

# THE HIGH COURT OF ORISSA, CUTTACK

## Notification

No.1206/R Dtd.02.11.2020

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

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

### Preliminary

#### Chapter I

**1. Short Title and Commencement.-** (1) These rules may be called the Orissa High Court Video Conferencing for Courts Rules, 2020.

(2) They shall come into force for such courts or classes of Courts or proceedings or classes of proceedings and on and from such date or dates as the Chief Justice may, by order, appoint.

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

(a) "Advocate" means an Advocate entered in any roll under the provisions of the Advocates Act, 1961 (25 of 1961) or Government Advocates and officers of the department of prosecution;

(b) "Commissioner" means a person appointed as commission under the provisions of Code of Civil Procedure, 1908 (hereinafter called 'the C.P.C.'), or the

Code of Criminal Procedure, 1973 (hereinafter called 'the Cr.P.C.') or any other law in force;

(c) "Coordinator" means a person nominated as coordinator under rule 5;

(d) "Court" includes a virtual Court or tribunal;

(e) "Court Point" means the Court room or one or more places where the Court is physically convened, or the place where a Commissioner or an inquiring officer holds proceedings pursuant to the directions of the Court;

(f) "Court User" means a user participating in Court proceedings through video conferencing at a Court Point;

(g) "designated Video Conferencing Software" means software provided by the High Court, from time to time, to conduct video conferencing;

(h) "exceptional circumstances" includes a pandemic, natural calamities, circumstances implicating law and order or matters relating to the safety of the accused and witnesses or such circumstances as the Chief Justice may, by order, declare as exceptional circumstances;

(i) "Live Link" in relation to video conference means a live television link or other audio-video electronic means whereby a witness, a required person or any other person permitted to remain present, in the Court room by remote communication using technology to give evidence and be cross-examined.

(j) "Remote Point" means a place where any required persons is to remain present through a video link;

(k) "remote user" means a user participating in Court proceedings through video conferencing at a remote point.

(l) "required person" includes-

(i) the person who is to be examined; or

(ii) the person in whose presence certain proceedings are to be recorded or conducted; or

(iii) an Advocate or a party in person who intends to examine a witness; or

(iv) any person who is required to make submissions before the Court; or

(v) any other person who is permitted by the Court to appear through video conferencing.

(m) "Schedule" means the Schedule appended to these rules;

(n) 'System Officer' or 'System Assistant' shall mean System Officer or System Assistant appointed by High Court of Orissa and working at High Court of Orissa or at District Courts.

## Chapter II

### General Principles

**3. General Principles Governing Video Conferencing.-** (1) Video conferencing facilities may be used at all stages of judicial proceeding conducted by the Court.

(2) All proceedings conducted by a Court by way of video conferencing shall be judicial proceedings and all the courtesies and protocols applicable to a physical Court shall apply to a virtual Court and the protocol as set forth in the Schedule shall be adhered to for proceedings conducted by way of video conferencing.

(3) All relevant statutory provisions applicable to judicial proceedings including provisions of the C.P.C., the Cr.P.C., the Contempt of Courts Act, 1971, the Indian Evidence Act, 1872 (hereafter called as the Evidence Act), and the Information Technology Act, 2000 (hereafter called as the IT Act) shall apply to proceedings conducted by video conferencing.

(4) 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.

(5) 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.

(6) There shall be no unauthorised audio or video recording of the proceedings by any person or entity.

(7) The required person shall provide identity proof as recognised by the Government of India or State Government or Union Territory to the Court point coordinator via personal e-mail and in case the identity proof is not readily available

the person concerned shall furnish the following personal details; namely:

- (a) name;
- (b) parentage;
- (c) permanent address; and
- (d) present address, if any.

