

न्यायालय बिन्दु समन्वयक के प्रयोग के लिए

(क) न्यायालय का नाम :

(ख) सुनवाई :

.....(दिन/माह/वर्ष): में की गई

आरंभ समय :

समाप्ति समय :

घंटों की संख्या :

(ग) खर्च :

विदेश पारेषण प्रभार यदि कोई हो :

आवेदक/प्रत्यर्थी द्वारा वहन किया जाने वाला :

समान रूप से देय :

न्यायालय के आदेश द्वारा माफ किया गया :

प्राधिकृत अधिकारी के हस्ताक्षर :

दिनांक :

रजिस्ट्रार जनरल,
उच्च न्यायालय मध्यप्रदेश

No. A-2451

With intent to avoid delay in judicial proceeding due to non-availability of parties, counsels, witnesses and accused, there is an urgent need for a user-friendly video conferencing facility and other modes of audio-visual electronic linkage for the purpose of hearing of the cases as well as recording of evidence of witnesses unable to attend the Court. The information technology is a good tool for speedy trial and speedy justice.

The video conferencing will be an integrated web technology capable of running seamlessly over Internet/Intranet, Virtual Private Network (VPN) of witness, accused and other stakeholders.

Therefore, in exercise of the powers, conferred by Article 227 of the Constitution of India, read with Section 122 of the Code of Civil Procedure, 1908 (5 of 1908), Section 23 of the Madhya Pradesh Civil Courts Act, 1958 and Section 477 of the Code of Criminal Procedure, 1973 (2 of 1974), the High Court of Madhya Pradesh hereby, makes the following rules regulating practice and procedure pertaining to use of video conferencing for District Courts of Madhya Pradesh, namely:-

RULES**Chapter I****Preliminary****1. Short title, Application and Commencement.-**

- (i) These Rules shall be called the "The District Courts of Madhya Pradesh Video Conferencing and Audio-Visual Electronic Linkage Rules, 2020".

- (ii) They shall apply to Courts.
- (iii) They shall come into force from the date of their notification in the Official Gazette.

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 also include government pleaders and officers of the department of public prosecution;
- (b) "**Commissioner**" means a person appointed as commissioner under the provisions of Code of Civil Procedure, 1908 (5 of 1908), or the Code of Criminal Procedure, 1973 (2 of 1974) or any other law for the time being in force;
- (c) "**Coordinator**" means a person nominated as coordinator under Rule 5;
- (d) "**Court**" means Civil Courts established under Civil Courts Act, 1958, Criminal Courts as defined in Code of Criminal Procedure, 1973 (other than Court of Executive Magistrate), any other Special Courts established under any Special Act, Family Courts, Juvenile Justice Board(s) in the State of Madhya Pradesh and shall includes a physical court and a virtual court or tribunal;
- (e) "**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 pursuant to the directions of the court;
- (f) "**Court Room**" means the place or room or enclosed space in which court of law is held in front of the judge(s);
- (g) "**Court User**" means a user participating in court proceedings through video conferencing at a court point and includes presiding judge of court;
- (h) "**Designated Video Conferencing software**" means a software approved by the High Court for the use of video conferencing;
- (i) "Electronic records" shall bear the same meaning as assigned under the Information Technology Act, 2000;
- (j) "**Exceptional circumstances**" includes a pandemic, natural calamities, circumstances affecting law and order where it is expedient for effective administration of justice and any other matter relating to the safety of the advocates, accused persons, witnesses or any other required to be present before the court and includes any such incident or circumstances which may be declared to be an "exceptional circumstance" by the court;

