



Extraordinary
Published by Authority

PAUSA 17]

FRIDAY, DECEMBER 24, 2021

[SAKA 1943

PART I - Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

**HIGH COURT AT CALCUTTA
APPELLATE SIDE**

NOTIFICATION

No. 3097-G - dated the 16th December, 2021—Whereas it is expedient to consolidate, unify and streamline the procedure relating to use of video conferencing for Courts, the following Rules are hereby framed by the High Court at Calcutta, in exercise of its powers under Article 225 and 227 of the Constitution of India, with the approval of the Governor.

Chapter -I
Preliminary

1. These Rules shall be called the “Rules for Video Conferencing for Courts”.
 - (i) These Rules shall apply to such courts or proceedings or classes of courts or proceedings and on and from such date, as the High Court may notify in this behalf.
2. Definitions: In these Rules, unless the context otherwise requires:
 - (i) “Advocate” means and includes an advocate entered in any roll maintained under the provisions of the Advocates Act, 1961 and shall also include government pleaders/advocates and officers of the department of prosecution.
 - (ii) “Commissioner” means a person appointed as commissioner under the provisions of Code of Civil Procedure 1908 or the Code of Criminal Procedure 1973 or any other law in force.
 - (iii) “Coordinator” means a person nominated as coordinator under Rule 5.
 - (iv) “Court” includes a physical Court and a virtual Court and tribunal.
 - (v) “Court Point” means the Courtroom or one or more places where the Court is physically convened, or the place where a Commissioner or an inquiry officer holds proceedings pursuant to the directions of the Court.

(vi) “Court User” means a user participating in Court proceedings through video conferencing at a Court Point.

(vii) “Designated Video Conferencing Software” means software provided by the High Court from time to time to conduct video conferencing.

(viii) “Exceptional circumstances” include illustratively a pandemic, natural calamities, circumstances implicating law and order and matters relating to the safety of the accused and witnesses.

(ix) “Live Link” means and includes a live television link, audio-video electronic means or other arrangements whereby a witness, a required person or any other person permitted to remain present, while physically absent from the Courtroom is nevertheless virtually present in the Courtroom by remote communication using technology to give evidence and be cross-examined.

(x) “Remote Point” is a place where any person or persons are required to be present or appear through a video link.

(xi) “Remote User” means a user participating in Court proceedings through video conferencing at a Remote Point.

(xii) “Required Person” includes:

- a. the person who is to be examined;
- b. the person in whose presence certain proceedings are to be recorded or conducted;
- c. an Advocate or a party in person who intends to examine a witness;
- d. any person who is required to make submissions before the Court;
- e. any other person who is permitted by the Court to appear through video conferencing.

(xiii) “Rules” shall mean these Rules for Video Conferencing for Courts and any reference to a Rule, Sub-Rule or Schedule shall be a reference to a Rule, Sub-Rule or Schedule of these Rules.

Chapter-II

3. General Principles Governing Video Conferencing :

- (i) Video conferencing facilities may be used at all stages of judicial proceedings and proceedings conducted by the Court.
- (ii) All proceedings conducted in a Court by way of video conferencing shall be judicial proceedings and all the courtesies and protocols applicable to a physical Court shall apply to these virtual proceedings. The protocol provided in Schedule I shall be adhered to for proceedings conducted by way of video conferencing.
- (iii) All relevant statutory provisions applicable to judicial proceedings including provisions of the CPC, CrPC, Contempt of Courts Act, 1971, Indian Evidence Act, 1872 (abbreviated

hereafter as the Evidence Act), and Information Technology Act, 2000 (abbreviated hereafter as the IT Act), shall apply to proceedings conducted by video conferencing.

- (iv) Subject to maintaining independence, impartiality and credibility of judicial proceedings, and subject to such directions as the High Court may issue, Courts may adopt such technological advances as may become available from time to time.
- (v) The Rules as applicable to a Court shall mutatis mutandis apply to a Commissioner appointed by the Court to record evidence and to an inquiry officer conducting an inquiry.
- (vi) There shall be no unauthorized recording of the proceedings by any person or entity.
- (vii) The person defined in Rule 2(xii) shall provide identity proof as recognized by the Government of India/State Government/Union Territory, to the Court point coordinator via personal email. In case identity proof is not readily available the person concern shall furnish the following personal details by an affidavit duly attested by any of the authorities referred to in Section 139 of the CPC or Section 297 of Cr. PC, as the case may be disclosing name, parentage and permanent address, temporary address, if any, and any other particulars that may be required by the court.

