



**Rules and Regulations on Electronic Litigation
(e-litigation), 2020**

(REVISED DRAFT)

The Judiciary of the Kingdom of Bhutan

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Preamble

In exercise of power conferred by Section 30 of the Civil and Criminal Procedure Code, 2001, the Judiciary of the Kingdom of Bhutan hereby adopts the Rules and Regulations on Electronic Litigation, 2020.

Chapter I

Preliminary

Title and Commencement

1. The Rules and Regulations shall:
 - a) be called Rules and Regulations on Electronic Litigation (e-litigation), 2020.
 - b) commence upon the notification issued by the Supreme Court.

Objectives

2. The objectives of the Rules and Regulations are:
 - a) to provide expedient and effective judicial service as mandated by Article 21 of the Constitution;
 - b) to further enhance ease of access to judicial information and services with the help of modern information technology; and
 - c) to promote and expand knowledge and, use of information and communications technology in the administration of justice.

Application

3. The Rules and Regulations shall apply retrospectively to all matters related to e-litigation in Bhutan.

Chapter II

Electronic Registration

Requirements for electronic registration

4. A person who decides to file a petition electronically shall submit the application through the electronic medium to the Court Registrar along with a duly filled Consent Form for e-litigation (*Form E-1*) and other necessary documents.

Option for registration and hearing

5. A person shall have the option of either:
 - a) e-registration with remote hearing; or
 - b) e-registration with courtroom hearing.

Electronic registration with remote hearing

6. The Court shall conduct miscellaneous hearing remotely if a person has opted for e-registration with remote hearing.
7. Upon admission of the case, the Registry shall provide the following information to the parties within five working days:
 - a) Case Registration Number;
 - b) Name of the Court or Bench; and
 - c) Contact details of a focal person/ a hotline number/ a toll free number/number and address of the Court where the case is registered.

8. The Court shall notify the other party who shall be required to submit his or her consent for e-litigation through duly filled *Form E-1*. The e-litigation shall commence upon the consent of one party. Where one party has opted for remote hearing and the other for courtroom hearing, the Court may allow one to appear remotely and the other to appear in person.

Electronic registration with courtroom hearing

9. Where a person has opted for e-registration with courtroom hearing, the Court shall admit the case and schedule a date for the miscellaneous hearing.

Electronic payment or e-payment

10. e-payments shall be made through payment gateway on the electronic medium.
11. Once an e-payment is made, there shall be auto generation of receipt of proof of payment.

Chapter III

Electronic Filing of Documents

Electronic filing of documents

12. The Court may permit all documents such as petitions, rebuttals, affidavits, evidential documents and other documents to be filed through the electronic medium.
13. Upon the receipt of e-documents, the Court shall acknowledge the receipt of such documents through an alert or notification system. The Court's acknowledgement is deemed to be delivered, received and conveyed to a person on the day it is sent.
14. The Court shall keep a record or proof of the e-documents received via electronic transmission.
15. A person shall submit the original or physical copies of the e-documents as and when required by the Court.
16. A person may also approach a service centre for assistance in availing e-litigation services.

Requirements of e-documents

17. All e-documents submitted to the Court shall:
 - a) be in PDF format or in any format as specified on the electronic medium;
 - b) be legible;
 - c) include all required judicial forms;
 - d) contain case number and name;

- e) include a copy of CID or an equivalent document;
 - f) mention the number and details of e-documents attached or submitted; and
 - g) contain any additional requirements as may be directed by the Court.
18. A person shall be required to resubmit the e-documents if the requirements of Section 17 are not fulfilled.
19. The following documents shall not be filed electronically without prior permission of the Court:
- a) sealed documents;
 - b) documents that are subject to confidentiality order; or
 - c) documents which are classified as confidential by legislation.
20. If there is any change in the e-correspondence details, the same must be notified to the Court immediately.

