

DRAFT HIGH COURT PRACTICE DIRECTIONS

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CHAPTER I: FILING

- 1. Case Management Dashboards:** Each Advocate, Judge, litigant, clerk and relevant court staff shall have their own customised case management dashboard based on their duties and requirements.

- (1) Lawyer's dashboard:

- (a) To create login credentials, the Advocate shall provide their enrollment number, phone number, email ID and address.
- (b) The dashboard shall provide templates for various types of memoranda and applications.
- (c) While filing the pleadings in a case, the documents shall be indexed and uploaded under specific headings and sub-headings. For example, the cause title, the vakalatnama, the grounds of appeal and the authenticated copies of judgments/orders of the Courts appealed from, shall be uploaded under these heads, as provided in the dashboard.
- (d) In the event the pleadings relate to proceedings that have already been initiated in any court including the High Court, details relating to the party names will be pulled from the details of the original case in the information system used by the Court. Once the original case number and CNR number are entered, it will not be necessary to type the names of all the parties again. The dashboard would be synced to CIS and hence, the information related to parties will directly get saved in the information system used by the Court as well. This would ensure that there is no need to type the names of parties again, and reduce the likelihood of incorrect spellings.
- (e) The Advocate would also need to choose the type of case being filed from a drop-down menu.

- (2) Clerk's dashboard:

- (a) A person shall be recognised as a clerk of an Advocate once registered with the High Court in the manner prescribed in the High Court Rules.
- (b) Each registered Advocate's clerk shall be provided with their own customised case management dashboard.
- (c) Advocates may submit a request for the creation of login credentials for their clerk through an application with their proof of identity attached. Advocates shall be required to do this each time they appoint a clerk. It shall be their responsibility to inform the Court when the clerk stops working for them. The dashboard for a clerk would be synced to their Advocate and only the

details of the cases filed by their Advocate would be visible to the clerk. Clerks will be allowed to edit pleadings on their dashboard. However, as an additional safeguard, before submitting any edited pleadings, an OTP shall be sent to the Advocate concerned, and only when that OTP is entered by the clerk, the edited pleadings would be submitted.

(3) Litigant's dashboard:

- (a) Once the Court has admitted a case, the litigant shall be able to create their own login credentials based on their phone number or email ID as provided by their Advocate. The dashboard would allow the litigant to add their other cases, subject to verification by the Court.
- (b) Provided that in case of a party-in-person, the phone number or email ID shall be provided at the time of filing.
- (c) The litigant will be required to provide basic details for their profile, including their email address and home address, to ensure that all future communication is smooth.

(4) Court staff's dashboard:

- (a) The dashboard for the relevant court staff would be customised based on their responsibilities. For example, the dashboard of scrutiny officers would be customised so that newly filed cases would be randomly assigned to officers and with the checksheets available on the dashboard as a form, the officers would be able to scrutinise and mark defects online.
- (b) The cases where scrutiny is automated would be assigned to officers once such automated scrutiny is completed, only to double check the defects marked.

(5) Party-in-Person dashboard: The dashboard for parties-in-person will be the same as the Advocates dashboard

2. Filing Process for Advocates once Login credentials have been created:

- (1) Once the Advocate has created their login credentials and uploaded all the required indexed documents, the next step in the process of filing an appeal shall be to indicate whether the case is within the limitation period or not. If the limitation period has expired and if the party is requesting condonation of delay, such an option should be available on the dashboard during the filing process. If the Advocate selects this option, they shall give reasons in writing on the dashboard itself. No additional application shall be required.
- (2) The next step is to indicate the urgency of the matter. This shall include selecting the option of urgency for an interim stay. No separate interlocutory application is required. The petition itself shall indicate the urgency with appropriate reasons.

- (3) The dashboard would allow the Advocate to select when they want the case to be listed in the next __ days once the matter is filed. If the Advocate wants the case to be listed the next day, they would be required to provide reasons in writing since next day listing of fresh matters shall be available only for urgent matters.

3. Case Classification:

- (1) The Court shall publish an exhaustive list of casetypes in the Practice Directions as per the information management system used by them.
- (2) The final decision of creation of additional case types shall lie with the Chief Justice. However, new case types shall be created according to the subject-matter of the case. The first word while classifying the case shall be based on the subject matter followed by the type of filing it is and other relevant details.

