

HIGH COURT OF JHARKHAND, RANCHI NOTIFICATION

No. 01/2021/R&S

Ranchi, Dated: 14/01/2021

High Court of Jharkhand (Video Conferencing for Courts) Regulations, 2020.

Preface

Whereas it is expedient to make regulations for the purpose of giving effect to the provisions of the *High Court of Jharkhand Rules for Video Conferencing for Courts, 2020* ; and

In exercise of its power under Rule 20 of the *High Court of Jharkhand Rules for Video Conferencing for Courts, 2020*, the High Court of Jharkhand hereby makes the following Regulations:-

1. **Short Title, extent and commencement:** (1) These Regulations shall be called the "High Court of Jharkhand (Video Conferencing for Courts) Regulations, 2020". (herein referred to as the 'Regulations')

(2) These Regulations shall apply to the High Court, the District Courts and Sub-Divisional Courts of the State of Jharkhand.

(3) These Regulations shall come into force from the date of its notification.

2. Definitions:

In these Regulations, unless the context otherwise requires:

- (1) "Rules" shall mean the High Court of Jharkhand Rules for Video Conferencing for Courts, 2020 (*herein referred to as the 'Rules'*) and any reference to a Rule, Sub-Rule or Schedule shall be a reference to a Rule, Sub-Rule or Schedule of said Rules.

(2) “ Designated Video Conferencing Software” defined under Rule 2 (vii) of the High Court of Jharkhand Rules for Video Conferencing for Courts, 2020 shall mean any software so notified from time to time, by the High Court.

(3) “Confirmed Remote Point” shall mean a remote point, authorised by the High Court or the Principal District Judge, having the facility as provided under Rule 4 of the Rules.

(4) “Duly Certified” means certified by the Advocate holding vakalatnama of the concerned party who is seeking to prove the document.

(5) all words and expressions used but not defined in these regulations and defined under the High Court of Jharkhand Rules for Video Conferencing for Courts, 2020 shall have the meanings respectively assigned to them in that Rules.

3. Preparatory Arrangement:

(1) In the High Court as well as Civil and Criminal Courts in the District Judiciary of Jharkhand, any person nominated under Regulation 11 shall perform the functions of Coordinator at the Court Point whereas the Coordinator as provided in Rule 5.3 of the Rules shall perform the functions of Coordinator at the Remote Point provided under Rule 5.2 of the Rules.

4. Application for Appearance, evidence and Submission by Video Conferencing:

(1) The Principal District Judge shall get the official e-mail ID of all the Courts uploaded on the official web-site of the District Court in order to facilitate the submission of written arguments and precedents under Rule 6.5 of the Rules. The Advocate or party in person shall be required to serve a copy of the written arguments and precedents, if any, to the opposite party in advance and shall be required to mention in the e-mail to the Court concerned that the copy has been served upon the opposite party along with details

regarding the Case in relation to which written arguments and precedents under Rule 6.5 of the Rules are submitted.

5. Examination of persons:

(1) The Examination of person/witness under Rule 8 of the Rules shall be done in the presence of the accused, either physically or virtually, if the accused is in custody or through his advocate when represented (if the accused is on bail). Coordinator at the Court point shall make necessary arrangements to facilitate the video conferencing between the Court Point & Confirmed Remote Point from which the witness shall be examined.

(2) The Presiding Officer shall satisfy himself that the testimony being given/recorded during the examination of person/witness under Rule 8 of the Rules is clearly audible and visible to the accused as well. The accused must draw the attention of the Court at once in case some statement given by witness has gone unheard, failing which no objection on the same shall be entertained later on. The accused must be made aware of his right to raise objection. He must be briefed about the entire procedure.

(3) The Presiding Officer shall record his satisfaction, as mentioned above, in writing upon conclusion of the examination.

(4) The Court shall obtain the signature of the person being examined on the transcript once the examination is concluded in the manners provided under Rule 8.8 which shall form part of the record.

6. Exhibiting or Showing Documents to Witness or Accused at a Remote Point:

(1) If the document referred to in the Rule 9.1 of the Rules is proved by the witness as per law in the manner provided in such Rule, the same shall be marked Exhibited. In other case, the document shall be marked 'for Identification' and the Document shall form part of the record.

