THE GAUHATI HIGH COURT

(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

NOTIFICATION NO. 45

Dated: Guwahati, the 20th June, 2025

The Gauhati High Court use of Electronic Communication and Audio-Video Electronic Means Rules (Nyaya Shruti), 2025

OBJECT AND REASONS:

Whereas, in order to avoid delay in judicial proceeding due to non-availability of parties, advocates, witnesses and accused physically, it is expedient to formalize and enable use of electronic communication and other audio-video electronic means for the purpose of conducting trial, inquiry and proceeding under the Bharatiya Nagarik Suraksha Sanhita, 2023 (No. 46 of 2023).

Whereas, the BNSS under section 54, 63, 64, 70, 71, 94, 154, 183, 187, 193, 209, 227, 230, 231, 251, 254, 262, 265, 266, 308, 310, 316, 336, 355, 356, 392, and 530 recognizes use of audio video electronic means and other forms of electronic communication for different proceedings.

Whereas, Section 530 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) provides that all trials, inquires and proceedings under this Sanhita, including examination of complainant and witnesses, recording of evidence in inquiries and trials and all appellate proceedings or any other proceeding, may be held in electronic mode, by use of electronic communication or use of audio-video electronic means.

Whereas, there is no restriction on civil Courts in using video conferencing facilities in conducting trial.

Whereas, the Principal Seat and the Outlying Benches of the Gauhati High Court and the District Judiciaries under the jurisdiction of Gauhati High Court has been using video conferencing facilities for conducting inquiries and trials in civil as well as criminal proceedings.

Now, in exercise of the powers conferred by Article 227 of the Constitution of India, and all other enabling sections of the Bharatiya Nagarik Suraksha Sanhita, 2023 (No. 46 of 2023) recognizing the use of audio-video electronic communication for the Principal Seat

and the Outlying Benches of the Gauhati High Court and the District Judiciaries under the jurisdiction of Gauhati High Court, hereby make the following Rules:

CHAPTER I

PRELIMINARY

1. Short title, Application and Commencement:-

(1) These Rules shall be called "The Gauhati High Court use of Electronic Communication and Audio-Video Electronic Means Rules (Nyaya Shruti), 2025".

(2) They shall apply to the Principal Seat and the Outlying Benches of the Gauhati High Court and the District Judiciaries under the jurisdiction of Gauhati High Court and to all judicial, departmental and mediation proceedings in pending cases.

(3) They shall come into force from the date of their official publication.

2. Definitions:-

(1) In these Rules, unless the context otherwise requires: -

(a) **"Advocate"** means and include an advocate entered in any roll maintained under the provisions of the Advocates Act, 1961 and shall for the purpose of these Rules, include prosecuting officers and government pleaders;

(b) **"Advocate's remote point"** means advocates's chamber, advocates office or designated place notified by the Bar for Video Conferencing or any other place with the leave of the Court from where an advocate(s) may appear through a live link.

(c) **"BNS"** means Bharatiya Nyaya Sanhita, 2023 (45 of 2023)

(d) **"BNSS"** means Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023)

(e) **"BSA"** means Bharatiya Sakshya Adhiniyam, 2023 (47 of 2023)

(f) **"Commissioner"** means a person appointed as commissioner under the provisions of the Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023) or

any other law for the time being in force;

(g) **"Coordinator"** means a person nominated as coordinator under Rule 5;

(h) **"Court"** includes a physical Court and a virtual Court or a tribunal;

(i) **"Court point"** means tire Courtroom or the place where the Court is physically convened, or the place where a commissioner or an inquiry officer holds proceedings pursuant to the directions of the Court;

(j) **"Court room"** means the place or room or enclosed space in which Court proceedings are held;

(k) **"Designated Place"** means any one or more places specified where the facilities are made available for use of electronic communication or use of audio-video electronic means with Courts points and shall include Vulnerable Witness Deposition Centre from where evidence of such witnesses may be recorded;