4. Annexures to the Pleadings:

- (1) All annexures to the pleadings in all cases except writ petitions shall be numbered consecutively. The consecutive numbering shall continue in all annexures produced subsequently, along with the reply, interlocutory applications or additional affidavits, etc.
- (2) All annexures with the writ petition shall be marked in alphabetical order. Every annexure produced by each of the respondent(s) and their objections to a writ petition shall be marked in the numerical order. Such numbering shall continue in respect of all additional annexures produced by that respondent subsequently along with the interlocutory applications or additional affidavits, etc.

5. Payment of Court and Process fee:

- (1) Filing of a case would not be considered complete till the payment of both the court fee and the process fee (for the first attempt of service of notice). For this purpose, the Advocate's dashboard shall provide a calculator for both the Court fee and the process fee.
- (2) The court fee calculator shall have fields relevant for the calculation of the Court fee, including the case type, the amount paid in the court appealed from, date of award (if applicable), etc. Advocates must input this information and pay the court fee online accordingly.
- (3) For the calculation of the process fee, the Advocate shall select their choice for the mode of service to be used. When the Advocate selects RPAD and courier service, the process fee shall be payable. In such cases, the process fee calculator would require the Advocate to provide the number of respondents, the address and pincode of each respondent, and the number of pages in total in the pleadings filed. Based on the distance and the weight of the pleadings (assumed to be printed on both sides on A4-sized paper), the calculator would provide the cost of RPAD or

courier. In addition to the process fee, printing costs shall also be added, as prescribed by the Court. The total amount shall be paid by the Advocate for the case to be considered filed.

(4) If the case is not admitted, the process fee paid at the time of filing shall be refunded by the Court.

(5) No service shall be required for cross-objections filed in an appeal, since these will be available to all parties on their dashboards.

6. Hard copies of Pleadings and Documents filed electronically: Advocates and parties may print hard copies of all pleadings and documents filed electronically for their use in the Court or elsewhere. Likewise, the Registry may, wherever required, prepare hard copies for its official use.

CHAPTER II: SCRUTINY

7. **Timelines:** The Advocate would be required to submit corrected pleadings within ___ days of the defects being communicated to them, for the case to be listed in the time period selected by them.

Provided that the requirement to submit correct pleadings may be done away with in urgent cases at the discretion of the Registrar.

8. **Dispute regarding objections:** The dashboard shall provide for the Advocate to be able to mark an objection as disputed. The Registrar shall get an alert automatically.
9. **Dismissal of Case:** The online system shall alert the Registrar to dismiss the case when ___ days have passed since defects were notified to the Advocate, but no steps have been taken by the Advocate to correct the defects or to ask for an extension.

CHAPTER III: SERVICE OF NOTICE

10. Dispatch of Notice:

- (1) In the first instance, notice shall be dispatched within ___ days of the order of service of notice from the Court, if the notice is to be served through RPAD or courier.

Provided in case of emergent notice, the notice shall be dispatched on the day the Court has ordered notice.

- (2) For every subsequent attempt to serve notice through RPAD or courier, notice shall be dispatched within ___ days of the process fee being paid by the Advocate.

11. Date of appearance: The date of appearance for the respondent mentioned in the notice issued to them shall be determined with reference to the current business of the Court, the place of residence of the respondent, and the time necessary for service of the notice. This is to allow the respondent sufficient time to appear and answer the appeal, petition, or application in which the notice was issued.

Provided that if the notice returns unserved before the date of appearance, this shall be updated in the dashboard immediately. The Registry shall not list the case on the date provided, and a new date shall be provided asynchronously for the reissued notice.

12. Notice in Interlocutory Applications: Once the notice has been served to all the respondents and they have appeared before the court, no separate notice will be required to be sent in an Interlocutory Application. Interlocutory Applications shall be filed from the dashboard, and once these have been admitted, they will be made available for all parties and their Advocates on their dashboards.

CHAPTER IV: TRIAL COURT RECORDS

13. Digitisation of Lower Court Records:

- (1) Efforts shall be made to scan and digitise all Subordinate Court records, including legacy cases. If the record asked for by the High Court is not already digitised, the digitisation of such records will be prioritised. These records will first be scanned and digitised, out of turn, and then transmitted to the High Court .
- (2) The case file from the Subordinate Court shall be indexed and bookmarked with headings like pleadings, evidence, interlocutory applications, judgements and orders, etc., while being scanned. This is to ensure that the relevant papers are easily identifiable, and if the Court requires only specific documents, only those documents are transmitted.
- (3) The Subordinate Court shall retain the entire digitised file. The copy sent to the High Court shall be accompanied by a note confirming its authenticity.
- (4) Once transmitted to the Court, the digitised case file shall be made available by the Registry to the Judges in the case, parties, and their Advocates through the dashboard.
- (5) All the scanned documents shall be in PDF with OCR.

