

DRAFT MODEL HIGH COURT RULES

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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circulars, practices, conventions or the like governing any matter dealt with or covered by these Rules shall stand repealed.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.

CHAPTER II: JURISDICTION

3. Territorial Jurisdiction of the High Court:

- (1) If the High Court in question has various Benches, under this provision, the territorial jurisdiction of each Bench shall be clearly defined.
- (2) Notwithstanding anything contained in previous Sub-Rules, the Chief Justice shall have the power to order any case or class of cases arising in any district falling under the jurisdiction of _____ Bench at ____ to be heard at the Principal Seat in _____.

4. Powers of the Chief Justice:

- (1) A Judge shall ordinarily sit singly or in a Bench of two or more at the place of sitting assigned to them by the Chief Justice.
- (2) The roster of each Bench shall be prepared by the Registrar at the direction of the Chief Justice.
- (3) To address contingencies, the Chief Justice may, from time to time, direct the Registrar to prepare roster instructions or amendments for redistribution of judicial work.

5. Roster:

- (1) The roster may contain general or special instructions for assigning work of a Bench which is not available to another Bench.
- (2) The roster, including amendments and any special Benches, shall be notified in advance to all Judges, Advocate General, the concerned Bar Associations, and shall also be prominently displayed on the official website of the High Court.

6. Reference to another Bench:

- (1) Where a Bench directs listing of a case before another Bench, the Registrar shall place the matter before the Chief Justice for orders.
- (2) Where a Bench directs listing of a case before another Bench, and the case can be listed before that particular Bench according to roster, rules, or a binding precedent; the Registrar shall list the case before that Bench; otherwise he shall place the matter before the Chief Justice for orders.
- (3) A single Bench or a division Bench may refer any proceeding, pending before it, to the Chief Justice with a recommendation that it be placed before a larger Bench where it involves a substantial question of law of general importance. In such proceedings, the referring Judge(s) may formulate question(s) and may either refer such question(s) for opinion or may request that the entire proceeding be heard and decided by the larger Bench.

- (4) Where a Judge sitting alone while hearing a case is of the opinion that, for the decision of that case, an earlier decision of a coordinate or larger Bench of this Court needs reconsideration, the Judge may formulate question(s) and refer the same to the Chief Justice with a recommendation that it be placed before a larger Bench.
 - (5) After the reference is answered by the division Bench or the larger Bench, the case shall be placed before the Chief Justice for listing before the appropriate Bench for hearing and decision in accordance with the opinion of the division Bench or larger Bench, as the case may be.
7. **Review, Reconsideration or Correction:** Every petition or application for review, reconsideration or correction of a judgment, decree, order or sentence shall be posted before the original Bench which pronounced, made, or passed such judgment, decree, order or sentence.

Provided that if the Judge(s) who constituted the said Bench is/are not available by reason of death, retirement or absence, the application for review, reconsideration or correction shall be posted before any other Bench constituted in the same manner as the original Bench by the Chief Justice.

CHAPTER III: POWERS OF REGISTRAR

8. Powers of the Registrar: The Registrar shall have the power to:

- (1) Receive all election petitions presented to the Court.
- (2) Decline the registration of a clerk, who in his opinion, is not sufficiently qualified, or is otherwise unsuitable to be registered as such, by providing reasons in writing, or may remove from the name of any clerk from the record after giving him and his employer an opportunity to show cause against such removal. Intimation of every order of removing a clerk from the register shall be given to the Secretary, Advocates' Association.
- (3) Be the final authority on
 - (a) all defects found during scrutiny and
 - (b) on disputes amongst the Advocates or parties-in-person and the scrutiny officers or authorised technological tools regarding any defect found in the pleadings filed in a case.
- (4) Allow an Advocate additional time, not exceeding __ days, to rectify defects found in the pleadings of a case filed.
- (5) Allow an Advocate additional time to pay the process fee for the notice to be reissued due to unsuccessful delivery, not exceeding __ days, as prescribed in these Rules.
- (6) Dismiss a case if an Advocate does not resubmit the rectified pleadings after scrutiny or does not pay the process fee within the prescribed period.
- (7) Decide whether notice is to be issued or the appeal is to be posted before the appropriate Bench for admission in appeals against original orders of the Subordinate Courts under enactments other than the Code of Civil Procedure, where an appeal lies as of right both on facts and on law.
- (8) Post before a proper Bench for admission, appeals against appellate decrees and orders of Subordinate Civil Courts, and original orders under any enactment which gives a right of appeal against such orders only upon specified conditions or restrictions.
- (9) Fix the date of return of any notice subject to the directions of Court, if any.
- (10) Dispense with service of notice to respondents, other than minors, under the provisions of Order XLI Rule 14 of the Code of Civil Procedure.
- (11) Fix the date of hearing of any matter subject to the directions of the Court.
- (12) Postpone or adjourn cases ready for hearing on the written request of parties or their Advocates, with notice to other Advocates appearing in the case.

(13) Decide on the following applications:

- (a) Dispensation of production of annexures as required by these Rules
- (b) Return of documents in disposed matters;
- (c) Permission to take documents from the custody of the Court in pending matters;
- (d) Issue of certified copies for a third party, if they request for documents other than the judgment, decree or orders in a case;
- (e) Application regarding extension for collecting printed certified copies.
- (f) Inspection or search of records of any matter pending in the High Court;
- (g) Change or revocation of vakalat or for withdrawal of appearance;
- (h) Withdrawal of a case before notice is issued to the opposite party, provided such withdrawal is without liberty to file a fresh case on the same cause of action;
- (i) Substitution, except where the substitution would involve setting aside an abatement or where the period of limitation, if any, has expired;
- (j) Change or discharge of the Advocate on record;
- (k) Deposit of judicial deposits into Court and their refund;
- (l) Extending the returnable date of warrants;
- (m) Appoint or discharge a next friend or guardian of a minor or a person of unsound mind and direct amendment of the record in this regard;
- (n) Amendment of pleadings with the consent of all the appearing parties, or where the other side has not appeared;
- (o) Uncontested interlocutory applications (for example, correction of memorandum of appeals/description of parties/, amendment of cause title; amendment of record except in cases in appeal to the Supreme Court, etc.);
- (p) Imposing costs on the party in default of the Registrar's orders;
- (q) Uncontested applications regarding the dispensation of the need to translate a document into English;
- (r) Whether an empanelled courier agency shall be removed or not based on the recommendations of the Committee formed for such purpose by the High Court.

- (s) to decide an application for engaging a translator or interpreter from the panel approved by the Chief Justice;

Provided that the Registrar may in their discretion refer any proceeding before them for the decision of the Court.

9. Official Seal of the High Court

- (1) The official seal to be used in the Court shall be kept in the custody of the Registrar.
- (2) Subject to any general or special directions given by the Chief Justice, the seal of the Court shall not be affixed to any document save under the authority of the Registrar.

10. Delegation of Powers: The Registrar may, with the prior approval of the Chief Justice, delegate any of their powers under these or other Rules to the Additional Registrar, Joint Registrar, Deputy Registrar, or the Assistant Registrar.

This shall be prescribed in detail in the Practice Directions that are to be read with these Rules.

11. Quasi-Judicial Functions of the Registrar: The Registrar while exercising his powers under this Chapter shall be deemed to be performing quasi judicial functions within the meaning of Section 128(2)(i) of the Code of Civil Procedure, and shall have the power of correction under Section 152 of the Code of Civil Procedure for all orders passed by them in exercise of their powers.

12. Appeal against Order of Registrar: Any party dissatisfied by an order or direction of the Registrar made or given in the exercise of powers under these Rules may require that the matter be placed before a Judge for further consideration, with reasons for such an appeal provided in writing.

CHAPTER IV: FILING

13. Form of Memorandum of Appeals including Original Side Appeals: Every appeal shall be preferred in the form of a memorandum signed by the appellant or their Advocate and shall contain the following particulars:

- (1) the name and description of each Subordinate Court from whose proceedings the appeal arises;
- (2) case number and CNR number, or any other unique identification number as provided by the information system in use by the Court, of the proceedings before each Subordinate Court;
- (3) the date of the decree, order, or sentence appealed from;
- (4) the names, full addresses with PIN code and Google Maps location, wherever possible, and email addresses of all respondents with their respective rank in each Subordinate Court;
- (5) the provisions of law under which the appeal is preferred;
- (6) concise grounds of appeal in consecutively numbered paragraphs;
- (7) a list of dates in chronological order, with relevant material facts or events pertaining to each of the dates, in the form of a synopsis;
- (8) an authenticated copy of judgment/decreed from each court appealed from;
- (9) In civil appeals, the appellant shall furnish a declaration specifying:
 - (a) the monetary valuation of the matter in dispute as it was presented before the original court;
 - (b) the monetary valuation of the matter in dispute as it is presented in the current appeal before this Court; and
 - (c) how the valuation was arrived at by the appellant.
- (10) The appellant must also provide a declaration detailing:
 - (a) the amount of court fees already paid on this appeal; or
 - (b) the amount of court fees yet to be paid on this appeal.

This declaration must also cite the provision of law under which the court fee has been calculated.

- (11) In matters of appeals against criminal cases or a revision petition against conviction, except in cases where the sentence has been suspended by the Subordinate Court, the memorandum shall contain a declaration to the effect that the convicted person is in custody or has surrendered after the conviction.

- (12) Where the sentence has been so suspended, the factum of such suspension and its period shall be stated in the memorandum of appeal or revision petition, as also in the application under Section 430 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

Third parties may challenge orders of a Subordinate Court that affect them. They shall provide reasons for why they are challenging the order and how it affects them.

14. Enclosures with Memorandum of Appeal: Every memorandum of appeal shall be accompanied by the enclosures required by Orders XLI, XLI-A, XLII or XLIII of the Code of Civil Procedure, or Section 423 of the Bharatiya Nagarik Suraksha Sanhita, 2023, or the provisions of any other law applicable to the appeal.

15. Condonation of Delay in Appeals: In case the appeal is being presented after the prescribed limitation period, this delay has to be disclosed at the time of filing with reasons and the grounds on which the appellant seeks to have the delay condoned.