(l) **"Designated Video Conferencing Software"** means a software approved by the High Court for the use of video conferencing or other audio-video electronic communication;

(m) **"High Court"** means the Gauhati High Court;

(n) **"IT Act"** means Information Technology Act, 2000 (21 of 2000)

(o) **"Live link"** means and includes a live link for audio video electronic communication or other arrangements whereby a witness, an accused, party, advocate or any other person is required by Court to remain present virtually in the Court room by use of electronic communication or use of audio-video electronic means;

(p) **"Remote Point"** means a place where any person is required to be present or appear through a live link and includes designated place from where submissions may be made before the Court but does not include Advocate's remote point;

(q) **"Remote User"** means a user participating in Court proceedings through video conferencing at a designated place or advocates remote point;

(r) **"Required Person"** includes:

(i) a person who is to be examined as a witness, complainant or

otherwise: or

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

(iii) an advocate or a party in person; or

(iv) any person including victim 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 or other modes of audio visual electronic communication:

(s) "Rules" shall mean these Rules and any reference to a Rule or sub-Rule shall be a reference to a Rule or sub-Rule of these Rules;

(2) The words and phrases used but not defined herein shall bear the same meaning as assigned to them in the Gauhati High Court Rules; Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS); Bharatiya Sakshya Adhiniyam, 2023 (BSA); Information Technology Act, 2000 (IT Act) and the General Clauses Act, 1897.

3. Construction of references:-

Unless the context otherwise requires, any reference to Bharatiya Nagarik Suraksha Sanhita, 2023, in these Rules shall include reference to Code of Criminal Procedure, 1973, under the corresponding provisions.

CHAPTER II

General Principle -I

4. Implementation of Video Conferencing under BNSS Provisions:

4.1 Electronic Hearings (BNSS Sec 530)

All trials, inquiries, and proceedings may be conducted electronically, including: Examination of complainants and witnesses.

Recording of evidence.

Appellate and other judicial proceedings.

4.2 Appearance via Video Conferencing (BNSS Sec 154, 355)

Persons required to appear before the Court may do so via video conferencing, including cases where the accused is absent.

4.3 Accused in Judicial Custody (BNSS Sec 187)

Accused persons may be presented before the Court via video conferencing, except for the first appearance, which requires physical presence.

4.4 Framing of Charges (BNSS Sec 251)

Charges may be read and explained to the accused through video conferencing, with their plea recorded electronically.

4.5 Evidence of Witnesses (BNSS Sec 254,265, 266,310,356)

Witness testimonies and depositions may be recorded via audio-video means in designated locations.

4.6 Deposition of evidence of any police officer or public servants (BNSS Sec 254)

Testimonies of public servants may be recorded electronically to expedite legal proceedings.

4.7 Discharge of Accused (BNSS Sec 262)

Courts may examine the accused via electronic means before granting discharge.

4.8 Examination of Accused in Custody (BNSS Sec 316)

Accused persons in custody may be examined electronically, with signature verification required within 72 hours.

4.9 Evidence from Public Servants, Experts and police officers (BNSS Sec 336)

Public officials, forensic experts, and police officers may provide evidence via video conferencing.

4.10 Judgment Pronouncement (BNSS Sec 392)

Accused persons in custody may hear their judgment via video conferencing.

4.11 Presence of Accused during Evidence Recording (BNSS Sec 308)

Accused persons must be present, either physically or via video conferencing, during the recording of evidence.

