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JUDICIAL NOTIFICATIONS

The Madras High Court Video-Conferencing in Courts Rules, 2020.

(R.O.C. No. 29030A/2020/Comp9)

No.SRO C-7/2020.

Whereas it is necessary and expedient to enable and regulate the conduct of proceedings by courts and tribunals through video conferencing; and

In exercise of powers under Articles 225 and 227(2)(b) of the Constitution of India, Section 122 of the Code of Civil Procedure, 1908, Section 477(1)(d) of the Code of Criminal Procedure, 1973, Clauses 37 and 38 of the Letters Patent and all other powers enabling and with the approval of the Governments of Tamil Nadu and Puducherry, the High Court of Judicature at Madras makes the following Rules:

1. Preliminary: Title, Application and Commencement

(1) These Rules shall be called the "Madras High Court Video Conferencing in Courts Rules, 2020 ".

(2) These Rules shall apply to all courts and tribunals (except tribunals established by Acts of Parliament) situated in the territory of Tamil Nadu and the Union Territory of Puducherry and functioning under the supervisory jurisdiction of the High Court of Judicature at Madras.

(3) These Rules shall come into effect on such date as the High Court of Judicature at Madras may appoint by notifications in the Tamil Nadu and Puducherry Government Gazettes.

2. Definitions

In these Rules, unless the context otherwise requires:

(1) "Advocate" means an advocate as defined under the Advocates Act, 1961 and shall include officers of the department of prosecution.

(2) "Applicable Law" means any Act and Rules there-under (whether substantive or procedural) that apply to a Court as defined herein or to proceedings therein.

(3) "Authorized Representative" means any person including a Presenting Officer who is authorized under Applicable Law to represent a party to litigation before courts and/or tribunals.

(4) "Chief Justice" means the Chief Justice of the High Court of Judicature at Madras.

(5) "Commissioner" means a person appointed as commissioner under the provisions of Code of Civil Procedure, 1908[1], or the Code of Criminal Procedure, 1973[2], or under any Applicable Law.

(6) "Coordinator" means a person nominated as coordinator to assist and facilitate video conferencing by the Court for the Court Site or Remote Site.

(7) "Court" for the purposes of these Rules, whether functioning physically or by video conference, shall mean the Principal Bench of the Madras High Court, the Madurai Bench of the Madras High Court, all subordinate courts in Tamil Nadu and the Union Territory of Puducherry and all tribunals within the territorial jurisdiction of the High Court of Judicature at Madras, except tribunals established under Acts of Parliament.

(8) "Court Site" means the Courtroom or any other place(s) where the Judge(s)/Presiding Officer(s) is/are physically present, or the place where a Commissioner or an Inquiring Officer holds proceedings pursuant to the directions of the Court.

(9) "Court User" means a person entitled or permitted to participate in Court proceedings through video conferencing at a Court Site.

(10) "Designated Video Conferencing Technology" means any software and/or hardware approved by the High Court from time to time to conduct video conferencing.

(11) "Judicial Proceedings" mean proceedings before a Court.

(12) "Justifiable Circumstances" mean circumstances under which it is not practicable, in the opinion of the Court concerned, to conduct court proceedings as per standard practice and includes, illustratively, pandemics, natural calamities, local unrest, law and order issues, matters relating to health or safety or any other circumstance whatsoever on account of which Court Users or Remote Users cannot be physically present in Court.

(13) "Live Link" means an audio-visual link provided to Participants through any technological method to enable live and near simultaneous audio-visual communication between the Court Site and Remote Site.

(14) "Participant" means:

(a) A party to the proceeding;

(b) witness or person to be examined ;

(c) an Advocate, including Senior Advocate;

(d) an Authorized Representative as defined herein; and

(e) any other person who is required or permitted to be present by the Court during video conferencing.

(15) "Practice Directions-VC" shall mean directions issued from time to time by the Chief Justice for the effective and efficient conduct of proceedings by Courts through Video-conference.

(16) "Remote Site" means place(s), other than the Court Site, from where a Remote User participates in Judicial Proceedings by Videoconferencing.

(17) "Remote User" means a person permitted to and participating in Judicial Proceedings through video conferencing from a Remote Site.

(18) "Rules" shall mean the Madras High Court Video Conferencing in Courts 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.

(19) "Tribunal" means and includes all tribunals under the supervisory jurisdiction of the High Court of Judicature at Madras except those established by Acts of Parliament.