4. Facilities recommended for Video Conferencing :

The following equipment is recommended for conducting proceedings by video conferencing at the Court Point and at the Remote Point:

- (i) Desktop, Laptop, mobile devices with internet connectivity and printer;
- (ii) Device ensuring uninterrupted power supply;
- (iii) Camera;
- (iv) Microphones and speakers;
- (v) Display unit;
- (vi) Document visualizer;
- (vii) Provision of a firewall;
- (viii) Adequate seating arrangements ensuring privacy;
- (ix) Adequate lighting; and
- (x) Availability of a quiet and secure space.

5. Preparatory Arrangements :

5.1 There shall be a Coordinator both at the Court Point and at the Remote Point from which any Required Person is to be examined or heard. However, Coordinator may be required at the Remote Point only when a witness or a person accused of an offence is to be examined.

5.2 In the civil and criminal Courts falling within the purview of the district judiciary, persons nominated by the High Court or the concerned District Judge, shall perform the functions of Coordinators at the Court Point as well as the Remote Point as provided in Rule 5.3.

5.3 The Coordinator at the Remote Point may be any of the following:

Sub Rule	Where the Advocate or Required Person is at the following Remote point:-	The Remote point Coordinator shall be:-
5.3.1	Overseas	An official of an Indian Consulate/the relevant High Commission of India.
5.3.2	Court of another state or Union Territory within the territory of India	Any authorized official nominated by the District Judge concerned preferably a Judicial Officer not below the rank of Civil Judge (Senior Division) or an Advocate having minimum experience of 7 years.
5.3.3	Mediation Centre or office of District Legal Services Authority (including Taluka Legal Services Committee)	Any authorized official nominated by the Chairperson or Secretary of the appropriate District Legal Services Authority.
5.3.4	Jail or Prison	The appropriate Jail Superintendent of Correctional Home or Officer in Charge of Prison or any Judicial Magistrate or Advocate having 7 years experience, empanelled with the appropriate DLSA as may be nominated by the District Judge.
5.3.5	Hospitals administered by the Central Government, the state Government or local bodies.	Medical Superintendent or an official authorized by them or the person in charge of the said hospital
5.3.6	Observation Home, Special Home, Children's Home or any institution referred to as a child facility (Collectively referred to as Child facilities) and where the Required person is a juvenile or a child or a person who is an inmate of such child facility	The Superintendent or Officer in Charge of that Child facility or an Official authorized by them in consultation with CWC or JJB as the case may be.

5.3.7	Women's Rescue Homes, Protection Homes, Shelter Homes, Nari Niketans or any Institution referred to as a women's facility (Collectively referred to as women's facilities).	The Superintendent or Officer in Charge of the women's facility or an official authorized by them preferably a woman.
5.3.8	In custody, care or employment of any other government office, organization or institution (Collectively referred to as Institutional facilities).	The Superintendent or Officer in charge of the Institutional facility or an official authorized by them
5.3.9	Forensic Science Lab	The Administrative Officer in Charge or their nominee.
5.3.10	In case of any other location	The appropriate court may appoint any person deemed fit and proper, who is ready and willing to render their services as a coordinator to ensure that the proceedings are conducted in a fair, impartial and independent manner and according to the directions issued by the court in that behalf.

5.4 When a Required Person is at any of the Remote Points mentioned in Sub Rules 5.3 and video conferencing facilities are not available at any of these places the concerned Court will formally request the District Judge, in whose jurisdiction the Remote Point is situated to appoint a Coordinator for and to provide a video conferencing facility from proximate and suitable Court premises.

5.5 The Coordinators at both the Court Point and Remote Point shall ensure that the recommended requirements set out in Rule 4 are complied with, so that the proceedings are conducted seamlessly.

5.6 The Coordinator at the Remote Point shall ensure that:

5.6.1 All Advocates and/or Required Persons scheduled to appear in a particular proceeding are ready at the Remote Point designated for video conferencing at least 30 minutes before the scheduled time.

5.6.2 No unauthorized recording device is used.

5.6.3 No unauthorized person enters the video conference room when the video conference is in progress.

5.6.4 The person being examined is not prompted, tutored, coaxed, induced or coerced in any manner by any person and that the person being examined does not refer to any document, script or device without the permission of the concerned Court during the course of examination.