16. Form of Memorandum of Original Petitions: Every original petition shall be preferred in the form of a memorandum signed by the petitioner or their Advocate and shall contain the following particulars:-

- (1) the names, full addresses with PIN code and Google Maps location, wherever possible, and email addresses of all respondents;
- (2) petitioner's case and grounds for relief in a narrative form;
- (3) provision of law under which the petition is filed;
- (4) a signed affidavit in verification or support of the petition or by way of evidence, which shall contain all facts on which the petitioner is seeking relief;
- (5) the affidavit and the petition both containing the prayer in clear and precise terms;
- (6) the petition verified in the manner prescribed for the verification of plaints in the Code of Civil Procedure, 1908.

17. Enclosures with Original Petitions:

- (1) Every memorandum of original petition to revise any order or proceeding of a Subordinate Court shall be accompanied by
 - (a) A copy of the challenged order and judgment, if any, on which it is based.
 - (b) Where the challenged order is an appellate order, in addition to the authenticated copy of the challenged order and judgment, an authenticated copy of the original order and of the judgment, if any, on which it is based.
 - (c) Where the proceeding out of which the revision arises has gone through more than two Subordinate Courts, the original order of each such court.

- (2) The Court may dispense with the production of any of the enclosures mentioned in Sub-Rule (1) on such terms and conditions as it may deem fit, on sufficient cause being shown upon an application made for the purpose or in its discretion.

18. 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 respondents 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.

19. Form of Memorandum of Writ Petitions: Every petition under Article 226 and/or Article 227 of the Constitution shall be designated as a “writ petition” and shall be preferred in the form of a memorandum signed by the petitioner or his Advocate and shall contain the following particulars:

- (1) the names, full addresses with PIN code and Google Maps location, wherever possible, and email addresses for service of all the parties with their ranks;
- (2) verification, if any party in the case is an establishment in the nature of proprietary concern, partnership, company, association, society, etc.
- (3) all the relevant facts which have given occasion to the petition, succinctly and in chronological order;
- (4) the provision of the law under which the petition is filed;
- (5) the grounds for relief sought by the petitioner;
- (6) the relief claimed;
- (7) a signed affidavit in verification or support of the petition or by way of evidence;

Provided that when a petitioner is under restraint, and the writ petition is in the nature of a habeas corpus, the Court may, in its discretion, treat any written representation by him, sent by post or otherwise, as a petition and dispense with an affidavit.

Provided that a person detained in prison may also submit his petition through the Prison Superintendent of the concerned jail.

- (8) whether there is any other remedy for such redress provided for/by any other law in force, and whether the petitioner has availed of that remedy and the result. If the petitioner has not, then they must state the reasons for such omission and the grounds on which they are invoking the jurisdiction of the Court;
- (9) whether the petitioner or any person through whom they claim, had presented a writ petition on the same cause of action earlier and if so, with what result;
- (10) a list of dates in chronological order, with relevant material facts or events pertaining to each of the dates, shall be furnished in the form of a synopsis;
- (11) the petitioner shall state if the writ petition involves the constitutional validity of
 - (a) a state law;
 - (b) central law; or
 - (c) central and state law.

20. Other Particulars Required in a Writ Petition:

- (1) The writ petition shall either be digitally signed or in case of a physical signature, each page of the petition needs to be signed before being scanned and uploaded.
- (2) The writ petition shall be supported by an affidavit in the format provided by the High Court.
- (3) The affidavit shall also set out the provision of law under which the petitioner is approaching the Court, how they are competent and entitled to make the petition and invoke the jurisdiction of the Court.
- (4) If interim relief is sought, it should be through the main writ petition itself.
- (5) Every petition for the issue of a writ in the nature of certiorari which seeks to quash an order of any Subordinate Court shall be accompanied by an authenticated copy of the order sought to be quashed and the judgment or enclosure, if any, containing the grounds for such an order. Where the proceedings out of which the petition arises have gone through more than one Subordinate Court, authenticated copies of orders/judgments of all the courts have to be submitted.
- (6) Every petition for the issue of a writ in the nature of prohibition shall be accompanied by the original notice or proceeding, if any, served on the petitioner or an authenticated copy of the same purporting to have been issued from the Subordinate Court whose jurisdiction is questioned in the petition.
- (7) Every petition for the issue of a writ of any other nature, or any order or direction, shall be accompanied by the orders or proceedings in original, authenticated copies of the same, which are either the occasion for or the subject matter of the petition.

21. Common or Joint Writ Petitions:

- (1) Several persons having similar but separate and distinct interest in the subject matter of controversy involving common questions of law and facts may file a common writ petition. The court fee payable on such writ petitions shall be the same as payable on the number of writ petitions, when filed separately. For all other purposes, such as the issuance of notice, such a petition shall be treated as one writ petition. Such a common writ petition shall be in the format provided by the High Court, and shall be supported by the affidavit of any one of the petitioners. For such a common petition, one vakalat shall be sufficient.
- (2) Several persons having common or joint interest but not seeking any individual relief, interim or final, may file a single writ petition.
- (3) Sub-Rules (1) and (2) shall also apply to appeals against a common order.

22. Form of Memorandum of Writ Appeals:

- (1) Every appeal filed from an order passed on a writ petition shall be designated as a “writ appeal”.
- (2) Every writ appeal shall be preferred in the form of a memorandum which shall contain:
 - (a) the name and description of the parties to the appeal and their respective ranks in the original proceedings and in appeal;
 - (b) the address for service of the parties and that of the appellant’s Advocate;
 - (c) the date of the order and the case number of the writ petition out of which the appeal arises;
 - (d) a concise statement of the facts which gave rise to the original proceedings and result;
 - (e) the grounds in support of the appeal;
 - (f) a list of authorities upon which the appellant relies, together with a brief statement of the propositions of law for which the authorities are relied on;
 - (g) an authenticated copy of the order appealed from;
 - (h) a digital or physical signature on the last page of the pleadings by the appellant or his Advocate.
- (3) The appellant seeking any interim order shall file an interlocutory application for the said purpose, supported by an affidavit.

23. Form of Statement of Reference: Where a reference to the High Court is from a Subordinate Court seeking the opinion or directions of the High Court on any point or question, the reference shall be in the form of a statement of the case containing:

- (1) the number and particulars of the suit, appeal, or other proceeding out of which the reference arises;
- (2) the names, email addresses and addresses with Google Maps location (wherever possible), of all the parties interested in or likely to be affected by the reference;
- (3) the facts of the case and the points or questions on which the opinion, order or direction of the High Court is sought, together with the opinion of the referring officer, court, or authority;
- (4) documents which are, in the opinion of the referring officer, Court or authority, relevant for a full consideration of the reference.;
- (5) Where a reference to the High Court is for confirmation of any decree, or sentence or other decision or determination by a Subordinate Court, such decree, sentence or other decision or determination sought to be confirmed, together with the entire record of the matter or proceeding in which the same has been made or passed, shall be submitted to the High Court with a memorandum citing the provision of law under or pursuant to which the reference has been made.

24. Form of Memorandum for Revision Petitions: A revision petition for the exercise of the power conferred by Section 115 of the Code of Civil Procedure, 1908, shall set out clearly:

- (1) the number and particulars of the suit, appeal, or other proceeding out of which the reference arises,
- (2) how and in what manner the Subordinate Court has exercised a jurisdiction not vested in it by law; or
- (3) how the Subordinate Court has failed to exercise a jurisdiction so vested, or the particular illegality or irregularity complained of, as the case may be; and
- (4) if the order had been made in favour of the party applying for revision, whether it would have finally disposed of the suit or other proceeding.

25. Limitation Period for Revision Petitions when not Prescribed: Where no period of limitation is prescribed by any other law, a revision petition shall be presented within 90 days of the order complained of. The provisions of Sections 5 and 12 of the Limitation Act, 1963, shall apply to such petitions.

26. Form of Memorandum of Cross-Objections: The cross-objections filed under the provisions of Order XLI, Rule 22 of the Code of Civil Procedure shall be in the form of a memorandum entitled in the main appeal and shall contain the following:

- (1) the names and addresses of the cross-objector;

- (2) the parties against whom the memorandum is directed, with their respective ranks in the main appeal;
- (3) the date on which the cross-objector was served with notice of the appeal;
- (4) the objections to the decree appealed against, in consecutively numbered paragraphs; and
- (5) a statement of the valuation for purposes of court fee and the amount of court fee paid or payable thereon, together with the provision of law under which it is calculated.

27. Form of Bail Applications:

- (1) All bail applications shall mandatorily contain:
 - (a) details and copies of orders on previous bail applications;
 - (b) any pending bail applications before other courts;
 - (c) a clear indication of whether it is the first, second, or subsequent bail application; and
 - (d) a system-generated report of pending/decided bail applications.
- (2) Investigating officers and the state counsel must ensure that the Court is apprised of previous orders in the same case.

28. Caveat:

- (1) A person claiming a right to be heard in a civil or writ case, before a stay or an interim relief is granted by the Court, may at any time, file a caveat.
- (2) A person intending to lodge a caveat, shall serve a notice of caveat by Speed Post due or by an approved courier service, on the person by whom the appeal/petition/application has been, or is expected to be made, furnishing following particulars regarding the judgment/order etc. in respect whereof the caveat is sought to be filed:
 - (a) the date of judgment/order;
 - (b) the name of the Court, if any;
 - (c) the cause title and case number, if any;
 - (d) government/designation of the authority, if any,
 - (e) particulars of the order.

The caveator may, thereafter, present the receipt of the notice of caveat at the time of filing the caveat in the court.

- (3) A caveat may be filed through the website of the High Court and the person filing a caveat shall provide their following details:
 - (a) Full postal address;
 - (b) Telephone number;
 - (c) Email address;
 - (d) The type(s) of case they expect to be instituted against them.

- (4) A caveat shall remain in force for a period of 90 days from the date of filing. A person who filed a caveat shall be notified about its expiration ___ days before it is set to expire.

29. Dispensation of Documents: The Court may, on application made by the parties providing reasons, dispense with the production of all or any of the documents required to be filed under these Rules, on such terms and conditions as it may deem fit.