CHAPTER V: LISTING

14. Second Hearing: As mentioned in the Practice Directions of the Chapter on Service of Notice, each notice shall contain the date on which the respondent will have to appear before the Court. However, if the notice goes unserved, it shall be made known to the appellant/petitioner, the Judge and the Court staff and the case shall not be listed on the date stated in the notice. Subsequently, the case shall only be listed once the notice is served and the respondent is aware of the date on which they have to appear before the Court.

15. Intelligent Scheduling:

- (1) All Court halls should have calendars that are synced with each other.
- (2) When a date is given in a case, the name of the Advocates representing the parties shall also be entered in the calendar to ensure that on the same date, the Advocates either do not have another matter in a different Court hall and if they do, the rank of their case on the cause list may be adjusted to ensure that the Advocate can attend all of their matters.

16. Cause List:

- (1) The Registry shall make public the cause list that is continuously updating for the whole week at the beginning of the week.
- (2) If an Advocate has asked for an adjournment earlier or if notice has not been served and the case continues to be on the cause list for a certain date, the Advocates involved in the case shall inform the Registry to get the case removed and added for the next date given.

CHAPTER VI: LIVESTREAMING

17. Hardware: Cameras will be installed in the courtrooms, which will be live-streamed, covering at least four angles; one towards the Bench, the second and third towards the Advocates engaged in the concerned matter, the fourth towards the deponent or witness, as required.

- (1) In the event that the Court has employed an electronic evidence presentation system, an additional feed shall be captured from there.
- (2) A remote-control device shall be provided to the presiding Judge on the Bench to pause or stop the Live-streaming at any time.
- (3) Advocates, witnesses, or any other person permitted by the Bench shall use appropriate microphones while addressing the Court.
- (4) Insofar as a remote location is concerned, appropriate hardware will be deployed to the extent practicable, bearing in mind the provisions made in these Rules.
- (5) Where proceedings are conducted through web links, including video conferencing services, appropriate software and hardware will be employed, if necessary, to generate an integrated feed for live-streaming.

CHAPTER VII: VIDEO CONFERENCING

18. Facilities: The following equipment is recommended for conducting proceedings by video conferencing at the Court point and at the remote point:

- (1) Desktop, laptop, mobile devices with internet connectivity and printer;
- (2) Device ensuring uninterrupted power supply;
- (3) Camera;
- (4) Microphones and speakers;
- (5) Display unit;
- (6) Document visualiser;
- (7) Provision of a firewall;
- (8) Adequate seating arrangements ensuring privacy;
- (9) Adequate lighting; and
- (10) Availability of a quiet and secure space

19. Preparatory Arrangements: The coordinator at the remote point may be any of the following:

Where the Advocate or required person is at the following remote point:-	The remote point coordinator shall be:-
Overseas	An official of an Indian Consulate / the relevant Indian Embassy / the relevant High Commission of India
Court of another state or union territory within the territory of India	Any authorised official nominated by the concerned District Judge.
Mediation Centre or office of District Legal Services Authority (including Taluka Legal Services Committee)	Any authorised person officially nominated by the Chairperson or Secretary of the concerned District Legal Services Authority.
Jail or prison	The concerned Jail Superintendent or Officer in-charge of the prison.
Hospitals administered by the Central Government, the State Government or	Medical Superintendent or an official authorised by them or the person in

local bodies	charge of the said hospital
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 authorised by them.
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 authorised by them.
In custody, care or employment of any other government office, organisation or institution (collectively referred to as institutional facilities).	The Superintendent or Officers in-charge of the institutional facility or an official authorised by them.
Forensic Science Lab	The Administrative officer in-charge or their nominee.
In case of any other location	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 on that behalf.

20. 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 abide by the guidelines set out in Practice Direction 23.
- (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 proceedings 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 the 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 subsequently be entertained.
- (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.

21. Appearance of Government Officials: Court Registries shall send video conferencing appearance/viewing links via SMS, email, or WhatsApp at least one day before the hearing to government officials to be able to appear in a case.

22. General Guidelines for Video Conferencing:

- (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 by the High Court. The decision of the Presiding Judge or Officer as to the dress code will be final.
- (2) Proceedings shall be conducted at the appointed date and time. Punctuality shall be scrupulously observed.