(2) The Hard Copy of the document counter signed by the witness and the Coordinator at the Remote Point which is dispatched to the Court under Rule 9.2 of the Rules shall be reduced in Order-sheet with date and manner of proof. If the document referred to in the Rule 9.2 of the Rules is proved by the witness as per law in the manner provided in such Rule, the same shall be marked Exhibited. In other case, the document shall be marked 'for Identification' and the Document shall form part of the record.

7. Ensuring seamless video conferencing:

(1) The Court Point Coordinator shall share the link of video conferencing one hour prior to the scheduled hearing with remote Users under Rule 10.3 of the Rules.

8. Judicial Remand, framing of Charge, examination of accused and proceedings under Section 164 of Cr.P.C.:

(1) In case the Court proceeds under Rule 11.2 of the Rules, the statement so recorded shall be read over and explained to the accused or witness, as the case may be. Thereafter the Court shall make necessary correction therein, if any, asserted by the accused or witness and shall be read over and explained to the accused or witness again. The Presiding Officer shall give a written certificate under his signature to the effect that the statement was read over and explained to the accused or witness which is found true and correct by him. A non-editable copy/image of the statement shall be transmitted to the official email account of the Remote Point Coordinator electronically including through a document visualizer instrument. The same shall be put in hard copy before the accused or witness,

as the case may be, which shall be counter signed by the accused or witness, the Coordinator at the Remote Point. After signature, the same shall immediately be transmitted on official email account of the Court Point Coordinator electronically including through a document visualizer instrument. The Statement so recorded shall form part of the Case Record.

9. General Procedures:

(1) The confirmation as required under Rule 12.4 of the Rules shall be given at least one working day prior to the date fixed in the Court concerned in the form prescribed in Annexure-A, copy whereof is to be served upon the other side in advance.

(2) The confirmation as required under Rule 12.5 of the Rules shall be given at least one working day prior to the date fixed in the Court concerned in the form prescribed in Annexure-B, copy whereof is to be served upon the other side in advance.

(3) The confirmation as required under Rule 12.6 of the Rules shall be given at least one working day prior to the date fixed in the Court concerned in the form prescribed in Annexure-C, copy whereof is to be served upon the other side in advance.

10. Conduct of Proceedings:

(1) The Central Project Coordinator (CPC) shall get the list of email Id / Mobile Number of the Court Point Coordinators (Court -Wise) uploaded on the official web-site of the High Court to facilitate the provision provided under Rule 14.3 of the Rules. The Mobile Number of the Court Point Coordinators uploaded on the official web-site of the High Court shall be used as **HELP-LINE** in relation to the respective Courts.

(2) The Principal District Judge shall get the list of email Id / Mobile Number of the Court Point Coordinators (Court -Wise) uploaded on the official web-site of the District Court to facilitate the provision provided under Rule 14.3 of the Rules. The Mobile Number of

the Court Point Coordinators uploaded on the official web-site of the District Court shall be used as **HELP-LINE** in relation to the respective Courts.

(3) If any Advocate of any party or parties requests to take part in the proceedings of a Court including cross-examination of any witness then the Court shall order a 'Multi-Point Video Conference' between itself, the Advocate concerned and the witness for facilitating the same. In case an Advocate takes part in the Court proceedings from a remote point in terms of these Regulations then the presence of any coordinator will not be necessary at such remote point.

11. Nomination of the Coordinators in the High Court and District Courts of Jharkhand:

The Court Masters in case of the High Court and the Deposition Writers/ Bench Clerks/Office Clerks of each Court in case of District Courts chosen by the Presiding Officers of the Court concerned is deemed to be nominated to perform the duties of Court Point Coordinators in respect to the Courts to which they are attached to in addition to their work with the assistance of Court Manager, System Officer and System Assistant.

Note: The Court Masters in case of the High Court and the Deposition Writers, Bench Clerks and Office Clerks in case of District Courts shall facilitate the Video Conferencing from the Court Point in respect of each Court with the assistance of Court Manager, System Officer and System Assistant.

12. Nomination of the Coordinators for Remote Point:

(1) The High Court and the Principal District Judge shall nominate any respectable computer literate person of the society having good moral character and not involved in any offence including any Advocate to act as a 'Remote Point Coordinator' with the

consent of such person and shall upload the list of such 'Remote Point Coordinator' on the official website of the Court.

(2) The High Court and the Principal District Judge shall also identify such places including office of any Advocate having the facility as mentioned in Rule 4 of the Rules to be a "Confirmed Remote Point".

