



2020

# Digital NI Act Courts in Delhi

## Project Implementation Guidelines



**SCMSC**  
**Delhi High Court**

**Hon'ble the Chief Justice  
&  
Hon'ble Judges of SCMISC and IT Committee who inspired and guided us**



**Chief Justice Dhirubhai Naranbhai Patel**

Chief Justice, Delhi High Court  
Member of the Artificial Intelligence Committee of the Supreme Court.



**Hon'ble Mr. Justice Rajiv Sahai Endlaw**

Judge, Delhi High Court  
Chairman of State Court Management Systems Committee



**Hon'ble Mr. Justice Rajiv Shakdher**

Judge, Delhi High Court  
Chairman of Information Technology Committee



**Hon'ble Mr. Justice Sanjeev Sachdeva**

Judge, Delhi High Court  
Member of Information Technology Committee



**Hon'ble Mr. Justice Yogesh Khanna**

Judge, Delhi High Court  
Member of State Court Management Systems Committee



**Hon'ble Ms. Justice Pratibha M. Singh**

Judge, Delhi High Court  
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**Hon'ble Mr. Justice Navin Chawla**

Judge, Delhi High Court  
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**Hon'ble Mr. Justice Brijesh Sethi**

Judge, Delhi High Court  
Member of State Court Management Systems Committee

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## **1. Background**

The Project for establishment of Digital NI Act Court at District Courts level was conceived and conceptualized by the SCMISC of Delhi High Court on the directions of Hon'ble the Chief Justice D. N. Patel with an objective of providing hassle-free environment to the litigants for filing, hearing and disposal of cheque dishonor cases and is aimed at strengthening 'Access to Justice for all'.

The Negotiable Instruments Act was amended by the Banking Public Financial Institutions and Negotiable Instruments Laws (Amendment) Acts, 1988 and Chapter XVII was inserted in the Act, comprising Sections 138 to 143, thereby making non-payment post dishonor of cheque, a criminal offence.

Owing to upsurge in commercial activities and enhanced usage of cheques as a mode of payment, complaints under Section 138 of the NI Act came to be filed in such large numbers that it became impossible for the courts to handle them within a reasonable time and it also had a highly adverse impact on the court's normal work in ordinary criminal matters.

Delhi being national capital and one of the leading commercial hub in North India witnessed huge filing of Section – 138 NI Act Complaint. In the years 2018 and 2019 NCT of Delhi witnessed filing of 1,15,869 and 1,92,622 complaints respectively. Pendency of NI Act cases in District Courts in Delhi is mammoth 3,70,996 as on 30.06.2020 which constitutes more than 54 per cent of all combined criminal cases pending in Delhi. Cheque dishonor cases constitute around 42 per cent of all pending civil and criminal cases in Delhi.

Remedial measures were urgently required and the legislature took action by introducing further amendments in the Act through the Negotiable Instruments (Amendment

and Miscellaneous Provisions) Act, 2002. This amendment inserted in the Act for the first time sections 143 to 147 besides bringing about a number of changes in the existing provisions of Sections 138 to 142. Section 143 gave to the court the power to try cases summarily; Section 144 provided for the mode of service of summons; Section 145 made it possible for the complainant to give his evidence on affidavit; Section 146 provided that the bank's slip would be prima facie evidence of certain facts and Section 147 made the offences under the Act compoundable.

Earlier SCMSC of High Court tried to tackle the menace of huge pendency by bunching of similar cases. However, the situation being grim required more innovative steps and use of technology within the existing legal framework for expediting the disposal.

## **2. Judicial Directives**

Hon'ble the Supreme Court in **M/S Meters and Instruments vs. Kanchan Mehta, AIR 2017 SC 4594**, observed, *"it appears to be necessary that the situation is reviewed by the High Courts and updated directions are issued. Interactions, action plans and monitoring are continuing steps mandated by Articles 39A and 21 of the Constitution to achieve the goal of access to justice. Use of modern technology needs to be considered not only for paperless courts but also to reduce overcrowding of courts. There appears to be need to consider categories of cases which can be partly or entirely concluded "online" without physical presence of the parties by simplifying procedures where seriously disputed questions are not required to be adjudicated. Traffic challans may perhaps be one such category. Atleast some number of Section 138 cases can be decided online"*.

Hon'ble Supreme Court in the same judgment has provided some insight for procedural compliance and video conferencing as *"If complaint with affidavits and documents*

*can be filed online, process issued online and accused pays the specified amount online, it may obviate the need for personal appearance of the complainant or the accused. Only if the accused contests, need for appearance of parties may arise which may be through counsel and wherever viable, video conferencing can be used. Personal appearances can be dispensed with on suitable self operating conditions”.*

However the Supreme Court allowed the High Courts to do the needful by saying “*This is a matter to be considered by the High Courts and wherever viable, appropriate directions can be issued.....It will be open to the High Courts to consider and lay down category of cases where proceedings or part thereof can be conducted online by designated courts or otherwise. The High Courts may also consider issuing any further updated directions for dealing with Section 138 cases in the light of judgments of this Court”.*

A Bench of Hon’ble Supreme Court led by **CJI HMJ SA Bobde with HMJ L Nageshwara Rao** in case titled **Makwana Mangaldas Tulsidas v. State of Gujarat** and another SLP (Criminal) No. 5464 of 2016, on 05.03.2020 issued certain directions, a summary of which is as follows -

1. High Courts to consider setting up of Exclusive NI Act Courts.
2. Ascertain standard figures of pendency of NI Act cases in district across the State.
3. Set-up Exclusive NI Act Courts where pendency is above standard figure.
4. Formulate special norms for work assessment of Exclusive NI Act Courts.
5. Give additional weightage to Exclusive Courts which decide NI Act cases within time frame.
6. Use modern technology for making Paperless NI Act Courts.
7. Arrange for online appearance of parties in addition to exploring the feasibility of dispensing personal appearance of accused.

8. Prepare a status report of all directions issued and special measure adopted by High Court vis-a-vis NI Act Court with an aim to expedite adjudication and reduce pendency. This status report is supposed to be shared with the Supreme Court for adoption and implementation Pan India.

### **3. Directions by Hon'ble the Chief Justice D. N. Patel**

Under the directions of Hon'ble the Chief Justice D. N. Patel, dated 17.08.2020, the SCMSC undertook the Project of leveraging the Trial of NI Act Complaints on mission-mode and devised a detailed SOP so as to achieve an end to end digital paperless functioning of NI Act Courts for fresh cases.

The SOP so prepared by the Registry of this High Court was approved by Hon'ble the Chief Justice and a decision was taken to establish and operationalize 34 Digital NI Act Courts w.e.f. 17.11.2020 in the 11 Judicial Districts in Delhi as under:

Sl. No.	Name of the District	Expected yearly filing on the average of last two years	No. of Paperless Courts required
1.	Central, Tis Hazari	13000	3
2.	West, Tis Hazari	8000	2
3.	New Delhi, Patiala House	14000	3
4.	East, Karkardooma	4000	1
5.	North-East, Karkardooma	300	1
6.	Shahdra, Karkardooma	4000	1
7.	North, Rohini	4000	1
8.	North-West, Rohini	19000	4
9.	South-West, Dwarka	46000	9
10.	South, Saket	29000	6
11.	South-East, Saket	14000	3
	<b>Total</b>	<b>155300</b>	<b>34</b>



#### **4. Concept of Digital NI Act Courts**

Digital NI Act Courts being established under this Project shall try and dispose of all fresh NI Act complaints filed w.e.f. 17.11.2020 onwards in a totally paperless digital environment where hearings will take place by way of video conferencing.

##### **4.1 Mandatory e-Filing of NI Act Complaints –**

Digital NI Act Court Project would require the Complainants and their Lawyers to mandatorily e-File their complaints through e-Filing portal of e-Committee of Supreme Court of India. e-Sewa Kendra in District Courts shall have dedicated facilitation counter in respect of NI Act Cases and shall render all necessary help to the Advocates and Litigants who are unable to file their complaints from their offices/homes.

##### **4.2 Consumption of e-Filed NI Act Complaints by CIS 3.2 of NIC –**

Such e-filed NI Act Complaints would be digitally consumed by the CIS 3.2 of NIC and would be allocated unique 10 digit CNR numbers.

##### **4.3 LAYERS 2.0 to maintain Repository of Data of all e-Filed NI Act Complaints –**

IT Team of District Courts, Delhi shall provide for maintenance of complete Repository of all e-Filed NI Act Complaints in its local server in a proper bookmarked hyperlinked manner which is akin to physical case file of NI Act Complaint. The e-Filed NI Act Complaint shall be consumed by Court Staff from CIS 3.2 and uploaded and maintained in LAYERS 2.0.

#### 4.4 Digital NI Act Court POs can access the e-Filed NI Act Complaints from LAYERS 2.0 –

All the MMJs presiding Digital NI Act Courts and their Ahlmads/Readers will be able to access the entire Complaint and its Annexures through secured login credentials already provided to them for their day-to-day judicial/administrative work as also for Court hearing of cases.

#### 4.5 Advocates and Litigants to be provided access to Digital NI Act Files –

IT Team of District Courts, Delhi shall provide for a facility whereby mirror image of e-Filed NI Act File maintained by the Digital NI Act Court can be shared with the concerned Advocates and Litigants through a dedicated, secured and non-transferrable weblink on a Drive on the cloud which can be easily accessed through internet.

#### 4.6 Hearing of Case before Digital NI Act Court –

On a scheduled date of hearing, Ld. Magistrate, Reader/Ahlmad, Court Stenographer, Litigants and their respective Lawyers can conveniently join the Digital Court Room by using only two links namely:

- i) Permanent Video Conferencing (VC) Court link on Cisco Webex (to be published on website).
- ii) Permanent Digital File link on cloud\* accessible through internet (to be shared with concerned Advocates and Litigants by the Court).

*\*Court and its staff can access the Digital File through NICNET as well.*

#### 4.7 Safe keeping of original documents and complaint -

Under the SOP, once the complaint is allocated to a Digital NI Act Trial Court, at the stage of cognizance of the complaint by the Magistrate, the Complainant shall be duty-bound to deposit all the original documents including the dishonored cheque/s, dishonor memo, Legal Demand Notice, dispatch receipt and service proof, reply if any etc. apart from physical signed original complaint, its supporting affidavit and attested affidavit of pre-summoning evidence. The Complainant shall submit the same with the Ahlmad of the concerned Digital NI Act Court who shall in turn keep them in safe custody and intimate the Trial Court about the same. Deposit of above documents shall be a pre-requisite of taking cognizance and passing of Order under Section 204 CrPC.

#### 4.8 Mandatory filling of NI Act Complaint META Data Form –

Once the cognizance is taken by the Digital NI Act Court, at the time of filing of first process fees, the Complainant/ Complainant's lawyer would be required to fill up online a mandatory NI Act Complaint META Data Form. The data so collected through the same would be utilized for creating a database for application of AI-based tools on identification, clubbing and bunching of similar cases as also legal research aimed at expediting timely disposal of complaints.

