RECORD MANAGEMENT & DIGITIZATION IN DISTRICT JUDICIARY: CHALLENGES & PROSPECTS

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Abstract

This article examines the legal and functional basis of record management and digitization in the district judiciary. The study explores that under what legal foundations, the record is managed and preserved. It critically looks into the constitutional obligations of public authorities to provide information to those who seek it. Since, the record in the district judiciary is mostly maintained physically, therefore, the article evaluates the key features of the newly launched Case Flow Management Information System (CFMIS). It is argued that it is high time to shift from manual record keeping to the electronic record management. Lastly, the article recommends the establishment of a Digital Record Room for the entire district judiciary which will not only ensure accuracy and uniformity but also connectivity across the province.

Keywords: Record, Management, Digitization, Preservation, High Court, Rules, Orders.

1. Introduction

In the modern era of technology and digital platforms, the management and preservation of records is a challenge in an organizational context. Although maintenance and preservation of records is a concept practised since time immemorial, however, in aninstitutional context, it has adopted an organized and uniform pattern in preserving the record. Preservation of recordsnecessarily encompasses the maintenance and management of record. Contemporarily, when every aspect of interaction between the people is shifting towards digital platforms, the need arises for digitizing the record. Earlier the record was maintained physically but in the modern technological era,the government agencies, institutions and organizations are shifting to electronic record keeping.[1] In Khyber Pakhtunkhwa, judicial record keeping is a century-old practice, however, it has been maintained physically and manually. There have been several challenges in manual record management. Since 2016, the District Judiciary of Khyber Pakhtunkhwa has been gradually moving towards digitization of record. Despite various challenges, a system of electronic record management has been developed. But still there is much room for improvement.In this particular context, the core theme of this article revolves around the management and digitization of record in the district judiciary.[2] Therefore, in the upcoming section the article will explore the key characteristics of the maintenance of record under the Rules and Orders. Moreover, it will be examined that what is the mechanism of digitization of record and whether any prescribed procedure has been provided for digitization of

[1] International Records Management Trust,. Module 1: Understanding the Context of Electronic Records Management (London: International Records Management Trust, 2009); accessed March 8, 2026 at http://www.irmt.org/education-and-training/education-and-training-2.

[2]District Judiciary refers to sub-ordinate courts to the High Court both in terms of hierarchy, jurisdiction and control. It notably includes Civil Courts (Courts of Civil Judges & District Judges), Criminal Courts (Judicial Magistrate & Sessions Courts), Family Courts, Rent Controller, Child Protection Courts, Anti-Rape Courts, GBV Courts and other Special Courts within the territorial jurisdiction of the Peshawar High Court.

record? Similarly, the key features of CFMIS will be evaluated in order to ascertain that whether any challenges still exist in mass digitization of bulky files especially old ones. Lastly, the prospects of digitized record management are to be discussed.

2. Research Objectives and Methodology

Record-keeping provides illustrations of history. We would have never known about the history of the past generations if there had beenno record keeping. Thus, record-keeping is not merely an organizational requirement or a legal pattern; rather, it is keeping and preserving information for the present as well as the future generations. The management and digitization of record in contemporary world is not only a legal requirement but it is to effectively pass information to the future generations so that they could move forward learning from past experiences. In this seminal context, an inquiry into the challenges and prospects of the management and digitization of record must be goal-oriented and purpose-driven. Therefore, the objectives of this research are to evaluate the concept of "record" and to understand its essential characteristics under both national law and international standards. Secondly, to examine the relevant laws, rules, standards of operating procedures pertaining to management and digitization of record in the district judiciary of Khyber Pakhtunkhwa. Thirdly, to assess how effective is CFMIS system while keeping digital data of the manually maintained record. Fourthly, to investigate the challenges involved in the digital record-keeping and maintenance. Fifthly, what prospects the digitization of record entails for the times to come. Finally, to formulate suitable recommendations based on the research findings.

Additionally, the present work is qualitative in nature and the methodology employed for research is doctrinal legal research methodology. Doctrinal legal research methodology refers to

the analysis of black letters of law. The principal framework of this article is descriptive and analytical.