30. General Guidelines for Filing:

- (1) Every memorandum of appeal, petition or application and every affidavit and every other memorandum, or list or papers other than documents tendered in evidence, filed or presented to the High Court shall be titled “In the High Court of ___ at ____”. This shall be followed by the description of the pleading, such as memorandum of appeal, memorandum of petition, interlocutory application, as the case may be, followed by the provision of law under which it is presented or made.
- (2) All the documents that are part of the pleadings, interlocutory applications and affidavits other than authenticated copies of original documents shall be typed on A4 size. The font style shall be Times New Roman, the font size of the title shall be 14 points and 12 points for the body. A 1” margin to be left on all sides, and line spacing shall be 1.5 points.
- (3) The pleadings shall be indexed, and all the documents shall be separated and filed under different headings.
- (4) The pleadings should be clear and concise.
- (5) The parties or third parties shall clearly set forth their claims or averments in separate paragraphs.
- (6) In case the Advocate and the party wish to physically sign the pleadings, they will only be required to do so on the last page of the pleadings and the affidavit being submitted therewith.
- (7) All e-filed pleadings shall be uploaded in a searchable and machine-readable Portable Document Format (PDF).
- (8) The e-filed pleadings shall not be watermarked or encrypted. These documents shall not contain any virus, malware, spam-ware or trojan horse or the like. All the e-filed pleadings shall be legible and free of all markings, track changes or annotations.

31. Process once the case is filed:

- (1) Once the filing is accepted, a registration number shall be assigned and notified to the Advocate and the party.

- (2) In case the filing includes an audio and/or video file, the Administrator shall generate a hash value.
- (3) Cases may be e-filed at any time, but for the purpose of scrutiny, any case filed after 4 pm would be considered as filed on the next day.
- (4) All appeals, petitions, applications or the like in judicial matters filed during the vacation of the Court shall be considered to be filed on its first working day after vacation. Exceptions may be made in cases of urgency in accordance with the Rules from time to time made by the Chief Justice.

32. Retention of Documents:

- (1) An Advocate may be asked to produce the originals of all e-filed documents by the Court.
- (2) Originals of all the documents, of which authenticated copies have been e-filed, shall be preserved till the disposal of the case. The responsibility of producing the originals and proving their genuineness shall be on the party that has e-filed the copies thereof.

33. Storage and Retrieval of e-filed Documents and Pleadings:

- (1) The e-filed pleading and documents shall be stored on an exclusive server maintained under the control and direction of the Court. Each such filing would be required to be separately labelled and encrypted for this purpose, to facilitate easy identification and retrieval.
- (2) The Court shall ensure the security of such filings, and access to such filings shall be restricted, as prescribed in these Rules and the Practice Directions issued by the High Court.
- (3) For the continuity of operations in case of a disaster, natural calamity or breakdown, a mirror image of e-filed pleadings available on the servers located in the Court will be stored at different geographical locations, as decided from time to time by the Court.

34. Filings in Court: Except in matters filed by a person in prison or in duress or restraint or any matter made or presented to the High Court by or on behalf of any Court, Tribunal or Authority, exercising judicial or quasi-judicial functions, every matter, application or other document presented to the High Court, shall be presented either by the party themselves or by their recognised agent as defined under Order III, Rule 2 of the Code of Civil Procedure or by their Advocate or their registered clerk or by another Advocate deputed by such Advocate in the prescribed manner.

35. Appearance in a case:

- (1) Subject as hereinafter provided, no Advocate shall be entitled to appear and act in any civil matter before the High Court, unless they file in the Court a vakalatnama or a Memorandum of Appearance in the prescribed form, duly executed by or on behalf of the party for whom they appear.
- (2) Any Advocate appearing on behalf of the Government or on behalf of any public servant sued in their official capacity shall not be required to file a vakalatnama. Such Advocate shall file before the Court a Memorandum of Appearance signed by them giving the number and cause title of the matter, name of the party for whom they will appear and the name of the person by whom they are authorised to appear.
- (3) An advocate appearing for an accused person in a criminal proceeding may, instead of filing a vakalatnama, file a Memorandum of Appearance containing a declaration that they have been duly instructed to appear by/ or on behalf of the accused.

36. Memorandum of Appearance:

- (1) Every Memorandum of Appearance shall consist of a declaration signed by the Advocate that they have been authorised, instructed and engaged to appear, act and plead for complainant, applicant, accused or respondent, as the case may be.

Provided, in a case where more than one Memorandum of Appearance is filed by different Advocates, the Court may require that a vakalatnama, duly executed by the accused person be filed.

- (2) Where the party has personally authorised, instructed and engaged the advocate, the Memorandum of Appearance shall be countersigned by the party. Where the party is illiterate, their thumb impression shall be attested by at least two literate witnesses who shall furnish their names and addresses including police station.
- (3) Where some other person has authorised, instructed and engaged the Advocate on behalf of the party, the Memorandum of Appearance shall be accompanied by a letter signed by the party, authorising such person to authorise, engage and instruct an advocate to appear, act and plead on their behalf. Such letter of authorisation shall clearly state the nature of the relationship of such person with the party.
- (4) Where the party issuing the letter of authorisation is in prison, the signature of the party shall be attested by the competent prison authority. Where a request for such attestation is made by the prisoner to the jail authority, it shall be granted expeditiously.

37. Form of Vakalatnama:

- (1) The form/template of the vakalatnama shall be made available by the High Court on its e-filing portal.

- (2) Before filing the vakalatnama, the Advocate shall endorse their acceptance thereon, over their signature and enter the date of such acceptance.
 - (3) Every vakalatnama submitted to the Court by the Advocate shall contain their enrollment number, email address and postal address (with PIN code).
 - (4) The vakalatnama shall contain clearly the details regarding its acceptance by the Advocate.
 - (5) Where a vakalatnama is being filed by more than one Advocate, it is sufficient if the address of the senior-most among them is provided on the vakalatnama.
 - (6) A separate vakalatnama should be filed if the same advocate is appearing for the same party in different proceedings.
- 38. Robes and Costume:** Every advocate, when appearing before the Court, shall wear such robes and costume as may be prescribed by the Court.
- 39. Substitution of Advocate:** When an Advocate retained to appear for any party on a vakalatnama in a matter in the High Court is prevented by sickness or engagement in another court or by other reasonable cause from appearing and conducting the case of his client, they may appoint another Advocate. The Court may permit such other Advocate to appear and argue, either without filing a vakalatnama or on filing a Memorandum of Appearance.
- 40. Appearance in Appeal where Advocate on Record is Already Present:** An Advocate proposing to file a vakalatnama or a Memorandum of Appearance in an appeal or other proceeding in which there is already an Advocate on record, shall not do so unless they produce a written consent of the Advocate on record. When such consent is refused, they shall obtain the special permission of the Court.
- 41. Party-in-person:** The party that has engaged an Advocate shall not be entitled to be heard in person unless such Advocate withdraws their vakalatnama.
- 42. Execution of Vakalatnama:**
- (1) A vakalatnama shall be executed and attested by the Advocate who is accepting the vakalatnama.

Provided that if a party is unable to sign the vakalatnama in person before the Advocate, the vakalatnama shall be executed and attested by a notary where the litigant resides.
 - (2) When the vakalatnama is executed by a party who appears to the person before whom it is executed to be illiterate, blind or unacquainted with the language in which the vakalatnama is written, the person shall certify that the vakalatnama was read, translated and explained in his presence to the executant, that they understood it and that the executant made their signature or thumb mark in their presence.

43. Format of Interlocutory Applications: Every interlocutory application shall

- (1) set out the names of the applicants and the respondents, and their respective ranks in the main matter;
- (2) the provision of law under which the application is made;
- (3) the prayer or relief sought in clear and precise terms;
- (4) be signed by the applicant or their Advocate who shall enter the date on which such signature is made or the application is submitted;
- (5) be separately and consecutively numbered within each main proceeding.
- (6) be supported by an affidavit. However, if the facts are already on record or concern the applicant's own Advocate, the Registrar may allow a memorandum of facts signed by the Advocate instead. All facts on which the applicant relies for making the prayer or obtaining the relief sought in the application, shall be set out in the affidavit or wherever permitted in the memorandum of facts.

44. Details required in Affidavits:

- (1) Every affidavit for use in the High Court shall set forth the cause title of the matter in which it is filed, and in the case of affidavits used in interlocutory applications, it shall also state the cause title of the interlocutory application.
- (2) Every person making an affidavit shall be described in the affidavit, to ensure that the person is clearly identifiable.
- (3) An affidavit shall be confined to statements of facts and shall not contain arguments and shall be drafted in first person.
- (4) When an affidavit contains statements outside the declarant's personal knowledge but based on the information received by them, the declarant shall:
 - (a) state that the statements are based on information from another source;
 - (b) state that the declarant believes them to be true;
 - (c) provide the source of such information wherever possible;
 - (d) state the grounds for their belief, if any.
- (5) The declarant of the affidavit shall either physically or electronically sign the affidavit.

Provided that if the declarant appears to be illiterate or blind or is unacquainted with the language in which the affidavit is made or written, the affidavit shall be read out and explained to them in a language known to them in the presence of the attesting officer. Such attesting officer shall certify that it was so explained in their presence and that the declarant appeared to understand it and signed their name or made their mark in the presence of the attesting officer.

- (6) The attesting officer shall either physically or electronically sign the affidavit.
- (7) Once the affidavit has been signed, no alterations shall be allowed and to the extent possible, the affidavit shall be e-filed in the presence of the attesting officer to ensure no tampering.

45. Attestation of Affidavits: Affidavits intended for use in the High Court may be made before and attested by any of the following attesting officers, who are hereby empowered to administer oaths or solemn affirmations:

- (1) Any Judicial Officer, Magistrate, or other Presiding Officer of a civil, criminal or revenue court;
- (2) Any Registrar or Sub-Registrar of Assurances;
- (3) The Registrar, Additional Registrar, Joint Registrar, Deputy Registrar or Assistant Registrar of any High Court;
- (4) The Chief Ministerial Officer of any civil court by whatever name called;
- (5) Any notary appointed under the Notaries Act, 1952.
- (6) Any other person appointed by the High Court
- (7) If the person making the affidavit is not personally known to the attesting officer, they shall be identified by a person known to the attesting officer. The fact of such identification, together with the name and description of the person making the identification shall be noted at the end of the affidavit. If a person making the affidavit not known to the attesting officer, is not so identified, the left thumb impression of the person making the affidavit shall also be fixed at the end of the affidavit and be certified to be such an impression by the attesting officer.