(20) "Video-conferencing" means live and near simultaneous audio-visual communication by and between the Court and Remote Users by the use of Designated Video Conferencing Technology.

3. General Principles Governing Video-Conferencing

(1) These Rules are supplementary to the Applicable Law, which shall apply *Mutatis Mutandis* to Judicial Proceedings by Video-Conference. In the event of conflict between these Rules and Applicable Law, including procedural laws and rules, Applicable Law shall prevail to the extent of repugnancy.

(2) In Justifiable Circumstances, except to the extent excluded or prohibited by these Rules, Video-Conferencing may be used at all or any stage of Judicial Proceedings and the transcript or order sheet shall specify that the proceeding was by video-conference.

(3) The following Judicial Proceedings shall not be conducted by Video-Conferencing:

(a) The recording of judicial confessions of the accused;

(b) The recording of settlements and pronouncement of Awards in Lok Adalats or Jail Adalats

(4) Only Designated Video-Conferencing Technology shall be used for Video-Conferencing both at the Court and Remote Site.

(5) All proceedings conducted by a Court by way of Video-Conferencing shall be Judicial Proceedings and all the courtesies and protocols applicable to proceedings in physical Courts shall apply *Mutatis Mutandis*.

(6) Practice Directions-VC shall be substantially complied with regard to Judicial Proceedings conducted by way of video conferencing.

(7) These 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.

(8) There shall be no unauthorised recording of Judicial Proceedings by any person.

(9) All Participants shall provide identity proof as recognised by the Government of India/State Government/Union Territory to the Coordinator at the Court Site *via* personal email. In case identity proof is not readily available the person concerned shall furnish the following personal details: name, parents's/spouse's name and permanent address, as also, temporary address, if any.

4. Application for conduct of Court proceedings through Video Conferencing:

(1) The Court may, *Suo Moto*, or on the application of a party or witness decide to conduct the Judicial Proceeding by Video-conference:

(2) An application for Video-conferencing shall be supported by an affidavit evidencing the Justifiable Circumstances, and all relevant particulars of the proposed Remote Site.

(3) Except in case of urgent applications for ex parte ad interim orders, the Court shall decide such application after serving notice to and hearing all parties concerned in accordance with these Rules.

(4) An order permitting the conduct of Judicial Proceedings through Video-Conferencing may:

(a) fix the date, time and schedule of the Video-Conference;

(b) appoint a co-ordinator at the Court Site and, where appropriate, at the Remote Site;

(c) enable public participation, through media representation or otherwise, at such hearings;

(d) provide for in-camera hearing at the Court and Remote Site;

(e) direct the payment of costs of Video-Conferencing and fix the time for payment thereof;

(f) where the hearing is for purposes of examining a witness or accused, specify the manner of transmission and authentication of the deposition and documents to and from the Court Site and Remote Site and for the exhibition thereof;

(g) issue further directions as may be considered necessary, incidental or ancillary to the conduct of hearings by Video-Conference.

5. Service of Summons

(1) Summons issued to a witness, who is to be examined through Video-Conferencing, shall mention the date and time of the video-conference and the venue of the relevant Remote Site and shall direct the witness to attend in person along with proof of identity or an affidavit to that effect. It shall also provide contact details of the Court Site Coordinator so as to enable the witness to obtain the Live Link.

(2) The existing rules regarding service of summons and the consequences for non-attendance, as provided in applicable procedural laws and rules, shall apply with respect to service of summons for proceedings conducted by Video-Conferencing.

6. Conduct of certain criminal proceedings by Video-Conferencing

(1) The Court may, at its discretion, authorize police custody or extension of remand of an accused by Video -Conferencing.

(2) The Court may, in exceptional circumstances, for reasons to be recorded in writing, examine a witness or an accused under Section 164 of the Cr.P.C (except judicial confessions) through Video-Conferencing, while observing all due precautions to ensure that the witness or the accused, as the case may be, is not under any form of coercion, threat or undue influence. The Court shall ensure compliance with Section 26 of the Evidence Act, 1872.

7. Examination of Witnesses/Persons

(1) Any person being examined, including a witness, shall, before being examined from a Remote Site through Video-Conferencing, produce and file a proof of identity by submitting an identity document issued or duly recognized by the Government of India, State Government, Union Territory, or in the absence of such a document, an affidavit attested by any of the authorities referred to in Section 139 of the Code of Civil Procedure or Section 297 of the Code of Criminal Procedure , as the case may be. The affidavit must *Inter Alia* state that the person, who is shown to be the person to be examined 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.