3. Management of Record: Core Concept and Essential Features

Record management is one of the basic features of effective and assertive court management. The maintenance and preservation of court records not only attends to the information needs of the judges, staff, lawyers, litigants and general public but also ensures confidence and public trust in the justice system. It is a common belief, that records at an organizational level are created and maintained, being part of business functions, however, in the public sector especially in governmental affairs the maintenance of records has a direct nexus with the preservation of the rights and obligations of citizens and the respective government department. In a judicial perspective, the maintenance of record fulfills two fold purpose: one, the preservation of all the material germane to the proceedings before the court; second, maintaining first-hand data of the rights and obligations determined between the citizens and the citizens vis-à-vis the government. In this context, a robust and well managed record system ensures: foundational material for decision making; maintenance of documents relating to legal status and titles; public access to the proceedings and decisions of courts; smooth enforcement of courts' decisions; and preservation of records of the lower *fora* for appellate forums.[3]

In modern constitutional schemes, themaintenance of records is generally conceived as a key pillar of open government grounded in the principles of accountability, transparency and participation.[4] On the contrary, poor record management not only compromises the rights and

[3]Nial Raaen, "Electronic Records Management Guide for the Judiciary" *National Association of Court Management* (2017), 4. https://ncsc.contentdm.oclc.org/digital/api/collection/tech/id/836/download, Accessed 09th March 2026.
[4]Nial Raaen, "Order in the Courts—RM Principles for the Judiciary," *Information Management* (January/February

liabilities conferred on the organizations and individuals but also undermines the ability of thejudicial system to enforce laws effectively.[5] The International Standards on Records Management categorize the characteristics of effective record management into four distinct patterns: "authentic record," "reliable record," "integrity of record," and "usability of record".[6] An authentic record refers to one that can be proven to *"be what it purports to be"*and *"have been created or sent by the agent purported to have created or sent it*" as well as *"have been created or sent when purported"*.[7]Similarly, a reliable record is *"onewhose contents can be trusted as a full and accurate representation of the transactions, activities or facts to which they attest"* and *"which can be depended upon in the course of subsequent transactions or activities"*.[8] On the other hand, when a record is complete and unaltered, it establishes the integrity ofthe record under International Standards. In the same way, when a record can be located, retrieved and capable of delivering information, it is referred to as usability of record.

The above standards are applicable to record management in Pakistan with equal force. However, the management of records in Pakistan particularly in thepublic domain has now been constitutionally prescribed. Article 19A of the Constitution of the Islamic Republic of Pakistan, 1973 provides for theright to information as: *"Every citizen shall have the right to have access to information in all matters of public importance subject to regulations and reasonable restrictions imposed by law."*The management of record in the context of Article 19A has various characteristics in Pakistan such as: to preserve the proceedings of the governmental

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2014). https://magazine.arma.org/wp-content/uploads/simple-file-list/2014_01_full_magazine.pdf, accessed 08th March, 2026.

[5]See supra note 3 at 4.

[6]International Records Management Standards (ISO 15489-1:2016), available at: https://www.iso.org/standard/62542.html.

[7]Ibid. Section 5.2.2.1.

[8]Ibid. Section 5.2.2.2.

organizations (judicial decisions and court orders); ensuring the maintenance of record relating to titles, rights and liabilities of citizens and government; and the availability of record and data for public access. The Supreme Court in the case of *Mukhtar Ahmad* while examining the scope of Article 19A held that "*What previously may have been on a need-to-know basis Article 19A of the Constitution has transformed it to a right-to-know,*" and that theburden has *"shifted from those seeking information to those who want to conceal it"*[9].The Court further went on to say that *"access to information is no longer a discretion granted through occasional benevolence, but is now a fundamental right available with every Pakistani which right may be invoked under Article 19A of the Constitution"*.[10]