Chapter IV

Remote Hearing

21. The Court shall commence the remote hearing upon the receipt of duly filled form (*Form E-1*).
22. The Court may permit attorneys, witnesses, experts, or any other person related to the case, upon submission of *Form E-1*.
23. In the course of hearing, the Court may permit parties, attorneys, witnesses, experts, or any other person related to the case to be at a different location or within a premise as identified by the Court during an oral submission and the Court may conduct hearing through the in-built remote hearing platform on the electronic medium.
24. The images and sounds of the remote hearing shall be in real time.
25. The images and sounds shall be recorded through screen recording or any other means for the purpose of record keeping by the Court. However, no other person shall be allowed to record, use or rebroadcast the remote hearing or its contents.
26. A person is prohibited from publishing, circulating or discussing any e-document or matters which are *sub-judice* on social media or any other platforms.
27. Judgements and judicial orders rendered in a remote hearing shall be final and binding, subject to appeal.
28. For persons in police custody or under trial, the respective police station shall arrange necessary technological facilities for remote hearing.

29. Persons appearing for remote hearing shall observe *Driglam Namzha* and conduct themselves in a manner that is consistent and appropriate to the operation of the Court of Law.

Inclusion of press and public in remote hearing

30. The Court may include the press and public in a remote hearing as long as there is prior notice to the parties and there is no compelling need to exclude them in accordance with the Civil and Criminal Procedure Code, 2001.

Rescheduling of remote hearing

31. A person who fails to attend a remote hearing on the scheduled time and date, shall intimate the Court with reasons for failure. If the Court is satisfied with the reasons given by the person, the Court may either defer or reschedule the hearing to a later date as it deems appropriate. The Court may initiate contempt proceedings if the Court is not satisfied with the reasons furnished by the person.

Change in mode of hearing

32. At any stage of the proceeding, a person may opt to switch from courtroom hearing to remote hearing and vice versa by submitting the necessary forms.

Judgement

33. A copy of the Judgement shall be delivered via the electronic medium. However, if a party desires, they may approach the Court for the original copy of the Judgement.

Appeal

34. In case of appeal, a party may either opt for continued remote hearing or courtroom hearing as prescribed in this Rules and Regulations.

Chapter V

Electronic Service of Process

Electronic service or e-service of process

35. Electronic service of process pertains to issuance of all kinds of court orders, notices and information related to a case or judicial process through the electronic medium.

Notification of hearing calendars

36. The Court shall notify the parties, attorneys and witnesses about the hearing schedule through the electronic medium.
37. The notification sent by the Court shall be deemed to be sent, delivered, conveyed and received on the day it is sent.

e-orders, e-summons, e-warrants, and other e-correspondence by the Court

38. The Court may serve e-orders, e-summons, e-warrants or any other e-correspondence through the electronic medium.
39. The e-orders, e-summons, e-warrants or any other e-correspondence sent by the Court shall be deemed to be sent, delivered, conveyed and received on the day it is sent.

Chapter VI

Penalty

Recording, rebroadcasting and using of remote hearing and e-documents

40. The Court may initiate contempt proceedings against a person who violated Sections 25 and 26.

Submission of false e-documents

41. The electronic version of every document filed in a proceeding shall be a true copy of the original or notarized documents. If any or all of the e-documents submitted by a person are not the true copy of the original or notarized document, then such person shall be held liable for forgery and perjury.

Non-compliance with judicial orders

42. The Court may initiate contempt proceedings against a person who fails to comply with the judicial orders issued under the Rules and Regulations.

Chapter VII

Amendment and Definitions

Amendment

43. The Supreme Court may amend this Rules and Regulations by way of addition, variation or repeal.

Definitions

44. Unless a contrary intention appears from the context, the following words and expressions shall mean:
- a) “e-correspondence’ means any correspondence generated, sent, received or stored in an electronic form.
 - b) “Electronic documents or e-documents” mean all documents which are transmitted electronically.
 - c) “Electronic filing or e-filing” means filing of documents in electronic form.
 - d) “Electronic litigation or e-litigation” means and included the process of e-registration, e-filing and remote hearing.
 - e) “Electronic medium” means and includes the web based portal to be developed on CMS for e-litigation and all other electronic platforms adopted by the Judiciary.
 - f) “Electronic Judicial Order or e-order” means all orders issued by the Courts through the electronic medium.