(2) The person being examined will ordinarily be examined during Court hours 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 Site.

(3) The Court shall obtain the signature of the person being examined once such examination is concluded and the signed deposition shall form part of the record of the Court. The following procedure shall be followed for the above purpose:

(4) If digital signatures are available at both the Court and Remote Site, upon conclusion of such examination, the soft copy of the deposition shall be transmitted electronically forthwith in a non-editable scanned format by the Coordinator at the Court Site to the Remote Site. Upon receipt, it shall be digitally signed by the witness and duly certified by the Coordinator at the Remote Site and re-transmitted forthwith in a non-editable scanned format to the official email of the Court Site. Upon receipt of the same, the soft copy of such deposition shall be digitally signed by the judge/presiding officer at the Court Site and form part of the Court records. The hard copy of the deposition, signed by the witness and duly certified by the Coordinator at the Remote Site, should be dispatched after each hearing is concluded, preferably within three days thereof, by the Coordinator at the Remote Site to the Court Site by recognised courier/registered post. Upon receipt, it shall be signed by the judge/presiding officer, who shall compare the hard copy with the soft copy and, if identical, make the following

endorsement: "verified and compared with the scanned copy and found to be identical".

(5) If digital signatures are not available, the deposition shall be transmitted electronically forthwith in a non-editable scanned format by the Coordinator at the Court Site to the Remote Site. Upon receipt, the print-out of the deposition shall be signed by the witness, duly certified by the Coordinator at the Remote Site and re-transmitted forthwith electronically in a non-editable format by the Coordinator at the Remote Site to the official email account of the Court, where a printout of the same should be taken, signed by the judge at the Court Site, and be made a part of the Court record. The hard copy should also be dispatched preferably within three days thereof by the Coordinator at the Remote Site to the Court by recognised courier/registered post. Upon receipt, it shall be signed by the judge/presiding officer, who shall compare the hard copy with the scanned copy and, if identical, make the following endorsement: "verified and compared with the scanned copy and found to be identical".

(6) An audio-visual recording of the examination shall be made at the Court Site and preserved. If feasible, an encrypted master copy with hash value shall be retained as a part of the record.

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

(8) The Coordinator at the Remote Site shall ensure that no unauthorized person is present at the Remote Site and that the witness is not assisted or tutored during the examination.

(9) The examination shall, as far as practicable, proceed without interruption or the grant of unnecessary adjourments. 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.

(10) The Court may also impose such other conditions as are necessary in a given set of facts for effective conduct of the examination.

8. Reference to and exhibition of Documents

(1) If in the course of examination of a witness at a Remote Site by Video-Conferencing, it is necessary for a witness to refer to or for the Advocate or Authorized Representative to confront a witness with a document, the Court may permit the document to be disclosed in the following manner:

(a) If the document is at the Court Site, by transmitting a copy or image of the document to the Remote Site electronically, including through a document visualizer; or

(b) If the document is at the Remote Site, by transmitting a copy/image of the same to the Court electronically, including through a document visualizer, and contemporaneously putting it to the witness.

(2) The hard copies of all documents, which the Court decides to exhibit, whether subject to objections or otherwise, shall be appropriately endorsed as follows:

(a) If the document is at the Remote Site, by the Coordinator at the Remote Site with the document number assigned by the Court, and dispatched thereafter to the Court *via* authorized courier/registered post, preferably within three days of the conclusion of the hearing.

(b) If the document is at the Court Site, by the Coordinator at the Court Site with the document number assigned by the Court.

(3) The provisions of the Evidence Act, 1872 with regard to the production of primary and secondary evidence shall remain applicable.

9. Enabling the public to view proceedings

(1) Except proceedings ordered, for reasons recorded in writing, to be conducted *in-camera*, the Court shall endeavour to provide public viewing (consistent with available bandwidth) .

(2) Where, for any reason, a person unconnected with the case is present at the Remote Site, that person shall be identified by the Coordinator at the Remote Site 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 permitted by the Court.

10. Reference to Words and Expressions

Words and expressions used but not defined in these Rules shall have the meaning, if any, ascribed to them in any Applicable Law.