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

(i) Desktop, Laptop, mobile devices with internet connectivity, printer along with licensed Anti-Virus with real time protection loaded in the Desktop and Laptop;

(ii) Device ensuring uninterrupted power supply;

(iii) Camera;

(iv) Microphones and speakers;

(v) display unit;

(vi) document visualizer;

(vii) provision of a firewall;

(viii) adequate seating arrangements ensuring privacy;

(ix) adequate lighting;

(x) availability of a quiet and secure space; and

(xi) hardware for storage facility of audio or video recordings of

examination.

**5. Preparatory Arrangements.-** (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:

Provided that the Coordinator may be required at the Remote Point only when a witness or a person accused of an offence is to be examined.

(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 sub-rule(3).

(3) The Coordinator may be at any of the following Remote Point, namely:-

Serial Number	Where the Advocate or required person is at the Remote Point:	The Remote Point Coordinator:
(1)	(2)	(3)
(a)	Overseas	An official of an Indian Consulate or Indian Embassy or the High Commission of India, as the case may be.
(b)	Court of another state or union territory within the territory of India	Any authorized official nominated by the concerned District Judge.

(c)	Mediation Centre or office of District Legal Services Authority (including Taluka Legal Services Committee)	Any authorized person official nominated by the Chairperson or Secretary of the concerned District Legal Services Authority.
(d)	Jail or prison	The concerned Jail Superintendent or Officer in-charge of the prison.
(e)	Hospitals administered by the Central Government, the State Government or local bodies	Medical Superintendent or an official authorized by them or the person in charge of the said hospital
(f)	Observation Home, Special Home, Children's Home, Shelter Home, or any institution referred to as a child facility (collectively referred to as child facilities) and where the Required Person is a juvenile or a child or a person who is an inmate of such child facility.	The Superintendent or Officer in charge of that child facility or an official authorized by them.
(g)	Women's Rescue Homes, Protection Homes, Shelter Homes, Nari Niketans or any institution referred to as a women's facility (collectively referred to as women's facilities).	The Superintendent or Officer in-charge of the women's facility or an official authorized by him.

(h)	In custody, care or employment of any other government office, organization or institution (collectively referred to as institutional facilities).	The Superintendent or Officer in-charge of the institutional facility or an official authorized by him.
(i)	Forensic Science Lab	The Administrative officer in-charge or his nominee.
(j)	Local Bar Association Hall	President of the Bar Association or his nominee.
(k)	In case of any other location	The concerned Court may appoint any person deemed fit and proper who is ready and willing to render their services as a Coordinator to ensure that the proceedings are conducted in a fair, impartial and independent manner and according to the directions issued by the Court in that behalf.

(4) When a required person is at any of the Remote Points mentioned in sub-rule(3) and video conferencing facilities are not available at any of those places, the concerned Court shall formally request the District Judge, in whose jurisdiction the



Remote Point is situated to appoint a Coordinator and to provide a video conferencing facility from proximate and suitable Court premises.

(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.

(6) The Coordinator at the Remote Point shall ensure that-

(a) all Advocates or a required person scheduled to appear in a particular proceeding is in proper attire and ready at the Remote Point designated for video conferencing at least thirty minutes before the scheduled time;

(b) no unauthorised audio or video recording device is used for recording the proceeding in any manner;

(c) no unauthorised person enters the video conferencing room when the video conference is in progress; and

(d) the person who is examined is not prompted, tutored, coaxed, induced or coerced in any manner by any person and the former does not refer to any document, script or device without the permission of the concerned Court during the course of examination.

(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 e-mail account of the Coordinator of the concerned Remote Point designated in accordance with sub-rule (3).

(8) The Court shall transmit to the e-mail of the Coordinator at Remote Point non-editable digital scanned copies of the documents submitted under section 173 of the Cr.P.C. (or any part thereof) which may be necessary for examination of the witness for his reference during such examination.

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

(10) Whenever required, the Court shall order the Coordinator at the Remote Point or at the Court Point to provide -

- (a) A translator in case the person to be examined is not conversant with the official language of the Court;
- (b) an expert in sign languages in case the person to be examined is impaired in speech and hearing; and
- (c) an interpreter or a special educator, as the case may be, in case a person to be examined is differently abled, either temporarily or permanently.