46. Impounding an Affidavit:

- (1) An attesting officer shall impound the affidavit and forward it to the Registrar for such action as they may consider necessary in accordance with law where:
 - (a) the declarant refutes the contents of the affidavit,
 - (b) the declarant is found to be impersonating,
 - (c) the statements made in the affidavit are ex-facie false, or
 - (d) the officer administering the oath or receiving solemn affirmation, considers it necessary for any other sufficient reason.

- (2) Where an affidavit is impounded under this rule, the officer impounding the same shall certify thereon the date on which and the circumstances in which it was impounded.

47. Affidavits where Necessary:

- (1) The High Court shall provide a list of petitions and circumstances where affidavits are required in the accompanying Practice Directions.
- (2) Any document referred to in the affidavit and produced with it shall also contain the endorsement of the attesting officer in the format prescribed by the High Court.
- (3) The Court may order to strike out from affidavit any averment which is scandalous, frivolous, vexatious and irrelevant or which is otherwise an abuse of the process of the Court at the cost of the offending party.

48. Classification of cases:

- (4) A list of all case types that can be filed before the High Court are provided in the Practice Directions.
- (5) The final decision on the creation of additional case types shall lie with the Chief Justice.
- (6) Efforts should be made to classify cases in the already existing case types.

Provided if needed, any 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.

- (7) Any references to case types while allocating rosters in the causelists should be consistent with the case types listed in the digital information system being used by the Court.

49. Court fee:

- (1) The entire court fee payable for the case shall be paid at the time of its filing. The case shall not be listed unless the entire court fee is paid, unless there is urgent relief sought, as prescribed above in these Rules.
- (2) If the Advocate wants to contest the calculated court fee, an application may be filed at the time of case filing itself with reasons for disputing the calculated court fee and the court shall decide the matter while admitting the case.

50. Automatic Generation and Issuance of Notice:

- (1) Notice shall be automatically generated and sent immediately through email at the time of filing of a case where the respondents are:
 - (a) The union government or its departments

- (b) Any state government or its departments
 - (c) A public sector undertakings (PSU)
 - (d) A local body
 - (e) A listed company
- (2) Notice shall be considered served once the notice has been sent through email to the official email address provided by the respondents listed above and no electronic notification indicating a failure of delivery is received by the sender.
- (3) Service by email shall be considered completed 72 hours from the time of sending the email. Processes described in these Rules and the Practice Directions would apply to all services by email.
- 51. Communication by email:** Parties can choose to receive all communication and notices through an email provided by them at the time of filing.
- 52. Completion of Filing:** Once the case has been filed and the court fee and the process fee are paid, the pleadings will be scrutinised.

CHAPTER V: SCRUTINY

53. Mode of Scrutiny: All pleadings will be scrutinised only digitally by the authorised Scrutiny Officers or authorised technological tools.

54. Timelines: The period within which pleadings have to be scrutinised shall be prescribed based on the urgency of the case as stated by the Advocate in accordance with the Practice Directions.

55. Guidelines:

- (1) The Scrutiny Officer or authorised technological tool shall examine the pleadings to ensure that the pleadings are presented within the time prescribed by law, that the pleadings are in the format prescribed, that the enclosures required by law or by these Rules have been furnished, and that the pleadings comply in all respects with the provisions of law and the Rules applicable to them.
- (2) The Scrutiny Officers or authorised technological tools shall scrutinise pleadings based exclusively on the checkslips prescribed by the Court.
- (3) The Scrutiny Officers or authorised technological tools shall record in writing the defects that have been found in a filing as per the checkslips.
- (4) The defects found shall be digitally communicated to the concerned Advocate or party-in-person.
- (5) The final decision regarding any dispute amongst the Advocates or parties in person and the Scrutiny Officers or authorised technological tools on any defect, shall lie with the Registrar. Provided that the dispute will not affect the listing of the case unless the essential enclosures have not been filed.
- (6) Once the defects have been notified to the concerned Advocate or party-in-person, no new defects shall be pointed out.
- (7) If the concerned Advocate does not resubmit the rectified pleadings within the prescribed period, the concerned Registrar shall order the case to be dismissed.
- (8) The Registrar shall have the power to extend the time for compliance of requisitions or rectification of defects by a maximum period of __ days, from the date on which the matter is first placed before them.

56. Maintainability: Any question regarding the maintainability of the case shall be decided only by the Bench.

57. Dispensation of objections: The party-in-person or the Advocate shall have the right to move the Court for dispensation or waiver of the notified objections on the pleadings.

58. Case number: When all notified objections have been corrected, and all the pleadings, affidavits and annexures thereto are found to be in order, the case shall be given a case number. Once the case number has been given, the case shall be listed for admission.

CHAPTER VI: SERVICE OF NOTICE

59. Notice When to be Issued:

- (1) Except in cases provided in Rule 55, notice shall be issued once the case has been admitted and the Court has made an order for service.
- (2) When a case has been marked as urgent at the time of filing, urgency shall be assumed for service of notice as well.
- (3) 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 Speed Post or courier.
Provided in case of emergent notice, the notice shall be dispatched on the day the Court has ordered notice.
- (4) For every subsequent attempt to serve notice through Speed Post or courier, notice shall be dispatched within __ days of the process fee being paid by the Advocate.

60. Form of Notice:

- (1) Once the case is admitted and an order to issue notice has been made, such notice shall be generated. Each notice shall be signed by the Registrar and shall contain the following details:
 - (a) The Court in which the case has been filed
 - (b) Names of the parties
 - (c) Case type
 - (d) Details of the case in brief
 - (e) The next date of hearing when the respondent has to appear in Court
 - (f) A summary of the next steps for the respondent to follow
 - (g) The Court helpline number for further details
 - (h) Information to the respondent that if they do not appear on the day fixed in the notice, the concerned matter will be proceeded with and heard in their absence.
- (2) The notice in a case issued to each of the respondents shall be accompanied by copies of the pleadings, affidavit and all annexures thereto. The process fee to be paid by the petitioner shall include printing costs as prescribed in Rule_.
- (3) The notice served shall be both in English and the regional languages prescribed by the High Court.

61. Service of Notice in a Civil Case:

- (1) Service of notice, including for interlocutory applications, may be done through one or more of the following modes:
 - (a) Speed Post;
 - (b) email;
 - (c) Courier service;

- (d) Any other means of communication prescribed by the Court.
- (2) The choice of the mode or modes of service shall vest with the party's Advocate, who may, at their discretion, opt for multiple modes of service simultaneously at the time of filing of the case itself.
- (3) In the initial attempt itself, the Advocate may direct that the notice be served through Speed Post or courier at multiple addresses of each respondent, if such addresses have been provided at the time of the filing of the case.
- (4) In an interlocutory application in a pending case, service of notice to the Advocate in the main case shall be considered sufficient.

62. Service of Notice in a Criminal Case:

- (1) Service of notice to an individual respondent in a criminal case shall be done by the police station under whose jurisdiction they reside.
- (2) The Court Registry shall send an email containing the summons, pleadings, and any other documents that need to be provided to the respondent to the jurisdictional police station.
- (3) The police officers shall print the required documents to serve the notice.
- (4) If the respondent in a case is a company, corporation, firm or association, notice may be sent through Speed Post directly to the Director, Manager, Secretary or other officer of the company or corporation or any partner of such firm or association.
- (5) In criminal cases, if the respondent is the state, service to the concerned Public Prosecutor will be deemed as service.

63. Service of Notice in a Writ Petition: In every writ petition, as soon as the case is filed, the Standing Counsel/Advocate for the Union of India or the concerned state government shall be notified digitally.

64. Service of Notice in a Writ Appeal: When notice is directed to be issued in any writ appeal, such notice may be served on the Advocate, if any, who appeared for the respondent in the original proceedings in the High Court. In all other cases notice shall be issued to the respondent.

Provided that where any respondent remained ex-parte in the original proceedings after service of notice, the Court may dispense with the service of notice to such respondent.

65. Process of Service of Notice through Speed Post/Courier:

- (1) Service through Speed Post or courier to the addresses provided by the petitioner shall be attempted a maximum of three times. If any such attempt results in the return of the notice for reasons like the address being incorrect or the party not residing in the given address, no further attempts shall be made with the same address.
- (2) Real-time tracking information pertaining to the status of service through Speed Post and courier shall be made available to the Advocate on their dashboard. The Advocate may decide to change the mode of service after any attempt to serve the notice through Speed Post or courier.
- (3) Delivery can be attempted multiple times before the next date of hearing provided in the notice.
- (4) The reissuance of notice after each unsuccessful attempt through Speed Post and courier shall happen once the process fee for the subsequent attempt has been paid in full, unless the reason for the unsuccessful service falls under Sub-Rule (1).
- (5) Where several minors are represented by a single guardian, a single process fee shall be charged for service on all such minors when service is attempted through Speed Post or courier. Where a guardian of a minor party or parties is themselves a party to the proceeding, a single process fee shall be charged for both the minor party or parties and the guardian in their personal capacity.
- (6) Notice to a person with mental illnesses who has a nominated representative appointed under the Mental Health Care Act, 2017, and to a person with disability who has a guardian or a limited guardian under the Rights of Persons with Disabilities Act, 2016 must be served on the nominated representative or guardian respectively (except in Criminal Cases). Details of correspondence of the nominated representative or the guardian/limited guardian to serve notices (in the modes prescribed under Rule 66) must be provided by the Advocate of the petitioner/appellant. Where the person filing the case has reason to believe that notice is sought to be served on a person with mental illness or disability, and where no known nominated representative or guardian exists, such information must be included in the petition filed.
- (7) The Advocate shall be allowed a time period of a maximum ____ to pay the process fee for the reissuance of the notice.

Provided that the Registrar may allow the Advocate more time to pay the process fee, not exceeding ____ days. If the process fee remains unpaid after a ____, the case shall be dismissed by the order of the Registrar.

- (8) Substituted service shall be as per Rule 20 Order V of the Code of Civil Procedure, 1908 and shall be attempted after three unsuccessful attempts at service through Speed Post or courier.

- (9) No case shall be listed before the Court for further proceedings until all three attempts at direct service and the process of substituted service have been duly completed.