CHAPTER III

General Principles - 2

5. General Principles Governing Video Conferencing and other modes of Audio-video electronic communication

Subject to the provisions hereinafter contained, video conferencing and other modes of audio-visual electronic communication may be used at all stages of judicial proceedings and proceedings conducted by the Court, where a person is required to be present or appear is not physically present in Court room:

(i) All proceedings conducted by a Court via video conferencing and other modes of audio - visual electronic communication shall be judicial proceedings and all parties, decorum and protocols applicable to these proceedings;

(ii) All relevant statutory provisions applicable to judicial proceedings including provisions of BNSS, Contempt of Courts Act, 1971, BSA and IT Act, shall apply to proceedings conducted by video conferencing;

(iii) 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;

(iv) Courts shall use only High Court/government approved and secure video conferencing platforms equipped with end-to-end encryption to Protect data and privacy;

(v) Any unauthorized access, hacking attempts, or security breaches must be reported immediately and addressed in accordance with the law;

(vi) 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;

(vii) Unless expressly permitted by Court, no person, either at Court Point or at designated place or at Remote Point or Advocate's Remote Point, shall record or publish the proceedings conducted by video conferencing or other modes of audio-visual electronic communication;

(viii) There shall be no unauthorized recording of the proceedings by any person or entity;

6. **Identification of person appearing through video conferencing or other modes of audio-visual electronic communication:-**

The person defined in Rule 2 (1)(r) shall provide an identity proof as recognized by the Government of India or State Government to the Court point coordinator by electronic communication. In case, identity proof is not readily available, the Court may, upon satisfaction allows such person to participate in proceedings without production of identity proof.

7. **Facilities recommended for Video Conferencing:-**

(i) Each Courtroom should be equipped with a video conferencing facility to enable seamless connectivity with stakeholders. This integration will eliminate the need to move to a separate dedicated room for virtual hearings, ensuring efficiency, saving time, and enhancing judicial proceedings.

(ii) A dedicated and exclusive video conferencing centre should be established promptly at each district and Tehsil level.

(iii) A dedicated space for video conferencing within police stations, prisons, prosecution offices, forensic departments, and other designated places.

The following equipments are recommended for conducting proceedings by Video Conferencing at the Court Point and the Remote Point.

Computer	Desktop and Laptop
Network and Internet Connectivity	High Speed Internet Connection (Maximum 50 Mbps) - Ensures seamless video transmission without lag; Backup Internet Connection - A secondary connection to prevent disruption. Dedicated LAN Wi-Fi Setup - Ensures stable and secure connectivity.
Video Equipment	High-Resolution Cameras (Full HD/4K) - To capture clear video feeds of participants. Adjustable and Multiple Camera Angles - Enables focusing on the Judge, lawyers, accused, or witness.
Audio Equipment	Noise -Cancelling Microphones - Reduces background noise and ensures clear audio transmission, High-Quality Speakers - Provides clear sound output for participants;

	Echo-Cancellation and Acoustic Treatment - Enhances audio clarity by minimizing reverberation;
Display and Projection Equipment	Large Display Screens (LED / Projectors) - For clear visibility of remote participants; Multiple Screen Setup (Optional) - Allows simultaneous viewing of different participants.
Software and Encryption Standards	End-to-End Encrypted Video Conferencing Software - Ensures secure communication; Firewall and VPN Protection - Prevents unauthorized access; Multi-Factor Authentication (MFA) for Users - Ensures identity verification; Secure Login Credentials for Each Session - Limits access to authorized personnel;
Recording and Documentation	Court-Approved Recording Mechanism - Allows secure documentation of hearing; Transcription Services - Automated/manual transcription of Court proceedings; Cloud or Local Storage Options - Secure storage for recorded sessions.
IT Support and Maintenance	On-Site Technical Team - Ensures quick resolution of technical issues; 24/7 Remote. IT Support - Provides assistance for troubleshooting; Regular Equipment Maintenance - Ensures uninterrupted functionality.
Power Backup	Uninterruptible Power Supply (UPS) System - Prevents power outages for disrupting proceedings; Backup Generators - For prolonged power failures, etc.

8. The designated video conferencing software to be procured by High Court shall facilitate following minimum requirements :-

(i) an online, real-time collaboration software with features like video, voice, screen

sharing, document sharing, presentation, recording etc.

(ii) the solution should have a whiteboard for flashing messages and recording meetings or sessions.

(iii) the complete access log of the different users with extended reports, including IP/Device details/ Application details, should be provided with each meeting room.