Given that access to information which is held in a recorded form is no longer a matter of discretion but a stringent constitutional obligation imposed upon public bodies. What is a record in the legal landscape of Khyber Pakhtunkhwa is a question that needs a short analysis. In Khyber Pakhtunkhwa, areference to public record could be found in the Khyber Pakhtunkhwa Right to Information Act, 2013 (hereinafter **RTI Act**). Information is defined as: "*information" means material which communicates meaning and which is held in recorded form*".[11]While record "*means information which is recorded in any form*".[12] Section 4 of the RTI Act provides for themaintenance and indexing of record and obliges public bodies to ensure that "*all of the records which it holds are properly maintained, including so as to enable it to comply with its obligations under this Act*". Likewise, Section 5 of the RTI Act mandates that the public bodies

[9]Mukhtar Ahmad Ali v. The Registrar Supreme Court of Pakistan (PLD 2024 SC 192).
[10]Ibid, para 13.
[11]Section 2(e) of the Khyber Pakhtunkhwa Right to Information Act, 2013.
[12]Section 2(j) of the Khyber Pakhtunkhwa Right to Information Act, 2013.

shall duly publish the information/record in an up-to-date fashion in order to ensure that such information isaccessible to those for whom it may be relevant.

Inthe judicial context, the maintenance of record is provided under Volume V, Chapter 5 of the Peshawar High Court Rules and Orders (hereinafter **Rules and Orders**). Part A of the Rules and Orders provides for the inspections of record. Part B provides for the grant of copies and translation of records. The destruction of records is provided in Part C which is sub-divided into three parts: Part I General; Part II-Judicial Records; and Part III-Registers. Under Part III, the Registers are classified into three classes: Primary, Subsidiary and Statistical. It is to be noted that the Rules and Orders provide for manual or physical management of record. However, the Peshawar High Court back in the years 2016-2017 launched a software program known as Case Flow Management Information System (hereinafter **CFMIS**) with an aim to digitize the record and to provide a real-time data machine for the effective management ofthe court system. With a view to make the CFMIS more efficient, workable and all-encompassing the Peshawar High Court has ordered the scanning and digitization of record both at the High Court level and the district level.

4. The Legal and Functional basis of Judicial Record Management and Digitization

As noted earlier the Management of Record under the Rules and Orders is provided in Volume V, Chapter 5. The Chapter is subdivided into various parts: each dealing with a distinct area as to the management of record. Part A of the Chapter starts with inspections. The relevant rules make a crucial distinction between the inspection of decided cases and the pending cases.[13]Records of

[13]Rule 1 & 2 of the Peshawar High Court Rules & Orders, Volume V, Chap 5, Part A.

the decided cases could only be inspected under the orders of the Deputy Registrar. However, in pending cases the inspection of record is open as a matter of right for the parties, their authorized agents, any advocate of the Court, who is duly authorized to act in the case or junior counsel. The rules place anembargo over the inspection of record by a person other than mentioned above.[14] In terms of record management, Part C of Chapter 5 is the most important part which not only deals with the management of record in general but also provides for the destruction of record, for which the period of its preservation has expired.

Destruction of Record is ordinarily carried out under the Destruction of Records Act, 1917. Under Section 3 of the Act, the High Court is empowered to frame rules regarding the destruction of record. Acting under the aforesaid Act, the Peshawar High Court has inserted Rule 1A into Part C of Chapter 5 which states: "*Notwithstanding any period of preservation prescribed in these Rules, any judicial record, book or paper, may be destroyed after being retained in electronic form, and such electronic formhas legal recognition under Section 3 of Electronic Transaction Ordinance, 2002.*" The legal recognition afforded to the electronic retention of record is grounded in Section 3 of the Electronic Transaction Ordinance, 2002 (hereinafter the **ETO**) which reads as: "*Legal recognition of electronic forms. — Nodocument, record, information, communication or transaction shall be denied legal recognition, admissibility, effect, validity, proof or enforceability on the ground that it is in electronic form and has not been attested by any witness*."[15] Reading conjointly, Rule 1A of the Rules and Orders and Section 3 of the ETO establishes a robust framework for the electronic preservation and management of record. It is in fact Rule 1A read with Section 3 that

[14]Ibid, Rule 3.
[15] Section 3 of the Electronic Transaction Ordinance, 2002.

provideslegal and functional basis for the digitization and electronic management of judicial record.