11. Practice Directions

The Chief Justice may from time to time issue, amend and withdraw Practice Directions-VC for the effective and efficient conduct of Judicial Proceedings through Video-Conferencing and for the regulation thereof .

12. Power to Remove Difficulties

The High Court may, if satisfied that the operation of any Rule is causing undue hardship, by an 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.

13. Residual Provisions

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

14. Repeal and Savings

(1) The Madras High Court Video Conferencing Rules 2018 shall stand repealed with effect from the date of coming into force of these Rules in Tamil Nadu and the Union Territory of Puducherry, respectively.

(2) Such repeal shall not affect the validity of proceedings commenced and completed under the repealed rules or pending as of the date of entry into force of these Rules. Such pending proceedings shall be deemed to have been undertaken under these Rules and may be proceeded with on that basis.

PRACTICE DIRECTIONS- VC NO.1

1. Preliminary

1.1. Advocates shall be appropriately dressed in professional attire prescribed under the Advocates Act, 1961 subject to any dispensation in that regard. 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. All Participants shall wear formal attire. The decision of the Judge or Presiding Officer as to the dress code will be final.

1.2. Judicial Proceedings shall be conducted at the specified date and time. Punctuality shall be scrupulously observed.

1.3. The case will be called out and appearances shall be recorded on the direction of the Court.

1.4. Every Participant shall adhere to the courtesies and protocol that is applicable to a physical Court.

1.5. Advocates, parties in person and other Participants shall keep their microphones muted till such time as they are called upon to make submissions.

1.6. Remote Users shall ensure that their devices are free from malware.

1.7. Remote Users and the Coordinator at the Remote Site shall ensure that the Remote Site is situated in a quiet location, 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.

1.8. All Participants' cell phones shall remain switched off or in air - plane mode during the proceedings.

1.9. All Participants shall remain attentive to the court proceedings and not engage in any other activity during the course of the proceedings.

2. Facilities recommended for Video-Conferencing

The following facilities are recommended for conducting Judicial Proceedings by Video-Conferencing at the Court and Remote Site :

(i) Desktop, laptop, mobile devices with necessary software and internet connectivity;
(ii) Printer;
(iii) Scanners, including colour scanner;
(iv) Device ensuring uninterrupted power supply;
(v) Camera ;
(vi) Microphones and speakers ;
(vii) Display unit ;
(viii) Document visualizer ;

(ix) Provision of a firewall;

(x) Adequate seating arrangements ensuring privacy;

(xi) Adequate lighting; and

(xii) Availability of a quiet and secure space

3. Preparatory Arrangements

3.1. There shall be a Coordinator at the Court Site for all hearings by Video-conference. At the Remote Site, a Coordinator is mandatory only when a witness or a person accused of an offence is to be examined.

3.2 In the civil and criminal courts falling within the purview of the district judiciary, persons nominated by the High Court or the District Judge concerned shall perform the functions of Coordinators at the Court as well as the Remote Site.

3.3 The Coordinator at the respective Remote Site shall preferably be:

Sub Rule	*Where the Advocate or Participant is at the following Remote Site:-*	*The Remote Site Coordinator shall be:-*
3.3.1	Overseas	An official of an Indian Consulate /the relevant Indian Embassy/the relevant High Commission of India
3.3.2	Court of another state or union territory within the territory of India	Any authorized official nominated by the concerned District Judge.
3.3.3	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.
3.3.4	Jail or prison	The concerned Jail Superintendent or Officer in-charge of the prison.
3.3.5	Hospitals administered by the Central Government, the State Government, local bodies	Medical Superintendent or an official authorized by them or the person in Charge of the said hospital
3.3.6	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.
3.3.7	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 Officers In- charge of the women's facility or an official authorized by them.
3.3.8	In custody, care or employment of any other government office, organization or institution (collectively referred to as institutional facilities).	The Superintendent or Officers in-charge of the institutional facility or an official authorized by them.
3.3.9	Forensic Science Lab	The Administrative Officer In-charge or their nominee.
3.3.10	In case of any other location	The relevant 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.

3.4 Notwithstanding anything contained in sub-clauses 3.3.1 to 3.3.9 above, in appropriate cases, for reasons to be recorded in writing, the Court may appoint a person, other than those specified in Column 2 of the above table, who is fit and proper to serve as a Coordinator.