(iv) the platform should be hosted on an India-based data centre with a 100% Disaster recovery site.

(v) the platform must offer cross-platform functionality, ensuring seamless operation across various operating systems, including Windows, Linux, Mac OS, IOS etc., to accommodate diverse technology ecosystems of all participants and guarantee a consistent user experience regardless of the operating system used.

(vi) the platform must be scalable to multi point connectivity with 500 user logins at a time.

(vii) the platform must provide private and confidential Breakout rooms; between multiple users,

(viii) the platform must be capable of synchronizing and scheduling with cause list of cases by advocates with waiting lobby and automatic pulling according to the cause list;

(ix) the platform must provide master control facility at Court's end, recording and archiving facility at Court point, server or cloud.

(x) the platform must provide audit trail facility of the proceedings and also provision of a firewall.

9. Appointment of Coordinators :-

(1) There shall be a Coordinator both at the Court Point and at the designated place from where any required person is to be examined or heard or is directed to remain present. However, 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 all the Courts, one or more persons nominated by the High Court or the

District and Sessions Judge concerned within whose jurisdiction the respective Court is present, shall perform the functions of the coordinators at the designated place.

(3) The Court may appoint any Court official as a coordinator at the Court Point.

(4) The coordinator at the designated place may be any of the following:

Sub Rule	Where the Advocate or Required Person is at the following Point: -	The Remote Point Coordinate shall be :-
9.(4).1	Overseas	An official of an Indian Consulate/ the relevant Indian Embassy/ the relevant High Commission of India;
9.(4).2	Court of another state or union territory of India	Any authorized official nominated by the concerned High Court/ District Judge;
9.(4).3	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;
9.(4).4	Jail or prison	The concerned Jail Superintendent or Officer- in - charge of the prison;
9.(4).5	Hospitals administered by the Central Government, the State Government or local bodies	Medical Superintendent or an official authorized by them or the person in charge of the said hospital;
9.(4).6	Observation Home, Special Home, Children's Home, Shelter Home, or any institution referred to as Child Care Institution and where the Required Person is a juvenile or a child or a person who is an inmate of such Child Care Institution.	The Superintendent or Officer in charge of that Child Care Institution or an official authorized by them;
9.(4).7	Women's Rescue Homes, Protection Homes, Shelter Homes, Nari Niketans or any institution referred to as a	The Superintendent or Officer-in-charge of the Women's facility or an official authorized by them;

	women's facility (collectively referred to as women's facilities)	
9.(4).8	In custody, care or employment of any other government office, organization or institution (collectively referred to as institutional facilities)	The Superintendent or Officer-in-charge of the institutional facility or an official authorized by them;
9.(4).9	Forensic Science Lab	The Administrative Officer-in-charge or their nominee;
9.(4).10	In case of any other location	The concerned Court may nominate any public servant or public official of the concerned department 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) Notwithstanding the provisions of Clause 9.(4).1, where witness examination is to take place in a criminal case of a person located outside the country, the provisions of the BNSS 2023 (Section 110 & Chapter VIII) and "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 prevailing at that time" will be followed to the extent they comport with the provisions of the BNSS and BSA.

10. Preparatory arrangements:-

(1) The coordinator at the designated place/remote point shall ensure that;

(a) the required persons scheduled to appear in a particular proceeding are ready at the remote point/designated place for video conferencing well before the scheduled time;

(b) no unauthorized recording device is used;

(c) no unauthorized person enters the remote point or designated place when the video conference is in progress;

(d) 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 Court concerned during the course of examination.

(2) Where the witness to be examined through video conferencing or other audio--visual electronic communication 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 provide the copies of all or any part of the relevant documents in electronic form to the coordinator of the concerned remote point.

(3) Before the scheduled video conferencing, the Court shall ensure that the coordinator at the designated place or remote point receives in electronic form, copies of all or any part of the documents which may be required for recording of evidence, or for reference of the witness. However, coordinator shall allow such documents in electronic form to be used by the required person only with the permission of the Court.