5. From Manualism to Digital Culture

In order to understand the importance of thepreservation of judicial record, it is imperative to look back into the history of the establishment of court system in the province of Khyber Pakhtunkhwa. It was around the year 1850, when the British rulers formally established courts of recordin the sub-continent. By that time, the areas forming Khyber Pakhtunkhwa were part of Punjab. Besides, other major developments in the sub-continent, the British rulers appointed a Judicial Commissioner as thehighest judicial body for the entire province. A network of subordinate courts was also established. In 1866, the Judicial Commissioner was replaced by the Chief Court as the apex body of the province of Punjab.[16] This arrangement continued until 1901 when the Khyber Pakhtunkhwa (the then N.W.F.P) was formally separated from Punjab and was given the status of province. By that time the law establishing the Courts in the then N.W.F.P was promulgated as N.W.F.P Law and Justice Regulations, 1901. Under the Regulations, the Chief Court was once again replaced by the Judicial Commissioner as the highest court of the province. However, the rest of sub-ordinate civil and criminal courts remained as before.[17]

As discussed in the previous sections the law relating to thedestruction of records was promulgated in the shape ofThe Destruction of Records Act in 1917. But the problem was that Khyber Pakhtunkhwa at that time did not have aHigh Court forthe framing of rules regard to the management, preservation and destruction of record. Since, the Khyber Pakhtunkhwa and Punjab

[16]*See for instance* Punjab Courts Act, 1865; Punjab Chief Court Act, 1866; Punjab Chief Court Act, 1877; Punjab Courts Act, 1884; Punjab Courts Act, 1914; and Punjab Courts Act, 1918.
[17]*See* theNorth West Frontier Province Courts Regulation, 1931; theNorth West Frontier Province Courts Act, 1952.

shared a common legal heritage until 1901, therefore, till that times the rules of procedure for both the provinces werethesame. However, after the separation of Khyber Pakhtunkhwa the Judicial Commissioner started the issuance of its own rules for the regulation of the practice and procedure of the courts in the province. With the establishment of the High Court of Judicature at Lahore in 1919, the Lahore High Court framed rules and orders in 1928 followed by editions in 1931 and 1942. Given that the Rules and Orders framed by the Lahore High Court were not applicable to the Khyber Pakhtunkhwa, the Judicial Commissioner continued to issue instructions from time to time and such instructions were complied with guidance of the subordinate courts of the province.

After the independence, the above arrangements continued until1955, when One Unit was established through the Establishment of West Pakistan Act, 1955. Pursuant to this new legal and geographical arrangement, a common High Court was established for the whole of West Pakistan under the High Court of West Pakistan (Establishment) Order of 1955. With the establishment of the new High Court, the rules framed by the Lahore High Court werefollowed and adopted by the High Court of West Pakistan as theRules of practice and procedure. After the fall of Dhaka in 1970, the province of West Pakistan was dissolved by virtue of West Pakistan (Dissolution) Order, 1970. It was followed by the High Court (Establishment) Order, 1970 that brought an end to the High Court of West Pakistan. Consequently, with the abolition of the common High Court, three new High Courts were established the Lahore High Court, Peshawar High Court and a joint High Court for Sindh and Baluchistan. The High Court of Baluchistan was later on separated and established in 1976. With the establishment of Peshawar High Court, the Rules and Orderswhich were adopted and followed by the High Court of West Pakistan were adopted by the Peshawar High Court. Later on, under the Constitution of Pakistan, 1973, these

rules were given a legal cover. It is in this particular context, that Volume V of the Rules and Orders which, as a regulatory document continued to operate for all purposes.

