

IN THE HON'BLE HIGH COURT OF DELHI AT NEW DELHI
EXTRA-ORDINARY CIVIL JURISDICTION
CIVIL WRIT PETITION No. 3227 OF 2020

[Under Article 226 read with Articles 13 and 14 of the Constitution of India]

IN THE MATTER OF:

Mr. ANAND VAID

... PETITIONER

Versus

Ms. PREETY VAID & ORS.

... RESPONDENTS

STANDARD OPERATING PROCEDURE QUA DIGITIZATION OF RECORDS FOR THE KIND CONSIDERATION OF THIS HON'BLE COURT FILED BY AND ON BEHALF OF THE PETITIONER

A. Now that the budget for both digitization of records as well as increasing bandwidth has been approved, the suggested course of action is as follows:

1. Strict timelines to execute increase in bandwidth-

1.1. Should be done within a period of 2-3 weeks, as with every passing day, the Hon'ble High Court of Delhi is making an endeavour to expand the scope of matters being heard by the District Courts across Delhi. As stated by the Hon'ble Chief Justice, during the period of lockdown alone, this Court along with all District Courts of Delhi have heard approximately 42,000 cases. As video conferencing is the way forward for the future, it is important that lease lines are enhanced forthwith by the GNCTD of Delhi.

2. Strict timelines to execute digitization of judicial records-

2.1. The Graded Action Plan Committee of the Hon'ble High Court of Delhi, in its recommendations issued on 14.06.2020, have opined that all judicial officers in the District Courts may start hearing matters through video conferencing from their residences, to the exception that they may hear matters from their chambers in case of absence of technical infrastructure.

2.2. However, even with requisite infrastructure, a judicial officer may not be able to function from his/her residence, due to unavailability of digital judicial records. Thus, it is important that the same are supplied to the Courts at the

earliest. Every few days, there is news of judges, and/or their families and court staff being tested positive for COVID-19, and a quick solution needs to be found to enable judges to operate from their residences safely.

2.3. A tender may be floated within two weeks' time for inviting bids. Pursuant to finalization of successful bidder(s), the work of digitization must be commenced forthwith.

2.4. The service provider shall be directed to complete the digitization and scanning work as per strict daily targets/timelines to ensure that the digitization/scanning work is completed in a time bound manner. For instance, if a daily target of 1 lakh pages is set and achieved, the scanning/digitization work of 3 crore pages (as per the Affidavit) will take at least 300 days to get completed. In the prevailing circumstances, the whole purpose of digitization shall be rendered infructuous if the whole process takes almost a year to complete.

2.5. It is suggested that endeavors shall be made to ensure that at least 6 lakh pages per day, if not more, are being scanned/digitized by the service provider and the service provider shall also be directed to set up multiple work stations at various District Court(s) to complete the work expeditiously and in a time bound manner.

2.6. It is important that the judicial records of such matters which are coming up in the next two months are given priority to while digitizing so as to help in prompt functioning of courts. For instance, if the digitization work is being commenced on 15.07.2020, matters coming up from 01.08.2020 should be digitized on a priority basis so that such digital records are available for effective hearing of matters.

2.7. It should be the goal of the service provider that the digitization of said judicial records of matters coming up within the next two months from commencement are scanned within one month.

2.8. It should also be ensured that the scanned/digitized copies of the judicial record is bookmarked and made readable (OCR- Optical Character Recognition) for the convenience of the Hon'ble Court(s).

3. As per the reply received from Respondent No. 4, it is understood that a fresh tender inviting bids for services related to digitization of judicial records is needed to be floated. It is our suggestion that the said tender include the following description of services keeping in mind the requirements of the District Courts:

3.1. Scanning and digitization of case files (current and decided) as also scanning/digitization of fresh cases filed on the same day.

3.2. Digitization shall include inter alia scanning, indexing, storing, archiving and retrieval of court record in digital form in a secure manner.

3.3. Application software and methodology to be adopted for seamless integration with existing DMS Software or any other workflow system that may be used by the Courts.

3.4. Imparting of training to Court staff on scanning, indexing, storing, archiving, retrieval and printing process.

3.5. Hardware, System Software and other ICT infrastructure required for implementation of this project in a secure manner.

3.6. Setup counters at the filing counter(s) for the receiving of scanning charges (fixed by the Delhi High Court) and do bookmarking of the cases filed at the counter(s) as per current practice within rates proposed by the vendor.

3.7. The vendor must have adequate experience of having scanned, digitizing, indexing, archiving and retrieval of documents and must provide minimum commitment of pages each day as may be decided by the District Courts Committee.

4. Steps to be taken by the District Courts Committee for smooth functioning of digitization:

4.1. An adequate space for setting up scanning services shall be provided by the Courts in each court complex to the service provider for carrying on such digitization activities.

4.2. Multiple spaces may be set up, dividing files on the basis of either districts falling under each court complex, or as civil, criminal and family courts.

4.3. Adequate space in an easily accessible area inside the court complex for opening a filing desk where a lawyer/litigant will have the choice of filing any plaint/petition/application either in a pen drive or in paper.

4.3.1. In case of the former, the lawyer/litigant shall ensure that the document intended to be filed is bookmarked and readable (OCR- Optical Character Recognition). The said service may also be made available for a small fee chargeable from the lawyer/litigant.

4.3.2. In case of the latter, the staff at the said counter shall scan the said file and upload the same on its server. The file must be bookmarked and made readable after the counter is closed for public dealing. A small scanning charge may be charged from the lawyer/litigant in case he avails the service.

B. In the interregnum:

1. As per Video Conferencing Rules notified by the Hon'ble High Court of Delhi, all matters may be taken up by the District Courts, including recording of evidence, as may be deemed fit by the concerned Presiding Officer who has been hearing the matter.
2. Presiding Officers may be encouraged to appoint Local Commissioners wherever sought by the party(s) for recording of evidence through video conferencing or physically, subject to strict compliance of social distancing norms.
3. For those matters where Local Commissioners have already been appointed by the Ld. Presiding Officer, said Local Commissioners may be directed to commence recording of evidence through video conferencing or physically, subject to strict compliance of social distancing norms.

C. Financial aspect:

1. Total pendency of cases in the District Courts of Delhi- 8,71,433
 - 1.1. Total Number of Civil Cases- 2,00,419
 - 1.2. Total Number of Criminal Cases- 6,71,014

2. Looking at such high pendency, it is feared that the budget of Rs. 3 crores allotted shall be consumed in a very short span of time. Thus, it is suggested that the same may be supplemented with fresh funds as per requirement periodically.
3. Further, small fee charged as per suggestions made in 4.3.1 and 4.3.2 may be allocated for this, in addition to budget received from the GNCTD.

Advocate

ANKUR MAHINDRO
for the Petitioner

New Delhi
Date: 15/06/2020.