(4) 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/or hearing;

(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;

(d) a person for reading of documents in case the person to be examined is visually challenged.

CHAPTER IV

PROCEDURE FOR VIDEO CONFERENCING

11. Request for appearance (SCHEDULE - II) through video conferencing and other modes of audio-visual electronic communication:-

(1) In criminal cases, any party to the proceedings or witness, save and except where proceedings are initiated at the instance of the Court or on request of public prosecutor, may move a request for presence and proceedings through video conferencing.

(2) In civil cases, the Court may, as its discretion or on request of any of the parties, initiate process for hearing of any case through video conferencing and other modes of audio-visual electronic communication.

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

(4) An advocate may request for appearing from advocate's remote point for making submissions or for examination of witnesses.

(5) Where video conferencing proceedings are conducted for making oral submissions, the order may require the advocate or party in person to submit written arguments and precedents, if any, in advance.

12. Service of processes:-

Processes issued to a witness who is to be examined through video conferencing, shall mention the date, time and venue of the concerned designated place and shall direct the witness to attend in person alongwith proof of identity. If a person is examined with reference to a particular document then the process to witness must be accompanied by a copy of the document:

Provided that nothing in this Rule shall preclude a Court from conducting trials, enquires and proceedings in electronic mode, by use of electronic communication or use of audio-video electronic means.

13. Examination of persons and witnesses through video conferencing and other modes of audio-visual electronic communication :-

(1) The person being examined through video conferencing and other modes of audiovisual electronic communication shall ordinarily be examined during the

working hours of the Court concerned or at such time as the Court may deem fit.

(2) Where the person being examined is an accused, the Court shall provide adequate opportunity to consult with his advocate before and after the video conferencing.

(3) The Court shall read over and explain the evidence recorded to the witness and obtain the signature of the person being examined on the transcript immediately after the examination is concluded. The signed transcript shall 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.

(a) If digital signatures are available at both the concerned Court Point and remote point, the copy of the transcript digitally signed by the presiding officer at the Court Point shall be sent by the designated video conferencing, software or official e-mail to the coordinator at remote point where a print out of the same shall be taken and signed by the person being examined. A scanned copy of the transcript digitally signed by the coordinator at the remote point shall be transmitted by the designated video conferencing software or official e-mail of the Court Point;

(b) If digital signatures are not available, the printout of the transcript shall be signed by the presiding Judge, at the Court Point and shall be sent in non-editable scanned format by the designated video conferencing software or official e-mail account of the designated place or e-mail of the coordinator at remote point where a printout of the same shall 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 at the remote point by the designated video conferencing software or official e-mail to the Court Point where a print out of the same shall be taken and shall be made a part of the judicial record.

(4) The Court may, at the request of a person to be examined, or on its own motion, taking into account the best interest 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.

(5) The coordinator at the designated place 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.

(6) The Court may also impose such other conditions as are necessary for effective hearing of cases through video conferencing and other modes of audio-video electronic communication.

(7) If the Court thinks fit, the required person may be permitted to connect through video conferencing or other modes of audio-visual electronic communication from the place of his residence or work:

Provided that evidence of a witness shall be recorded only from the designated place, except in situation hereinafter provided.

(8) Where a required person is not capable of reaching the Court Point or the designated place due to sickness or physical infirmity, or whose presence cannot be secured without undue delay or expense, the Court may authorize 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 and ensure presence as it may deem fit.

(9) Where the Court is of opinion, for the reasons recorded in writing that, evidence of the witness cannot be effectively recorded, may decline to examine such witness through video conferencing.

14. 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:

(a) if the document is at Court Point, by transmitting the document through document visualizer;

(b) if the document is at Court Point, but document visualizer is not available, by transmitting a copy or image of the document to the remote point electronically through the designated video conferencing software or official e-mail;

(c) if the document is at the remote point, by transmitting a copy or image of the document to the Court Point electronically through the designated video conferencing software or official e-mail. The hard copy of the document counter signed by the witness and the coordinator at the designated place shall also be dispatched to the Court Point.