66. Selection of Courier Agencies:

- (1) The High Court shall form a Committee to determine which courier agencies the High Court shall empanel.
- (2) The Committee shall invite applications from courier agencies for empanelment, on the terms and conditions laid down in these Rules and in their Practice Directions, as updated periodically.
- (3) Every call for empanelment shall lay down the parameters of consideration for empanelment, the responsibilities of the empanelled courier agencies, and the circumstances for removal of an empanelled courier agency in detail.

67. Process of Service of Notice through Email:

- (1) The petitioner shall provide the email addresses of the respondents at the time of filing, with an affidavit stating that they have used the email address to communicate with the respondent previously.
- (2) For service through email, an exclusive official email address shall be created by the Court, and all emails for service under these Rules shall be sent by an officer authorised by the Court. This email address shall not be used for any other purposes.
- (3) The notices and the PDF copies of email failure or “bouncing back” shall be maintained in a local virtual folder.
- (4) While the emailing, following steps shall be taken by the Registry:
 - (a) Subject shall be mentioned as ‘Service of Court-Summons by Electronic Mail in Case No.....
 - (b) The text of the mail shall read: Please find attached herewith Court-Summons issued by the Court of (Full address) in Case No.....

At the end of the email:

NOTE – This is a system generated email. Please do not reply.

If the recipient is not the intended recipient, a link may be provided to a form where they can state that they are not the intended recipient and if they have details of the intended recipient, they shall be able to provide those.

DISCLAIMER – The Court and its employees accept no responsibility for any loss, damage, claim, expense, cost or liability whatsoever (including in contract, tort, including negligence, pursuant to statute and otherwise) arising in respect of or in connection with the service of the electronic Process.

No suit, prosecution or other legal proceedings shall lie against the Court or

any other person exercising any powers or discharging any functions or performing any duties under or by the order of the Court, for non-delivery, insufficient or failure of service or incorrect service of electronic Process for any reason whatsoever.

- (5) In appeals/revision petitions filed against interlocutory orders from a Subordinate Court, notice for both the appeal/revision petition and any related interim order shall be served concurrently. This service shall be made to the opposing party's Advocate in the main proceeding, through email. The appeal/revision petition and the interim application shall be posted together for final disposal within __ days from the service.
- (6) Service through email shall be deemed complete once the email has been sent, provided that no electronic notification indicating a failure of delivery is received by the sender within ____ days. For the purpose of further confirmation of service, the Advocate may employ an additional mode of service.
- (7) Where a writ petition impugning the validity of a State Act or any provision thereof or any Rule made thereunder is admitted, notice of the petition shall be sent to the Advocate General of the state through email.
- (8) If the Act, or provision thereof impugned, falls under the Union List or Concurrent List of the Seventh Schedule to the Constitution, or the rule impugned is one made by the Central Government under a Central Act, notice of the petition shall also be sent by email to the Attorney General of India.
- (9) Service by email shall be considered completed 72 hours from the time of sending of the email.
- (10) No case shall be listed before the Court for further proceedings until all three attempts at direct service and the process of substituted service have been duly undertaken.

68. When Process Fee is not to be paid:

- (1) No process fee shall be charged for notices issued in respect of criminal appeals or references or revisions, despite being served through Speed Post/courier, except in cases of appeals or revisions against acquittal at the instance of private complainants or parties.
- (2) No process fee shall be charged for notices issued in respect of references other than those mentioned in the previous Sub-Rule, where the reference is made by a Subordinate Court *suo motu*, and if made on the application of a party, the said party shall pay the process fee for notices issued in respect of such references.

69. Service of Notice in Original Side Appeal cases: The appellant may serve the notice of appeal, intended to be served on the respondent, on the Advocate who appeared for that party in the original proceedings in the High Court out of which the appeal arises. If such Advocate accepts the notice, the party represented by them shall be deemed to have been duly served with the notice of the appeal on the date on which the notice is to be accepted. If, however, the said Advocate declines to accept the notice, the appellant shall take steps to serve the notice on the party.

70. Service to a Government Official:

- (1) Notice shall be served to a government official through their official email address, as displayed on their department's official website.
- (2) The Head of the Department and the official email address of the department shall be copied in the email to the government official.
Provided that if the government official does not have an email address displayed on the official website of the department, notice shall be sent through Speed Post to the office address through the Head of the Department.
- (3) Notice shall also be served through email on the appropriate Standing Counsel/Government Advocate.

71. Service of Notice in Writ Petitions:

- (1) The Court may, in its discretion, at any time before a writ petition is finally disposed of, direct that notice of the petition be served on any person, whether impleaded therein as a respondent or not, who, in the opinion of the Court, may be affected by any order which the Court may make in the petition.
- (2) Whenever an ex-parte interim order made in a writ petition is required or directed to be served on any person or authority not impleaded as a respondent to the petition, the copy of such an order shall be accompanied by a copy of the petition, affidavit or affidavits filed in support of it, and all the annexures thereto. It shall be the Registry's responsibility to print all the e-filed documents for such service, provided that the process fee, including the printing costs is paid by the petitioner.

72. Service of Warrant: In any case in which the Court orders a person to be brought either before it, or before a Commissioner, or to be removed from one custody to another, a warrant shall be prepared and signed by the Registrar and sealed with the seal of the Court. Such warrant shall be served personally upon such person. Where, however, the place of detention is not known, the warrant should be served upon the detaining authority.

73. Service of Notice to marginalised groups without permanent residence and workplace (including Migrant Workers, Pardanashin Women, Transgender People and other groups identified by the High Court): In a civil case where notice is to be served on a person from a marginalised community whose residence or workplace is difficult to ascertain, the following additional modes of service must be made besides the ones specified under Rule 66 -

- 1) Affixing of notice on public places close to their last known address of work or residence.
- 2) Publication of notice in local newspapers written in the vernacular language in the district where such person was last known to work or reside in.

Details on the methods used to verify the last known address must be ascertained and recorded digitally.

74. Summons to witnesses: These Rules shall also apply to the service of summons to a witness or a summons for the production of documents or other material objects.

75. Notice not to be served in certain interlocutory applications: Unless the Court orders otherwise, notice of an interlocutory application need not be given to a party who having been served with the notice in the main appeal or petition, has not entered appearance, or to a party to whom notice in the main appeal or petition has been dispensed with under the provisions of Order XLI, Rule 14 of the Code of Civil Procedure.

76. Objections/Counter Statements:

- (1) Wherever the respondent in an appeal or petition has or desires to file objections/counter-statement, such objections/counter-statements shall be set forth in an affidavit by or on behalf of the respondent, and such affidavit shall be made available to the petitioner and their Advocate immediately on their respective dashboard after filing.
- (2) The respondent shall also index their objections/counter-statements and file them under separate headings for ease of access.
- (3) In writ petitions, the petitioner may, with the leave of the Court, file an affidavit in reply to the counter-affidavit or affidavits filed by the respondents.

CHAPTER VII: TRIAL COURT RECORDS

77. Transmission of Records:

- (1) Notices or requisitions to Subordinate Courts for transmission of records/papers relating to cases before them to the High Court shall be sent digitally.
- (2) The copy of records/papers required by the High Court shall be transmitted digitally, and only when requested for.
- (3) At the time of filing a criminal appeal or revision against conviction, the requisition for the record of the Trial Court shall be sent before the case is even admitted by the High Court.

78. Digitisation of Lower Court Records:

- (1) Efforts shall be made to scan and digitise all Subordinate Court records, including legacy cases. If the record requested by the High Court is not already digitised, the digitisation of such record 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, judgments 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 send a note of authentication with the records to the High Court.
- (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.

79. Translation of Documents:

- (1) Wherever any document transmitted from any Subordinate Court to the High Court that is relevant to the matter in the High Court is required to be translated into English, the appellant shall get it translated at their own expense.
- (2) The Court may, in its discretion, on application made by any party, direct that any document required to be translated by this Rule need not be translated.
- (3) The Court shall maintain a list of Court-recognised translators, and the appellant shall be required to use only their services.

- (4) The Court may also allow translations through digital tools and shall maintain a list of authorised tools for the translation of documents. The Court may decide that the appellant be required to provide a certificate of translation from a Court-recognised translator while submitting the translated documents.

80. Process in case of handwritten documents: If the official Subordinate Court case record contains handwritten documents relevant to the matter in the High Court:

- (1) In a civil case, the Court shall direct the appellant to get the handwritten documents typed and uploaded to the dashboard, and the costs for such typing shall be borne by the appellant.
- (2) In a criminal case, the Court shall direct the Registry to get the handwritten documents typed and uploaded to the dashboard, and the costs shall be borne by the Court, except in appeals or revisions against acquittal by private complainants.

CHAPTER VIII: LISTING

81. First Listing: All cases shall be listed for admission within __ days of the filing of pleadings.

82. Preliminary Listing in a Writ Appeal:

- (1) Every writ appeal, after it has been registered and numbered, shall be posted before a Bench consisting of not less than two Judges, other than the judge from whose order the appeal is preferred, for a preliminary hearing. Upon hearing the appellant or his Advocate, the Court may dismiss the appeal or direct issuance of notice to the respondent.
- (2) Upon directing the issuance of notice to the respondent, the Court may, if it thinks fit, grant such interim relief to the appellant, upon such terms as it may consider just and proper.

83. Second Listing: Cases shall be listed for the second time only when the notices to all the respondents have been served, and the time provided to the respondents to appear before the Court has lapsed.

84. Hearing: Cases are said to be ready for hearing when the respondents have submitted their objections/counter-statements and the records called for from the Lower Court have been received.

85. Ex-parte Orders:

- (1) A party against whom an ex-parte order has been made shall be entitled to apply to the Court to discharge or vary the said order, after giving notice to the party or parties who are likely to be affected by such order of discharge or variation. Such notice may be served on the Advocate for the parties.
- (2) Every application made under Sub-Rule (2) shall be posted for orders before the Court as early as possible, but not later than __ days from the date of presentation.
- (3) Whenever an ex-parte interim order made in a writ petition is required or directed to be served on any person or authority not impleaded as a party to the petition, a copy of the order to be so served shall be accompanied by a copy of the petition, affidavit and the annexures thereto.
- (4) An ex-parte order passed by the Court in an interlocutory application before service of notice on the respondents to the application, shall not be communicated to the Subordinate Court or the authority or the party affected by it, unless the applicant has paid the process fee and provided all the addresses of the respondents to indicate that the service of notice is being attempted.