- (k) **"Live Link"** means and includes a live television link, audio-video electronic means or other arrangements whereby a witness, an accused, party, pleader, advocate (s) or any other person required by court to remain present in the court 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 or to present arguments or assist the Court or for any other purpose in a judicial proceeding;
- (l) **"Institutional Remote Point"** means the courtroom or one or more places in the court complex where the remote point is physically convened for facilitating the audio-visual electronic linkage with courts points;
- (m) **"Remote Point"** is a place where any person or persons are required to be present or appear through a video link;
- (n) **"Remote User"** means a user participating in court proceedings through video conferencing at a remote point.
- (o) **"Required Person"** includes :
- (i) the person who is to be examined as a witness or otherwise; or
 - (ii) 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 or other modes of audio visual electronic linkage;
- (p) **"Rules"** shall mean these rules and any reference to a rule, sub-rule or schedule shall be a reference to a rule, sub-rule or schedule of these rules;
- (q) **"Video conferencing"** means and includes to conduct a conference between two or more participants at different sites by using computer networks to transmit audio and video data.
- (2) The words and phrases used but not defined herein shall bear the same meaning as assigned to them in M.P. Civil Court Rules, 1961; Rules and Orders (Criminal); Code of Civil Procedure, 1908, Code of Criminal Procedure, 1973, Information Technology Act, 2000 and the General Clauses Act, 1897.

Chapter II General Principles

3. General Principles Governing Video Conferencing and other modes of audio-visual electronic linkage.-

- (a) Video conferencing and other modes of audio-visual electronic linkage facility 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 located intrastate; interstate or overseas.
- (b) All proceedings conducted by a Court by way of video conferencing and other modes of audio-visual electronic linkage 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 and other modes of audio-visual electronic linkage.
- (c) All relevant statutory provisions applicable to judicial proceedings including, but not limited to provisions of the M.P. Civil Court Rules, 1961; Rules and Orders (Criminal); Code of Civil Procedure, 1908 (hereinafter it will be called "C.P.C.") Code of Criminal Procedure, 1973 (hereinafter it will be called "Cr.P.C.") Contempt of Courts Act, 1971, Indian Evidence Act, 1872 (abbreviated hereafter as the Evidence Act) and Information Technology Act, 2000 (abbreviated hereafter as the IT Act), shall apply to proceedings conducted by video conferencing and other modes of audio-visual electronic linkage.
- (d) Subject to maintaining independence, impartiality and credibility of judicial proceedings and subject to such directions as the Chief Justice may issue, courts may adopt such technological advances as may become available from time to time for ensuring proper conduction of proceedings through video conferencing and other modes of audio-visual electronic linkage.
- (e) 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.
- (f) Unless expressly permitted, no person or entity, either at Court Point or at Institutional Remote Point or at Remote Point, shall be permitted to record the proceedings conducted by video conferencing or other modes of audio-visual electronic linkage. In case of violation it will be punishable in accordance with law.
- (g) The person defined in rule 2 (1)(o) 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 identity proof is not readily available the person concerned shall furnish the following personal details: name, parentage and permanent address, temporary address if any and will make available as per direction of the court, however the court may, upon satisfaction allow such person to participate in proceedings without production of identity proof.

4. Facilities recommend for Video Conferencing.-

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

- (i) desktop laptop, mobile devices with uninterrupted internet connectivity and printer;
- (ii) device ensuring uninterrupted power supply;
- (iii) video 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;
- (xi) scanner including mobile scanner.

5. Preparatory Arrangements.-

- (1) There shall be a Coordinator both at the Court Point and at the institutional Remote Point from which 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 civil and criminal courts, the persons nominated by the High Court or the concerned District Judge within whose jurisdiction the respective civil or criminal court is present, shall perform the functions of the coordinators at the Court Point as well as the Remote Point as provided in sub-rule (3)
- (3) The coordinator at the Remote Point may be any of the following:

Clause	Where the Advocate or Required Person is at the following Remote Point	The Remote Point Coordinator shall be
(a)	Overseas	An official of the relevant an Indian Consulate / Indian Embassy / High Commission of India/duly certified Notary Public / Oath Commissioner
(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 official nominated by the Chairperson or Secretary of the concerned District Legal Services Authority
(d)	Jail or prison	The concerned Jail Superintendant or Officer in-charge of the prison or any other responsible official nominated by him
(e)	Hospital, Public or Private, (whether run by the Central Government, the State Government, local bodies or any other person)	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 that women facility or an official authorized by them
(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 them
(i)	Forensic Science Lab	The Administrative office in-charge or their nominee
(j)	In case of any other person	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
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- (4) When a Required person is at any of the Remote Points mentioned in sub rules (3) and video conferencing facilities are not available at any of these places the concerned court may formally request the Principal District Judge, in whose jurisdiction the Remote Point is situated to appoint a coordinator for and to provide a video conferencing facility from proximate place and suitable court premises.
- (5) The coordinators at both Court Points and Institutional Remote Points shall ensure that requirements set out in Rule 4 are complied with, so that the proceedings are conducted seamlessly.
- (6) The coordinator at the Remote the Point shall ensure that;
- 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;
 - no unauthorised recording device is used;
 - no unauthorised person enters the video conference room when the video conference is in progress;
 - 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.
- (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 coordinator of the concerned Remote Point designated in accordance with sub-rule (3).
- (8) Before the schedule video conferencing date, the coordinator at the Court point shall ensure that the coordinator at the Institutional