## Chapter III

### Procedure for Video Conferencing

#### 6. Application for appearance, evidence and submission by Video

**conferencing.-** (1) Any party to the proceeding or witness, except where proceedings are initiated at the instance of the Court, may move a request for video conferencing.

(2) A party or witness seeking a video conferencing proceeding shall do so by making a request in Form I.

(3) 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, in cases such as urgent applications.

(4) On receipt of such a request and upon hearing all concerned persons, the Court shall pass an appropriate order after ascertaining that the application (especially where it is filed for recording evidence) is not filed with an intention to impede a fair trial or to delay the proceedings.

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

(6) In case the video conferencing event is convened for making oral submissions, the order may require the Advocate or required person to submit written arguments and precedents, if any, in advance on the official e-mail ID of the concerned Court.

(7) 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.-** (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.

(2) The existing rules regarding service of summons and the consequences for non-attendance, as provided in the C.P.C., the Cr.P.C. or by any method prescribed by the High Court of Orissa, from time to time, shall apply with respect to service of summons for proceedings conducted by video conferencing.

**8. Examination of persons.-**

(1) Any person who is examined, including a witness shall, before being examined through video conferencing, produce a 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 C.P.C. or section 297 of the Cr.P.C., as the case maybe.

(2) The affidavit shall, 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 proceeding.

(3) A copy of the proof of identity or affidavit, as the case may be, shall form part of the record and the same will be made available to the opposite party upon request.

(4) In cases where identity proof of the witnesses appearing through video conferencing is otherwise readily available on record to the satisfaction of the Court as well as of the Coordinator of the remote point (such as photographs provided by Police at the time of filing chargesheet etc.) then the proof of identity of the witness may not be insisted upon at the Remote Point.

(5) The person who is examined, shall ordinarily be examined during the working hours of the concerned Court or at such time as the Court may deem fit.

(6) The oath will be administered to the person who is examined by the Coordinator at the Court Point.

(7) Where the person who is 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.

(8) 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.

(9) Subject to the provisions for examination of witnesses contained in the Evidence Act, before the examination of the witness, the documents, if any, sought to be relied upon shall be transmitted by the applicant to the witness, so that the witness acquires familiarity with the said documents.

(10) The applicant shall file an acknowledgment with the Court in this behalf.

(11) If a person is examined with reference to a particular document, then the summons to witness must be accompanied by a duly certified photocopy of the document and the original document should be exhibited at the Court Point in accordance with the deposition of the concerned person who is examined.

(12) The Court shall be at liberty to record the demeanour of the person who is examined and while recording the evidence of a witness through video conferencing, the Court shall adhere to the procedures prescribed under the law.

(13) The Court shall obtain the signature of the person being examined on the transcript once the examination is concluded and the signed transcript shall form part of the record of the judicial proceedings.

(14) The signature on the transcript of the person who is examined shall be obtained in either of the following manner, namely:-

(a) 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 shall be taken and signed by the person being examined;

(b) a scanned copy of the transcript digitally signed by the Coordinator at the Remote Point shall be transmitted by official e-mail of the Court Point and hard copy of the signed transcript will

be dispatched after the testimony is over, preferably within three days by the Coordinator at the Remote Point to the Court Point by recognized courier or registered speed post:

Provided that where 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 e-mail 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;

(c) a non-editable scanned format of the transcript so signed shall be sent by the Coordinator of the Remote Point to the official e-mail account of the Court Point, where a print out of the same shall be taken and shall be made a part of the judicial record and 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 or registered speed post.

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

(16) The methodology to be followed in carrying out this work shall ordinarily be as per the advice of the System Officer or System Assistant, as the case may be.

(17) The Court may, at the request of a person to be examined, or on its own motion, taking into account the best interests of such person to be examined, direct appropriate measures to protect the privacy of such person bearing in mind the aspects such as age, gender, physical condition and recognized customs and practices.