86. Cause List:

- (1) There shall only be one cause list per court hall. The cause list shall be categorised stage-wise and shall adhere to the prescribed stages only.

- (2) The stages in all types of cases are laid down in a standardised format with their meaning in the High Court's Practice Directions. No new categories shall be created within the cause list apart from these prescribed stages.
- (3) After each hearing, the case shall be provided with a specific date for the next hearing, which will be available on all dashboards. The Bench may also provide a specific time slot for the case to be heard on the date given, as far as possible.
- (4) The cause list shall continue to be automatically generated for each courtroom as per the date and/or time provided for each case.
- (5) If a case listed on a specific date is not heard, the Bench shall provide the next date of hearing, and the case shall be heard on priority of that date.
- (6) The cause list shall contain the names of the parties in each case, the names of the Advocates as they appear in the vakalatnama, the names of any Senior Advocate arguing on a particular day, and a link to the case information on the Court's website.
- (7) When an Advocate has issued a no objection certificate vakalat 'to engage any other counsel' or has issued a blank 'no objection' to engage any other counsel, their name should not be shown in the cause list.
- (8) The cause list shall contain links to the video conferencing for each court hall.

87. Prioritisation of Cases:

- (1) The Court shall develop and prescribe a detailed framework in its Practice Directions to prioritise certain types of cases. This framework shall provide how often cases are listed and the sequencing of hearings.
- (2) All other cases, apart from those accorded priority, shall be listed periodically in the order of their filing, following a first-in, first-out principle.
- (3) The Court shall also prescribe a detailed framework to dispose of cases pending for over ten years.

88. Listing of Part-Heard Matters:

- (1) All cases which remain part-heard at the end of any day shall be posted before the same Bench which originally heard the arguments. Such matters shall be listed on priority.
- (2) When a part-heard case is not taken up for a period of __ days or more, in urgent cases, an application may be filed, citing reasons, requesting that the matter be listed before another Bench with the leave of the Chief Justice.

89. Listing of Certain Criminal Cases:

- (1) All matters arising out of the same crime, or where the accused is the same, shall be listed before the same Bench. This is to be strictly adhered to with respect to petitions under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.
- (2) Bail applications under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 shall be listed before the same Bench which decided any earlier bail application in the same First Information Report.

Provided that if such a Bench is unavailable, it shall go to the next Bench that handled such applications. If such a Bench is not available, the case will be heard by the regular Bench as per the roster.

90. Exchange of List of Authorities: Before the date of hearing, counsel shall exchange lists of authorities they propose to cite and file a copy thereof into Court, and, unless the Court approves it, no authority other than those appearing in the lists shall be cited.

91. Disposal of interlocutory applications: Interlocutory applications shall be posted for disposal within ___ days from the day fixed for appearance once the notice is served.

92. Adjournments:

- (1) In the event an Advocate wants a hearing adjourned, they shall request the Registrar for an adjournment, with reasons provided in writing, at least 24 hours before the matter is to be heard in Court.
- (2) The Registrar shall grant the adjournment if Advocates from both sides have requested one. The case shall not be listed in such circumstances.
- (3) If the adjournment is requested by the Advocate of only one party, the request shall be forwarded by the Registrar to the Bench. The case shall continue to be listed in such circumstances, and the Bench shall decide on the adjournment in the open court. If an adjournment is granted, the Bench shall give the next date of hearing.
- (4) More than two adjournments sought consecutively by an Advocate for a party may lead to ex-parte hearing or a penalty for the Advocate.

93. Rule Nisi in Writ Proceedings:

- (1) At the first hearing, if the Court is satisfied, it may issue a *rule nisi* calling on the respondent to show cause why the requested order should not be made and adjourn the case for hearing.

Provided that the Court may first issue a notice asking the respondent to show cause why a *rule nisi* should not be issued, and may also require the filing of objections and documents. If such a notice is issued, the Court may dispense with issuing a *rule nisi* and decide the case on merits.

- (2) The notice to be issued to the respondents upon the making of the order of *rule nisi* shall be in the prescribed format. This notice shall be served through email, as prescribed in Rules 55 and 72. The respondents shall, if directed, produce in Court on the date of appearance all the records, orders and documents concerning the matter in question which are in their custody or power.
- (3) The response, if any, to the *rule nisi* showing cause against such petition shall be made by filing in Court objections supported by an affidavit, within ____ days after the expiry of the time fixed for appearance, or such earlier time as the Court may direct. The petitioner may file a reply to the objections supported by an affidavit within ____ days of the objections being filed, or such earlier time as the Court may direct. The reply shall not raise any new ground in support of the writ petition. No further statement or affidavit shall be filed by any party except with the leave of the Court.
- (4) The Court may, in its discretion, at any time before a final order is made on the petition, order the *rule nisi* to be served on any person who, in the opinion of the Court, is likely to be affected.
- (5) A petition seeking the issue of a writ in the nature of habeas corpus shall be posted before a Bench of two Judges for a preliminary hearing. Upon hearing the petitioner or his Advocate, the Bench, if satisfied, shall direct a *rule nisi* to issue to the respondent against whom the order is sought. The Bench shall call upon the petitioner to appear on a date to be fixed therein to show cause why the order sought should not be made and may also further direct them to produce in Court the person or persons alleged to have been illegally or improperly detained, to be dealt with according to law.
- (6) On the date fixed for hearing or on any subsequent date to which the hearing thereon may be adjourned, the Court shall dispose of the petition. An order for release made by the Court under the preceding Rule shall be sufficient warrant to any jailor, public authority or other person for the release of the person under restraint.

94. Written Arguments:

- (1) Each party shall submit written arguments supporting their case once the case is ripe for arguments and before oral arguments are made in the court.
- (2) Advocates shall try to restrict their oral arguments to only the most significant aspects of the case and any additional points that have not been covered in the written arguments.

CHAPTER IX: LIVE STREAMING

95. Live-streaming and Recording of Proceedings:

- (1) Subject to the exclusions contained within these Rules and as decided by the Chief Justice, proceedings from certain courtrooms will be live-streamed by the Court.
- (2) The following proceedings will be excluded from live-streaming:
 - (a) Matrimonial matters, including transfer petitions arising thereunder;
 - (b) Cases concerning sexual offences, including proceedings instituted under Section 64 and 65(1), Bharatiya Nyaya Sanhita;
 - (c) Cases concerning gender-based violence;
 - (d) Matters registered under or involving the Protection of Children from Sexual Offences Act, 2012, and under the Juvenile Justice (Care and Protection of Children) Act, 2015;
 - (e) In-camera proceedings as defined under Section 327 of the Bharatiya Nagarik Suraksha Sanhita, 2023, or Section 153B of the Code of Civil Procedure, 1908;
 - (f) Matters where the Bench is of the view, for reasons to be recorded in writing, that live streaming would be antithetical to the administration of justice;
 - (g) Cases, which in the opinion of the Bench, may provoke enmity amongst communities and are likely to result in a breach of law and order;
 - (h) Recording of evidence, including cross-examination;
 - (i) Privileged communications between the parties and their Advocates; cases where a claim of privilege is accepted by the Court; and non-public discussions between Advocates;
 - (j) Any other matter in which a specific direction is issued by the Bench or the Chief Justice.
- (3) Live-streaming may be restricted to final arguments.
- (4) Objections, if any, to live-streaming may be raised at the time of institution of the case or any later stage by filing the form prescribed by the High Court. The final decision in that behalf shall be of the Bench.
- (5) The Court Master or Reader shall duly inform the parties, before the commencement of the proceedings, that the proceedings are being live-streamed and that objections, if any, should be articulated at that stage to the concerned Bench.
- (6) The final decision as to whether or not to allow the live-streaming of the proceedings or any portion thereof shall be of the Bench. The decision of the Bench shall be guided by the principle of upholding an open and transparent judicial process. The decision of the Bench shall not be justiciable.

- (7) In cases where the proceedings are not live-streamed, proceedings may be recorded on request from the Bench and such recordings shall be maintained for usage by the Court and the appellate courts, subject to the following:
- (a) Access to the recording of the testimony of witnesses will not be given until such time that the evidence is recorded in its entirety.
 - (b) Transcription of the recordings may be made available to the Advocate.
 - (c) In case of a party-in-person, who is also a witness in the matter, the Bench in its discretion will decide as to the stage at which the party-in-person should have access to the recordings of the testimonies concerning the other witnesses in the matter.
- (8) In criminal matters, the testimony of victims and witnesses will be recorded for the exclusive use of the concerned Bench and the Supreme Court, as per the direction issued in that behalf. The anonymity of the victims and witnesses shall be maintained in the recordings via dummy names, face-masking, pixelation and/or electronic distortion of voice, as and when directed by the Court.
- (9) Audio-video recording or recording of proceedings by any other means, beyond the mandate of the present Rules is expressly prohibited.
- (10) There shall be a delay of ten minutes in streaming. This time limit may be modified as per the directions of the Court.
- (11) Subject to limitations contained in these Rules, the recording of the proceedings shall commence as soon as the Bench assembles and instructs the Court staff to start the proceedings, and shall end when the Bench signals its conclusion for the day.
- (12) The live-streaming shall be carried out from the designated venue as decided by the Bench.

96. Human Resources:

- (1) A dedicated control room (DCR) shall be set up with an officer of the Court, technical and video-recording experts. The DCR will monitor and track proceedings as they are live-streamed, recorded, and transcribed. The DCR shall ensure that nothing uncivil or inappropriate is streamed.
- (2) The coverage of proceedings will be coordinated by technical experts under the direct supervision of the Registrar (IT) or their nominee.
- (3) The Registrar (IT) and/or their nominee shall be subject to the directions of the IT Committee for the overall implementation of live-streaming and recording of proceedings.

97. Personnel in the Court: In addition to the Court Master and court staff attached to the Bench, technical experts shall be appointed to enable the live-streaming of proceedings. The technical expert(s) shall function under the overall supervision of the DCR.