- Remote Point or 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.
- (9) Where Required person is connected from a place which is not a Remote Point, or where no coordinator is available at Remote Point, court shall ensure that Required Person receives all copies as mentioned in preceding rule.
- (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/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 III

Procedure for Video Conferencing

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

- (1) Any party to the proceeding or witness, save and except where proceedings are initiated at the instance of the court or public prosecutor, may move a request for video conferencing. A party or witness seeking a video conferencing proceeding shall do so by making a request in the form prescribed in schedule II.
- (2) In the civil cases, any proposal to move a request to for video conferencing should first be discussed with the other party or parties to the proceeding, except where not possible or inappropriate, for example in cases such as urgent applications. However the court may, as its discretion, initiate process for hearing or any case through video conferencing and other modes of audio-visual electronic linkage.

- (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 with an intention to impede a fair trial or to delay the proceedings.
- (4) While allowing a request for video conferencing the Court may also fix the schedule for convening the video conferencing.
- (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 court concerned.
- (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.-

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. Such summons may be served through electronic means. However, the existing rules regarding service of summons and the consequences for non-attendance, as provided in the C.P.C. and Cr.P.C. shall apply with respect to service of summons for proceedings conducted by video conferencing.

8. Examination of persons through video conferencing and other modes of audio-visual electronic linkage.-

- (1) Any person being examined, including a witness shall before being examined through video conferencing, produce and submit proof of identity by submitting and 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 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:

Provided that in absence of identity proof as required in sub-rule (1) the identity of the person required to be present or appear shall be confirmed by the court with the assistance of the co-ordinator at remote point at the time of proceedings through video conferencing.

- (2) The person being examined will ordinarily be examined during the working hours of the court concerned 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.
- (3) Where the person being examined or accused to be presented 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 with their counsel before and after the video conferencing.
- (4) Subject to the provisions for examination of witnesses contained in the Evidence Act, before the examination of the witness, the documents, if any, sought to be relied upon shall be transmitted by the applicant to the witness so that the witness acquires familiarity with the said documents. The applicant will submit an acknowledgement with the court in this behalf.
- (5) If a person is examined with reference to a particular document then the summon to witness must be accompanied by a duly certified photocopy of the document. The original document should be exhibited at the Court Point in accordance with the deposition of the concerned person being examined.
- (6) The court would be at liberty to record the demeanour of the person being examined.
- (7) The court will note the objections raised during the deposition of the person being examined and rule on them.
- (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.-
 - (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 will be taken and signed by the person being examined. A scanned copy of the transcript digitally signed by the coordinator at the Remote Point would be transmitted by official email of the Court Point. The hard copy of the signed transcript will be dispatched after the testimony is over, preferably within three days by the coordinator at the Remote Point to the Court Point by recognised courier/registered

- speed post.
- (b) 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.
- (9) An audio-visual recording of the examination of witnesses shall be prepared at the Court point. An encrypted master copy with hash value shall be retained as a part of the record.
- (10) 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.
- (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.
- (12) The court may also impose such other conditions as are necessary in a given set of facts for effective recording of evidence (especially to ensure compliance with rule 5 (6) (d).
- (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.
- (14) The court shall be guided by the provisions of the C.P.C. and Chapter XXIII, Part B of the Cr.P.C., the Evidence Act and the IT Act while examining a person through video conferencing.
- (15) Where a Required Person is not capable of reaching the Court Point or the Institutional Remote Point 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. Authority on this behalf may be given to the concerned coordinator and/or any person deemed fit by the court.

(a) If the court thinks fit, the required person may be permitted by the court to connect through video conferencing or other modes of audio-visual electronic linkage from the place of his residence or work.