5.7 Where the witness to be examined through video conferencing requires or if it is otherwise expedient to do so, the Court shall give sufficient notice in advance, setting out the schedule of

video conferencing and in appropriate cases may transmit non-editable digital scanned copies of all or any part of the record of the proceedings to the official email account of the Coordinator of the concerned Remote Point designated in accordance with Rule 5.3.

5.8 Before the scheduled video conferencing date, the Coordinator at the Court Point shall ensure that the Coordinator at the Remote Point receives certified copies, printouts or a soft copy of the non-editable scanned copies of all or any part of the record of proceedings which may be required for recording statements or evidence, or for reference. However, these shall be permitted to be used by the Required Person only with the permission of the Court.

5.9 Whenever required the Court shall order the Coordinator at the Remote Point or at the Court Point to provide -

5.9.1 A translator in case the person to be examined is not conversant with the official language of the Court.

5.9.2 An expert in sign languages in case the person to be examined is impaired in speech and/or hearing.

5.9.3 An interpreter or a special educator, as the case may be, in case a person to be examined is differently-abled, either temporarily or permanently.

Chapter – III

Procedure for Video Conferencing

6. Application for Appearance, Evidence and Submission by Video Conferencing:

6.1 Any party to the proceeding or witness, save and except where proceedings are initiated at the instance of the Court, may move a request for video conferencing. A party or witness seeking a video conferencing proceeding shall do so by making a request in the form prescribed in Schedule II.

6.1.1 In all cases, except *suo moto* direction, the petition/application must be supported by an affidavit, as prescribed in the schedule, and must contain amongst others, averments on the following aspect:-

(a) Reasons for inability of the witness to appear before the court.

(b) That the cost of Video Conferencing shall be borne by the party apply for video conferencing.

6.2 Any proposal to move a request for video conferencing should first be discussed with the other party or parties to the proceeding, except where it is not possible or inappropriate, for example in cases such as urgent applications.

6.3 On receipt of the application and upon hearing both sides, the judge, for reasons to be recorded in writing or any other sufficient cause, that the attendance of the witness will cause inordinate delay and expenses, and that, it is expedient in the interest of justice to allow recording of evidence through video conferencing may allow the prayer, specifying the cost to be borne by the party, if any.

6.4 While allowing a request for video conferencing, the Court may also fix the schedule for convening the video conferencing.

6.5 In case the video conferencing event is convened for making oral submissions, the order may require the Advocate or party in person to submit written arguments and precedents, if any, in advance on the official email ID of the concerned Court.

6.6 Costs, if directed to be paid, shall be deposited within the prescribed time, commencing from the date on which the order convening proceedings through video conferencing is received.

7. Service of Summons:

7.1 All service of summons, notice may be effected by e-mail, FAX, commonly used instant messages such as Whatsapp, Signal, Telegram etc or by any of the mode for effective service of summons as provided in the CPC and Cr. PC.

7.2 Summons issued to a witness, who is to be examined through video conferencing, shall mention the date, time and venue of the concerned Remote Point and shall direct the witness to attend in person along with proof of identity or an affidavit to that effect. The existing rules regarding service of summons and the consequences for non-attendance, as provided in the CPC and CrPC shall apply with respect to service of summons for proceedings conducted by video conferencing.

8. Examination of persons:

8.1 Any person being examined, including a witness shall, before being examined through video conferencing, produce and file proof of identity by submitting an identity document issued or duly recognized by the Government of India, State Government, Union Territory, or in the absence of such a document, an affidavit attested by any of the authorities referred to in Section 139 of the CPC or Section 297 of the CrPC, as the case maybe. The affidavit will inter alia state that the person, who is shown to be the party to the proceedings or as a witness, is the same person, who is to depose at the virtual hearing. A copy of the proof of identity or affidavit, as the case may be, will be made available to the opposite party.

8.2 The person being examined will ordinarily be examined during the working hours of the concerned Court or at such time as the Court may deem fit in presence of Coordinator. The oath will be administered to the person being examined by the Coordinator at the Court Point.

8.3 Where the person being examined, or the accused to be tried, is in custody, the statement or, as the case may be, the testimony, may be recorded through video conferencing in presence of Judicial Magistrate or any other Coordinator qualified for the job. The Court shall provide adequate opportunity to the under-trial prisoner to consult in privacy with their counsel before, during and after the video conferencing.

8.4 Subject to the provisions for examination of witnesses contained in the Evidence Act, before the examination of the witness, the documents, if any, sought to be relied upon shall be transmitted by the applicant to the witness, so that the witness acquires familiarity with the said documents. The applicant will file an acknowledgment with the Court in this behalf.

