

## CHAPTER I: PRELIMINARY

### 1. Preliminary Guidelines:

- (1) These Rules may be cited as the High Court of \_\_\_\_ Rules, \_\_\_\_ and shall be read with the High Court of \_\_\_\_ Practice Directions, \_\_\_\_.
- (2) These Rules shall come into force on the date of their publication in the \_\_\_\_ Gazette.
- (3) These Rules shall apply to all proceedings and matters in the High Court commenced on and after the said date, and shall also apply, as far as may be practicable, to all proceedings taken on and after the said date in all causes and matters then pending in the High Court. If any case type is not covered by these Rules, \*insert relevant State Act/Rules here\* shall apply to that specific case-type and only in that specific instance.
- (4) If any doubt or difficulty arises in the application of any of these Rules to pending causes or matters, the matter shall be placed before the Bench hearing the matter, which may pass such orders as considered just and proper in the circumstances of the case. Compliance with such orders shall be sufficient compliance with the provisions of these Rules.
- (5) On the coming into force of these Rules all existing rules, orders, circulars, practices, conventions or the like governing any matter dealt with or covered by these Rules shall stand repealed.

Provided that this repeal shall not affect or invalidate anything done, any action or decision taken, any disposal made, any decree, order or proceeding made or issued under the existing Rules before the commencement of the Rules.

- (6) The Chief Justice shall have the power to issue Practice Directions and standard operating procedures to carry out the purposes of these Rules.

## 2. Definitions:

- (1) **Adjournment** means a temporary postponement or suspension of a hearing to a later date.
- (2) **Administrator** means the Registrar (IT) or any other officer appointed by the Chief Justice to administer and deal with matters connected to or related to e-filing.
- (3) **Admission of a case** means the process of deciding to issue notice to a respondent or directing the issuance of notice to a respondent after a preliminary perusal of pleadings or a preliminary hearing under the provisions of Order 41, Rule 11 of the Code of Civil Procedure or Section 425 of the Bharatiya Nagrik Suraksha Sanhita, 2023, or any other like provision of any other law for the time being in force.
- (4) **Advocate** means an Advocate entered in any rolls maintained under the provisions of the Advocates Act, 1961, and shall also include government pleaders/Advocates and officers of the Department of Prosecution.
- (5) **Amicus curiae** means an Advocate who is not representing a party in a particular matter but who is permitted by the Court to advise it in respect to some matter of law that affects the case in question.
- (6) **Appropriate Bench** means, in relation to any matter, the Bench which is competent under these Rules to dispose of the said matter finally.
- (7) **Archival data** means audio and visual data recorded during the conduct of the proceedings and retained by the Court;
- (8) **Authenticated copy** means a digital copy of any order, judgment or decree of the Court that has been physically or digitally signed and contains a QR code linking to further details of the case on the official Court website.
- (9) **Bench** means the Judge(s) assigned to hear the case filed before the Court.
- (10) **Cause list** means a comprehensive schedule of Court hearings listing cases in chronological order for a particular day.
- (11) **Certified copy** shall have the same meaning as is assigned to it in section 75 of the Bharatiya Sakshya Adhiniyam, 2023.
- (12) **Chief Justice** means the Chief Justice of the High Court of the State of \_\_\_\_, including the Acting Chief Justice.
- (13) **Commissioner** means a person appointed as a commissioner under the provisions of the Code of Civil Procedure, 1908, or the Bharatiya Nagarik Suraksha Sanhita, 2023, or any other law in force.

- (14) **Communication device** means a hardware device capable of transmitting analog or digital signal over the telephone and other communication devices, whether wired or wireless.
- (15) **Constitution** means the Constitution of India.
- (16) **Courier or Courier agency** means any person/entity engaged in the door-to-door transportation of documents, goods or articles;
- (17) **Court Master or Reader** means the staff member who assists the Court in the conduct of proceedings, including the updating of the cause lists published on the display board.
- (18) **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.
- (19) **Court premises** means and includes buildings and complexes under the authority of the Court.
- (20) **Court user** means a user participating in Court proceedings through video conferencing at a Court point.
- (21) **Criminal appeal** means an appeal which, under any law for the time being in force, lies to the High Court from an order or sentence passed by a Subordinate Criminal Court in the exercise of its original criminal jurisdiction.
- (22) **Designated Officer** means the Registrar (IT) or any other officer mandated to carry out the function of granting access to copies of recordings under these Rules.
- (23) **Designated venue** means and includes a courtroom or any other place where the proceedings are conducted, whether within the Court premises or at a remote location.
- (24) **Designated video conferencing software** means software provided by the High Court from time to time to conduct video conferencing hearings.
- (25) **Document** shall include physical and digital forms of documents.
- (26) **Email address** means the unique identifier for an email account, used to send and receive email messages over the Internet.
- (27) **Electronic mail or email** means a store-and-forward method of composing, sending, storing and receiving messages in electronic form via a computer or digital medium-based communication mechanism.