(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 Institutional Remote Point at the time of recording of the testimony, such party shall make its own arrangement for appearance/representation at the remote point.

(17) Where the court is of opinion, for the reasons recorded that, without showing the document (s) evidence of the witness cannot be effectively recorded, may decline to examine such witness through video conferencing.

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:

- (1) if the document is at Court Point, by transmitting a copy or image of the document to the Remote Point electronically, including by email and thereafter taking a printout of it at the Remote Point;
- (2) if the document is at the Remote point, by transmitting a copy (not editable)/image of the same to the Court Point electronically including by email. The hard copy of the document counter signed by the witness and the coordinator at the Remote Point shall be dispatched to the Court Point via authorized courier/registered speed post.

10. Ensuring seamless video conferencing.-

- (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.
- (2) If the proceedings are carried out from any of the remote point (s) (in situations described in rules 5(3) (a) to 5(3) (i) 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 Rules 5 (3) (j) 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.
- (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 fulfilment of technical and other requirements for executing a successful hearing through video conferencing. Any problem 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.
 - (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.
 - (5) The coordinator at the Court Point shall also conduct a trial video conferencing preferably 30 minutes prior to scheduled video conferencing in order to ensure that all the technical system are in working condition at both the Court Point and the Remote Point.
 - (6) At the scheduled time, the coordinator at the Court Point shall connect the Remote User to the court.
 - (7) On completion of the video conferencing proceeding the court shall mention in the order sheet, the case conducted through video conferencing.
 - (8) The court shall also record its satisfaction as to clarity, sound and connectivity for both Court Users and Remote Users.
 - (9) On the completion of video conferencing, if a Remote User is of the opinion that they were prejudiced due to poor video and/or audio quality, the Remote User shall immediately inform the coordinator at the Court Point, who shall in turn, communicate this information to the court without any delay. The court shall consider the grievance and if it finds substance in the grievance may declare the hearing to be incomplete and the parties may be asked to re-connect or make a physical appearance in court.

11. Examination of accused and witnesses.-

- (1) The court may, at its discretion, authorize detention (except first

- judicial remand and police remand) of an accused, by video conferencing or other modes of audio-visual electronic linkage.
- (2) Save as otherwise provided the court may, for reasons to be recorded in writing, examine a witness or frame the charges in criminal trial or examine a witness u/s 164 of Cr.P.C or record the statement of the accused under section 313 Cr.P.C through video conferencing while observing all due precautions to ensure that the witness or the accused as the case may be is free from any form of coercion, threat or undue influence.
- (3) In plea bargaining matters, on an application from an accused not previously convicted, the court may in its discretion arrange a meeting of accused with the victim through video conferencing. The court may provide an opportunity to the pleaders of respective parties to participate in the meeting where, after the meeting, a satisfactory disposal of the case is probable, the court shall record this fact and may, in its discretion, dispose of the case on the basis of plea-bargaining, as per law.

Chapter IV **General Procedure**

12. General procedures.-

- (1) The procedures set out hereinafter 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.
- (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, the concerned court may for reasons to be recorded permit the use of a software other than the Designated Video Conferencing Software for video conferencing in that particular proceeding.
- (3) The identity of the person to be examined shall be confirmed by the court with the assistance of the coordinator at the Institutional Remote Point in accordance with Rule 8(1) at the time of recording of the evidence and the same must be reflected in the order sheet of the court.
- (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.

- (5) In criminal cases, where the person to be examined is a prosecution witness or a court witness or a person is to make submission for prosecution or where a person to be examined is a defence witness or a person is to make submission for defence, the counsel for the prosecution or defence counsel or the accused, 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 or appeared is an accused, the prosecution/defence counsel will confirm the location of the accused at the Remote Point.
- (7) If the accused is in custody and not present at the Court Point, the court will order a multi-point video conference between itself, the witness and the accused in custody to facilitate recording of the statement of the witness (including medical or other expert). The Court shall ensure that the defence of the accused is not prejudiced in any manner and that the safeguards contained in Rule 8 (3) are observed.
- (8) Whenever required, the coordinator at the Remote Point shall be paid such amount as honorarium as may be directed by the court in consultation with the parties.