8.5 If a person is examined with reference to a particular document then the summons to witness must be accompanied by a duly certified photocopy of the document. The original document should be exhibited at the Court Point in accordance with the deposition of the concerned person being examined.

8.6 The Court would be at liberty to record the demeanor of the person being examined.

8.7 The Court will note the objections raised during the deposition of the person being examined and rule on them.

8.8 The Court shall obtain the signature of the person being examined on the transcript once the examination is concluded. The signed transcript will form part of the record of the judicial proceedings. The signature on the transcript of the person being examined shall be obtained in either of the following ways:-

8.8.1 If digital signatures are available at both the concerned Court Point and Remote Point, the soft copy of the transcript digitally signed by the presiding Judge at the Court Point shall be sent by the official e-mail to the Remote Point where a print out of the same will be taken and signed by the person being examined. A scanned copy of the transcript digitally signed by the Coordinator at the Remote Point would be transmitted by official email of the Court Point. The hard copy of the signed transcript will be dispatched after the testimony is over, preferably within three days by the Coordinator at the Remote Point to the Court Point by recognized courier/registered speed post.

8.8.2 If digital signatures are not available, the printout of the transcript shall be signed by the presiding Judge and the representative of the parties, if any, at the Court Point and shall be sent in non-editable scanned format to the official email account of the Remote Point, where a printout of the same will be taken and signed by the person examined and countersigned by the Coordinator at the Remote Point. A non-editable scanned format of the transcript so signed shall be sent by the Coordinator of the Remote Point to the official email account of the Court Point, where a print out of the same will be taken and shall be made a part of the judicial record. The hard copy would also be dispatched preferably within three days by the Coordinator at the Remote Point to the Court Point by recognized courier/registered speed post.

8.9 An audio-visual recording of the examination of person examined shall be preserved. An encrypted master copy with hash value shall be retained as a part of the record.

8.10 The Court may, at the request of a person to be examined for reasons other than mentioned in Rule 8.1.5, or on its own motion, taking into account the best interests of the person to be examined, direct appropriate measures to protect the privacy of the person examined bearing in mind aspects such as age, gender, physical condition and recognized customs and practices.

8.11 The Coordinator at the Remote Point shall ensure that no person is present at the Remote Point, save and except the person being examined and those whose presence is deemed administratively necessary by the Coordinator for the proceedings to continue.

8.12 The Court may also impose such other conditions as are necessary in a given set of facts for effective recording of the examination (especially to ensure compliance with Rule 5.6.4).

8.13 The examination shall, as far as practicable, proceed without interruption or the grant of unnecessary adjournments. However, the Court or the Commissioner as the case may be, will be at liberty to determine whether an adjournment should be granted, and if so, on what terms.

8.14 The Court shall be guided by the provisions of the CPC and Chapter XXIII, Part B of the CrPC, the Evidence Act and the IT Act while examining a person through video conferencing.

8.15 Where a Required Person is not capable of reaching the Court Point or the Remote Point due to sickness or physical infirmity, or presence of the required person cannot be secured without undue delay or expense, the Court may authorize to conduct of video conferencing from the place at which such person is located. In such circumstances the Court may direct the use of portable video conferencing systems. Authority in this behalf may be given to the concerned Coordinator and/or any person deemed fit by the Court.

8.16 Subject to such orders as the Court may pass, in case any party or person authorized by the party is desirous of being physically present at the Remote Point at the time of recording of the testimony, such a party shall make its own arrangement for appearance /representation at the Remote Point.

9. Exhibiting or Showing Documents to Witness or Accused at a Remote Point:

If in the course of examination of a person at a Remote Point by video conferencing, it is necessary to show a document to the person, the Court may, reason to be recorded, permit the document to be shown subject to Discovery and Inspection of the originals by other party prior to examination, and be exhibited in the following manner:-

9.1 The admission and denial of all documents shall be completed prior to commencement of trial. The admitted documents may be shown on audio visual mode at the Remote Point and may be marked as exhibit at the Remote Point by the Coordinator.

9.2. The admission or denial of documents can take place by the Reader/ Registrar producing the document (in seriatim) over the screen of the Virtual Court. The Advocate for the defendant shall admit or deny the plaintiff's document accordingly and vice versa. On the basis of the admission or denial it will be the responsibility of the Reader/Registrar to make exhibits (or not mark them if denied) on the relevant document.