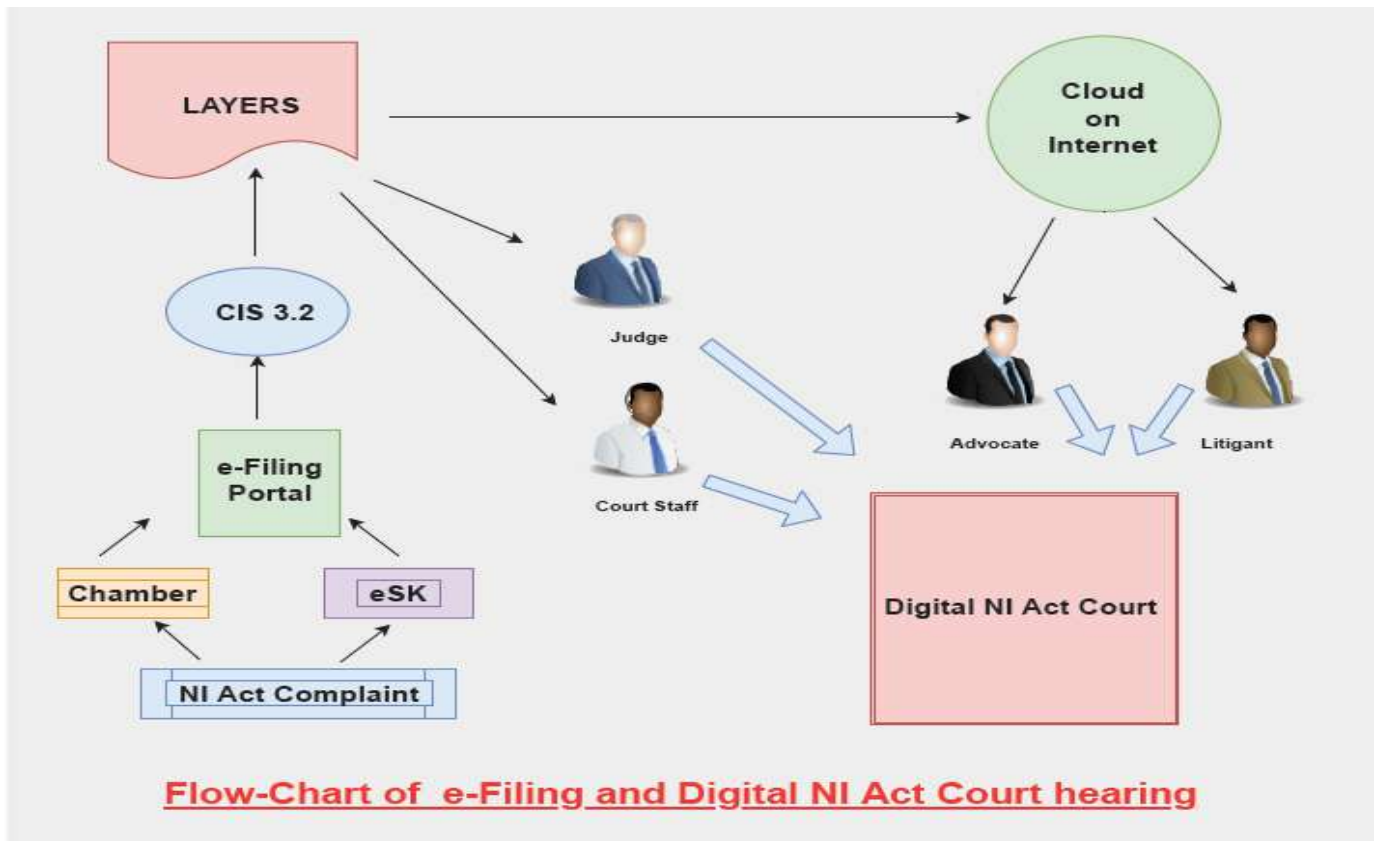
#### 4.9 Preparation and Signature of Order Sheets/Misc. Orders –

Ld. Magistrates can dictate the Order Sheets to the Stenographers online during or after hearing. The typed Order Sheets shall be digitally signed by the Magistrates before uploading the same on CIS 3.2 and also maintaining the same in the Digital NI Act File folder in the LAYERS and mirror image of the file on Drive on the Cloud accessible by Advocates and Litigants through internet.

#### 4.10 Updation/Filing of Additional Documents in Digital Case File –

Lawyers/ Litigants can continue to file additional documents via e-Filing portal of e-Committee of Supreme Court as and when required. They can also email such documents to the Court on the dedicated email ID directly or with the help of eSK. However, the Court staff shall also have the facility to scan and upload documents/process report etc in the Digital File.

#### 5. Flow Chart for e-filing and digital hearing



## 6. Staff Requirement for Digital NI Act Courts

Complex	District	Number of Courts	Steno	Reader/ Ahlmad	Peon	Total staff requirement
Tis Hazari	Central	3	3	3	3	9
	West	2	2	2	2	6
Patiala House	New Delhi	3	3	3	3	9
Karkardooma	East	1	1	1	1	3
	North-East	1	1	1	1	3
	Shahdra	1	1	1	1	3
Rohini	North	1	1	1	1	3
	North-West	4	4	4	4	12
Dwarka	South-West	9	9	9	9	27
Saket	South	6	6	6	6	18
	South-East	3	3	3	3	9
<b>Total</b>		<b>34</b>	<b>34</b>	<b>34</b>	<b>34</b>	<b>102</b>

## 7. Physical and IT Infrastructure of Digital NI Act Courts

Complex	District	No. of Courts	Desktops for Steno+Reader/Ahlmad	Desktop for MM	Scanners and Printers	Staff Room
Tis Hazari	Central	3	6	3	1	1
	West	2	4	2	1	1
Patiala House	New Delhi	3	6	3	1	1
Karkardooma	East	1	2	1	1	1
	North-East	1	2	1	1	1
	Shahdra	1	2	1	1	1
Rohini	North	1	2	1	1	1
	North-West	4	8	4	1	1
Dwarka	South-West	9	18	9	2	2
Saket	South	6	12	6	2	2
	South-East	3	6	3	1	1
<b>Total</b>		<b>34</b>	<b>58</b>	<b>34</b>	<b>13</b>	<b>13</b>

## **8. Standard Operating Protocol for Digital NI Act Courts**

*Appendix – 1:-* SOP detailing step-wise procedure to be followed for filing, hearing and disposal of NI Act Cases through digital means.

## **9. e-Sewa Kendra – NI Act Facilitation Counter**

*Appendix – 2:-* Project Implementation Guidelines for e-Sewa Kendra as issued by e-Committee of Supreme Court of India. Ld. District and Sessions Judges shall provide for atleast one counter dedicated to Digital NI Act Courts relating facilities.

## **10. LAYERS 2.0 – Dashboard for Digital NI Act Courts**

*Appendix – 3:-* Step-wise guide for usage of LAYERS 2.0 by Judges and Court staff. Ld. JMs will be able to access the entire Digital NI Act Case File along with previous Order Sheets, Misc. Applications, Processes etc. with proper bookmarking and pagination. Court staff will be able to maintain Digital NI Act Case File partly by downloading from CIS 3.2 and on need basis by directly uploading scanned copy of documents received physically or/and via email.

## **11. Mandatory META Data Form**

*Appendix – 4:-* Step wise details of mandatory NI Act Complaint META Data Form and link to be utilized to fill the data.

## **12. MyDigiFile (Dashboard for Advocates and Litigants)**

IT Team of Delhi District Courts shall provide to the concerned Advocates and Litigants, a permanent VC link for each Digital NI Act Court as also permanent Digital File link for each NI Act Complaint filed by or against them. Such file shall be accessible 24\*7 and shall be mirror image of Digital Court File maintained by the Court staff in LAYERS 2.0.

In due course, an endeavour shall be made to provide an MyDigiFile secured login dashboard which shall be a one stop user interface for an Advocate and a Litigant for all the cases filed by or against them in Delhi under NI Act. It shall work as a Repository of all the digital web file links of concerned NI Act Complaints.

## **13. Digital NI Act Court Judges**

*Appendix – 5:-* Contains the names of Judges who shall preside over 34 Digital NI Act Courts in 11 Judicial Districts of Delhi.



#### **14. Dedicated email IDs of Digital NI Act Courts**

*Appendix – 6:-* Dedicated email Addresses of Digital NI Act Courts. Each Digital NI Act Court has been assigned a dedicated email ID which can be utilised by the Ld. Advocates and the Litigants for sharing applications, documents and other communications in addition to the filing facility available in e-Filing portal of the e-Committee of the Supreme Court. This email ID shall be operated by the Reader/Ahlmad and scans of applications/documents so received shall be updated by them in the Complaint File maintained in the LAYERS database as also in the mirror image of the file in the Drive maintained in the Cloud.

#### **15. Video Conferencing Rules 2020**

*Appendix – 7:-* Delhi High Court has framed Rules for conducting court proceedings through Video Conferencing. The same will also apply to the Proceedings before Digital NI Act Courts.

**(Surinder S. Rathi)**  
Member Secretary  
SCMSC

## **“Digital NI Act Court functioning”**

<p><b>A. Steps covering preparation of Complaint</b></p> <ol style="list-style-type: none"> <li>1. Drafting of complaint</li> <li>2. Attachments with the complaint</li> <li>3. Affidavit for verification</li> <li>4. Affidavit of evidence</li> <li>5. Court fee</li> </ol> <p><b>B. Steps for filing of NI Act complaint</b></p> <ol style="list-style-type: none"> <li>6. Filing of the case</li> <li>7. Generation of filing Number</li> <li>8. Allocation of case by CMM to MM</li> <li>9. Movement of file from filing to the Trial Court</li> <li>10. Registration of the case in the Trial Court</li> </ol> <p><b>C. Cognizance and hearing before Digital Court</b></p> <ol style="list-style-type: none"> <li>11. First hearing</li> <li>12. Filing of process fee for issuance of summon to accused</li> <li>13. Preparation of summons</li> <li>14. Signing of summons</li> <li>15. Mode of sharing summons with Nazarat/Police</li> <li>16. Additional mode of service of summons</li> <li>17. Service of summons on accused</li> <li>18. Service by Post/Courier</li> <li>19. Issuance and execution of Bailable/Non-Bailable Warrant</li> </ol> <p><b>D. First appearance of accused</b></p> <ol style="list-style-type: none"> <li>20. Appearance of accused in the Court</li> <li>21. Appearance of incarcerated accused</li> <li>22. Bail proceedings</li> <li>23. Identity of accused</li> </ol>	<p><b>E. Framing of Notice on accused</b></p> <ol style="list-style-type: none"> <li>24. Arguments on notice</li> <li>25. Framing of notice</li> <li>26. In case accused pleads guilty</li> <li>27. Conviction and Sentence</li> <li>28. Recording of plea and defence of accused</li> </ol> <p><b>F. Post Notice hearing of case</b></p> <ol style="list-style-type: none"> <li>29. Post Notice evidence as per Section-145 of NI Act</li> <li>30. Interim Compensation</li> <li>31. Evidence from complainant side</li> <li>32. Witness from the side of complainant</li> <li>33. Cross examination</li> </ol> <p><b>G. Recording of statement of accused</b></p> <ol style="list-style-type: none"> <li>34. Examination of accused</li> </ol> <p><b>H. Defence Evidence</b></p> <ol style="list-style-type: none"> <li>35. Preparation for Defence evidence</li> <li>36. Defence evidence</li> </ol> <p><b>I. Final Arguments</b></p> <ol style="list-style-type: none"> <li>37. Final arguments</li> </ol> <p><b>J. Judgment and Sentence</b></p> <ol style="list-style-type: none"> <li>38. Judgment</li> <li>39. Sentence</li> <li>40. Suspension of sentence</li> <li>41. Acquittal</li> </ol> <p><b>K. Miscellaneous</b></p> <ol style="list-style-type: none"> <li>42. Miscellaneous Applications</li> <li>43. Production of original documents</li> <li>44. Imposition and payment of costs</li> <li>45. Transfer of case/abolition of Court/Appeal/Revision</li> <li>46. Mediation</li> <li>47. Compounding</li> <li>48. Certified copies</li> <li>49. Disposal</li> <li>50. Disposal in CIS</li> </ol>
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## **HIGH COURT OF DELHI: NEW DELHI**

(Office of SCMISC)

### **Step wise details for operating Digital NI Act Courts**

Sl. No.	Steps in NI Act Cases	Physical Procedure	Procedure for Digital NI Act Courts
<b>A. Steps covering preparation of Complaint</b>			
1.	Drafting of complaint	<p>A. Lawyer/Complainant drafts the complaint on computer in Word format and takes out a print.</p> <p>B. The complaint and vakalatnama are signed by the complainant and the lawyer.</p>	<p>A. Word format so typed will be converted by the Lawyer/Complainant into PDF-A version.</p> <p>B. The PDF then shall be signed by the Lawyer and/or Complainant with Digital signature/Aadhar based authentication.</p> <p style="text-align: center;">OR</p> <p>Lawyer/Litigants may take print out of the complaint, sign it physically, followed by scanning of the same into a PDF-A format. e-Seva Kendra (eSK) shall render help to the Lawyer/Litigants when approached.</p> <p><i>(Information Technology Act validates every computerized writing and signature in respect of all other laws which requires any writing or signature).</i></p>
2.	Attachments with the complaint	NI Act complaint procedurally requires filing of dishonored Cheque, Return memo, Legal Demand Notice, Delivery proof with the complaint apart from other case specific document including Vakalatnama.	Scanned copy of all these documents may be attached by converting them into soft PDF-A format.
3.	Affidavit for verification	As a general practice, NI Act complaint accompanies one affidavit of verification sworn by the complainant.	The party may get his normal affidavit affirmed; scan it into PDF-A format.
4.	Affidavit of evidence	Complainant also files his Pre-summoning evidence by way of affidavit alongwith the complaint.	As above.
5.	Court fee	Complainant purchases e-stamp and attaches the print with the complaint.	Complainant may attach scanned copy of court fee in PDF-A format or may utilize the available online court fee payment facility.
<b>B. Steps for filing of NI Act complaint</b>			