3.5 When a Participant is at any of the Remote Sites mentioned above in sub-clauses 3.3.1 to 3.3.10 and Video-conferencing facilities are not available at any of these places, the Court concerned will formally request the District Judge, in whose jurisdiction the Remote Site is situated, to appoint a Coordinator, for and to provide a Video-Conferencing facility from proximate and suitable Court premises.

3.6 Coordinators at both the Court and Remote Site shall ensure that the recommended facilities set out in Clause 2 above are available so as to ensure that Judicial Proceedings are conducted seamlessly. Where there is no Coordinator at the Remote Site, the respective Participant shall coordinate with the Coordinator at the Court Site so as to ensure seamless Video-Conferencing at the respective Remote Site.

3.7 The Coordinator at the Remote Site shall ensure that:

3.7.1 All Advocates and/or Participants scheduled to appear in a particular Judicial Proceeding are ready at the Remote Site designated for video conferencing at least 30 minutes before the scheduled time.

3.7.2 The Judicial Proceeding is not recorded at the Remote Site.

3.7.3 No unauthorised person enters the video conference room while the video conference is in progress.

3.7.4 The person being examined is not prompted, tutored, coaxed, induced or coerced in any manner by any person and that the person being examined does not refer to any document, script or device without the permission of the Court concerned during the course of examination.

3.8 Where the witness to be examined through video conferencing so requires or, if it is otherwise expedient to do so, the Court shall give sufficient notice in advance, setting out the schedule of video conferencing and, in appropriate cases, may transmit non-editable digital scanned copies of all or any part of the record of the proceedings to the official email account of the Coordinator of the Remote Site designated in accordance with this Practice Direction.

3.9 On or before the scheduled video conferencing date, as appropriate, the Coordinator at the Court Site shall ensure the following:

3.9.1 That Live Links are provided to each of the Participants. Ordinarily, not more than three Live Links shall be provided to each party, including for the Advocates or Authorized Representatives engaged by such party.

3.9.2 That access to the Live Link is provided to the Participants before the scheduled hearing.

3.9.3 That all Participants register their name prior to the hearing and, where appropriate, provide identity documents.

3.9.4 That no person shall record the Judicial Proceedings at the Court Site save and except an officer of Court duly authorized in that regard.

3.9.5 That the Coordinator at the Remote Site, where appropriate, receives certified copies, print-outs or a soft copy in non-editable scanned format of all or any part of the record of proceedings, which may be required for the hearing in the opinion of the Court. However, these shall be permitted to be used by the Participant only with the permission of the Court.

3.9.6 That access of the Participant to the Live Link is withdrawn immediately after the conclusion of the hearing.

3.10 Whenever required, the Court shall order the Coordinator at the Remote Site or the Court Site to provide :

3.10.1 A translator in case the person to be examined is not conversant with the official language of the Court.

3.10.2 An expert in sign languages in case the person to be examined is impaired in speech and/or hearing.

3.10.3 An interpreter or a special educator, as the case may be, in case a person to be examined is differently-abled, either temporarily or permanently. This requirement shall not apply to a mentally disabled person and the procedure prescribed by Applicable Law shall apply in that regard.

4. Ensuring seamless video conferencing

4.1. The Advocate or Authorized Representative or Participant, as the case may be, shall address the Court by video conferencing from a specified Remote Site on the date and time specified in the order issued by the Court. The nomination of and presence of the coordinator at the Remote Site is mandatory if Video-Conferencing is for the examination of a witness but for other purposes, it shall be at the discretion of the Court.

4.2. If Judicial Proceedings are conducted from any Remote Site (in situations described in PD-VC 3.3.1 to 3.3.9), the Coordinator at such Remote Site shall ensure compliance with all technical requirements. However, if Judicial Proceedings are conducted from a Remote Site in the situation contemplated under PD-VC 3.3.10, such as an Advocate's office, the Coordinator at the Court Site shall ensure compliance with all technical requirements for conducting video conferencing at both the Court Site and Remote Site.

4.3. The Coordinator at the Court Site shall be in contact with the Advocates, Authorized Representatives or Participants and guide them in regard to the fulfilment of technical and other requirements for executing a successful hearing through video conferencing. Any problems faced by such Remote Users shall be resolved by the Court Site Coordinator. The Court Site Coordinator shall *Inter Alia* share the Live Link with such Remote Users.

4.4 The Coordinator at the Court Site shall ensure that any document or audio-visual files, emailed by the Remote User, are duly received at the Court Site.