9.3 In Civil Trials, the examination in chief can be commenced by submitting the Evidence by way of Affidavit by the concerned witness in PDF. The party introducing the witness would need to email the PDF of the Evidence by way of Affidavit to the verified email address/Number of the Registry of the Court. In all such emails/ the opposite party's Advocate's verified email address should also be marked and in default the same shall be deemed to be incomplete submission. In cases of summoned witnesses, the oral deposition of the concerned witness can be recorded by the Virtual Court through extending a link to such witness and also receive documents from such witness over email.

9.4 Production of Documents / Marking of Exhibits:

9.4.1 Documents may be marked as exhibits by 'screen share' facility, and simultaneous digital signature affixation by the Registrar/ Judge who is presiding.

9.4.2 Electronic documents may be emailed to a designated email ID of the court, and would be available on the server of the official email ID, so that it do not need to be printed out.

(a) Photos

(b) Videos

(c) Sound recordings also can be attached to such email

9.4.3 Electronic documents which are tendered/ produced in court may be process in appropriate manner with the permission of the Court and intimation to parties to ensure proper

preservation and reproduction at subsequent stages of the proceeding. In all cases chain of custody with reference to “Hash value” of the electronic record shall be maintained.

9.5. In Criminal proceeding the rules contained in Rule 9.1 to Rule 9.4 relating to examination of witnesses and production of document/ marking of exhibits shall apply mutatis mutandis.

9.6 The accused, who has been granted bail, can appear on all dates of proceedings through a Virtual mode, the link of which would be sent through e-mail by Registrar of the concerned District Court. The accused, who are still in Judicial Custody can be produced before the Court through an appropriate Video Conferencing facility setup within the Correctional Home. Similarly the statement under Section 313 CrPC can be recorded in a similar manner by putting the question to the accused and recording his answer through the virtual mode.

9.7 In Criminal Investigations and Trials, the oral statement of the witness under Section 164 CrPC or during trial, can be recorded by the Virtual mode through extending a link to such witness and also receiving documents from such witness over e-mail. For cross examination in both civil and criminal trials, the Advocate for the opposite party may do the same over the Virtual platform and the Stenographer of the court may record the same and to be kept in the Court record.

9.8 If the document is at the Court Point, by transmitting a copy or image of the document to the Remote Point electronically, including through a document visualizer.

9.9 If the document is at the Remote Point, by putting it to the person and transmitting a copy/image of the same to the Court Point electronically including through a document visualizer. The hard copy of the document countersigned by the witness and the Coordinator at the Remote Point shall be dispatched thereafter to the Court Point via authorized courier/registered speed post.

9.10 In the event an witness is required to be examined in chief or cross examined at the Remote Point physically in relation to a document or an article or of like nature which cannot be conveniently done at the Court Point, the court may ordinarily allow such prayer having regard to the very nature and purpose for which the said document or article or object or of like nature is required to be shown in original at the Remote Point without requiring the said document or article or object or of like nature to be disclosed prior to cross examination of the witness.

Provided that at any time when a witness is to be confronted with document during cross examination, which document is not a part of the court record, the same can be done using ‘screen share’, with a condition that such document be emailed to the presiding officer (on the official email ID/ designated email ID) forthwith and the said document shall be received by the designated officer at the remote point for the purpose of marking said document as a part of the case record.

9.11 Production of material object in court from the remote end shall be in the manner as provided in Rule 9.4 and the said material object shall forthwith be handed over to the Coordinator at the Remote Point.

10. Ensuring seamless Video Conferencing:

10.1 The Advocate or Required Person, shall address the Court by Video Conferencing from a specified Remote Point on the date and time specified in the order issued by the Court. The presence of the

Coordinator will not be necessary at the Remote Point where arguments are to be addressed by an advocate or party in person before the Court.

10.2 If the proceedings are carried out from any of the Remote Point(s) (in situations described in Rules 5.3.1 to 5.3.9) the Coordinator at such Remote Point shall ensure compliance of all technical requirements. However, if the proceedings are conducted from a Remote Point falling in the situation contemplated under Rule 5.3.10, such as an Advocate's office, the Coordinator at the Court Point shall ensure compliance of all technical requirements for conducting video conferencing at both the Court Point and the Remote Point.

10.3 The Coordinator at the Court Point shall be in contact with the concerned Advocate or the Required Person and guide them in regard to the fulfillment of technical and other requirements for executing a successful hearing through video conferencing. Any problems faced by such Remote Users shall be resolved by the Court Point Coordinator. The Court Point Coordinator shall inter alia share the link of the video conferencing hearing with such Remote Users.