6.	Filing of the case	Complaint alongwith documents and affidavits are filed with the facilitation counter of the district Courts.	<p>A. All Complaints shall be e-filed via e-Filing module at <a href="https://efiling-dl.ecourts.gov.in/">https://efiling-dl.ecourts.gov.in/</a></p> <p>B. Lawyers/Litigants can file complaints from the comfort of their homes/offices 24x7.</p> <p>AND/OR</p> <p>C. They can also visit e-Seva Kendra operational in District Courts where the staff shall render all help to them in their registration in e-filing module and also in e-filing of complaint alongwith annexure.</p> <p>D. After the allocation of the case to a Digital Court, Complainant shall deposit the original signed complaint with supporting affidavit, affidavit of pre-summoning evidence alongwith original documents with the designated court official of the purpose for safe keeping, against a receipt for proof of submission.</p>
7.	Generation of filing Number	Facilitation counter staff enters the Meta data details of the case and generates filing number.	Filing number shall be generated as per prevailing protocol regarding e-filing.
8.	Allocation of case by CMM to MM	Physical files are placed before CMM who allocates the cases to Magistrates and also fixes date of appearance before the Trial Court.	<p>A. A list of all e-filed cases shall be prepared by the Administrative staff from the back end.</p> <p>B. Allocation of cases shall be done by the concerned CMM to the Magistrates as also fixing date of appearance before the Trial Court. A system generated email and/or SMS will be triggered to the Lawyer/Litigant.</p>
9.	Movement of file from filing to the Trial Court	Physical file is sent to the Ahlmad of the concerned Magistrate.	<p>A. The e-filed NI Act complaint shall become visible to the Trial Court staff, post its allocation.</p> <p>B. The Court staff shall download the soft PDF copy of the NI Act complaint and all its annexures on their Computers.</p> <p>C. Staff will create dedicated soft folder for each complaint with proper indexing and bookmarking in the LAYERS 2.0.</p> <p>D. Staff will create a mirror image folder in the Drive in the Cloud accessible by Internet/DigiFileStore dashboard and share the weblink of the case file folder on the drive with the concerned Advocates and Litigants on their registered e-mails.</p>
10.	Registration of the case in the Trial Court	Reader of the concerned Magistrate gives no objection in the CIS. Thereafter the Ahlmad registers the case in his court and a registration no. is generated automatically in CIS 3.2.	Registration no. shall be generated as per prevailing protocol regarding e-filing case in CIS.

## C. Cognizance and hearing before Digital Court

11.	First hearing	<p>A. On the assigned date, the physical file is placed before the Magistrate. On appearance of complainant side, the Magistrate hears the matter, takes cognizance and direct issuance of summons to accused.</p> <p>B. In some courts, there is also a traditional practice of tendering of affidavit and marking of documents, before direction to issue summons.</p>	<p>A. Concerned Magistrate, Reader/Ahlmad, Steno, Advocates/Litigants shall join the Digital NI Act Court VC Room by logging in into the permanent Cisco Webex VC Room ID available on the website.</p> <p>B. Magistrates shall log into their LAYERS dashboard simultaneously where they will find cause list of the cases listed on a particular date. The cause list shall have a hyper-link to the digital NI Act case file created by the court staff.</p> <p>C. Advocate/Litigant can access the mirror image of the digital NI Case file through the Drive on Cloud accessible on the internet, by clicking on the permanent case file web link provided to them by the court staff on their registered emails.</p>
12.	Filing of process fee for issuance of summon to accused	Complainant deposit the process fee by way of Court fee stamp affixed on the PF Form.	<p>A. Party can file process fee, postal envelopes, mentioning the details of the case etc. for issuance of summon to accused.</p> <p>B. Court Staff to preserve PF Form, Service Report, Postal/ Courier Envelopes, however, scanned copies thereof to be uploaded on the LAYERS 2.0 and simultaneously on mirror image on cloud.</p>
13.	Preparation of summons	Ahlmad prepares the summons to be issued to the accused.	Summons to be generated electronically with the help of templates available in CIS 3.2 with facility of pre-filling Court details, name, address etc. of accused.
14.	Signing of summons	Magistrate signs the hard copy summons physically. Court seal is also affixed on the summons.	<p>A. Court staff shall share PDF of the summons with the Magistrate who shall e-sign the same.</p> <p>B. Magistrate shall share back the digitally signed summons to the Record keeper who shall take the print and affix stamp of the court.</p>
15.	Mode of sharing summons with Nazarat/Police	Ahlmad sends the summons to Nazarat Branch for service. Sometimes summons is also sent via police department.	<p>A. Stamped printout of e-signed summons to be shared with Nazarat Branch.</p> <p>B. In a given case summon may also be sent to police for service.</p> <p>C. Court staff may share the summons for service via NSTEP.</p>
16.	Additional mode of service of summons	Summons is also sent by post or courier. For this, complainant files envelope having requisite postal stamp and address of accused.	Postal envelope to be submitted by complainant with the Ahlmad of the Digital Court.
17.	Service of summons on accused	A. Nazarat Branch serves the summons through process server and sends a report on	A. Nazarat Branch or Police to scan the report and send it to the court in PDF format or through NSTEP as the case may be.

		the back of copy of summons. B. It is similar with the police.	B. PDF scanned report shall be uploaded by the Court staff in the digital case file maintained in the LAYERS 2.0 as also in the mirror image of the file maintained in the Drive in the Cloud. AND/OR C. First summons to be sent by email/sms to the accused and report to be uploaded by the Court staff in the digital case file maintained in the LAYERS 2.0 as also in the mirror image of the file maintained in the Drive in the Cloud.
18.	Service by Post/Courier	AD card is received or Lawyer files tracking report from the website.	Staff of the Magistrate to scan the AD card and/or download the tracking report and to upload in the digital case file maintained in the LAYERS 2.0 as also in the mirror image of the file maintained in the Drive in the Cloud.
19.	Issuance and execution of Bailable/Non-Bailable Warrant	A. Ahlmad prepares the warrant. Magistrate signs the same. Court seal is also affixed. B. Warrant is then sent to the police who execute the same. C. If warrant is not executed, police return it to the court with report on the back of warrant. D. If warrant is executed, police returns the warrant alongwith bail bonds to the court in case of Bailable Warrant (BW) or produces the accused before the court in case of NBW.	A. Warrant to be prepared and shared with Police in the same manner as provided above for e-summons. B. In case of arrest of accused by the Police, the arrestee shall be produced before the Digital Court room via District Court VC room during working hours from 10 AM to 5 PM. OR C. Such arrested accused may be produced before the designated link physical MM Court to be nominated by the CMM.
<b>D. First appearance of accused</b>			
20.	Appearance of accused in the Court	Accused appears in person.	Appearance through dedicated VC link of the Digital NI Act Court published on the website or before the link Digital NI Act Court / MM Court in case the Presiding Officer of Trial Court is on leave.
21.	Appearance of incarcerated accused	An accused who is in jail in any other case appears on production warrant.	Appearance through VC from jail. Dedicated VC link of the Digital NI Act Court published on the website. Jail Authorities to utilize internet facility shall be for this purpose.
22.	Bail proceedings	Magistrate asks for bond and surety and accused furnishes the same.	A. Counsel for accused or the accused shall fill up the bond form alongwith his surety and upload scanned copy of the same alongwith scanned copy of documents on e-filing module through her registered

			<p>ID or by sharing them on the dedicated email ID of the concerned Court. While uploading/sharing the scanned copy of filled in bail bonds, the accused shall also upload a copy of his identity card such as Aadhar or voter ID card etc.</p> <p>B. The Magistrate shall write acceptance of bonds or direction for verification in the order sheet.</p> <p>C. However, original bail bonds to be deposited by the accused with the Ahlmad for safekeeping.</p>
23.	Identity of accused	Normally when the accused appears, his counsel identifies him apart from identification by the complainant, if known.	Situation will remain same.
<b>E. Framing of Notice on accused</b>			
24.	Arguments on notice	Magistrate hears the parties on the aspect of the case at the stage of Section-251 CrPC. and frames a notice.	This hearing will be done through Video Conferencing.
25.	Framing of notice	Magistrate frames notice under Section-251 against the accused.	Notice under Section-251 CrPC shall be orally explained to the accused through VC and PDF of the notice shall be sent to the accused via a email. Accused may either append digital signature/Aadhar based signature or may take out a print out, sign the same, scan it and send it back via a email to the Court. The Magistrate shall append digital signature before making it part of the case file.
26.	In case accused pleads guilty	If accused pleads guilty, Magistrate records the same and gets the statement signed by the accused. Magistrate then signs the statement.	If the accused pleads guilty, his plea may be recorded in the same manner as has been indicated hereinafter regarding recording of statement of accused via Cisco Webex.
27.	Conviction and Sentence	On plea of guilt, the Magistrate passes a judgment of conviction if the Court is satisfied and hear the parties on sentence.	<p>A. The Court shall pass judgment and sentence as is done in normal procedure but only through VC mode.</p> <p>B. In case however, the Convict wants to deposit the fine, he may deposit the same with the Reader of the Court.</p> <p style="text-align: center;">OR</p> <p>If payment module is integrated in CIS in future, the convict may be provided with an online transaction option.</p> <p>C. If the Convict fails to deposit the fine, the Magistrate shall issue warrant of attachment in terms of Section-421 CrPC which normally shall be sent in electronic mode to the police or executive administration as the case may be for compliance. This shall be done in the same manner as has been provided</p>

			for warrant herein before.
28.	Recording of plea and defence of accused	If accused wants to contest the case, Magistrate records his plea alongwith defence and gets it signed by the accused. Magistrate then signs the statement.	<p>A. The Magistrate through VC meeting may record the answers given by the accused (may send it in PDF form to accused via email if he requires his plea to be signed, and the accused shall sign it digitally or in alternative, he shall sign the same after taking a print and scan it &amp; send it through email to the court) or if the accused on bail is available with his counsel, he may write his plea and send scanned PDF copy to the court.</p> <p>B. Accused may upload the signed PDF through his registered ID in the e-filing module or share the same on the dedicated email ID.</p>
<b>F. Post Notice hearing of case</b>			
29.	Post Notice evidence as per Section-145 of NI Act	<p>A. Accused files an application under Section-145(2) NI Act for recalling of complainant who had filed his evidence on affidavit.</p> <p>B. Copy of application is supplied to the complainant who files reply.</p> <p>C. Magistrate hears the argument of both sides and decides the application, which once allowed will lead to recalling of complainant for cross examination.</p>	<p>A. Miscellaneous application can be filed through e-filing portal or may be shared on designated email. It should be filed in PDF form electronically with advance copy to the complainant.</p> <p>B. Complainant may file reply thereto with advance copy to the accused.</p> <p>C. The application shall be heard and disposed of through VC hearing.</p>
30.	Interim Compensation	<p>A. When the accused claims trial, the complainant moves an application under Section-143A NI Act for grant of interim compensation.</p> <p>B. Copy of application is supplied to the complainant who files reply.</p> <p>C. Magistrate hears the argument of both sides and decides the application.</p> <p>D. If compensation is allowed, the accused pays the same directly to the complainant.</p> <p>E. If the accused does not pay, the same is recovered under Section-421 CrPC by issuance of warrant of attachment.</p>	After notice under Section-251, the complainant can file such application at any stage. This application shall be filed and the Magistrate shall deal with the application as per procedure prescribed for miscellaneous applications elsewhere in this paper.