(18) The Coordinator at the Remote Point shall ensure that no person is present at the Remote Point, except the person who is examined and those whose presence is deemed necessary by the Coordinator for the proceedings to continue.

(19) The Court may also impose such other conditions as are necessary in a given set of facts for effective recording of the examination (especially to ensure compliance with clause (d) of sub-rule (6) of rule 5).

(20) The examination shall as far as practicable, proceed without interruption or the grant of unnecessary adjournments:

Provided that the Court or the Commissioner, as the case may be, shall be at liberty to determine whether an adjournment should be granted, and if so, on what ground.

(21) The Court shall be guided by the provisions of the C.P.C. and Part B of Chapter XXIII of the Cr.P.C., the Evidence Act and the IT Act while examining a person through video conferencing.

(22) 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 present and in such circumstances the Court may direct the use of portable video conferencing systems and the Court may give authority to the concerned Coordinator or any person as the Court deem fit.

(23) 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 party shall make its own arrangement for appearance or representation, as the case may be, at the Remote Point.

(24) Where the proceeding of the Court is conducted by Video Conferencing, the Court shall specifically mention the same in the top of the ordersheet.

**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 felt necessary to show a document to the person, the Court may permit the document to be shown in the following manner; namely:-

(a) 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

(b) if the document is at the Remote Point, by putting it to the person and transmitting a copy or image of the same to the Court Point electronically including through a document visualize and the hard copy of the document counter signed by

the witness and the Coordinator at the Remote Point shall be dispatched thereafter to the Court Point by authorized courier or registered speed post; and

(c) as far as exhibiting material objects through Video Conferencing is concerned, the Court may adopt such procedure as it deems fit and proper having regard to the facts and circumstances of the case without causing prejudice to any of the parties.

**10. Ensuring seamless video conferencing.-** (1) The 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.

(2) The presence of the coordinator shall not be necessary at the Remote Point where arguments are to be addressed by an Advocate or party in person before the Court.

(3) If the proceedings are carried out from any of the Remote Point mentioned in serial numbers (a) to (j) of sub-rule (3) of rule 5, the Coordinator at such Remote Point shall ensure compliance of all technical requirements.

(4) Where the proceedings are conducted from a Remote Point falling in the situation contemplated under serial number (k) of sub-rule (3) of rule 5, the Coordinator so appointed under that serial number (k) for the said Remote Point shall ensure compliance of all technical requirements for conducting video conferencing at such Remote Point.

(5) The Coordinator at the Court Point shall be in contact with the concerned Advocate or the required person and guide them in regard to the

fulfillment of technical and other requirements for executing a successful hearing through video conferencing.

(6) Any problem faced by such Remote Users, the Coordinator at Court Point shall resolve the issues and, inter alia, shall also share the link of the video conferencing hearing with such Remote Users.

(7) The Coordinator at the Court Point shall ensure that any document or audio-visual files, e-mailed by the Remote User, are duly received at the Court Point.

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

(9) The Coordinator at the Court Point shall at the scheduled time, connect the Remote User to the Court.

(10) On completion of each day 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 on which the Court was addressed and the documents, if any, that were produced and transmitted online.

(11) In case a digital recording is tendered, the Court shall record its duration in the order sheet along with all other requisite details.

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

(13) On the completion of video conferencing, if a Remote User is of the opinion that he is prejudiced due to poor video 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 and the Court shall consider the grievance and if finds substance in the grievance, it may declare the hearing to be incomplete and the parties may be asked to re-connect or make a physical appearance in Court.

**11. Judicial remand, framing of charge, examination of accused and proceedings under Section 164 of the Cr.P.C.-** The Court shall adhere to the relevant provisions laid down in the Cr.P.C. and GRCO (Criminal) while resorting to Video Conferencing for the purpose of remanding accused persons, recording their statement or the statement of witness and framing charges.