4.5 The Coordinator at the Court Site shall also conduct a trial Video-Conferencing, preferably 30 minutes prior to the scheduled Video-Conferencing, in order to ensure that all the technical systems are in working condition at both the Court Site and Remote Site.

4.6. At the scheduled time, the Coordinator at the Court Site shall connect the Remote User to the Court Site by Video-Conferencing.

4.7 On completion of the Video Conferencing proceeding, the Court shall mention in the order sheet the time and duration of the proceeding, the technology used (in case the software used is not the Designated Video Conferencing Technology), the issue(s) on which the Court was addressed and the documents if any that were produced and transmitted online. In case a digital recording is tendered, the Court shall record its duration in the order sheet along with all other requisite details.

4.8 The Court shall also record its satisfaction as to audio and video clarity, and connectivity for both Court Users and Remote Users.

4.9 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 Site, 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.

5. **Conduct of Proceedings**

5.1 All Advocates, Authorized Representatives and Participants shall substantially abide by the requirements set out in these Practice Directions.

5.2 Before the commencement of Video Conferencing, all Participants shall have their presence recorded. However, in case a Participant is desirous that his/her face or name be masked, information to that effect should be furnished to the Court Coordinator prior to the commencement of the proceeding and the Court Coordinator shall obtain appropriate orders from the Court in this regard.

5.3 The Court Coordinator shall send the Live Link / Meeting ID / Room Details *via* the email Id / mobile number furnished by the Advocate or Participant. Once the proceedings have commenced, no other persons will be permitted to participate in the hearing, save and except with the permission of the Court.

5.4 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 Site.

5.5 Participation in the Judicial Proceedings shall constitute consent by the Participants to such proceedings being recorded at the Court Site.

5.6 Establishment and disconnection of links between the Court Site and the Remote Site would be regulated by orders of the Court.

5.7 The Court shall satisfy itself that the Advocate, or any other Participant that the Court deems necessary at the Remote or the Court Site can be seen and heard clearly and can clearly see and hear the Court.

5.8 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 Site Coordinator, which has been furnished to the Participant before the commencement of the virtual hearing.

5.9 Whenever any Judicial Proceeding is conducted by the Court under these Rules by taking recourse to Video Conferencing, this shall specifically be mentioned in the order sheet.

6. General procedure

6.1 The Coordinator at the Court Site shall ensure that video conferencing is conducted only through Designated Video Conferencing Technology. However, in the event of a technical glitch during a given proceeding, the Court concerned may, for reasons to be recorded in writing, permit the use of technology other than the Designated Video Conferencing Technology for Video-Conferencing in that particular proceeding.

6.2. The identity of the person to be examined shall be confirmed by the Court with the assistance of the Coordinator at the Remote Site in accordance with Rule 3(9), at the time of recording of the evidence and the same must be reflected in the order sheet of the Court.

6.3 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.

6.4 In criminal cases, where the person to be examined is a prosecution witness or a Court witness, or where a person to be examined is a defence witness, the counsel for the prosecution or defence, 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.

6.5 In case the person to be examined is an accused, the prosecution will confirm the location of the accused at the Remote Site.

6.6 Video-Conferencing shall ordinarily take place during Court hours. However, the Court may pass suitable directions concerning the time and schedule of Video-Conferencing as the circumstances may warrant.

6.7 If the accused is in custody and not present at the Court Site, the Court will order a multi-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.

6.8 The Coordinator at the Remote Site shall be paid such amount as honorarium as may be directed by the Court in consultation with the parties.

7. Oral Arguments

7.1. The procedure for oral arguments before physical Courts shall apply *Mutatis Mutandis*.

7.2. Participants intending (i) to cite authorities (whether judicial precedents or extracts from textbooks etc.); and/or (ii) notes of arguments shall ensure that physical or electronic copies thereof are made available at the Court Site and serve copies thereof on the other Participant(s)prior to the commencement of Video-Conferencing.

8 . Costs of Video-Conferencing

8.1 In the absence of rules prescribed by the relevant Court, the Court may take into consideration the following circumstances when determining and/or apportioning the costs of Video-Conferencing:

8.1.1 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 Site, 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 Site, shall be borne by such party as directed by the Court.

8.1.2. In civil cases, generally, the party making the request for recording evidence through video conferencing, shall bear the expenses.

8.2 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.

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

High Court, Madras,
1st July 2020.

C. KUMARAPPAN,
Registrar General.