31.	Evidence from complainant side	<p>A. As per Section-145(1), evidence affidavit filed by the complainant initially is read as his evidence for the purpose of trial.</p> <p>B. Some Magistrates follow a procedure wherein complainant adopts the earlier affidavit.</p>	If the accused has been allowed to cross examine the complainant; the Magistrate shall fix a VC meeting date for recording of cross examination on the affidavit already available on record.
32.	Witness from the side of complainant	Same procedure applies for witness from the complainant's side as is indicated for the complainant.	Situation will remain the same even for Digital courts.
33.	Cross examination	<p>A. Lawyer of accused cross examine the complainant by putting questions.</p> <p>B. Answers are recorded by the Magistrate by dictation.</p> <p>C. Documents are put to the complainant for contradiction or corroboration.</p> <p>D. Documents are marked or exhibited.</p>	<p>A. Cross examination to be conducted as per Rule-8 &amp; 9 of VC Rules.</p> <p>B. After completion of cross examination (or part thereof on account of any adjournment), the stenographer shall send it in PDF form to the Magistrate who shall verify its content. Then the same shall be sent to the witness who shall take a print, sign it and scan the same and thereafter send it to the court via email. The Magistrate shall digitally sign the first PDF and also the scanned PDF and then the same shall form part of the record.</p> <p style="text-align: center;">OR</p> <p>C. The complainant may upload his signed scanned copy through his registered ID in the e-filing module or share on the dedicated Court email ID and then the Reader shall download it, send it to the Magistrate who shall sign it and send it back to the Reader who shall upload the same in the CIS.</p>

### **G. Recording of statement of accused**

34.	Examination of accused	After completion of complainant evidence, Magistrate examines the accused and prepares a record.	<p>A. The Magistrate shall examine the accused through VC mode by putting the incriminating material and circumstances and shall prepare a memorandum of substance of answers given by him, as a record under Section-281(1) as applicable to a Metropolitan Magistrate. This memorandum shall form part of the record of the case. So far as sign of the accused is concerned, the same procedure may be followed as has been given for Section-251 CrPC indicated above.</p> <p>B. The Magistrate may in his discretion utilize the provision of Section-313(5) for the purpose of examination of accused. Magistrate himself should go through the available record and prepare the questions either by himself or by dictating the same to Court stenographer.</p>
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			C. Magistrate shall then send the questions in PDF version to the counsel for the accused who may prepare a written reply at the behest of the accused and email a signed scanned copy of the same or digitally signed version to the court or may upload the same through e-filing module. The questions so framed and the written statement so received shall form part of the record.
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## H. Defence Evidence

35.	Preparation for Defence evidence	A. Accused files list of witness and application for summoning of witness. B. If accused wants to examine himself as a witness, he files a written request under Section-315 CrPC which is generally allowed.	He may file an application alongwith the list of witnesses. If he himself wants to become witness, he has to file a written request under Section-315 CrPC. All these applications or list of witness shall be filed in PDF form electronically with advance copy to the complainant.
36.	Defence evidence	Witnesses produced from the side of accused are orally examined in court. All procedure stated hereinbefore about cross examination applies here.	A. Accused cannot give evidence on affidavit as has been held by Supreme Court in <i>Mandvi Coop Bank vs Nimesh Thakore (2010) 3SCC 83</i> . B. Accused or his witnesses have to give oral evidence before the court. Procedure shall be same as has been envisaged for the cross examination of the complainant. If accused is in jail and wants himself to become witness, he has to be granted access to the Cisco WebEx from jail itself.

## I. Final Arguments

37.	Final arguments	Magistrate hears both the parties.	A. Final arguments shall be heard via Cisco WebEx. B. However, any party may choose to send precise written arguments which shall also be provided to the opposite party. Time limit for oral arguments may be regulated by the Presiding Officer keeping in mind the facts and circumstances of each case. Magistrate shall fix a date for judgment and intimate the date to all the concerned.
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## J. Judgment and Sentence

38.	Judgment	After hearing finally, the Magistrate prepares and pronounces the judgment.	Once the judgment is prepared, the Court shall fix a VC hearing on the given date. Magistrate shall pronounce the judgment and provide e-signed copy of the same as per law.
39.	Sentence	A. In conviction cases, Magistrate hears the parties on the quantum of sentence.	In cases of conviction, Magistrate may either hear on sentence on the same day and pass order or may fix a date for the same for virtual, or for reasons to be

		B. Sentence normally includes an imprisonment period and also fine or compensation.	recorded for physical hearing.
40.	Suspension of sentence	A. Normally, the accused files an application and Magistrate grants time for appeal. B. Magistrate asks for bail bond and surety for such concession.	A. Accused may e-file application for suspension of sentence in the manner as provided for miscellaneous application. B. The Court will ask the accused to furnish bonds to enable him to file an appeal. Procedure contemplated for bail may be followed for bonds under this provision.
41.	Acquittal	In acquittal cases, the Magistrate directs the accused to furnish bond with surety for satisfying the requirement of Section-437A CrPC.	Section-437A requires that an accused should be asked to furnish bonds with surety to ensure his presence before the appellate court. Similar procedure may be adopted for this provision also for accepting bonds with surety or personal bond.
<b>K. Miscellaneous</b>			
42.	Miscellaneous Applications	A. During the proceeding, parties come up with different type of application such as under Section-91, 311, 340 CrPC, 45 & 73 Evidence Act etc. B. These applications are decided after taking reply from the opposite party and hearing both the parties.	A. Miscellaneous application can be filed through e-filing portal. It should be filed in PDF form electronically with advance copy to the opposite party. B. Opposite party may file reply thereto with advance copy to the accused. C. The application shall be heard and disposed of through VC hearing.
43.	Production of original documents	Original documents like dishonored cheques, return memos, legal demand notice, service proof etc. are filed alongwith the complaint	Original documents to be submitted by both the sides with the Ahlmad of Digital Court for safekeeping.
44.	Imposition and payment of costs	Cost is imposed by the Court for adjournment which is normally payable to the opposite party	Until electronic means are operationalized, payment of cost shall be made physically as is being done in respect of other courts. Compliance reported to the Court shall be recorded in order sheet.
45.	Transfer of case/abolition of Court/Appeal/ Revision	Case is transferred under the order of CMM/Sessions Judge/High Court/Supreme Court or Appeal/Revision is filed before superior courts	A. In case of transfer of a sub-judice Digital NI Act Court case to another Digital Court the soft copy of the e-filed document can be allocated to the data base. B. In case of transfer to a Non-Digital Court, the Court Administration may construct a physical file with original documents and taking printout of e-signed order sheets, miscellaneous order etc.

			<p>C. For Appeal/Revision, Step-B shall be followed and physically created file shall be sent to the superior court.</p> <p>D. However, if the superior court so thinks fit, file link over cloud may also be shared with it through which it can see the entire file.</p>
46.	Mediation	<p>A. At any stage of the proceeding, parties convey their willingness to utilize the mediation forum to settle the dispute.</p> <p>B. Magistrate sends a signed format alongwith copy of complaint to the Mediation Centre.</p> <p>C. If matter is settled in mediation, the Magistrate upon receiving the agreement containing terms of settlement, records the statement of parties and dispose of the case.</p> <p>D. If matter is not settled, the Magistrate fixes a date for further proceeding in trial.</p>	<p>A. Digital Mediation proceedings shall be followed as per practice direction.</p> <p>B. In cases of settlement, the Magistrate after receiving the mediation communication, fix a date for recording of statement &amp; undertaking of both the parties in terms of division bench judgment in <i>Dayawati vs Yogesh Kumar Gosain 2017 SCC Online Del 11032</i>. This shall be done in Digital mode.</p> <p>C. Thereafter, the Magistrate shall pass an order disposing the case. Aadhaar based authentication be applied for signing the statements if digital signature is not possible or parties may sign a print out of the statement, scan it and share it the same with the Court on dedicate email.</p>
47.	Compounding	<p>A. At any stage, parties may say that they have compounded the case.</p> <p>B. If payment is already made, the Magistrate records the statement and dispose of the case.</p> <p>C. If payment is not made, the Magistrate ensures the payment, records the statement and dispose of the case.</p>	Same as in mediation so far as recording of statement before the Court is concerned.
48.	Certified copies	Parties file application for seeking certified copies alongwith requisite fee with the copying agency physically.	<p>A. Process of application shall remain same till such time e-certified copy module is activated in CIS.</p> <p>B. Copying Agency may be provided the soft copy of all the e-filed documents, Court Orders and Judgment. They can in turn take hard copy printout and upon comparison and examination by the document examiner certify and sell them as per current practice. OR</p> <p>C. In future a module for issuance of soft e-certified copies duly certified with e-signatures can be</p>

			applied and issued online.
49.	Disposal	Whether the trial resulted into conviction or acquittal, the case file is directed to be consigned to record room.	No change for Digital courts. Original complaint, affidavits, documents along-with miscellaneous papers to be consigned as per prevailing practice. Soft file copy link be also mentioned on the index.
50.	Disposal in CIS	Ahlmad or reader finally disposes the case in CIS.	No change for Digital courts.

State Court Management System Committee  
High Court of Delhi

## PROJECT IMPLEMENTATION GUIDELINES



# eSEWA KENDRA



**25<sup>th</sup> April, 2020**

**eCommittee  
Supreme Court of India**

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## **1. INTRODUCTION**

The Project of establishment of eSeva Kendras at District Courts and High Courts was conceived and conceptualized by the eCommittee with an objective of leveraging the accessibility of services provided by the eCommittee of Supreme Court under its eCourts related Project and is aimed at strengthening 'Access to Justice for all'.

Ever since eCommittee was got constituted by Hon'ble the Chief Justice of India on 28.12.2004, it has been playing a pivotal role in the realm of digitization of judicial domain, be it formulation of National Policy on Computerization of Indian Judiciary or preparation and implementation of Phase-I and Phase-II of eCourts Project at all three levels of Judicial system at District Courts, High Courts and Supreme Court.

The objective behind creation of eCommittee and drafting of National Policy of digitization of Indian Judiciary is to enhance judicial productivity both qualitatively and quantitatively as also make the justice delivery system affordable, accessible, cost effective, transparent and accountable.

In this process, eCommittee has been assisted by Department of Justice and National Informatics Centre (NIC)

In the last 15 year, the eCommittee has made several efforts and has provided a number of citizen centric services to enhance the accessibility of public to the Court Process and also to assist in reducing the time gap in disposal of cases through the usage of technology based Case Flow Management and IT related services in Court Process.



## **2. OBJECTIVE**

With an aim to bring transparency and easy access to basic information pertaining to Judicial functioning and Trial of cases like access to cause-list, daily order sheets, next date of hearing, copy of judgments and orders pronounced by the Courts, SMS/email alerts and like, eCommittee designed and dedicated to the general public a highly interactive Websites which are providing around 40 Lakhs services per day. eCommittee's official Mobile App. has around 43 Lakhs downloads and is very popular amongst Members of Bar and Litigants.

It is, however, important to note that India is a vast multilingual country with majority of our population living in villages and small cities. They have no or limited access to IT Services. Such poor litigants are still facing hurdle in accessing the services provided by eCommittee through eCourts related Projects throughout India because most of our services are in English and these cannot be accessed without high-end smart phones or desktops and laptops.



One of the terms of reference of originally constituted eCommittee was "to suggest methods to make access to justice and availability of information more litigants friendly". It is, therefore, necessary that eCommittee takes all efforts to facilitate the general public in their pursuit of resolution of dispute through legal process. For this, the general public needs to be assisted in accessing the information in a hassle free manner.

Hence, a need was felt to provide a bridge between the judiciary and the lesser privileged section of our society who have not access to IT tools or are not acquainted with their usage.

Keeping in view the above goal, a concept of eSevaKendra has been envisaged to be established in each District Court Complex and High Court Complex throughout India.

### **3. CONCEPT OF eSEWA KENDRA**

eCommittee under its flagship of eCourts Project created dedicated interfaces for Judicial Officers, Court Staff and Lawyers under CIS 3.2 for District Courts and CIS 1.0 for High Courts. Arrangements were made for accessing the Case Information System by way of floating Judicial Service Centre (JSC) and Central Filing Centre (CFC). Our current Facilitation Centre in the District Court and High Court are being utilized by lawyers, their court clerk and a section of litigants were fully conversant with the Court Processes. Predominantly the Facilitation Centres are located deep inside the Court Complex and are primarily functioning at filing counters.

The eSeva Kendra, as the name suggest, are dedicated to and are supposed to serve the common litigant as a one stop centre for all his/her Court related needs. In order to make it

more visible, it is envisaged that it shall be strategically located right at the public entry gate accessed by litigants and shall provide every possible assistance to a litigant walking in.