(3) An Advocate, if appearing or has appeared for any of the parties to any case, shall not be eligible to be a 'Remote Point Coordinator' and his office shall not be used as a 'Confirmed Remote Point' for such case in which he is appearing for any of the parties or has appeared for any of the parties in that case or any other case.

13. Miscellaneous:

Words and expressions used and not defined either in these Regulations or in the Rules shall have the same meaning as assigned to them in the Code of Civil Procedure, 1908, the Code of Criminal Procedure, 1973, the Evidence Act 1872, Information Technology Act, 2000 and the General Clauses Act, 1897.

14. Power to Relax:

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

15. Residual Provisions:

Matters, with respect to which no express provision has been made in these Regulations, shall be decided by the Court consistent with principle of furthering the interests of justice.

16. Interpretation of these Regulations:

Whenever any difficulty or doubt arises in applying and /or interpreting these Regulations, the decision of the High Court of Jharkhand thereon shall be final.

ANNEXURE-A

Confirmation

In the Court of _____

1. Case Number / CNR Number (if any): _____
2. Cause Title: _____
3. Proposed Date of conference (DD/MM/YYYY): _____
4. Location of the Court Point: _____
5. Location of the Person(s) to be examined: _____
6. Name of the Person(s) to be examined at the Remote Point: _____
7. To be examined as Plaintiff/Defendant Witness: _____
8. Willingness of Person to be examined (Yes/No): _____
9. Availability of Technical Facilities for Video-Conferencing: _____
10. Proposed time for Virtual Examination: _____

I have read and understood the provisions of the High Court of Jharkhand (Video Conferencing for District Courts) Regulations, 2020 (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. I/The person to be examined through Video Conferencing have/has willingness for the same.

Signature of the applicant/authorised signatory:

Date:

For use of the Court Point Coordinator

A) Court Name of the Court: _____

B) Examination of : _____ **(IN CAPITAL LETTERS)**

Held on (DD/MM/YYYY): _____

Commencement Time: _____

End time: _____

Number of hours: _____

Name of Opposite Party/Counsel Present: _____

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:

ANNEXURE-B
Confirmation

In the Court of _____

1. Case Number / CNR Number (if any): _____
2. Cause Title: _____
3. Proposed Date of conference (DD/MM/YYYY): _____
4. Location of the Court Point: _____
5. Location of the Person(s) to be examined: _____
6. Name of the Person(s) to be examined at the Remote Point: _____
7. To be examined as Prosecution/Court/Defence Witness: _____
8. Willingness of Person to be examined (Yes/No): _____
9. Availability of Technical Facilities for Video-Conferencing: _____
10. Proposed time for Virtual Examination: _____

I have read and understood the provisions of the High Court of Jharkhand (Video Conferencing for District Courts) Regulations, 2020 (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. I/The person to be examined through Video Conferencing have/has willingness for the same.

Signature of the applicant/authorised signatory:

Date:

For use of the Court Point Coordinator

A) Court Name of the Court: _____

B) Examination of : _____ **(IN CAPITAL LETTERS)**

Held on (DD/MM/YYYY): _____

Commencement Time: _____

End time: _____

Number of hours: _____

Name of Opposite Party/Counsel Present: _____

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:

ANNEXURE-C
Confirmation

In the Court of _____

1. Case Number / CNR Number (if any): _____
2. Cause Title: _____
3. Proposed Date of conference (DD/MM/YYYY): _____
4. Location of the Court Point: _____
5. Location of the Accused Person(s) to be examined: _____
6. Name of the Accused Person(s) to be examined at the Remote Point: _____
7. Willingness of Person to be examined (Yes/No): _____
8. Proposed time for Virtual Examination: _____

I have read and understood the provisions of the High Court of Jharkhand (Video Conferencing for District Courts) Regulations, 2020 (hyperlink). I undertake to remain bound by the same to the extent applicable to me. I confirm the location of the accused at the remote point.

Signature of the applicant/authorised signatory on behalf of Prosecution:

Date:

For use of the Court Point Coordinator

A) Court Name of the Court: _____

B) Examination of Accused : _____ **(IN CAPITAL LETTERS)**

Held on (DD/MM/YYYY): _____

Commencement Time: _____

End time: _____

Number of hours: _____

Name of Opposite Party/Counsel Present: _____

C) Costs:

Overseas transmission charges if any:

To be Incurred by Applicant /Respondent:

To be shared equally:

Waived; as ordered by the Court:

Signature of the authorised officer:

Date:

By order of the Court

Sd/-

(Ambuj Nath)

Registrar General