#### **Chapter- IV**

##### **General Procedure**

**12. General Procedure.-** (1) The procedure set out hereafter in this Chapter, is without prejudice to the procedure indicated elsewhere in these rules except specific instances in which proceedings are conducted via video conferencing.

(2) The Coordinator at the Court Point shall ensure that video conferencing is conducted only through a designated Video Conferencing Software, and in the event of any technical glitch during the proceeding, the concerned Court may, for reasons to be recorded in writing, permit the use of a software other than the

designated Video Conferencing Software for video conferencing in that particular proceeding.

(3) The identity of the person to be examined shall be confirmed by the Court with the assistance of the Coordinator at the Remote Point in accordance with sub-rules (1) to (4) of rule 8, at the time of recording of the evidence and the same must be reflected in the order sheet of the Court.

(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 time and place as agreed upon.

(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.

(6) In case the person to be examined is an accused, the prosecution shall confirm the location of the accused at the Remote Point.

(7) Video conferencing shall ordinarily take place during the Court hours:

Provided that the Court may pass suitable directions concerning the timing and the schedule of video conferencing as the circumstances may warrant.

(8) If the accused is in custody and not present at the Court Point, the

Court shall order a multi-point video conferencing between itself, the witness and the accused in custody to facilitate recording of the statement of the witness (including medical or other expert).

(9) The Court shall ensure that the defence of the accused is not prejudiced in any manner and that the safeguards provided in sub-rule (8) of rule 8 are observed.

(10) 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.-** (1) In the absence of rules prescribed by the concerned Court, the Court may determine and apportion all the costs of video conferencing as mentioned below:

(a) in criminal cases, the expenses of the video conferencing facility including expenses involved in preparing soft copies or certified copies of the Court record and transmitting the same to the Coordinator at the Remote Point and the fee payable to translator or interpreter or 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.

(b) in civil cases, generally, the party making the request for recording evidence, through video conferencing shall bear the expenses.

(c) apart from the cases specified in clauses (a) and (b), the

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

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

**14. Conduct of Proceedings.**- (1) All Advocates, required persons or the party in person to remain physically or virtually present (hereinafter collectively referred to as participants) shall abide by the requirements set forth in the Schedule.

(2) Before the commencement of video conferencing, all participants shall have their presence recorded.

(3) In case a participant is desirous that his face or name be masked, information to that effect shall be furnished to the Coordinator at the Court Point prior to the commencement of the proceeding.

(4) The Coordinator at the Court Point shall send the link or Meeting ID and Room Details through the e-mail Id or mobile number furnished by the Advocate or required person to be virtually present by the Court and once the proceedings have commenced, no other persons shall be permitted to participate in the virtual hearing, except with the permission of the Court.

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

(6) Participation in the proceedings shall constitute consent by the participants to the proceedings being recorded by video conferencing.

(7) Establishment and disconnection of links between the Court Point and the Remote Point shall be regulated by orders of the Court.

(8) The Court shall satisfy itself that the Advocate or required person that the Court deems necessary at the Remote Point or the Court Point can be seen and heard clearly and can clearly see and hear the Court.

(9) In order 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 e-mail address and mobile number of the Coordinator at the Court Point which must have been furnished to the participant before the commencement of the virtual hearing and no complaint, subsequently, shall be entertained.

(10) Wherever any proceeding is carried out by the Court under these rules by taking recourse to video conferencing, the same shall specifically be mentioned in the order sheet.

**15. Access to Legal Aid Clinics or Camps or Lok Adalats or Jail Adalats.-** (1) In conformity with the provisions of the Legal Services Authorities Act, 1987 (39 of 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 or Secretary of the District Legal Service Authority or Taluka Legal Service Committee or Members of Lok



Adalats before passing any award or orders in accordance with law.

(2) The award or order made under sub-rule (1) shall have the same force as if it was passed by the regular Lok Adalat or Jail Adalat.