98. Manner of Recording of Proceedings:

- (1) Cameras shall not record the media persons and the visitors present during the proceedings.
- (2) The following will ordinarily not be live-streamed or saved in the archival data or transcribed namely,
 - (a) Discussions between or amongst the Judges on the Bench.
 - (b) Instructions given by a Judge to the administrative staff during the proceedings.
 - (c) Any communication or message or document given by the Court Master or reader to the Bench.
 - (d) Documents given to the Judge during the proceedings.
 - (e) Notes taken down by the Judge during the proceedings.
 - (f) Notes made by an Advocate, either on paper or in electronic form, for assistance while making submissions before the Bench.
 - (g) Communication between the Advocate and their clients, between Advocates, and communications which are not between the Advocate and the Court.
 - (h) If one or more circumstances mentioned in this Sub-Rule occur, the live stream will be paused and the monitor will display the message: “Live-streaming paused as per applicable Rules”.
 - (i) If the Judge concerned on the Bench wants to opt out of live-streaming while dictating the order or oral judgment, live-streaming will be paused during that period. In such circumstances, the monitors will display a message: “Order-dictation in progress”. Likewise, when the Bench rises for recess or otherwise, the live-streaming will be paused, and the monitor will display the message: “Court not in session”.

99. Storage and Access:

- (1) The recordings may be archived.
- (2) Recordings may be uploaded, wholly or in part, on the Court’s website or made available on other digital platforms, as directed by the Court.

- (3) The content of the recordings will be vetted and uploaded, usually within __ days of the conclusion of the proceedings.
- (4) Access to copies of the recordings not uploaded will be sanctioned by the Designated Officer. An application for copies of Recordings shall be made in the prescribed format.
- (5) The archival data shall ordinarily be retained by the Court for at least __ months, subject to special directions issued by the concerned Bench in a particular case. The Chief Justice may issue Practice Directions regarding the cases and the period for which archived data will be preserved for longer than __ months. Archival data shall be stored in electronic devices in encrypted form with a specific hash (#) value.

100. General Precaution.

- (1) Personal information such as date of birth of parties, home address, identity card number, bank account information, and the personal information of related parties, such as close relatives, witnesses and other participants, will be deleted or muted during live-streaming. Inter alia, any one of the masking techniques, as provided in these Rules may be adopted. However, such proceedings will be preserved in the archival data.
- (2) The Advocates may request the Bench to redact personal and sensitive information, inter alia, of the kind referred to in Sub-Rule (1).

101. Disclaimers:

- (1) The daily cause list published on the website of the Court shall contain requisite information and disclaimers regarding live- streaming.
- (2) The archival data shall not constitute the official record of the court proceedings unless otherwise directed by the Bench.

102. Prohibitions and Restrictions on usage of Communication and Recording Devices:

- (1) No person or entity (including print and electronic media, and social media platforms), other than an authorised person or entity, shall record, share and/or disseminate live-streamed proceedings or archival data. This provision shall also apply to all messaging applications. Any person/entity acting contrary to this provision will be prosecuted as per law.
- (2) The Court shall have the exclusive copyright in the recordings and archival data. Any unauthorised usage of the live-stream will be punishable as an offence under the Indian Copyright Act, 1957, Information Technology Act, 2000, and other provisions of law, including the law of contempt.

- (3) The live-stream shall not, without the prior written authorisation of the Court, be reproduced, transmitted, uploaded, posted, modified, published, or re-published in any form.
- (4) The use of authorised recordings in their original form may be permitted by the Court, inter-alia to disseminate news and for training, academic and educational purposes. Authorised recordings handed over for the aforesaid purposes shall not be further edited or processed. Such recordings shall not be used for commercial, promotional purposes or advertising in any form.
- (5) No person shall use a communication device or a recording device for recording or for transcribing the proceedings, other than those authorised by the Court.
- (6) During proceedings, all personnel shall follow the instructions of the Judge, adhere to courtroom etiquette and discipline.
- (7) Violation of the above clauses may result in prosecution as per law. Additionally, the Bench may also direct seizure of the communication device or recording device.

103. Transcription and Access:

- (1) Transcripts may be prepared of recordings only when directed by the Court.
- (2) The transcripts may be translated into other languages.
- (3) Recordings that are uploaded will be made accessible to differently-abled persons.

104. Dedicated rooms for live-streaming: In order to decongest the courtrooms, dedicated room(s) for viewing the live-stream may be made available within the Court premises. Law researchers, staff, litigants, academicians, and media personnel authorised to enter the Court premises shall be given access to such dedicated rooms, upon receipt of necessary permissions/approvals. Appropriate arrangements shall be made to enable viewing of live-streams from multiple Benches within this/these room(s). Special arrangements will be made for differently-abled persons.

105. Power to Relax the Requirements: The Court may, if satisfied that the operation of any Rule is causing undue hardship, by 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.

106. Reference to Words and Expressions: Words and expressions used and not defined in these Rules shall have the same meaning as assigned to them by the law for the time being in force, including the Information Technology Act 2000, Code of Civil Procedure, 1908 the Bharatiya Nagarik Suraksha Sanhita, 2023, Bharatiya Sakshya Adhiniyam, 2023, and the General Clauses Act, 1897.

CHAPTER X: VIDEO CONFERENCING

107. General Principles Governing Video Conferencing:

- (1) Video conferencing facilities may be used at all stages of judicial proceedings before the Court.
- (2) 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.
- (3) All relevant statutory provisions applicable to judicial proceedings including the Code of Civil Procedure, Bharatiya Nagarik Suraksha Sanhita, 2023, Contempt of Courts Act, 1971, Bharatiya Sakshya Adhiniyam, 2023, and Information Technology Act, 2000 (abbreviated hereafter as the IT Act), shall apply to proceedings conducted by video conferencing.
- (4) Subject to maintaining independence, impartiality and credibility of judicial proceedings, and subject to such directions as the High Court may issue, the Court may adopt such technological advances as may become available for video conferencing from time to time.
- (5) 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.
- (6) There shall be no unauthorised recording of the proceedings by any person or entity.
- (7) The required person defined in Rule 2(56) 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, as also, temporary address if any.

108. Remote Point Coordinator:

- (1) There shall be a coordinator both at the court point and at the remote point from which any required person is to be examined or heard. A coordinator may be required at the remote point only when a witness or a person accused of an offence is to be examined.
- (2) The coordinator list for different remote points is provided in the Practice Direction 26.

- (3) When a required person is at any of the remote points, and video conferencing facilities are not available at any of these places, the Court will formally request the District Judge, in whose jurisdiction the remote point is situated, to appoint a coordinator for, and to provide a video conferencing facility from proximate and suitable court premises.
- (4) The coordinators at both the court point and remote point shall ensure that the recommended requirements set out in Rule 113 are complied with, so that the proceedings are conducted seamlessly.
- (5) The coordinator at the remote point shall ensure that:
 - (a) 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;
 - (b) No unauthorised recording device is used;
 - (c) No unauthorised person enters the video conference room when the video conference is in progress;
 - (d) 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 during the course of examination.

109. Court to give Sufficient Notice:

- (1) Where the witness to be examined requests for video conferencing or if it is otherwise expedient to do so, the Court shall give sufficient notice in advance, setting out the schedule of video conferencing. In the appropriate cases, the Court 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 concerned remote point, designated in accordance with Practice Direction 26.
- (2) Before the scheduled video conferencing date, the coordinator at the court point shall ensure that the coordinator at the 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.
- (3) 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.

110. 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, 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 prescribed format.
- (2) Any proposal to move a request for video conferencing should first be discussed with the other party or parties to the proceeding, except where it is not possible or inappropriate, for example, in cases such as urgent applications.
- (3) On the 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 scheduling the video conferencing hearing.
- (5) In case the video conferencing event is convened for making oral submissions, the order may require the Advocate to submit written arguments and precedents, if any, in advance on the official email address of the concerned Court.
- (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.

111. 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. The existing Rules regarding service of summons and the consequences for non-attendance, as provided in the Code of Civil Procedure and Bharatiya Nagarik Suraksha Sanhita, 2023 shall apply with respect to service of summons for proceedings conducted by video conferencing.

112. Examination of Persons:

- (1) Any person being examined, including a witness, shall, before being examined through video conferencing, produce and file proof of identity by submitting an identity document issued or duly recognised by the Government of India, State Government, Union Territory. In the absence of such a document, they shall file an affidavit attested by any of the authorities referred to in Section 139 of the Code of Civil Procedure or Section 333 of the Bharatiya Nagarik Suraksha Sanhita, 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.
- (2) The person being examined will ordinarily be examined during the working hours of the Court 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 the accused 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 person in custody to consult in privacy with their Advocate before, during and after the video conferencing.
- (4) Subject to the provisions for examination of witnesses contained in the Bharatiya Sakshya Adhiniyam, 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 is familiar with the said documents. The applicant will file an acknowledgment with the Court in this regard.
- (5) If a person is examined with reference to a particular document, then the summons to such a person must be accompanied by a duly authenticated copy 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 shall be at liberty to record in writing the demeanour of the person being examined.
- (7) The Court shall 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 Judge at the court point shall be sent by the official email ID to the remote point. At the remote point, 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 shall be transmitted to the official email address of the court point. The hard copy of the signed transcript shall be dispatched after the testimony is over, preferably within ____ days, by the coordinator at the remote point to the court point by a recognised courier/registered speed post.
- (b) If digital signatures are not available, the printout of the transcript shall be signed by the 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. At the remote point, a printout of the same will be taken and signed by the person examined and countersigned by the coordinator at the remote point. The coordinator of the remote point shall send a non-editable scanned format of the transcript so signed to the official email address of the court point, where such document shall be made a part of the judicial record.
- (9) An audio-visual recording of the examination of the person shall be preserved. 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 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 recognised customs and practices.
- (11) The coordinator at the remote point shall ensure that no person is present at the remote point, apart from the person being examined and those persons 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 for the effective recording of the examination.
- (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 Code of Civil Procedure and Chapter XXV, Part B of the Bharatiya Nagarik Suraksha Sanhita, 2023, the Bharatiya Sakshya Adhiniyam, 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 remote point due to sickness or physical infirmity, or the presence of the required person cannot be secured without undue delay or expense, the Court may authorise the 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 in this behalf may be given to the concerned coordinator and/or any person deemed fit by the Court.
- (16) Subject to such orders as the Court may pass, in case any party or person authorised by the party wants to be physically present at the remote point at the time of recording of the testimony, such person shall make their own arrangement for appearance/representation at the remote point.