- (28) **Exceptional circumstances** include an epidemic/a pandemic, natural calamities, circumstances implicating law and order and matters relating to the safety of the accused and witnesses.
- (29) **First appeal** means an appeal which, under any law for the time being in force, lies to the High Court, from a judgment, decree or order, made by a Subordinate Civil Court in the exercise of its original civil jurisdiction.
- (30) **Form** means a form appended to these Rules.
- (31) **Hardware** means and includes equipment installed for live-streaming and recording of proceedings or any ancillary activity.
- (32) **High Court, this Court or the Court** means the High Court of \_\_\_\_ established under the Constitution of India and in accordance with the provisions of \*insert relevant State Act here\*.
- (33) **High Court Legal Services Committee** means the High Court Legal Services Committee that has been constituted under Section 8A of the Legal Services Authorities Act, 1987, for providing free and competent legal services to the weaker sections of society in cases which fall under the jurisdiction of the Court.
- (34) **Interlocutory application** means the applications filed in connection with a pending or disposed appeal, reference, petition, or similar matter before the High Court. These include requests for interim relief or compliance with procedural requirements, whether filed during the pendency of a case, at the time of filing, or after its disposal (excluding review or Supreme Court appeal petitions).
- (35) **IT Committee** means and includes any committee constituted by the Chief Justice to deal with matters concerning information and communication technology, also referred to as the High Court Computer Committee or e-Committee.
- (36) **Link or web link** means and includes a live television link, audio-video electronic means, or other arrangements whereby a witness, a required person or any other person permitted to remain present, while physically absent from the courtroom is virtually present in the courtroom by remote communication using technology to give evidence and be cross-examined.
- (37) **Live-stream or live-streamed or live-streaming** means and includes a live television link, webcast, audio-video transmissions via electronic means, or other arrangements whereby any person can view the Court proceedings as permitted under these Rules.

- (38) **Lower Court/Subordinate Court** means any Court, tribunal or authority whose decrees, orders, sentences or proceedings are subject to appeal, reference, revision to or by the High Court under any law for the time being in force, or are subject to the jurisdiction of the High Court under Article 226 of the Constitution or to its superintendence under Article 227 of the Constitution.
- (39) **Memorandum of Appearance** means a notification from a party, that is not a vakalatnama, to the Court that an Advocate is appearing for a case on their behalf.
- (40) **Oath Commissioner** means an Advocate appointed by the Court to ensure that individuals making statements under oath, such as in affidavits, swear to the truthfulness of their declarations.
- (41) **Original petition** means a matter with respect to which the High Court of \_\_ has original jurisdiction, e.g. cases of probate, contempt of Court, intellectual property rights, etc., excluding writ petitions.
- (42) **Party-in-person** means and includes a person who intends to plead, appear and argue his or her own case before the High Court and not through an Advocate.
- (43) **Proceedings** means and includes judicial proceedings, administrative proceedings, Lok Adalat proceedings, full-Court references, farewells and other meetings and events organised by the Court;
- (44) **Public Interest Litigation** means a litigation undertaken to redress genuine, substantive or larger public interest, injury or public grievance or for enforcing public duty or for vindicating public interest, but shall not include a matter involving individual, personal or private grievances of the petitioner or anyone else.
- (45) **Recording device** means and includes a device capable of recording images or sound, including but not limited to a camera, an audio recorder, a video recorder, a mobile telephone, or a screen recorder.
- (46) **Recording** means audio and video data of proceedings stored in electronic format, whether or not it is live-streamed.
- (47) **Registrar (Computers)** means the Registrar (Computers) of the High Court.
- (48) **Registrar (Judicial)** means the Registrar (Judicial) of the High Court.
- (49) **Registrar (General)** means the Registrar General of the High Court.

- (50) **Registrar** means the Registrar of the High Court and includes the Additional Registrar, Joint Registrar, Deputy Registrar, or an Assistant Registrar of the High Court, in relation to the powers, duties or functions of the Registrar exercised or performed by the Additional Registrar, Joint Registrar, Deputy Registrar or the Assistant Registrar, as the case may be.
- (51) **Registry** means the administrative wing of the Court.
- (52) **Remote location** means and includes a geographical location, different from the Court Premises, from where proceedings are conducted.
- (53) **Remote point** means a place where any person or persons are required to be present or appear through a video link.
- (54) **Remote user** means a user participating in Court proceedings through video conferencing at a remote point.
- (55) **Required person** means the following:
- (a) the person who is to be examined; or
  - (b) the person in whose presence certain proceedings are to be recorded or conducted; or
  - (c) an Advocate or a party-in-person who intends to examine a witness; or
  - (d) any person who is required to make submissions before the Court; or
  - (e) any other person who is permitted by the Court to appear through video conferencing.
- (56) **Service by email** means a notice or any process of the Court signed digitally and sent by electronic mail by the presiding Officer of the Court or any other person authorised in this behalf.
- (57) **Signatures** mean digital or physical signatures on all pleadings and affidavits. The list of recognised digital signature providers shall be maintained by the Court.
- (58) **Standing Counsel** means an advocate appointed by the union government or public sector enterprises to represent them in the Court.
- (59) **Supreme Court** means the Supreme Court of India;
- (60) **To register a case** means that a case shall be deemed “registered” when it has been duly filed, the requisite court fee has been paid, and all identified defects in the pleadings have been rectified, whereupon it shall be assigned a unique case number.
- (61) **Transcript** means the official written record of the proceedings published as per the directions of the Court.