Reverting back to the management of record, the details of judicial record are provided in Part II of Part C of Chapter 5. Judicial record is categorized into two parts: A and B. The preservation of therecord is provided in Rule 9, which states:[18] "*The following documents belonging to Part A of a judicial record shall be preserved permanently…*" which includes in civil cases: index, judgment of the Court, decree of the court, unreturned deeds, copies ofapaper book, grounds of writ petitions and memorandum of appeals. While in criminal cases the record which is permanently preserved is index, judgment of the court, warrants of commitment or execution upon return, unreturned deeds, and copy of a paper book, grounds of writ and memorandum of appeal. Rule 10 of the same part then provides for the preservation of record for thirty years;[19]Rule 11 provides forthepreservation of record for twelve years;[20] Rule 12 speaks about the preservation of record for six years;[21] and Rule 12A states that record is to bepreserved for two years.[22] In the same vein, Rule 13 provides for the time of destruction of Part B that is related to applications and record of miscellaneous character. This type of record is preserved until the final outcome of the matter from the highest appellate court.

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[18]Rule 9 of the Peshawar High Court Rules & Orders, Volume V, Chap 5, Part C (Part II).

[19]Part A in all original civil case, all appeals involving title to immovable property, all appeals relating to succession and trusts or religious endowments, proceedings under Guardians and Wards Act, 1890 and Succession Act, 1925 and all cases of custody and disposal of intestate property, proceedings under the Divorce Act, 1869, all the writ petitions, judgments of the Supreme Court in appeals preferred from the orders of the High Court, murder references, original criminal trials, criminal appeals and reference cases decided by the Court of Sessions or by Section 30 Magistrates, appeals or reference under Chapter XXXII of CrPC, cases in which public servant has been tried, records relating to disposal of immovable property forfeited to Government, cases heard in exercise of Insolvency jurisdiction, and criminal cases in which lunatics are concerned.

[20]Subject to Rule 9, Part A of civil and criminal appeals and civil and criminal reference cases not mentioned in Rule 10.

[21]Subject to Rule 9, Part A of the record in applications for the exercise by the Court of its revisional jurisdiction under CPC and CrPC.

[22]Subject to Rule 9, Part A of the record in criminal miscellaneous applications.

As for how the record is kept and managed, the detailed procedure is given in Part III of Part C. There are three classes of Registers. The primary registers are kept forever. While subsidiary registers are kept for a definite period and later on destroyed. These registers are mostly for administrative purposes. Statistical registers mostly maintained for the purpose of preparing the monthly and annual returns of the Court are kept ordinarily for twelve years and later on destroyed. The modus operandi of maintaining and managing this whole record is until now its physical retention at record rooms established within the premises of each judicial complex. An In-charge officer and other technical and skilled staff are posted for the maintenance of record. The cycle of record keeping starts from institution followed by registration and after deciding the case, the papers of the proceedings ultimately form part of the record room. When the case is finally decided and ordered to be consigned to record room, from the date of such order the papers of proceedings and case form part of record. It is to be noted that until the insertion of Rule 1A in Part I of Part C, the record was only to be maintained and managed physically.

After the insertion of Rule 1A, the electronic retention and preservation of therecord triggered a new era of digitization. With this legal development, the Peshawar High Court initiated a drive for the scanning and digitization of recordsthroughout the province. In order to streamline and automate the judicial process, the Peshawar High Court developed CFMIS system. The CFMIS has various features such as: it allows electronic filing and registration of cases; monitors the progress of cases from institution to disposal;managesthe fixation of hearings, trials and other proceedings;manages the automated assignment and tracking of tasks related to cases;sends alerts and notifications to relevant parties, lawyers, towitnesses about next dates of hearings and proceedings; strictly ensures the accuracy and consistency in the entry of

data of cases; auto-generation of analytics and reports on case flow, judicial performance and other key metrics; and provision of real-time data pertaining to the status of cases, workload and other related information. Additionally, a recent feature of digital registers has been incorporated into the CFMIS, which provides for automated registers of various categories of cases that were previously maintained manually. This system is overall a reflection of anall-encompassingdigital platform that electronically manage the cases with real time data right from the date of institution till its disposal followed by the appeals and revisions before the appellate forum. In CFMIS, the entire proceedings of a case and its data are available at a single click. Presently, CFMIS system can be accessed by theCourt, theCourt's staff, lawyers, litigants and interested parties.