#### **4. SALIENT FEATURES OF eSEWA KENDRA**

It is suggested that an eSewa Kendra shall have following features:

- 4.1 eSewa Kendra shall be operationalized in District Court Complexes and High Court Complexes.
- 4.2 eSK shall be manned by one or two Officials of the Court Administration.
- 4.3 To assist such official, an empanelled DLSA or HCLSC Advocate and empanelled PLVs preferably from Law Schools/ shall be associated in the eSKs.
- 4.4 If available, Nayay Mitra from empanelled by Department of Justice, Ministry of Law may also be associated.
- 4.5 The eSK shall function as the first line of contact between the litigants and judicial establishment for the purpose of accessing eCourts Project related Services.
- 4.6 The Official manning the eSK shall keep a record of all visitors in a digital format.
- 4.7 The eSK shall help the litigants in accessing the relevant information through technological means and shall also render help in physical form wherever required and to the extent feasible.
- 4.8 The eSK shall also have readily available all the necessary details of the concerned Complex viz. Presiding Officer with Court Number and its location, administrative branches and sections, DLSA/HCLSC front office location and contact numbers and like.
- 4.9 The eSK shall have IT hardware like computer, scanner apart from LAN connection with access to CIS 3.2 for District Courts and CIS 1.0 for High Courts. **However, eSK shall be paperless without any printer.**

- 4.10 The eSK shall have requisite information leaflets and other publicity material in English, Hindi/local languages in respect of services being provided by eCommittee under eCourts Project and method of accessing them.
- 4.11 The eSK shall provide all services free of cost to litigants and needy Bar Members and shall also facilitate e-filing of petitions, pleadings, certified copies and like.
- 4.12 The eSK can also have a self-help touch screen eKiosk for accessing the required information.
- 4.13 The staff, officials, PLV, DLSA/HCLSC Panel Lawyers shall provide all assistance in a polite friendly manner by conversing in local language.
- 4.14 The eSK shall open at 9.00 AM or one hour before the Court opens whichever is earlier and shall remain open through the working hours on all working days.
- 4.15 The eSK shall not only function in physical form in the Court Complex but may also have virtual presence in the District/High Court website so that a litigant/needy lawyer can get help even without visiting the Court Complex.
- 4.16 The eSK can also have a dedicated landline/mobile/WhatsApp helpline number which can be used to provide necessary information to litigants and needy lawyers without necessity of physically visiting the Court.

## **5. FACILITIES TO BE PROVIDED IN eSEWA KENDRA**

eSK shall initially roll out following services for Litigants and needy Lawyers –

- 5.1. Handling inquiries about case status, next date of hearing and other details.
- 5.2. Facilitate online Applications for certificate copies and other such filing.
- 5.3. Facilitate eFiling of petitions right from scanning of hardcopy petitions, appending eSignatures, uploading them into CIS and generation of filing number.
- 5.4. To assist in online purchase of eStamp papers/ePayments.

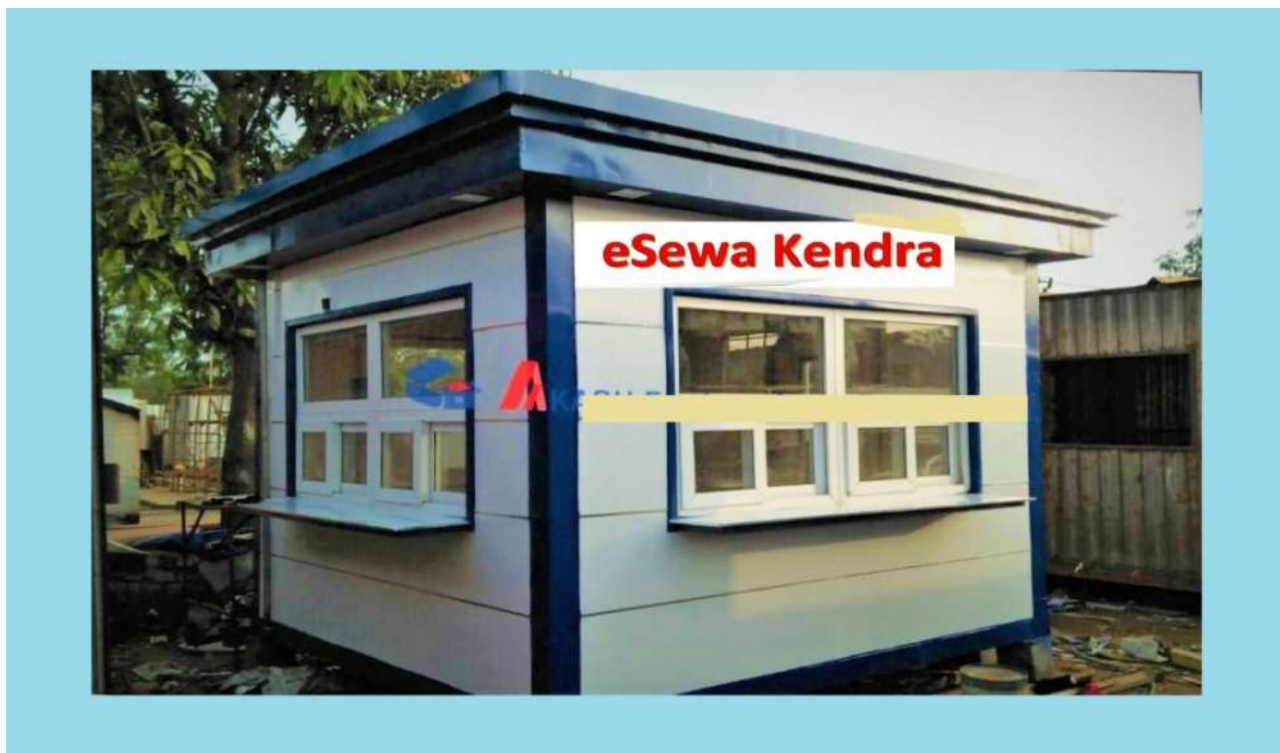
- 5.5. To help in apply and obtain Aadhaar based digital signature.
- 5.6. Publicize and assist in downloading the Mobile App of eCourts for Android and IOS.
- 5.7. Facilitate in booking of eMulakat appointment for meeting relatives locked in Jail.
- 5.8. Handling queries about Judges on leave.
- 5.9. Handling queries about location of the particular Court, its cause-list and whether the case is taken up for hearing or not.
- 5.10. Guide people on how to avail free legal services from District Legal Service Authority, High Court Legal Service Committee and Supreme Court Legal Service Committee.
- 5.11. Facilitate disposal of traffic challan in virtual Courts as also online compounding of traffic challans and other petty offences.
- 5.12. All other queries and assistance in respect of facilities which are digitally available under eCourt Project.
- 5.13. Explain method of arranging and holding a video conference court hearing.
- 5.14. Provide soft copy of judicial orders/judgments via email, WhatsApp or any other available mode.

These services may be added to subsequently to make the eSewa Kendra Litigant Friendly.

It is submitted that we can add and modify the above services in eSewa Kendra as per local needs and inputs from users.

## **6. PHYSICAL INFRASTRUCTURE OF eSEWA KENDRA**

- 6.1. Minimum 10 x 15 sq. ft. space;
- 6.2. Minimum 2 to 3 Counters depending upon number of Courts in the Complex;
- 6.3. Location of the eSeva Kendra near entry gate at prominent place so that it is visible to the litigants, lawyers and other visitors to the Court;
- 6.4. Either a permanent structure if already available or a Porta Cabin.
- 6.5. Suggested design Models of Porta Cabin –







## **7. IT INFRASTRUCTURE OF eSEWA KENDRA**

- 7.1 All-in-one computers commensurate to the number of inquiry counters i.e. 2 to 5;
- 7.2 One scanner;
- 7.3 LAN connectivity to CIS with internet facility.

## **8. eSEWA KENDRA MANPOWER NEEDS**

- 8.1 One Judicial Assistant from Court establishment with knowledge of handling Computer devices.
- 8.2 PLV/Contractual staff for manning counters depending upon the number of counters.

## **9. COST ESTIMATION OF ESTABLISHING eSEWA KENDRA**

- 9.1 Erection of porta cabin – Rs.1.75 to Rs.2.25 Lakhs (*Cost to be incurred only if no permanent structure is available near gate*)
- 9.2 IT Infrastructure –
  - Scanner – Rs.40,000/- each
  - All in one Computers – Rs.40,000/- each
  - LAN and Internet – Installation Rs.10,000/- recurring Rs.2000/- PM.
- 9.3 Manpower –
  - Court Employee – NIL
  - Contractual Staff – Rs.15,000/- each PM



## 10. ONE TIME COST & RECURRING COST

### 10.1 eSK with Porta Cabin

No. of Staff	One Time Cost (Rs.)	Monthly Recurring Cost (Rs.)
Two	<b>3,30,000</b> (2,00,000/- + 80,000 + 40,000 + 10,000)	17,000 (15,000 + 2,000)
Three	<b>3,70,000</b> (2,00,000/- + 1,20,000 + 40,000 + 10,000)	32,000 (30,000 + 2,000)

### 10.2 eSK without Porta Cabin

No. of Staff	One Time Cost (Rs.)	Monthly Recurring Cost (Rs.)
Two	<b>1,30,000</b> (80,000 + 40,000 + 10,000)	17,000 (15,000 + 2,000)
Three	<b>1,70,000</b> (1,20,000 + 40,000 + 10,000)	32,000 (30,000 + 2,000)

## 11. FUNDS FOR ESTABLISHMENT OF eSEWA KENDRA

eSK can be established by utilizing the funds available with the High Court Computerization Committee out of budget allocated for Phase-II of eCourts Project as a pilot scheme.

## **12. ROLLING OUT OF eSEWA KENDRA IN HIGH COURTS**

Hon'ble Dr. Justice D.Y. Chandrachud, Chairman, eCommittee of Supreme Court of India has approved and directed that eSK shall be established and operationalized in all High Court Complexes and additional Bench Complexes of High Court on or by 15<sup>th</sup> May, 2020.

## **13. ROLLING OUT OF eSEWA KENDRA IN DISTRICT COURTS**

Hon'ble Dr. Justice D.Y. Chandrachud, Chairman, eCommittee of Supreme Court of India has approved and directed that eSK shall be established and operationalized in one District Court Complex, to begin with, in the State/UT on or by 15<sup>th</sup> May, 2020. The specific District Court Complex where eSK is to be established as of now may be chosen by the Hon'ble Chief Justice of the High Court.

## **14. Message from Hon'ble Dr. Justice D.Y. Chandrachud**

*eCommittee is of the firm belief that eSewa Kendra shall go a long way in leveraging the accessibility of eCourts related projects for litigants and Members of the Bar would strengthen and sub serve the 'Access to Justice for all' in a friendly and convenient manner.*

**Surinder S. Rathi**  
Member (Processes)  
eCommittee, Supreme Court of India

# DIGITAL NI ACT COURTS, DELHI

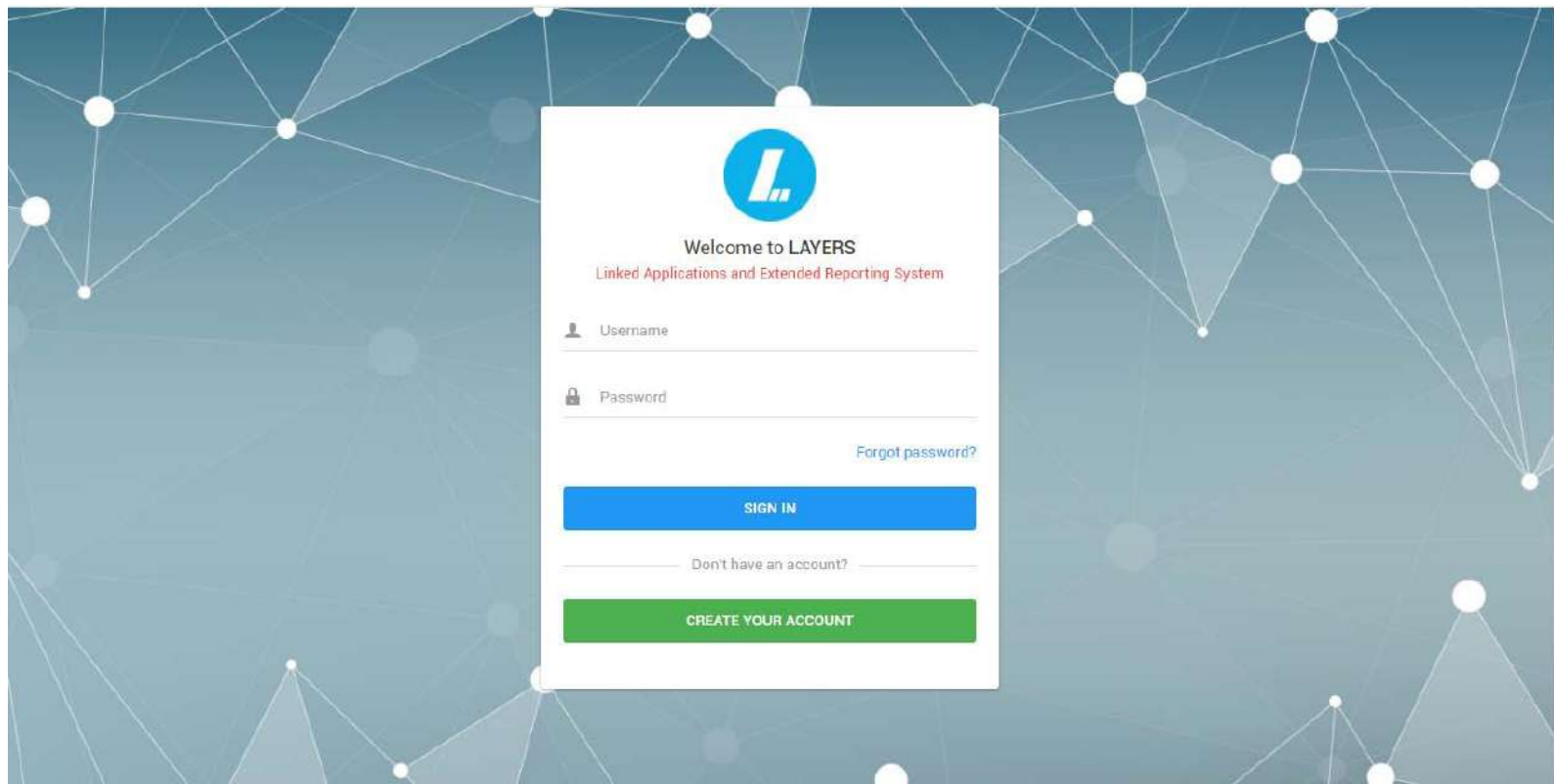
Procedure to Access eFiled NI Act Case Files by MMs