15. Ensuring seamless video conferencing :-

(1) The coordinator at Court Point shall provide the live link of the video conferencing hearing with advocates or the required person.

(2) If the proceedings are carried out from any place other than a remote point, the coordinator, if any, at such remote point shall ensure compliance of all technical requirements.

(3) The coordinator at the Court Point shall be in contact with the concerned advocate or the required person and guide them in regard to the fulfillment of technical and other requirements for executing a successful hearing through video conferencing. Any problem faced by such advocate or the required person shall be resolved by the coordinator at Court Point.

(4) The coordinator at the Court Point shall ensure that any document or audio visual files, emailed by the advocate or the required person, are duly received at the Court Point.

16. Remand:-

The Court may authorize detention in judicial custody, of any person accused of an offence, by video conferencing or other modes of audio-visual electronic communication as per the provisions of section 187 BNSS:

Provided that if the accused is already in judicial custody, whether of same Court or some other Court or is undergoing sentence, the Court may further remand him during inquiry or trial under section 346(2) of the BNSS through video conferencing or other modes of audio-visual electronic communication.

17. Plea bargaining :-

The Court may also use the modes of audio-visual electronic communication for the purpose of plea bargaining under Chapter XXIII of the BNSS.

18. Record of proceedings through audio-visual electronic communication:-

Wherever any proceeding is carried out by the Court under these Rules by taking recourse to the modes of audio visual electronic communication, the Court shall mention in the order sheet, that the hearing is conducted through video conferencing.

19. All provisions of Statutes, Rules and Regulations pertaining to non-disclosure of identity of any litigants and/ or witnesses (s) currently in force in India will be applicable in a proceeding through an audio visual electronic communication as well.

CHAPTER V

GENERAL PROCEDURE

20. General Procedure :-

(1) The procedure set out hereinafter in this chapter is without prejudice to the procedure indicated elsewhere in these Rules where proceedings are conducted through video conferencing or other modes of audio visual electronic communication.

(2) The coordinator at the Court Point shall ensure that video conferencing is conducted only through a designated video conferencing software:

Provided that in the event of a technical fault or for any other sufficient cause, the 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:

Provided further that nothing contained in these Rules shall prevent a Court, after recording its reasons in writing, from using any software other than the designated video conferencing software or other modes of audio visual electronic communication, to facilitate the hearing of cases in electronic mode.

(3) In criminal cases, where the person to be examined is a prosecution witness, or a Court witness, or a defence witness, or a person is to make submission for prosecution, or a person is to make submission for defence, the advocate for the prosecution or defence or the accused, as the case may be, shall confirm to the Court the location of the person, and the time, place and technical facilities available for such video conferencing.

(4) If the accused is in custody and not present at the Court Point, the Court shall order a multi-point video conference between Court Point, the witness and the accused in custody to facilitate recording of the statement of the witness including medical or other experts.

21. Conduct of Proceedings:-

(1) All advocates, required persons, the party in person or any other person permitted by the Court to remain physically or virtually present (hereinafter collectively referred to as participants), shall have their presence recorded. However, in case participants are desirous that their face or name be masked,

information to that effect shall be furnished to the Court Point coordinator prior to the commencement of proceedings for the approval of the Court.

(2) 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.

(3) The Court Point coordinator shall send the live link on mobile number furnished by the participants permitted to be virtually present in the Court. Once the proceedings have commenced, no other person shall be permitted to participate in the virtual hearing, except with the permission of Court.

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

(5) Establishment and disconnection of links between the Court Point and the remote point shall be regulated by orders of the Court.

(6) The Court shall satisfy itself that the advocate, required person or any other participant that the Court deems necessary at the remote point or the Court Point can be seen and heard clearly and can clearly see and hear the Court.

(7) 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 mobile number of the Court Point coordinator which has been furnished to the participant before the commencement of the video conferencing. No complaint shall be entertained subsequently.