- g) “Electronic payment or e-payment” means payment made through electronic medium without the use of cash and which enable digital payments of all fines, penalties, judicial deposits, court fees and, all other payments.
- h) “Electronic registration or e-registration” means registration through the electronic medium.
- i) “e-summons” mean summons served by the Court through the electronic medium.
- j) “Electronic transmission” means any process of communication that is sent or received via the electronic medium.
- k) “e-warrant” means warrants issued by the Courts through the electronic medium.
- l) “Person” includes an individual, partnership, corporation, organization, enterprise, agency, department, subdivision, or other legal entity whether public or private and successor, representative, or agent of one of them.
- m) “Remote hearing” means hearing conducted through the use of in-built remote hearing platform which shall be developed on the electronic medium.
- n) “Service centre” means centres designated by the Courts or, any other offices and persons who provide assistance with e-registration, e-filing, remote hearing and all other electronic services under this Rules and Regulations.

Annexure of Forms

Form E-1

Consent form for e-litigation
(Applicable for both civil and criminal cases)

Details:

- 1. Name:.....
- 2. CID:.....
- 3. Mobile Phone Number:.....
- 4. Name of the Court:.....

Options for e-litigation (choose and tick one):

- Option 1: e-registration with courtroom hearing
- Option 2: e-registration with remote hearing

If you have opted for e-registration with remote hearing, please list your preferred e-correspondence details:

- 1. Mobile Phone Number:.....
- 2. Alternative Mobile Phone Number:.....
- 3. e-mail ID:.....

I,....., bearing CID No.....voluntarily give my consent to submit my oral and written statements as a party/witness/expert or as required by the Court through the electronic medium. I shall not:

- 1. contest the authenticity of the statements I make or submit to the Court through the electronic medium and they can be used as evidence before the Court of Law;
- 2. record, rebroadcast or use contents of remote hearing and e-documents, and shall be subject to contempt proceedings if I do;
- 3. submit false e-documents, and shall be liable for forgery and perjury if I do; and
- 4. act in non-compliance with the judicial orders issues under the Rules and Regulations on Electronic Litigation, 2020, and shall be subject to contempt proceedings if I do.

**Affix
legal
stamp**

Signature:

Date:

FOR OFFICIAL USE ONLY

- 1. Name of the Receiver:
- 2. Date of Receipt:

Signature and Official Seal

Consent form for registered and ongoing cases
(Applicable for both civil and criminal cases)

Details of Parties:

1. Name of Plaintiff(s)/Prosecutor(s)/Appelant(s):.....
2. Name of Defendant(s)/Accused(s)/Respondent(s):.....
3. Mobile Phone Number of Parties:.....
4. Name of the Court:.....
5. Case Name and Number:.....
6. Stage of Hearing:.....
7. Documents already submitted:.....

Options for e-litigation (choose and tick one):

- Option 1: e-registration with courtroom hearing
- Option 2: e-registration with remote hearing

If you have opted for e-registration with remote hearing, please list your preferred e-correspondence details:

1. Mobile Phone Number:.....
2. Alternative Mobile Phone Number:.....
3. e-mail ID:.....

I,....., bearing CID No.....voluntarily give my consent to submit my oral and written statements as a party/witness/expert or as required by the Court through the electronic medium. I shall not:

1. contest the authenticity of the statements I make or submit to the Court through the electronic medium and they can be used as evidence before the Court of Law;
2. record, rebroadcast or use contents of remote hearing and e-documents, and shall be subject to contempt proceedings if I do;
3. submit false e-documents, and shall be liable for forgery and perjury if I do; and
4. act in non-compliance with the judicial orders issues under the Rules and Regulations on Electronic Litigation, 2020, and shall be subject to contempt proceedings if I do.

**Affix
legal
stamp**

Signature:

Date:

FOR OFFICIAL USE ONLY

1. Name of the Receiver:
2. Date of Receipt:

Signature and Official Seal