# STEP 01

- The learned Judges is being provided with VPN connection to access to the LAYERS Servers, centrally hosted at Tis Hazari Courts, Delhi.
- The LAYERS servers are seamlessly connected to 45 different physical database of CIS's latest version to access the court data within the LAYERS Judge's Dashboard.
- Judges will have to connect to VPN First.

# STEP 02

- Judges will then connect to the LAYERS 2.0 software through a dedicated URL



# STEP 03

- Upon using correct username, password and OTP, judges will land to LAYERS 2.0 Dashboard

The screenshot displays the LAYERS 2.0 Dashboard. The top navigation bar is blue with the 'LAYERS' logo on the left, a hamburger menu icon, and the user name 'Amit Kumar' on the right. Below the navigation bar is a dark blue header with 'Dashboard' and a search bar labeled 'Search here'. The left sidebar contains a 'MAIN' section with links: Home, Dashboard (highlighted), E - Court, Circulars (with a blue arrow pointing to it), Employee Search, and Layouts. The main content area is divided into several sections. The 'Notifications' section at the top shows three categories: '3 New (76 Total) Circulars', '1 New (93 Total) Payslip', and '1 New (113 Total) Notings'. Below this, the 'Circulars - 3 New (76 Total)' section lists three entries, each titled 'Introduction of new LAYERS software version 2.0 online' and dated '11-06-2020'. The 'Work Logs' section on the right shows a table with columns for 'TODAY', 'TOMRW', and 'YESTRDY'. It lists four entries with status icons (checkmarks) and names: AVINASH GULATI Vs. N.J DURANI @ NANAJI DURANI ORS, STATE Vs. Surinder Singh Bhalla, VANDANA AGGARWAL Vs. ANIL AGGARWAL, and AVINASH GULATI Vs. N.J DURANI @ NANAJI DURANI ORS. The bottom of the dashboard shows a 'Payslip - 1 New (93 Total)' section.

**Notifications**

- 3 New (76 Total) Circulars
- 1 New (93 Total) Payslip
- 1 New (113 Total) Notings

**Circulars - 3 New (76 Total)**

- Introduction of new LAYERS software version 2.0 online  
(X) Date - 11-06-2020, Published by District & Sessions Judge (HQS), Delhi
- Introduction of new LAYERS software version 2.0 online  
(X) Date - 11-06-2020, Published by District & Sessions Judge (HQS), Delhi
- Introduction of new LAYERS software version 2.0 online  
(X) Date - 11-06-2020, Published by District & Sessions Judge (HQS), Delhi

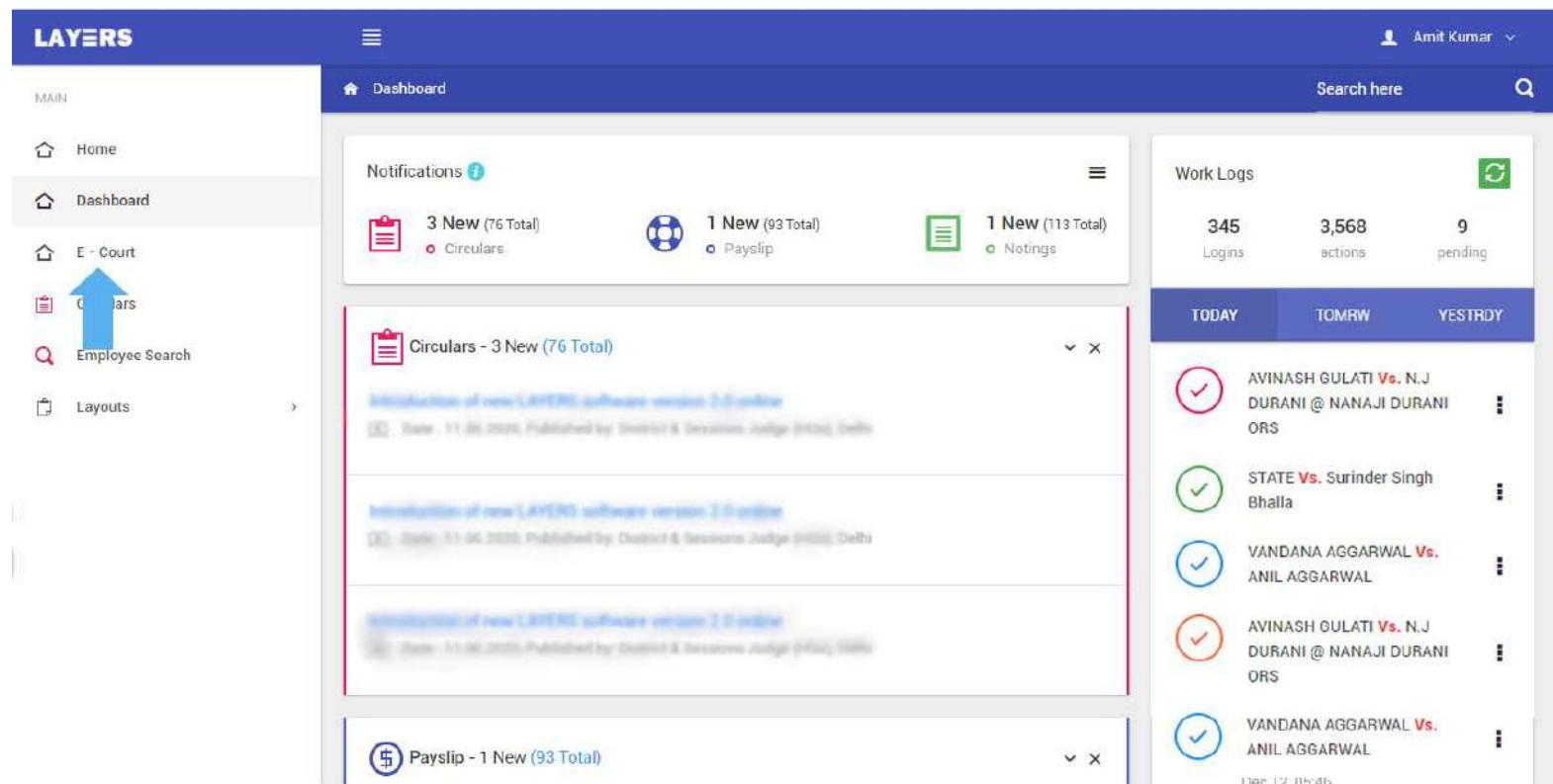
**Work Logs**

TODAY	TOMRW	YESTRDY
✓		
STATE Vs. Surinder Singh Bhalla		
✓		
VANDANA AGGARWAL Vs. ANIL AGGARWAL		
✓		
AVINASH GULATI Vs. N.J DURANI @ NANAJI DURANI ORS		
✓		
VANDANA AGGARWAL Vs. ANIL AGGARWAL		

**Payslip - 1 New (93 Total)**

# STEP 04

- An option of E-Court is placed on left side menu Clicking E-Court option, judges will land to their E-court Dashboard, which has several stats and options



The screenshot displays the LAYERS E-Court Dashboard. The interface features a dark blue header with the 'LAYERS' logo, a user profile 'Amit Kumar', and a search bar. A left sidebar contains navigation links: Home, Dashboard, E-Court (highlighted with a blue arrow), Circulars, Employee Search, and Layouts. The main content area is divided into several sections:

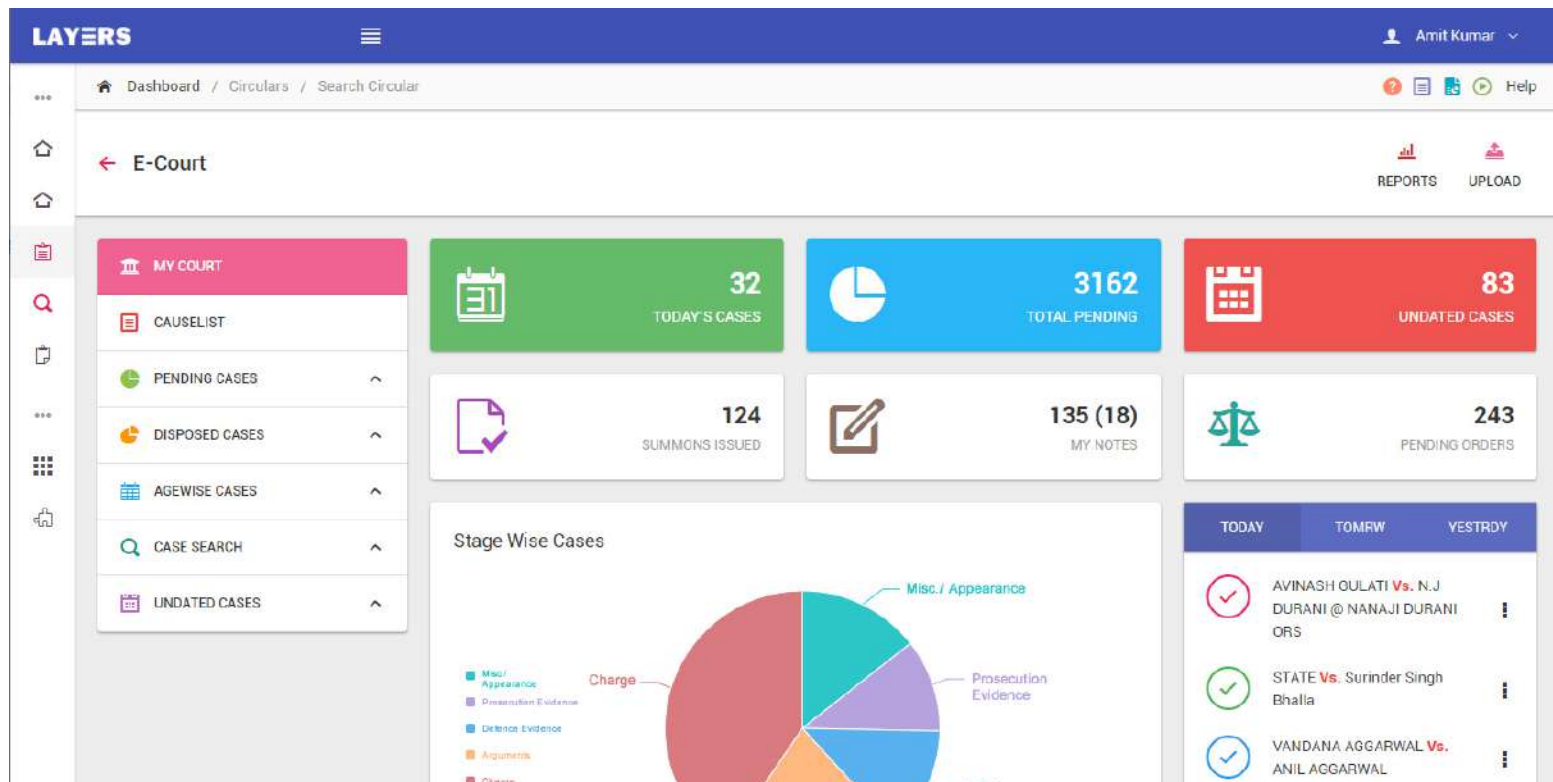
- Notifications:** A summary bar showing 3 New (76 Total) Circulars, 1 New (93 Total) Payslip, and 1 New (113 Total) Notings.
- Work Logs:** A table showing 345 Logins, 3,568 actions, and 9 pending items.
- Circulars - 3 New (76 Total):** A list of recent circulars, each with a title, date, and publisher.
- Payslip - 1 New (93 Total):** A section for new payslips.
- Case List:** A table of cases with columns for status (checkmarks), case name, and date.