22. Third parties to the case:-

(1) Third parties may be allowed to remain present during video conferencing only upon a specific order of the Court. However, they shall be passive participants and shall not be allowed to make any submission without permission of the Court.

(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 beginning of the proceedings and the purpose of the presence of that person shall be conveyed to the Court. Such person shall continue to remain present only with the permission of the Court.

23. 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:

a. 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.

b. 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.

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

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

a. 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.

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

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

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

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.

CHAPTER VI

Miscellaneous

26. 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 BNSS, the BSA, the IT Act, and the General Clauses Act, 1897.

27. 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.

28. Residual Provisions:-

Matters concerning for 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.

29. Repeal and Savings:-

(1) The "Gauhati High Court Rules for Video Conferencing for Courts" dated 18.05.2020 are hereby repealed.

(2) Notwithstanding the repeal, provisions of the Gauhati High Court Rules for Video Conferencing for Courts" dated 18.05.2020, shall apply to:-

a) Actions and proceedings commenced before these Rules came into force.

b) All notifications/orders published/issued under the repealed Rules, to the extent they are not repugnant to these Rules, shall be deemed to have been made or issued under these Rules.

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 entire proceedings *non-est.*

8. All participants' cell phones shall remain switched off or in airplane mode during the proceedings.

9. All participants should endeavor to look into the camera, remain attentive and not engage in any other activity during the proceedings.

10. Background noise, unnecessary movements, and interruptions must be minimized to maintain the decorum of judicial proceedings.

11. The use of offensive language, disrespectful behavior, or non-compliance with judicial instructions may lead to immediate removal from the session and potential legal

consequences.

12. Only Court have the discretion to mute or remove any participant violating these conduct Rules.

SCHEDULE -II

General guidelines

1. **The video conferencing link shall be shared only with an Advocate who:**
   - Is a member of the Bar Council of Assam, Nagaland, Mizoram, and Arunachal Pradesh, and
   - Is registered with the Gauhati High Court Bar Association(s), the Gauhati High Court Advocates' Association(s), or the concerned District Court Bar Association.
2. **Procedure for Advocates Requesting Video Conferencing:**
   - In case of Principal Seat, Learned Advocate must send an email request for video conferencing to the designated official email ID of the concerned Hon'ble Court where the case is listed with a copy (CC) to the Registrar (Judicial) at ghcvideoconferencing@gmail.com
   - For the Outlying Benches, District Courts and Tribunals, Learned Advocate must send an email request for video conferencing to the designated official email ID(s) as notified by the respective Courts and Tribunals.
   - Any person other than an Advocate (e.g., a litigant appearing in person, a witness, a government official, or any other authorized party) must also make a similar request for video conferencing via email to the official email ID of the concerned Hon'ble Court as mentioned above.
   - The request must be made at least two (2) days prior to the date of listing and strictly during office hours.
   - The subject of the email should follow this format:

     Request for Video Conferencing for Court No. _____
   - The request must contain all required details as per the Information Form for VC.
3. **Sharing and Admission to Video Conference:**
   - Upon verification, the Court Master/Bench Clerk (or designated official) shall share the VC link with the eligible Advocate(s)/other participants.
   - Only those who have submitted proper requests and complete information will be admitted to the Court proceedings via video conferencing.
   - Unauthorized forwarding of the video conferencing link is strictly prohibited and may result in disciplinary/legal action.

Information Form for Video Conference

1. Cause Title: _____

2. Court No. / Item No. /Case Number / CNR Number (if any) /:- _____

3. Petitioner(P)/ Respondent(R)Name:- _____

4. Proposed date of conference (DD/MM/YYYY):- _____

5. Location of the Remote Point(s):- _____

6. Location of Court Point(s):- _____

7. Name & Designation of the Participants at the Remote Point:- _____

8. Appearing for (Petitioner/Respondent) :- _____

9. Bar Enrolment No.(only for Advocates) :- _____

10. Mobile No. And Email Id of the participant:- _____