10.4 The Coordinator at the Court Point shall ensure that any document or audio-visual files, emailed by the Remote User, are duly received at the Court Point.

10.5 The Coordinator at the Court Point shall also conduct a trial video conferencing, preferably 30 minutes prior to scheduled video conferencing in order to ensure that all the technical systems are in working condition at both the Court Point and the Remote Point.

10.6 At the scheduled time, the Coordinator at the Court Point shall connect the Remote User to the Court.

10.7 On completion of the video conferencing proceeding, the Court shall mention in the order sheet the time and duration of the proceeding, the software used (in case the Software used is not the Designated Video Conferencing Software), the issue(s) on which the Court was addressed and the documents if any that were produced and transmitted online. In case a digital recording is tendered, the Court shall record its duration in the order sheet along with all other requisite details.

10.8 The Court shall also record its satisfaction as to clarity, sound and connectivity for both Court Users and Remote Users.

10.9 On the completion of video conferencing, if a Remote User is of the opinion that they were prejudiced due to poor video and/or audio quality, the Remote User shall immediately inform the Coordinator at the Court Point, who shall in turn, communicate this information to the Court without any delay. The Court shall consider the grievance and if it finds substance in the grievance may declare the hearing to be incomplete and the parties may be asked to re-connect or make a physical appearance in Court.

11. Judicial remand, framing of charge, examination of accused and Proceedings under Section 164 of the CrPC:

11.1 The Court may, at its discretion, authorize detention of an accused, frame charges in a criminal trial under the CrPC by video conferencing in presence of Coordinator. However, ordinarily judicial remand in the first instance or police remand shall not be granted through video conferencing save and except in exceptional circumstances for reasons to be recorded in writing.

11.2 The Court may, in exceptional circumstances, for reasons to be recorded in writing, examine a witness or an accused under Section 164 of the CrPC or record the statement of the accused under Section 313 CrPC through video conferencing in presence of Coordinator, while observing all due precautions to ensure that the witness or the accused as the case may be is free of any form of coercion, threat or undue influence. The Court shall ensure compliance with Section 26 of the Evidence Act.

Chapter -IV

12. General procedure:

12.1 The procedure set out hereafter in this chapter is without prejudice to the procedure indicated elsewhere in these Rules qua specific instances in which proceedings are conducted via video conferencing.

12.2 The Coordinator at the Court Point shall ensure that video conferencing is conducted only through a Designated Video Conferencing Software. However, in the event of a technical glitch during a given proceeding, the concerned Court may for reasons to be recorded permit the use of a software other than the Designated Video Conferencing Software for video conferencing in that particular proceeding.

12.3 The identity of the person to be examined shall be confirmed by the Court with the assistance of the Coordinator at the Remote Point in accordance with Rule 8.1, at the time of recording of the evidence and the same must be reflected in the order sheet of the Court.

12.4 In civil cases, parties requesting for recording statements of the person to be examined by video conferencing shall confirm to the Court, the location of the person, the willingness of such person to be examined through video conferencing and the availability of technical facilities for video conferencing at the agreed upon time and place.

12.5 In criminal cases, where the person to be examined is a prosecution witness or a Court witness, or where a person to be examined is a defence witness, the counsel for the prosecution or defence counsel, as the case maybe, shall confirm to the Court the location of the person, willingness to be examined by video conferencing and the time, place and technical facility for such video conferencing.

12.6 In case the person to be examined is an accused, the prosecution will confirm the location of the accused at the Remote Point.

12.7 Video conferencing shall ordinarily take place during the Court hours. However, the Court may pass suitable directions concerning the timing and schedule of video conferencing as the circumstances may warrant.

12.8 The record of proceeding including the transcription of evidence shall be prepared at the remote point under the supervision of the Court and accordingly authenticated. The witness shall be permitted to rely upon the material and document in the custody of the officer concerned or to tender the same in evidence only with the express condition of the Trial Court. The officer concern at the remote end shall ensure that no other persons are present in the remote where evidence is recorded. The officer at the remote point shall ensure that no other person entered the room during the course of recording of the statement of the witness till the conclusion thereof. At the culmination of the recording of the statement the same shall be read out to the witnesses in the presence of the other side (if any attendants

or his pleader) if the witness deny the correctness of any part of the evidence whether same is read over to him the trial court may make the necessary correction or alternatively may record the memorandum thereof, objection made to the recorded statement of the witness and in addition thereto record his own remark is necessary. The transcript of the statement of the witness recorded through video conferencing shall be scanned and dispatched through email to the remote point where print out of the same will be taken. The witness will authenticate the same after giving to the contents of the evidence recorded and the aforesaid authenticated statement shall be endorsed by the officer at the remote point and thereafter shall be scanned and returned to the Trial Court through email.