TODAY	TOMRW	YESTRDY
✓ AVINASH GULATI Vs. N.J DURANI @ NANAJI DURANI ORS		
✓ STATE Vs. Surinder Singh Bhalla		
✓ VANDANA AGGARWAL Vs. ANIL AGGARWAL		
✓ AVINASH GULATI Vs. N.J DURANI @ NANAJI DURANI ORS		
✓ VANDANA AGGARWAL Vs. ANIL AGGARWAL		

Dec 12, 05:46

# STEP 05

- Clicking Causelist or Today's Cases option will land to causelist of that day which can toggles as required





# STEP 06

- Clicking Case No. / CNR No. will land to case details and clicking Case Title will land to scanned case file

The screenshot displays the E-Court interface. On the left is a sidebar with navigation options: MY COURT, CAUSELIST, PENDING CASES, DISPOSED CASES, AGEWISE CASES, CASE SEARCH, and UNDATED CASES. The main area is titled 'Causelist (17-11-2020)' and has tabs for 'Criminal' and 'Civil'. Below the tabs is a table with the following columns: #, Case No / CNR, Case Title, Lawyers, NDOH, and #. The table contains four rows of case data.

#	Case No / CNR	Case Title	Lawyers	NDOH	#
Misc./ Appearance					
1	<a href="#">Ct. Cases/518837/2016</a> DLCT0200271 12014	AVINASH GULATI Vs. N.J DURANI @ NANAJI DURANI ORS	SANJEEV TYAGI	19-07-2020	≡
2	<a href="#">Cr. Case/288295/2016</a> DLCT0200221 42018	STATE Vs. MOHD. AHSAN	ARUN KR. SINGH	19-07-2020	≡
3	<a href="#">Ct. Cases/518837/2016</a> DLCT0200271 12014	VANDANA AGGARWAL Vs. ANIL AGGARWAL	SUMIT SINGH	19-07-2020	≡
4	<a href="#">Ct. Cases/518837/2016</a> DLCT0200271 12014	AVINASH GULATI Vs. N.J DURANI @ NANAJI DURANI ORS	SANJEEV TYAGI	19-07-2020	≡

# CASE DETAILS PAGE

- Case details pages have comprehensive case details with document view, download and upload options

The screenshot displays the E-Court Case Details page. The sidebar on the left contains navigation links: MY COURT, CAUSELIST, PENDING CASES, DISPOSED CASES, AGEWISE CASES, CASE SEARCH, and UNDATED CASES. The main content area is titled 'Case Details' and shows the case name 'REENA RANI GROVER VS. BHUSHAN KUMAR GAUR'. Below the case name, there are three prominent boxes: '1 Y 9 M AGE OF CASE', '22-12-2020 NEXT DATE OF HEARING', and 'Case Documents'. The page is divided into two main sections: 'Case Details' and 'Case Status'. The 'Case Details' section contains a table with the following information:

Case Details	
CNR No.	DLCT020051392019
Case Type	CT. CASES - COMPLAINT CASES
Registration No.	2122/2019
Registration Date	26-02-2019
Filing Number	5123/2019
Filing Date	18-02-2019

The 'Case Status' section contains a table with the following information:

Case Status	
First Hearing Date	26th February 2019
Next Hearing Date	02nd November 2020
Stage of Case	Misc. cases/purpose
Court Number and Judge	353-Metropolitan Magistrate
Judge Name	Sh. Arun Avasthi
Date of Transfer	22-09-2020

# CASE DETAILS PAGE

- Case details pages have comprehensive case details with document view, download and upload options

The screenshot displays the E-Court Case Details page. The sidebar on the left contains navigation links: MY COURT, CAUSELIST, PENDING CASES, DISPOSED CASES, AGEWISE CASES, CASE SEARCH, and UNDATED CASES. The main content area is titled 'Case Details' and shows the case name 'REENA RANI GROVER VS. BHUSHAN KUMAR GAUR'. Below the case name, there are three key metrics: AGE OF CASE (1 Y 9 M), NEXT DATE OF HEARING (22-12-2020), and a Documents section. The Documents section includes a dropdown menu with options: Download Full File, Upload File, and Case Notes. Below these metrics, there are two tables: Case Details and Case Status.

Case Details	
CNR No.	DLCT020051392019
Case Type	CT. CASES - COMPLAINT CASES
Registration No.	2122/2019
Registration Date	26-02-2019
Filing Number	5123/2019
Filing Date	18-02-2019

Case Status	
First Hearing Date	26th February 2019
Next Hearing Date	02nd November 2020
Stage of Case	Misc. cases/purpose
Court Number and Judge	353-Metropolitan Magistrate
Judge Name	Sh. Arun Avasthi
Date of Transfer	22-09-2020

# CASE DETAILS PAGE

- Case details pages also have case history page where business, order and documents can be viewed

Petitioners		Respondents			
REENA RANI GROVER		BHUSHAN KUMAR GAUR			
Petitioner's Advocates		Respondent's Advocates			
SHAILENDER DAHIYA		Manjeet Singh Dhillon			
Act Details		FIR Details			
Act Name	Under Section	Police Station	Kashmere Gate		
Cr.P.C.	200	FIR Number	112		
N.I. Act	138	FIR Year	2019		
Case History					
Listing Date	Purpose of Hearing	NDOH	Business	Order	Document
26-02-2019	Misc./ Appearance	23-03-2019	<div>VIEW</div>	<div>VIEW</div>	<div>VIEW</div>
23-03-2019	Misc./ Appearance	22-04-2019	<div>VIEW</div>	<div>VIEW</div>	<div>VIEW</div>
22-04-2019	Misc. Arguments	21-05-2019	<div>VIEW</div>	<div>VIEW</div>	<div>VIEW</div>

# CASE DOCUMENTS PAGE

- Case documents page have two different options of viewing scanned case file – 1. Case Type wise 2. Date Wise

The screenshot displays the 'Case Documents' interface. On the left is a sidebar with navigation options: MY COURT, CAUSELIST, PENDING CASES, DISPOSED CASES, AGEWISE CASES, CASE SEARCH, and UNDATED CASES. The main content area has a pink header with the title 'Case Documents' and a 'DOWNLOAD FULL FILE' button. Below the header, the case name 'REENA RANI GROVER VS. BHUSHAN KUMAR GAUR' is shown. A table provides case details: CNR / Case No. (DLCT020051392019 and Ct. Cases/518837/2016), NDOH, Date (02-11-2020), Purpose, and Misc. cases/purpose. Two columns are available for document viewing: 'Document Type Wise Documents' and 'Date Wise Documents'. The first column lists document types like Complaint, Affidavit, Cross examination of complainant, Vakalatnama, and Misc. Application. The second column lists documents by date, such as 26-02-2019 / Filing and 23-03-2019 / Misc. cases/purpose.

CNR / Case No.	NDOH	Date	Purpose	Misc. cases/purpose
DLCT020051392019 Ct. Cases/518837/2016		02-11-2020		

### Document Type Wise Documents

- + Complaint
- + Affidavit
- + Cross examination of complainant
- + Vakalatnama
- + Misc. Application

### Date Wise Documents

- + 26-02-2019 / Filing
- + 23-03-2019 / Misc. cases/purpose
- + 23-03-2019 / Misc. Arguments
- + 23-03-2019 / Misc. Arguments
- + 23-03-2019 / Order on Misc. Application

# CASE DOCUMENTS PAGE

- Case documents page have two different options of viewing scanned case file – 1. Case Type wise 2. Date Wise.

The screenshot displays the 'Case Documents' page. On the left is a navigation menu with options: MY COURT, CAUSELIST, PENDING CASES, DISPOSED CASES, AGEWISE CASES, CASE SEARCH, and UNDATED CASES. The main header shows the case name 'REENA RANI GROVER VS. BHUSHAN KUMAR GAUR' and a 'DOWNLOAD FULL FILE' button. Below the header is a table with case details:

CNR / Case No.	DLCT020051392019 Ct. Cases/518837/2016	NDOH	02-11-2020	Purpose	Misc. cases/purpose												
<div><div>Document Type Wise Documents</div><div><div>Complaint</div><table border="1"><thead><tr><th>Date</th><th>Purpose</th></tr></thead><tbody><tr><td>26-02-2019</td><td>Filing of Case</td></tr><tr><td>23-03-2019</td><td>Order on Misc. Application</td></tr><tr><td>22-04-2019</td><td>Misc. cases/purpose</td></tr><tr><td>21-05-2019</td><td>Misc. Arguments</td></tr><tr><td>26-02-2019</td><td>Order on Misc. Application</td></tr></tbody></table></div></div> <div><div>Date Wise Documents</div><div><div>+ 26-02-2019 / Filing</div><div>+ 23-03-2019 / Misc. cases/purpose</div><div>+ 23-03-2019 / Misc. Arguments</div><div>+ 23-03-2019 / Misc. Arguments</div><div>+ 23-03-2019 / Order on Misc. Application</div></div></div>						Date	Purpose	26-02-2019	Filing of Case	23-03-2019	Order on Misc. Application	22-04-2019	Misc. cases/purpose	21-05-2019	Misc. Arguments	26-02-2019	Order on Misc. Application
Date	Purpose																
26-02-2019	Filing of Case																
23-03-2019	Order on Misc. Application																
22-04-2019	Misc. cases/purpose																
21-05-2019	Misc. Arguments																
26-02-2019	Order on Misc. Application																

**HIGH COURT OF DELHI : NEW DELHI**  
(Office of State Court Management Systems Committee)

**NI ACT COMPLAINT META DATA**  
(To be filled by Complainant)

<b>A. Particulars of Complainant:</b>		
1.	Name:	
2.	Gender (Male/Female/Others/Legal Entity):	
3.	Age:	
4.	Parentage:	
5.	In case, complaint is filed through other person - Name of Authorized Representative/ Power of Attorney Holder:	
6.	Address:	
7.	Mobile No:	
8.	Email Id:	
9.	Status of Complainant, if other than individual (Company/Firm/other) details of Documents filed (Company Master Data, Form 32 for Directors, Partnership Deed, any other):	
10.	Details of the advocate of the Complainant: (Name, enrolment ID, Mobile no., email id):	
11.	Name of Complainant's Bank where cheque was presented:	
	i. Address of the Bank Branch:	
	ii. IFSC Code:	

<b>B. Details of Accused</b> (Add additional templates as per need):		
1.	Name:	
2.	Gender (Male/Female/Others):	
3.	Age:	
4.	Parentage:	
5.	Address:	
6.	Mobile No:	
7.	Email Id:	

<b>C. Details where accused is a Company/Firm:</b>		
1.	Name:	
2.	Registered address:	
3.	Name of Managing Director/Partners:	
4.	Name of signatory of dishonoured cheque:	
5.	Name of persons vicariously liable for the Company/Firm:	

<b>D. Details of financial liability</b> (Loan, sale of goods/services, lease/license & others):		
1.	Nature of liability for which cheque was received:	
2.	In cases of friendly loan, provide the following particulars:	
	i. Date when the borrower approached the Complainant for loan:	
	ii. Date when the loan was advanced:	
	iii. Place at which the loan was advanced:	
	iv. Persons in whose presence the loan was advanced:	
	v. Mode of advancement of loan (cash/ cheque/ Bank transaction/ others):	
Use separate templates depending upon the nature of liability.		

