable, authentic and usable for subsequent references.

**(B) PROCESS AFTER DIGITIZATION**

12.1 The Designated Authority shall certify and ensure that the entire judicial records are digitized and made available in the un-editable digitized format and the certificate shall be preserved by digital signature of the authorized official of the Designated Authority.

12.2 All original documents, after digitization, shall be dealt with as per the relevant provisions as to storage or destruction, as per the applicable provisions of the Appellate Side Rules, Original Side Rules, Madras High Court Writ Rules or other rules as applicable and amendments thereto.

12.3 After digitization of the entire judicial records in the mode referred to above, the same shall be transmitted to the respective Records Section, for being consigned, as per the relevant Rules of the Madras High Court, in vogue.

**CHAPTER-V / SEARCH AND RETRIEVAL**

13. All Records so digitized shall be stored, preserved, uploaded, such that the same is capable of being searched, easily accessed and retrieved.

14. The digitized records shall be archived in the following format to ensure easy search and retrieval:-

I. Name of either party

II. CNR number

III. Name of Judge

IV. Date of order

V. Such other parameter as may be fixed by the High Court from time to time.

15. The Designated Authority shall ensure that OCR is made available for ease of search of the database and retrieval of records.

**CHAPTER-VI / MISCELLANEOUS**

**16. Protection from cyber attack:** Necessary access controls shall be put in place in case of transmission of records from one node to another, both in vertical and horizontal directions, to safeguard the digital records from cyberattack, in the form of anti-virus packages/anti-hacking tools vis-a-vis fast changing technology.

17. Adequate steps shall be put in place for appropriate disaster recovery sites. The disaster recovery sites shall take care of the data requiring long term digital preservation.

18. The Chief Justice may, from time to time, issue directions for effective implementation of these Rules.

High Court Madras,  
9th January 2024.

M. JOTHIRAMAN,  
*Registrar General.*