12.9 The court may, at the request of a person to be examined, or on its own motion, taking into account the best interests of the person to be examined, direct appropriate measures to protect his privacy, keeping in mind his age, gender and physical condition.

12.10 Where a party or a lawyer requests that in the course of video conferencing some privileged communication may have to take place, Court will pass appropriate directions in that regard, if deems fit.

12.11 The audio-visual shall be recorded at the Court Point. An encrypted master copy with hash value shall be retained in the Court as part of the record. Another copy shall also be stored at safe location for backup in the event of any emergency (Disaster Recovery). Transcript of the evidence recorded by the Court shall be given to the parties as per applicable rules. A party may be allowed to view the master copy of the audio video recording retained in the Court on application, which shall be decided by the Court, consistent with furthering the interests of justice.

12.12 If the accused is in custody and not present at the Court Point, the Court will order a multi-point video conference between itself, the witness and the accused in custody to facilitate recording of the statement of the witness (including medical or other expert). The Court shall ensure that the defence of the accused is not prejudiced in any manner and that the safeguards contained in Rule 8.3 are observed.

12.13 The Coordinator at the Remote Point shall be paid such amount as honorarium as may be directed by the Court in consultation with the parties.

13. Costs of Video Conferencing : In the absence of rules prescribed by the concerned Court, the Court may take into consideration following circumstances when determining and/or apportioning the costs of video conferencing:

13.1 In criminal cases, the expenses of the video conferencing facility including expenses involved in preparing soft copies / certified copies of the Court record and transmitting the same to the Coordinator at the Remote Point, and the fee payable to translator / interpreter / special educator, as the case may be, as also the fee payable to the Coordinator at the Remote Point, shall be borne by such party as directed by the Court.

13.2 In civil cases, generally, the party making the request for recording evidence, through video conferencing shall bear the expenses.

13.3 Besides the above, the Court may also make an order as to expenses as it considers appropriate, taking into account rules / instructions regarding payment of expenses to the complainant and witnesses, as may be prevalent from time to time.

13.4 It shall be open to the Court to waive the costs as warranted in a given situation.

14. Conduct of Proceedings:

14.1 All Advocates, Required Persons, the party in person and/or any other person permitted by the Court to remain physically or virtually present (hereinafter collectively referred to as participants) shall abide by the requirements set out in Schedule I.

14.2 Before the commencement of video conferencing all participants, shall have their presence recorded. However, in case a participant is desirous that their face or name be masked, information to that effect will be furnished to the Court Point Coordinator prior to the commencement of the proceeding.

14.3 The Court Point Coordinator shall send the link / Meeting ID / Room Details via the e-mail Id / mobile number furnished by the Advocate or Required Person or other participant permitted to be virtually present by the Court. Once the proceedings have commenced, no other persons will be permitted to participate in the virtual hearing, save and except with the permission of the Court.

14.4 The participants, after joining the hearing shall remain in the virtual lobby if available, until they are admitted to virtual hearing by the Coordinator at the Court Point.

14.5 Participation in the proceedings shall constitute consent by the participants to the proceedings being recorded by video conferencing.

14.6 Establishment and disconnection of links between the Court Point and the Remote Point would be regulated by orders of the Court.

14.7 The Court shall satisfy itself that the Advocate, Required Person or any other participant that the Court deems necessary at the Remote Point or the Court Point can be seen and heard clearly and can clearly see and hear the Court.

14.8 To ensure that video conferencing is conducted seamlessly, the difficulties, if any, experienced in connectivity must be brought to the notice of the Court at the earliest on the official email address and mobile number of the Court Point Coordinator which has been furnished to the participant before the commencement of the virtual hearing. No complaint shall subsequently be entertained.

14.9 Wherever any proceeding is carried out by the Court under these Rules by taking recourse to video conferencing, this shall specifically be mentioned in the order sheet.

15. Access to Legal Aid Clinics/Camps/Lok Adalats/Jail Adalats:

15.1 In conformity with the provisions of the Legal Services Authorities Act, 1987 and the laws in force, in proceedings related to Legal Aid Clinics, Camps, Lok Adalats or Jail Adalats, any person who at the Remote Point is in Jail or Prison shall be examined by the Chairman / Secretary of the District Legal Service Authority or Taluka Legal Service Committee or Members of Lok Adalats before passing any award or orders in accordance with law.