<b>E. Particulars of Cheque</b> (Add additional templates as per need):		
1.	Cheque Number:	
2.	Date on the cheque:	
3.	Amount (in figure) on the cheque:	
4.	Amount (in words) on the cheque:	

5.	Date when the Complainant received the cheque from accused:	
6.	Name of the Bank on which the dishonoured cheque is drawn:	
	i. Address of the Bank Branch:	
	ii. IFSC Code:	
7.	Date when the cheque was presented to the Bank lastly:	
8.	Number of times this cheque was presented:	
9.	Date on Cheque Return Memo:	
10.	Date when information about dishonour was received by the Complainant:	
11.	Reason(s) for dishonour of cheque:	

F. Particulars of Legal Demand Notice:		
1.	Date on Legal Demand Notice:	
2.	Date when the Legal Demand Notice was dispatched:	
3.	Mode of dispatch of Legal Demand Notice (Physical/Electronic) [personal, Speed post, Regd. Post, Courier, E-mail, others]:	
4.	Whether the Complainant relies on presumption of law for service:	
5.	If not, the actual date of service of Legal Demand Notice:	
6.	Whether reply to Legal Demand Notice was received:	(Yes/No)
7.	If Yes, provide the date of receiving of reply:	

G. Additional particulars of criminal complaint:		
1.	Date when the 15 days from service of Legal Demand Notice was complete:	
2.	Date of accrual of cause of action:	
3.	Date when the limitation of one month expires:	
4.	Whether the complaint is filed within limitation:	(Yes/No)
5.	If No, whether the Complainant is filing condonation application:	

H. Other Details:		
1.	Name of PS within which the offence is committed:	
2.	Whether any other case filed/pending with respect to the transaction in question/cheque:	(Yes/No)
3.	If Yes, the details thereof (CNR Number be mentioned):	
4.	Whether you want the remittance/payment by the accused in the aforementioned account of yours as mentioned above (Yes/No):	
5.	If no, the No. of the account, Name of the Bank, Address of the Branch, IFSC Code of the branch in which you want the remittance/payment:	
6.	Court fee paid:	
7.	Mode of payment of such court fee:	

I. Recourse to ADR:		
1.	Complainant willing to settle by Mediation/ Lok Adalat:	(Yes/ No)

J. Supporting documents:		
1.	Number of documents attached in e-file:	
2.	Particulars of documents so attached:	
3.	Undertaking of the Complainant for filing original documents:	



## **DETAILS OF THE 34 MM (NI ACT) DIGITAL COURTS (DISTRICT-WISE)**

<b>Complex</b>	<b>District</b>	<b>Name of Presiding Judge (Mr./Ms.)</b>	<b>Digital Court</b>
Tis Hazari	Central	Akriti Mahendru Akansha Gautam Preeti Rajoria	MM (NI Act) Digital Court-01, Central, THC MM (NI Act) Digital Court-02,Central, THC MM (NI Act) Digital Court-03,Central, THC
	West	Mohit Sharma Chhaya Tyagi	MM (NI Act) Digital Court-01, West, THC MM (NI Act) Digital Court-02, West, THC
Patiala House	New Delhi	Jyoti Maheshwari Nidhi Bala Padma Landol	MM (NI Act) Digital Court-01, New Delhi, PHC MM (NI Act) Digital Court-02,New Delhi, PHC MM (NI Act) Digital Court-03,New Delhi, PHC
Karkardooma	East	Tushar Gupta	MM (NI Act) Digital Court,East, KKD
	North-East	Kapil Kumar	MM (NI Act) Digital Court,North-East, KKD
	Shahdra	Prayank Nayak	MM (NI Act) Digital Court,Shahdara, KKD
Rohini	North	Neha Gupta Singh	MM (NI Act) Digital Court, North, Rohini
	North-West	Udita Jain Ritika Kansal Lalit Kumar Renu	MM (NI Act) Digital Court-01,North-West, Rohini MM (NI Act) Digital Court-02,North-West, Rohini MM (NI Act) Digital Court-03,North-West,Rohini MM (NI Act) Digital Court-04,North-West, Rohini
Dwarka	South-West	Surpreet Kaur Vaibhav Kumar Nidhish Kumar Meena Shipra Dhankar Umang Joshi Manuj Kaushal Neha Saini Gaurav Goyal Ebbani Aggarwal	MM (NI Act) Digital Court-01,South-West, Dwarka MM (NI Act) Digital Court-02,South-West,Dwarka MM (NI Act) Digital Court-03,South-West,Dwarka MM (NI Act) Digital Court-04,South-West, Dwarka MM (NI Act) Digital Court-05,South-West, Dwarka MM (NI Act) Digital Court-06,South-West,Dwarka MM (NI Act) Digital Court-07,South-West,Dwarka MM (NI Act) Digital Court-08,South-West,Dwarka MM (NI Act) Digital Court-09,South-West, Dwarka
Saket	South	Neha Priya Nidhi Singh Chhavi Bansal Abhitesh Kumar Kanika Agarwal Aridaman Singh Cheema	MM (NI Act) Digital Court-01,South, Saket MM (NI Act) Digital Court-02,South, Saket MM (NI Act) Digital Court-03,South, Saket MM (NI Act) Digital Court-04,South, Saket MM (NI Act) Digital Court-05. South, Saket MM (NI Act) Digital Court-06,South, Saket
	South-East	Paras Dalal Akanksha Garg Raghav Sharma	MM (NI Act) Digital Court-01,South-East,Saket MM (NI Act) Digital Court-02,South-East,Saket MM (NI Act) Digital Court-03,South East, Saket
<b>Total</b>		<b>34</b>	<b>34</b>

**List of email IDs of Digital NI Act Courts in Delhi**

Complex	District	No. of Courts	Email IDs of Digital Courts
Tis Hazari	Central	3	nicentral1@gmail.com
			nicentral2@gmail.com
			nicentral3@gmail.com
	West	2	niwest0001@gmail.com
			niwest0002@gmail.com
Patiala House	New Delhi	3	ninewdelhi1@gmail.com
			ninewdelhi2@gmail.com
			ninewdelhi3@gmail.com
Karkardooma	East	1	nieast01@gmail.com
	North-East	1	ninortheast1@gmail.com
	Shahdara	1	nishahdara1@gmail.com
Rohini	North	1	ninorth01@gmail.com
	North-West	4	ninorthwest1@gmail.com
			ninorthwest2@gmail.com
			ninorthwest3@gmail.com
			ninorthwest4@gmail.com
Dwarka	South-West	9	nisouthwest1@gmail.com
			nisouthwest2@gmail.com
			nisouthwest3@gmail.com
			nisouthwest04@gmail.com
			nisouthwest5@gmail.com
			nisouthwest6@gmail.com
			nisouthwest7@gmail.com
			nisouthwest8@gmail.com
			nisouthwest9@gmail.com
Saket	South	6	nisouth01@gmail.com
			nisouth2@gmail.com
			nisouth3@gmail.com
			nisouth4@gmail.com
			nisouth5@gmail.com
			nisouth6@gmail.com
	South-East	3	nisoutheast1@gmail.com
			nisoutheast2@gmail.com
			nisoutheast3@gmail.com
Total		34	

# **HIGH COURT OF DELHI: NEW DELHI**

## **NOTIFICATION**

No. 325 /Rules/DHC

Dated: 01.06.2020

## **VIDEO CONFERENCING RULES**

### **Preface**

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

In exercise of its powers under Articles 225 and 227 of the Constitution of India, the High Court of Delhi makes the following Rules.

### **Chapter I – Preliminary**

**1.** These Rules shall be called the “High Court of Delhi Rules for Video Conferencing for Courts 2020”.

- (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 (CPC), or the Code of Criminal Procedure, 1973 (CrPC), 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 or 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 inquiring officer holds proceedings under 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; or
  - b. the person in whose presence certain proceedings are to be recorded or conducted; or
  - c. an Advocate or a party in person who intends to examine a witness; or
  - d. any person who is required to make submissions before the Court; or
  - 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 - General Principles**

### **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 by a Court via 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 (Evidence Act), and Information Technology Act, 2000 (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 recording of the proceedings by any person or entity.
- (vii) The person defined in Rule 2(xii) shall provide identity proof as recognised by the Government of India/State Government/Union Territory to the Court point coordinator via personal email. In case of identity proof not being readily available the person concerned shall furnish the following personal details: name, parentage and permanent address, as also, temporary address if any.

#### **4. Facilities recommended for Video Conferencing**

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

<b>Sub Rule</b>	<b>Where the Advocate or Required Person is at the following Remote Point:-</b>	<b>The Remote Point Coordinator shall be:-</b>
<b>5.3.1</b>	Overseas	An official of an Indian Consulate / the relevant Indian Embassy / the relevant High Commission of India
<b>5.3.2</b>	Court of another state or union territory of India	Any authorized official nominated by the concerned District Judge
<b>5.3.3</b>	Mediation Centre or office of District Legal Services Authority	Any authorized person / official nominated by the Chairperson or Secretary of the concerned District Legal Services Authority.
<b>5.3.4</b>	Jail or prison	The concerned Jail Superintendent or Officer-in-charge of the prison.
<b>5.3.5</b>	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
<b>5.3.6</b>	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.
<b>5.3.7</b>	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.
<b>5.3.8</b>	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.
<b>5.3.9</b>	Forensic Science Lab	The Administrative officer-in-charge or their

		nominee.
<b>5.3.10</b>	In case of any other location	The concerned Court may appoint any person deemed fit and proper who is ready and willing to render 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.

**5.3.11** Notwithstanding the provisions of Clause 5.3.1, where witness examination is to take place in a criminal case of a person located outside the country, the provisions of the “Comprehensive Guidelines for investigation abroad and issue of Letters Rogatory (LRs) / Mutual Legal Assistance (MLA) Request and Service of Summons / Notices/ Judicial documents in respect of Criminal Matters” (available at [http://164.100.117.97/WriteReadData/userfiles/ISII\\_ComprehensiveGuidelinesMutualLegalAssistance\\_17122019.pdf](http://164.100.117.97/WriteReadData/userfiles/ISII_ComprehensiveGuidelinesMutualLegalAssistance_17122019.pdf)) will be followed to the extent they comport with the provisions of the CrPC and the Evidence Act. Furthermore, before the Court employs its discretion to carry out witness examination via video conference, it will obtain the consent of the accused.

**5.4** When a Required Person is at any of the Remote Points mentioned in Sub Rule 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 unauthorised recording device is used.

**5.6.3** No unauthorised 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 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 under 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 via the form prescribed in Schedule II.
- 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 such a request and upon hearing all concerned persons, the Court will pass an appropriate order after ascertaining that the application is not filed to impede a fair trial or to delay the proceedings.
- 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 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 the summons and the consequences for non-attendance, as provided in the CPC and CrPC shall apply to service of summons for proceedings conducted by video conferencing.

7.2 Furthermore in respect of service of summons on witnesses residing outside the country, concerning criminal matters, the provisions of “Comprehensive Guidelines for investigation abroad and issue of Letters Rogatory (LRs) / Mutual Legal Assistance (MLA) Request and Service of Summons / Notices/ Judicial documents in respect of Criminal Matters” (available at [http://164.100.117.97/WriteReadData/userfiles/ISII\\_ComprehensiveGuidelinesMutualLegalAssistance\\_17122019.pdf](http://164.100.117.97/WriteReadData/userfiles/ISII_ComprehensiveGuidelinesMutualLegalAssistance_17122019.pdf)) will be followed to the extent they comport with the provisions of the CrPC and the extant laws.

## **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 may be. 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. 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. 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 the 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 acknowledgement with the Court in this behalf.

- 8.5 If a person is examined concerning 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 as per the deposition of the concerned person being examined.
- 8.6 The Court would be at liberty to record the demeanour 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 to 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 recognised 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 recognised courier/registered speed post.
- 8.9 An audio-visual recording of the examination of the 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, 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 for 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 the 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 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 permit the document to be shown in the following manner:

- 9.1 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; or
- 9.2 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.

## 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 regarding the fulfilment 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 before scheduled video conferencing 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 believes that she/he 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, the framing of charge, the examination of accused and Proceedings under Section 164 of the CrPC**

11.1 The Court may, at its discretion, authorize the detention of an accused, frame charges in a criminal trial under the CrPC by video conferencing. 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, 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 - General Procedure**

### **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 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 as per 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 may be, 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 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 the recording of the statement of the witness (including medical or other experts). 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.

12.9 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 the 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 the 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 requesting 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 the 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 before the commencement of the proceeding.
- 14.3 The Court Point Coordinator shall send the link / Meeting ID / Room Details via the email 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 the 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 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 Members of Lok Adalats before passing any award or orders as per 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 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 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 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 concerning 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.



## **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 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 aeroplane 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 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 authorised officer:  
Date:

BY ORDER  
Sd/-  
(MANOJ JAIN)  
REGISTRAR GENERAL