



**Majlis Peguam
Bar Council Malaysia**

www.malaysianbar.org.my

Wisma Badan Peguam Malaysia
2 Leboh Pasar Besar
50050 Kuala Lumpur, Malaysia
Tel : +603-2050 2050
Fax : +603-2050 2019
Email : council@malaysianbar.org.my

**Circular No 398/2021
Dated 4 Oct 2021**

To Members of the Malaysian Bar

E-Filing System

A meeting was convened with the Judiciary at the request of the Malaysian Bar (“Bar”), following feedback received from Members of the Bar on the e-Filing System (“EFS”) (see [Circular No 140/2021](#)).

The main issues that were discussed during the meeting are summarised in the following sections.

(1) Duration of File Search

The current fee for a file search is approximately RM12 for 30 minutes over a period of seven days.

The Bar has issued a letter to the Chief Registrar (“CR”) requesting for an increase of time to one hour.

(2) E-Filing System Displaying the Previous Solicitor’s Name or Firm Name

Where Notices of Change of Solicitor have been filed and the EFS is yet to be updated, Members are advised to contact the help desk for assistance (via telephone at 03-2733 1313 or email at efshelpdesk@kehakiman.gov.my).

In the event that Members have contacted the help desk and lodged a complaint, but the particulars are still not updated, Members are advised to forward a copy of their complaint to their respective State Bar Committee’s Civil Court Liaison Committee.

(3) Contentious Case Management

Members are reminded that for matters fixed for case management via e-Review, where the case management becomes contentious, Members have the option of requesting that the case management be conducted via a video conference platform or for the matter to be heard in Court.

Please refer to para 9.5 of Arahan Amalan Hakim Besar Malaya Bil 1 Tahun 2020 | Pengurusan Kes Sivil Sebelum Bicara ([Circular No 025/2020](#)).

(4) Delay in Processing of Documents

There have been instances where documents filed have not been processed promptly.

The e-Court Division has alerted the State Directors and reminded officers that as per [Pekeliling Ketua Pendaftar Bil 2 Tahun 2009](#), Court documents are supposed to be processed by the following day.

(5) Filing of Documents under the Wrong Filing Code

As a result of the meeting, the Bar wrote a letter to the CR stating that the current filing codes are convoluted, resulting in errors when filing.

The Bar has requested that the filing codes be streamlined and that Arahan Pentadbiran Ketua Pendaftar Mahkamah Persekutuan Malaysia Bilangan 1 Tahun 2018 be suspended pending the streamlining of the filing codes.

(6) File Size for Uploading Documents

To reduce the size of the documents that are to be uploaded, Members would have to use PDF Creator. If the reduction in size affects the quality of the uploaded documents, Members may present the original documents to Court during the day of the hearing / trial.

The Bar will be recommending to the CR to upgrade the EFS during Phase 3 to allow for larger-sized documents to be uploaded.

(7) Prohibition of Annotations on Soft Copies of Uploaded Documents

The e-Court Division informed that parties may put annotations on the original documents, then scan or save the annotated documents into PDF, and thereafter the documents must be converted into an image file using PDF Creator, before it is uploaded into the EFS.

As this is a matter concerning the integrity of the documents, parties are prohibited from making annotations on the soft copies of the documents because the soft copies would then be different from the original documents, for which the QR code has been generated.

(8) Certain Forms of PDF Not Accepted by EFS

The e-Court Division stated that lawyers are to use PDF Creator to create the PDF documents. If the quality of the uploaded document is in any way affected, lawyers may present the original documents in court.

(9) Confirmation or Acknowledgement Receipt as Proof of E-Filing for Filing That Does Not Require Any Payment

The e-Court Division informed us that receipts are only issued once payments have been made. For non-payment items, the e-Court Division does not issue receipts.

However, each draft order comes with a QR code, which when scanned, proves that it was issued by the court.

(10) Categories of Cause Papers or Parties

The e-Court Division explained that the cause papers listed in the Case Management System ("CMS") are gazetted and in compliance with the Rules of Court 2012, but it welcomes suggestions from the Bar if there is a need to include more types of documents / parties.

Members who face a situation where an intended cause paper or party is not specifically listed, may contact the help desk for assistance, and if no assistance is rendered, Members are to escalate their complaint to their respective State Bar Committees' Civil Court Liaison Committee.

(11) Problems in Retrieving the Payment Receipt

There are instances where the EFS fails to generate receipts. In these circumstances, lawyers are advised to contact the help desk (via telephone at 03-2733 1313 or email at efshelpdesk@kehakiman.gov.my).

(12) Withdrawal of Filed Unprocessed Documents

Documents / cause papers that have been filed but not yet processed cannot be withdrawn or cancelled. If a Member wishes to withdraw or cancel such a document, he/she will need to contact the Registrar in charge and make such a request, which will be dealt with on a case-by-case basis.

(13) Maximum of Only 10 Documents Can Be Filed at One Time

The e-Court Division explained that this limitation is to allow the system to effectively track the payment made for each document, and to prevent a system slowdown that follows multiple filings.

(14) To Allow Searches Using Parties' Name / NRIC / Company Name

The e-Court Division takes the position that this is not safe and therefore, does not recommend allowing searches using those methods, in order to avoid misuse of information. Furthermore, allowing such types of searches would also affect the performance of the system.

(15) To Include Draft Facility

The e-Court Division informed us that draft facility is one of the features proposed to be included in the enhancement of the EFS, tentatively to be done by the end of this year or early next year.

(16) Validation of Court Documents

The e-Court Division stated that parties can make use of the QR code to validate the authenticity of any court documents.

(17) Court Minutes Obtained from File Search Not in A4 Size

The e-Court Division acknowledged this issue and they have rectified it.

(18) Authentication of Sealed Court Orders

The e-Court Division acknowledged that certain government agencies would require certified court orders. The e-Court Division will be having meetings with such government agencies soon to discuss the authentication of sealed court orders.

(19) Cause List is Only Limited to the Current Month

The e-Court Division clarified that the cause list in the e-Courts portal caters for the courts in 99 locations and requires substantive storage space. As such, the cause list will be uploaded seven days prior to a hearing, and will remain seven days after the current date of the hearing.

Parties are able to do searches on the notes of proceedings (“NOP”) and purchase minutes to get further clarification.

We hope that the information provided here is of assistance to Members, and we will keep Members updated on the latest developments.

Thank you.

Shahareen Begum and Harleen Kaur
Co-Chairpersons
Court Liaison Committee