- (3) The case will be called out and appearances shall be recorded on the direction of the Court.
- (4) Every participant shall adhere to the courtesies and protocol that are followed in a physical Court. Judges will be addressed as “Madam/Sir” or “Your Honour”. Officers will be addressed by their designation, such as “Bench Clerk/Court Officer”. Advocates will be addressed as “Learned Counsel/Senior Counsel”
- (5) Advocates, required persons, parties in person, and other participants shall keep their microphones muted till such time as they are called upon to make submissions.
- (6) Remote users shall ensure that their devices are free from malware.
- (7) Remote users and the coordinator at the remote point shall ensure that the remote point is situated in a quiet location, is properly secured and has sufficient internet coverage. Any unwarranted disturbance caused during video conferencing may if the Presiding Judge so directs, render the proceedings non-est.
- (8) All participants’ cell phones shall remain switched off or in airplane mode during the proceedings.
- (9) All participants should endeavour to look into the camera, remain attentive and not engage in any other activity during the course of the proceedings.

CHAPTER VIII: ORDERS, JUDGMENTS, DECREES, AND CERTIFIED COPIES

23. Judgment: The judgment shall be digitally signed by the Judges.

24. Decree: Advocates shall raise objections to draft decrees through their dashboard by providing the paragraph number they have an objection to, and their reasons for the same.

If an Advocate raises any objections after the stipulated period, but before the preparation of the final decree, such objections may be accepted by the order of the Registrar. The Registrar may impose a penalty upon the Advocate in this regard.

If an Advocate raises any objections once the final decree has been prepared and made available for the parties in a case, the Advocate will be required to pay a penalty of Rs _____. This amount shall increase annually by 10%.

25. Process to apply for Authenticated Copies by Third Parties:

- (1) Third parties shall apply for authenticated copies online through a form provided on the website of the High Court.
- (2) Third parties shall be required to provide reasons for the need for the documents applied for.
- (3) The Registrar shall decide whether authenticated copies of the documents requested shall be provided to the third party, and such decision shall be communicated with reasons to the third party within __ weeks of the request being received.
- (4) If the request for authenticated copies from a third party is accepted, these shall be sent digitally.
- (5) The third party may appeal against the decision of the Registrar in the format prescribed.

26. Process to apply for Certified Copies by Parties in a Case:

- (1) Advocates representing parties to a case may apply for the printed certified copy of decrees once the decree is available to all on the dashboards. The Advocates shall be able to apply for as many certified copies as the parties that they are representing.
- (2) The Advocates can apply for the printed certified copies of only the final order/judgment or the decree, or both.
- (3) The Advocates shall apply for the printed certified copies through their dashboards by paying the prescribed fee for the certified copies. This fee shall be based on the total number of pages to be printed.

- 27. Printed Certified Copies:** Printed certified copies of final orders/judgments and decrees shall be printed on A4-size paper, in the Times New Roman font style with the font size of the title being 14 points and for the body 12 points. A 1” margin to be left on all sides, and line spacing shall be 1.5 points.
- 28. QR Code:** All printed certified and authenticated copies shall contain a QR Code leading to the ecourts page of that case containing further details and other documents relating to the case and digital signatures of the Judge(s).

CHAPTER IX: COSTS

29. Advocates' Fee:

- (1) Where costs are awarded by the Court, the Advocate's fee component thereof shall be calculated based on the remuneration prescribed for a High Court Government Pleader for analogous proceedings.
- (2) For the purpose of Sub-Rule (1), the per-hearing value of a Government Pleader's remuneration shall be ascertained by dividing the average monthly remuneration of a High Court Government Pleader by the average number of hearings conducted by a Government Pleader in a calendar month, as may be determined by the High Court from time to time.
- (3) The total Advocate's fee awarded in a case shall be computed by multiplying the per-hearing value determined under Sub-Rule (2) by the total number of effective hearings conducted in the said case, from its institution until final disposal or the date of the order awarding costs.

CHAPTER X: APPEALS TO THE SUPREME COURT

30. Forms: All the forms shall be available on the dashboard of the Advocates and shall be filled through it to ensure that the record regarding the case appealed from is clearly maintained.

31. Transmission of Records:

- (1) When the notice is received from the Supreme Court for transmission of records, the High Court shall transmit the digitally maintained case file of the case in the High Court, and also the digitally received court records from the Lower Court if the case is an appeal.
- (2) The orders, judgment, and decree in the High Court's records shall be authenticated copies.
- (3) The pleadings, applications, and any other documents in the High Court's records to be transmitted shall be authenticated copies.
- (4) All case records shall be indexed and all documents shall be labelled.
- (5) As all the files shall be digitally maintained and transmitted, no amount of money shall be required to be deposited with the Court.
- (6) The complete case records shall be sent to the Supreme Court.