13. Costs of Video Conferencing.-

In the absence of rules prescribed by the concerned court, the court may take into consideration following circumstances when determining and/or apportioning the costs of video conferencing :

- (1) In criminal cases, the expenses of the video conferencing facility including expenses involved in preparing soft copies/certified copies of the court record and transmitting the same to the coordinator at the Remote Point, and the fee payable to translator/interpreter /special educator, as the case may be, as also the fee payable to the coordinator at the Remote Point, shall be borne by such party as directed by the court.
- (2) In civil cases, generally, the party making the request for recording evidence, through video conferencing shall bear the expenses.
- (3) Besides the above, The court may also make an order as to expenses as it considers appropriate, taking into account rules/instructions

regarding payment of expenses to the complainant and witnesses, as may be prevalent from time to time.

- (4) 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, 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 be abide by the requirements set out in Schedule-I.
- (2) Before the commencement of video conferencing all participants, shall have their presence recorded. However, in case a participant is desirous that their face or name be masked, information to that effect will be furnished to the Court Point Coordinator prior to the commencement of the proceeding.
- (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 proceeding have commenced, no other persons will be permitted to participate in the virtual hearing, save and except with the permission of the court.
- (4) The participants, after joining the hearing shall remain in the virtual lobby if available, until they are admitted to virtual hearing by the coordinator at the Court Point.
- (5) Participation in the proceedings shall constitute consent by the participants to the proceedings being recorded by video conferencing.
- (6) Establishment and disconnection of links between the Court Point and the Remote Point would be regulated by orders of the court.
- (7) The court shall satisfy itself that the advocate, Required person or any other participant that the court deems necessary at the Remote Point or the Court Point can be seen and heard clearly and can clearly see and hear the court.
- (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 be entertained subsequently.
- (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/Jails Adalats.-

- (1) In conformity with the provisions of the Legal Services Authorities Act, 1987 and the laws in force, in proceedings related to Legal Aid Clinics, Camps, Lok Adalats or Jail Adalats, any person who at the Remote Point is in Jail or Prison shall be examined by the Chairman/Secretary of the District Legal Service Authority or Taluka Legal Service Committee or Members of Lok Adalats before passing any award or orders in accordance with law.
- (2) Such award or order shall have the same force as if it was passed by the regular Lok Adalat or Jail Adalat.
- (3) Copy of the award or order and the record of proceeding shall be sent to the Remote Point.

16. Third Parties to the case.-

- (1) Third parties will be allowed to remain present during video conferencing upon a specific order being issued by the concerned court. Each court shall be guided by such general or special orders made in that regard by the Chief Justice of the High Court in exercise of their administrative jurisdiction.
- (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. Power to Relax.-

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

18. Repeal and Savings.-

The District Court of Madhya Pradesh Video Conferencing Rules, 2018 and guidelines, if any, corresponding to these Rules, in force immediately before the commencement of these rules are hereby repealed:

Provided that any order made or action taken under the rules so

repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.

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 principle of furthering the interest 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. The case will be called out and appearances shall be recorded on the direction of the court.
3. 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". Official will be addressed by their designation such as "Reader /Execution Clerk/Court Master/Stenographer/Deposition Writer". Advocates will be addressed as "Learned Counsel/Senior Counsel".
4. Advocates, Required Persons, parties in person and other participants shall keep their microphones muted till such time as they are called upon to make submissions.
5. Remote Users shall ensure that their devices are free from malware.
6. 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.
7. All participants' cell phones shall remain switched off or in air plane mode during the proceedings.
8. All participants should endeavour to look into the camera, remain attentive and not engage in any other activity during the course of the proceedings.

SCHEDULE-II
Request form for Video Conference

1. Case Number/CNR Number (if any)
2. Cause Title
3. Proposed Date of conference (DD/MM/YYYY)
4. Location of the Court Point (s):
5. Location of the Remote Point (s):
6. Names & Designation of the Participants at the Remote Point :

7. Reasons for Video Conferencing :

In the matter of :

8. Nature of Proceedings: Final Hearing Interim 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 Court Point Coordinator

A) Name of the Court :

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 Registrar General, the High Court of Madhya Pradesh,
RAJENDRA KUMAR VANI, Registrar General.