15.2 Such award or order shall have the same force as if it was passed by the regular Lok Adalat or Jail Adalat.

15.3 Copy of the award or order and the record of proceedings shall be sent to the Remote Point.

16. Allowing persons who are not parties to the case to view the proceedings :

16.1 In order to observe the requirement of an open Court proceeding, members of the public will be allowed to view Court hearings conducted through video conferencing, except proceedings ordered for reasons recorded in writing to be conducted in-camera . The Court shall endeavour to make available sufficient links (consistent with available bandwidth) for accessing the proceedings.

16.2 Where, for any reason, a person unconnected with the case is present at the Remote Point, that person shall be identified by the Coordinator at the Remote Point at the start of the proceedings and the purpose of the presence of that person shall be conveyed to the Court. Such a person shall continue to remain present only if ordered so by the Court.

Chapter-IV A

That the Court in relation to the aforesaid cases shall be guided by Order XXVI CPC as far as possible.

**Chapter V
Miscellaneous****17. Reference to Words and Expressions :**

Words and expressions used and not defined in these Rules shall have the same meaning as assigned to them in the CPC, the CrPC, Evidence Act, IT Act, and the General Clauses Act, 1897.

18. Power to Relax :

The High Court may if satisfied that the operation of any Rule is causing undue hardship, by an order dispense with or relax the requirements of that Rule to such extent and subject to such conditions, as may be stipulated to deal with the case in a just and equitable manner.

19. Residual Provisions :

Matters with respect to which no express provision has been made in these Rules, shall be decided by the Court consistent with the principle of furthering the interests of justice.

By the Order of the High Court,

Sd/-

[ANANYA BANDYOPADHYAY]

**Registrar General
High Court, Calcutta.**

SCHEDULE I

1. All participants shall wear sober attire consistent with the dignity of the proceedings. Advocates shall be appropriately dressed in professional attire prescribed under the Advocates Act, 1961. Police officials shall appear in the uniform prescribed for police officials under the relevant statute or orders. The attire for judicial officers and Court staff will be as specified in the relevant rules prescribed in that behalf by the High Court. The decision of the Presiding Judge or officer as to the dress code will be final.
2. Proceedings shall be conducted at the appointed date and time. Punctuality shall be scrupulously observed.
3. The case will be called out and appearances shall be recorded on the direction of the Court.
4. Every participant shall adhere to the courtesies and protocol that are followed in a physical Court. Judges will be addressed as “Madam/Sir” or “Your Honour”. Officers will be addressed by their designation such as “Bench Officer/Court Master”. Advocates will be addressed as “Learned Counsel/Senior Counsel”
5. Advocates, Required Persons, parties in person and other participants shall keep their microphones muted till such time as they are called upon to make submissions.
6. Remote Users shall ensure that their devices are free from malware.
7. Remote Users and the Coordinator at the Remote Point shall ensure that the Remote Point is situated in a quiet location, is properly secured and has sufficient internet coverage. Any unwarranted disturbance caused during video conferencing may if the Presiding Judge so directs render the proceedings *non est*.
8. All participants’ cell phones shall remain switched off or in air-plane mode during the proceedings.
9. All participants should endeavour to look into the camera, remain attentive and not engage in any other activity during the course of the proceedings.

SCHEDULE II
Request Form for Video Conference

1. Case Number / CNR Number (if any)
2. Cause Title
3. Proposed Date of conference (DD/MM/YYYY): _____
4. Location of the Court Point(s): _____
5. Location of the Remote Point(s): _____
6. Names & Designation of the Participants at the Remote Point: _____
7. Reasons for Video Conferencing: In the matter of:
8. Nature of Proceedings: Final Hearing Motion Hearing Others

I have read and understood the provisions of [Rules for Video Conferencing for Courts](#) (hyperlink).
I undertake to remain bound by the same to the extent applicable to me. I agree to pay video conferencing charges if so, directed by the Court.

Signature of the applicant/authorised signatory:

Date:

For use of the Registry / Court Point Coordinator

A) Bench assigned:

B) Hearing:

Held on (DD/MM/YYYY):

Commencement Time:

End time:

Number of hours:

C) Costs:

Overseas transmission charges if any:

To be incurred by Applicant /Respondent:

To be shared equally:

Waived; as ordered by the Court:

Signature of the authorized officer:

Date: