

# ***Appendix G***

*Video Conferencing Rules, 2020 for the High Court of Orissa*

## **THE HIGH COURT OF ORISSA, CUTTACK**

### **Notification**

**No.1206/R Dtd.02.11.2020**

Whereas it is expedient to consolidate, unify and streamline the procedure relating to use of video conferencing for Courts;

Now therefore, in exercise of the powers conferred by clauses (2) of article 227 read with article 225 of the Constitution of India, the Orissa High Court, with the previous approval of the Governor of Odisha, is pleased to make the following rules, namely:-

#### **Preliminary**

##### **Chapter I**

#### **1. Short Title and Commencement. -**

- (i) These rules may be called the Orissa High Court Video Conferencing for Courts Rules, 2020.
- (ii) They shall come into force for such courts or classes of Courts or proceedings or classes of proceedings and on and from such date or dates as the Chief Justice may, by order, appoint.

#### **2. Definitions. -** In these rules, unless the context otherwise requires, -

- (i) “Advocate” means an Advocate entered in any roll under the provisions of the Advocates Act, 1961 (25 of 1961) or Government 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 (hereinafter called ‘the C.P.C.’), or the Code of Criminal Procedure, 1973 (hereinafter called the Cr.P.C1 or any other law in force;
- (iii) “Coordinator” means a person nominated as coordinator under rule 5;
- (iv) “Court” includes a virtual Court or tribunal;
- (v) “Court Point” means the Court room or one or more places where the Court is physically convened, or the place where a Commissioner or an inquiring 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 includes a pandemic, natural calamities, circumstances implicating law and order or matters relating to the safety of the accused and witnesses or such circumstances as the Chief Justice may, by order, declare as exceptional circumstances;
- (ix) “Live Link” in relation to video conference means a live television link or other audio-video electronic means whereby a witness, a required person or any other person permitted to remain present, in the Court room by remote communication using technology to give evidence and be cross-examined.
- (x) “Remote Point” means a place where any required persons is to remain present 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-
- (xiii) the person who is to be examined; or
- (xiv) the person in whose presence certain proceedings are to be recorded or conducted; or
- (xv) an Advocate or a party in person who intends to examine a witness; or
- (xvi) any person who is required to make submissions before the Court; or
- (xvii) any other person who is permitted by the Court to appear through video conferencing.
- (xviii) “Schedule” means the Schedule appended to these rules;
- (xix) ‘System Officer’ or ‘System Assistant’ shall mean System Officer or System Assistant appointed by High Court of Orissa and working at High Court of Orissa or at District Courts.

## **Chapter II**

### **General Principles**

#### **3. General Principles Governing Video Conferencing-**

- (i) Video conferencing facilities may be used at all stages of judicial proceeding conducted by the Court.
- (ii) All proceedings conducted by 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 a virtual Court and the protocol as set forth in the Schedule 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 C.P.C., the Cr P.C., the Contempt of Courts Act, 1971, the Indian Evidence Act, 1872 (hereafter called as the Evidence Act), and the Information Technology Act, 2000 (hereafter called 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 unauthorised audio or video recording of the proceedings by any person or entity.
- (vii) The required person shall provide identity proof as recognised by the Government of India or State Government or Union Territory to the Court point coordinator via personal e-mail and in case the identity proof is not readily available the person concerned shall furnish the following personal details; namely:
  - (a) name;
  - (b) parentage;
  - (c) permanent address; and
  - (d) present address, if any.

**4. Facilities Recommended for Video Conferencing-** The following equipments are recommended for conducting proceedings by video conferencing at the Court Point and at the Remote Point, namely: -

- (i) Desktop, Laptop, mobile devices with internet connectivity, printer along with licensed Anti-Virus with real time protection loaded in the Desktop and Laptop;
- (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;
- (x) availability of a quiet and secure space; and
- (xi) hardware for storage facility of audio or video recordings of examination.

## 5. Preparatory Arrangements

- (i) 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: Provided that the Coordinator may be required at the Remote Point only when a witness or a person accused of an offence is to be examined.
- (ii) 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 sub-rule (3).
- (iii) The coordinator may be at any of the following Remote Point, namely -

Sl. No.	Where the Advocate or required person is at the Remote Point:	The Remote Point Coordinator:
(1)	(2)	(3)
(a)	Overseas	An official of an Indian Consulate or Indian Embassy or the High Commission of India, as the case may be.
(b)	Court of another state or union territory within the territory of India	Any authorized official nominated by the concerned District Judge.
(c)	Mediation Centre or office of District Legal Services Authority (including Taluka Legal Services Committee)	Any authorized person official nominated by the Chairperson or Secretary of the concerned District Legal Services Authority
(d)	Jail or prison	The concerned Jail Superintendent or Officer in-charge of the prison.
(e)	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
(f)	Observation Home, Special Home, Children's Home, Shelter 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.
(g)	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 him.
(h)	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 him.
(i)	Forensic Science Lab	The Administrative officer in-charge or his nominee.
(j)	Local Bar Association Hall	President of the Bar Association or his nominee.

Sl. No.	Where the Advocate or required person is at the Remote Point:	The Remote Point Coordinator:
(k)	In case of any other location	The concerned 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.

- (iv) When a required person is at any of the Remote Points mentioned in sub-rule (3) and video conferencing facilities are not available at any of those places, the concerned Court shall formally request the District Judge, in whose jurisdiction the Remote Point is situated to appoint a Coordinator and to provide a video conferencing facility from proximate and suitable Court premises.
- (v) 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.
- (vi) The Coordinator at the Remote Point shall ensure that-
  - (a) all Advocates or a required person scheduled to appear in a particular proceeding is in proper attire and ready at the Remote Point designated for video conferencing at least thirty minutes before the scheduled time;
  - (b) no unauthorised audio or video recording device is used for recording the proceeding in any manner;
  - (c) no unauthorised person enters the video conferencing room when the video conference is in progress; and
  - (d) the person who is examined is not prompted, tutored, coaxed, induced or coerced in any manner by any person and the former does not refer to any document, script or device without the permission of the concerned Court during the course of examination.
- (vii) 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 case may transmit non-editable digital scanned copies of all or any part of the record of the proceedings to the official e-mail account of the Coordinator of the concerned Remote Point designated in accordance with sub-rule (3).
- (viii) The Court shall transmit to the e-mail of the Coordinator at Remote Point non-editable digital scanned copies of the documents submitted under section 173 of the Cr.P.C. (or any part thereof) which may be necessary for examination of the witness for his reference during such examination.

- (ix) 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 which shall only be permitted to be used by the required person with the permission of the Court.
- (x) Whenever required, the Court shall order the Coordinator at the Remote Point or at the Court Point to provide -
  - (a) A translator in case the person to be examined is not conversant with the official language of the Court;
  - (b) An expert in sign languages in case the person to be examined is impaired in speech and hearing; and
  - (c) 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.