(3) A 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.-** (1) In order to observe the requirement of an open Court proceeding, members of the public may be allowed to view Court hearings conducted through video conferencing, except proceedings ordered for reasons to be recorded in writing to be conducted in-camera .

(2) The Court shall endeavour to make available sufficient links (consistent with available bandwidth) for accessing the proceedings.

(3) 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 and such 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 C.P.C., the Cr.P.C., the Evidence Act, the IT Act, and the Odisha General Clauses Act, 1937 (Odisha Act 1 of 1937).

**18. Power to Relax.-** The High Court may, if satisfied that the operation of any of the provision of these rules 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 with respect to which no express provision has been made in these rules, shall be decided by the Court consistent with the principles of furthering the interests of justice.

**20. Rules to override other rules and etc.-** Notwithstanding anything contained in any provision of GR&CO (Civil) and GR&CO (Criminal) or in any other Rules or Scheme for the time being in force, the provisions of these rules shall prevail wherever Court Proceedings are held through Video Conferencing.

By order of the Orissa High Court

  
02.11.2020  
(Malaya Ranjan Dash)  
Registrar General

**SCHEDULE**

[see rule 3(2)]

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.
2. Police officials shall appear in the uniform prescribed for police officials under the relevant statute or orders.
3. The attire for judicial officers and Court staff shall be as specified in the relevant rules prescribed in that behalf by the High Court.
4. The decision of the Presiding Judge or officer as to the dress code will be final.
5. Proceedings shall be conducted at the appointed date and time and punctuality shall be scrupulously observed.
6. The case shall be called out and appearances shall be recorded on the direction of the Court.
7. Every participant shall adhere to the courtesies and protocol that are followed in a Court and Judges will be addressed as "Madam or Sir" or "Your Honour" and officers shall be addressed by their designation such as "Bench Officer or Court Master".
8. Advocates shall be addressed as "Learned Counsel/Senior Counsel"
9. Advocates or required persons, parties in person and other participants shall keep their microphones muted till such time as they are called upon to make submissions.

10. Remote Users shall ensure that their devices are free from malware.
11. 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.
12. Any unwarranted disturbance caused during video conferencing, may if the Presiding Judge so directs, render the proceedings *non-est*.
13. All participants' cell phones shall remain switched off or in air-plane mode during the proceedings.
14. All participants shall endeavour to look into the camera, remain attentive and shall not engage in any other activities during the course of the proceedings.

**Form I**  
[see rule 6 (2)]

**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:

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**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:

Memo No. 10058 (150) / Dated. 02.11.2020

XXXIII-5/2020

Copy forwarded to the

1. Additional Registrar-cum-Principal Secretary to Hon'ble the Chief Justice
2. Addl. Principal Secretary/ Sr. Secretary/ Secretary/ P.A. to Hon'ble Judges of the Court.
3. All Officers of the Court
4. All Stamp Reporters/ Addl. Stamp Reporters & Oath Commissioners
5. The Director, Odisha Judicial Academy, Odisha, Cuttack
6. The Member-Secretary, Odisha State Legal Services Authority, Cantonment Road, Cuttack
7. Technical Director, NIC, Orissa High Court, Cuttack to upload in the Orissa High Court website
8. Notice Board of the Court
9. *Supdt. All Judicial Section* for information and necessary action.

  
02.11.2020  
Special Officer (Special Cell)

Memo No. 10059 (33) / Date.02.11.2020

Copy forwarded to the

1. Advocate General, Odisha, Cuttack
2. Secretary, Odisha State Bar Council, Cuttack
3. President/ Secretary, Orissa High Court Bar Association, Cuttack
4. District & Sessions Judges..... (All)  
for information and necessary action.

  
02.11.2020  
Special Officer (Special Cell)

Memo No. 10060 / Date. 02.11.2020

Copy forwarded to the Principal Secretary to Govt. of Odisha, Home Department, Bhubaneswar for information and necessary action.

  
02.11.2020  
Special Officer (Special Cell)