6. Findings of the Study

After evaluating the legal and functional basis of record management and digitization, it is found that the maintenance of record is ordinarily undertakenunder a century-old set of rules. However, the rules are exhaustive and cover almost major aspects of record keeping. Moreover, it also comes to surface that for better record management and its long-term preservation, the District Judiciary has established advanced record rooms with support staff in order to minimize apprehensions regarding the loss of wastage of record. Similarly, for electronic retention of record, significant amendments have been introduced in the Rules and Orders of the Peshawar High Court. With the introduction of rules regarding electronic retention of record, a new chapter of digitization of record has been opened. Owing to this binding rule, the Peshawar High Court has launched CFMIS system both for the High Court as well as the District Judiciary. CFMIS is a software digital system that ensures real-time data accuracy with respect to case statistics, judicial performance, and manages thee-court system with multiple features like e-filing, e-registration, automated scheduling of hearings, proceedings, auto-generation of SMS and alerts

to parties, litigants, lawyers and witnesses. There are multiple challenges in electronic record management such as data storage, shifting from older to new version of software, maintaining integrity of ongoing access and preservation.[23]

7. Recommendations

Based on the findings and discussion above, the following recommendations are formulated:

i. In order to align the purpose of record keeping with the Constitutional obligations under Article 19A, it is proposed that the Rules and Orders be substantially amended to incorporate the modern-day needs of electronic record management. In this regard, international best practices may be followed.[24]

ii. To ensure structured electronic management of record, a timeline should be devised to shift manual proceedings of the Court to electronic proceedings (such as e-filing, e-scheduling, e-evidence, e-hearing, e-submission of documents and e-decisions).[25] For achieving these goals, sufficient financial resources should be allocated for connectivity issues in the far-flung areas of Khyber Pakhtunkhwa. Similarly, where the system is working the capacity should be further enhanced.

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[23] North Dakota Information Technology Department, "Electronic Records Management Guidelines," North Dakota State Government, 2013; accessed March 10, 2026 at: http://www.nd.gov/itd/standards/electronic-recordsmanagement-guidelines.

[24] International Records Management Trust, Module 3: Managing the Creation, Use and Disposal of Electronic Records (London: International Records Management Trust, 2009); accessed March 10, 2026 at http://www.irmt.org/documents/educ_training/term%20modules/IRMT%20TERM%20Module%203.pdf.

[25] Center for Legal and Court Technology, "Public Access to Court Electronic Records in the Age of E-filing," memorandum, Marshall-Wythe School of Law, College of William and Mary, Williamsburg, Va., 2013; accessed March 10, 2026 at: http://www.legaltechcenter.net/download/conferencedocuments/PUBLIC%20ACCESS%20CONFERENCE%20ESSAY.pdf.

iii. To achieve the goals of electronic and digital record management, a model digital record room shouldbe established at Peshawar.[26] For this purpose, the CFMIS shouldbe integrated with the Digital Record Room. The Digital Record Room should provide the provision of e-copies and other records online via an application portal.

iv. For the smooth functioning of digital record keeping, it is imperative to impart training to the judicial officers, court staff, lawyers etc.

8. Conclusion

Ina nutshell, record management in the era of technology cannot be realized without clear and express legal backing. Onthe functional and technical sides, the record management is not only an organizational requirement but it preservesthe rights and liabilities of citizens and governments. It is high time to shift from physical record management to electronic record management. It will not only save time but alot of resources incurred in terms of human resources, buildings, papers, pensand other ancillary items. Since a CFMIS system is in place, but it will be more appropriateifthe District Judiciary shifts towards a digital record room to be centrally established.

[26] Laura Ashley, Charles Dollar, and Robert Rogers, "2014 Digital Archives Study," Tournesol Consulting and North Dakota Information Technology Department, Bismarck; accessed March 12, 2026 at: https://www.nd.gov/itd/publications/miscellaneous/2014-digital-archives-study.