113. 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 the court point, by transmitting a copy or image of the document to the remote point electronically, including through a document visualiser; or
- (2) If the document is at the remote point, by showing it to the person and transmitting a copy/image of the same to the court point electronically, including through a document visualiser. The hard copy of the document countersigned by the witness and the coordinator at the remote point shall be dispatched thereafter to the court point via an authorised courier/registered speed post.

114. 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. The presence of the coordinator will not be necessary at the remote point where arguments are to be addressed by an Advocate before the Court.
- (2) If the proceedings are carried out from any of the remote point(s) described in the Rules above, the coordinator at such remote point shall ensure compliance with all technical requirements. However, if the proceedings are conducted from a remote point other than these locations, such as an Advocate's office, the coordinator at the court point shall ensure compliance with 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 shall guide them regarding 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 point coordinator.
- (4) The coordinator at the court point shall ensure that any document and 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 the scheduled video conferencing proceeding in order to ensure that all the technical systems 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 time and duration of the proceeding, the software used (in case the software used is not the designated video conferencing software), 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.
- (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, they shall immediately inform the coordinator at the court point, who shall communicate this information to the Court without any delay. The Court shall consider the grievance, and if it finds substance in it, may declare the hearing to be incomplete and the parties may be asked to re-connect or appear in person in Court.

115. General Procedure:

- (1) The procedure set out hereafter 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 during a given proceeding, 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 remote point at the time of recording of the evidence and the same must be recorded in the order sheet of the Court.
- (4) In civil cases, parties requesting for a 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 where a person to be examined is a defence witness, the counsel for the prosecution or defence counsel, as the case maybe, shall confirm to the Court the location of the person, their 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 is an accused, the prosecution will confirm the location of the accused at the remote point.
- (7) Video conferencing shall ordinarily take place during the Court hours. However, the Court may pass suitable directions concerning the timing and schedule of video conferencing as the circumstances may warrant.
- (8) 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 these Rules are observed.
- (9) The coordinator at the remote point shall be paid such an amount as honorarium as may be directed by the Court in consultation with the parties.

116. Costs of Video Conferencing:

- (1) The Court may take into consideration the following circumstances when determining and/or apportioning the costs of video conferencing:
 - (a) 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 and to the coordinator at the remote point, shall be borne by such party as directed by the Court
 - (b) In civil cases, generally, the party making the request for recording evidence, through video conferencing shall bear the expenses arising out of it.

- (2) Besides the above, the Court may also make an order as to expenses 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.
- (3) It shall be open to the Court to waive the costs as warranted in a given situation.

117. Access to Legal Aid Clinics/Camps/Lok Adalats/Jail 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 prison may 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) A copy of the award or order and the record of proceedings shall be sent to the remote point.

118. Allowing Persons who are not Parties to the Case to View the Proceedings:

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.

119. Power to Relax: 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.

120. 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.

CHAPTER XI: ORDERS, JUDGMENTS, DECREES AND CERTIFIED COPIES

121. Progress of cases: The progress of each case, the stage at which the case is, as prescribed by the Court, and the link to the order passed on the date of each hearing shall be displayed in a chronological order on the dashboard of the Judges, Court staff, Advocates, and litigants.

122. Form of Orders: Each order of the Court shall contain:

- (1) the name of the High Court and location of the Bench;
- (2) the case type and number;
- (3) the names of the parties and their Advocates arranged according to their rank in the cause title of the case;
- (4) the date on which the case was admitted;
- (5) the stage at which the case is;
- (6) the date on which the order was passed;
- (7) details of the hearing, including submissions of the parties and the relief sought;
- (8) the next steps to be taken by the parties;
- (9) the next date of hearing.

123. Pronouncement of Judgment:

- (1) After a case has been heard, a judgment may be pronounced either at once or on a future date given by the Bench in open court on the day they reserve the case for judgment. The case shall be listed on the cause list on the given date.
- (2) A case in which hearings are concluded and judgment has been reserved, shall be treated as disposed of on the date on which judgment has been delivered.
- (3) Where a case is heard by two or more Judges and judgment is reserved, the judgment or judgments prepared by them shall be pronounced by any of the Judges who heard the case.

Provided that no such Judge is present, such judgment or judgments may be pronounced by such other Judge as the Chief Justice may nominate for the purpose. This shall also apply to the judgment of a Judge sitting alone.

- (4) The judgment shall include the names of the presiding and authoring judges. Reserved judgments shall be titled so and shall contain the date on which the judgment was reserved, while those dictated in court or not reserved will be labelled as oral orders or oral judgment.

- (5) Once the judgment is pronounced, it shall be signed by all the Judges who heard the case and made available to the Advocates, litigants and Court staff on their respective dashboards. Judges' names shall also appear at the end of the judgment in uploaded and certified copies.

124. Decree:

- (1) The Registry shall prepare a decree or formal order within __ days of the pronouncement of judgment.
- (2) The decree shall bear the same date as the judgment and shall be drawn up in accordance with the judgment.
- (3) The decree shall also contain a memorandum of costs awarded by the Court.
- (4) The draft decree shall be made available to the Advocates and the litigants for examination on their dashboards. Advocates shall also be notified digitally that the draft decree is available.
- (5) Advocates shall have __ days from the date on which the draft decree has been made available to them, to raise any objections to it. If no objections are raised within __ days, the Registry shall assume that there are no objections and shall prepare the final decree.
- (6) The objections raised shall be placed before the same Bench which had passed the final judgment, for consideration.

Provided that the Chief Justice may nominate another Judge to consider the objections to the decree if the Judge(s) who passed the final judgment are unavailable for more than __ days since the objections were raised.

- (7) The decree, once finalised, shall be signed by the Registrar.
- (8) Under no circumstances shall any judgment, order or decree, passed or made by a Judge(s) be altered, or varied in any particulars by the Registry, except under an order of the Judge(s) in writing, who passed or made such judgment, order or decree. In such a case, the Registrar shall incorporate the amendment in the original under their signature.

125. Certified Copies for Parties to a Case:

- (1) Each party to a case shall be entitled to only one printed certified copy of the final order/judgment and decree once the case is disposed of. The rest of the documents, including all the orders passed in the case, shall be available on their dashboard for download. All orders, judgments and decrees shall also be publicly available on the eCourts website.

Provided that the parties requiring certified copies of any document other than the final order/judgment or decree may apply for them through the High Court website, and shall be provided with authenticated copies free of cost.

- (2) The Registry/copying branch shall prepare the copies within ___ days of receiving the application.
- (3) The Advocates and parties shall be digitally notified once the printed certified copies are prepared.
- (4) The Advocates or parties shall take the printed certified copies from the Court within ___ days of their preparation. The printed certified copies shall be destroyed, if not taken, within ___ days. The Advocates and parties shall be required to make a fresh application and repay the fee for the printed certified copies after the lapse of the prescribed ___ days.

Provided that an Advocate or party unable to collect the printed certified copies may make an application to the Registrar within the prescribed ___ days, with reasons for the same, and request an extension to take the printed certified copies.

- (5) Parties to a criminal case and Advocates representing the union or state governments shall not be required to pay any fee for their printed certified copy. Any party to a criminal case intending to apply for special leave of the Supreme Court in criminal proceedings shall be provided with a printed certified copy free of cost.
- (6) Parties in prison shall be entitled to printed certified copies of all documents in a case, including all orders, pleadings and evidence through their Advocate. The printed certified copies shall be provided free of charge if the party depends on legal aid.

126. Authenticated Copies for Third Parties:

- (1) Third parties may apply for authenticated copies of pleadings and all documents and depositions of witnesses made or exhibited in the said proceeding in the prescribed format.
- (2) Third parties shall only be provided with authenticated copies and shall be required to pay a nominal amount for the service, as prescribed by the High Court.

127. Mark of a Certified Copy: Every printed or electronic certified copy issued by the High Court shall be certified by the High Court Registry to be a true and accurate copy of the original, and shall have a unique mark of the High Court.

- 128. Confidential Information:** Notwithstanding anything contained in this Chapter no party or person shall be entitled as of right to apply for and receive copies of or extracts from any any confidential document or of any document produced before the Court, which the Court considers to be of a confidential nature or the publication of which the Court considers to be not in the interest of the public, except under and in accordance with an order specially made by the Chief Justice or by the Court.
- 129. Authenticated Copies:** The High Court shall accept authenticated copies in cases of appeals, revisions or references. There shall be no need for physical certified copies unless the Court specifies due to reasonable doubt regarding the authenticated copies.

CHAPTER XII: COSTS

130. Memorandum of Costs: There shall be a memorandum of costs appended to the decree or order, setting out the particulars of the costs, and indicating the party by whom and the party to whom the same should be paid.

131. Calculation of Costs: In all civil cases costs awarded to a party may include:

- (1) The initial lump sum paid at the time of filing;
- (2) Any separate process fee paid subsequently;
- (3) Batta to witnesses summoned on his behalf, who have appeared and given evidence;
- (4) The cost of any certified copy that the Court had requested;
- (5) The cost incurred in obtaining certified copies of judgment and decree or order appealed from or against which the revision is preferred as the case may be;
- (6) The costs incurred in interlocutory matters which are made costs in the cause;
- (7) Expenses and charges paid or incurred to get a document from the lower court records translated or typed.
- (8) Advocates' fee, calculated as per the prescribed formulae.

132. Costs in Absence of Specific Directions: If, in any judgment or order of the High Court, there is no direction regarding costs, it shall be deemed that the Court has directed the parties to bear their own costs. In such cases and in the cases in which the Court directs the parties to bear their own costs, a memorandum of costs shall not be appended to the decree or order.

133. Costs in Writ Petitions and Writ Appeals:

- (1) In writ petitions/writ appeals and matters under Articles 227 and 228 of the Constitution, the quantum of costs shall be decided by the Court and when the Court makes no direction regarding costs, the same shall be deemed to have been refused.
- (2) If costs awarded are not paid, the party entitled to receive the same may apply to the Court, whereupon the Court may transmit the order in the writ petition to any Subordinate Court for execution. Such Subordinate Court shall proceed to execute the same in the manner prescribed for execution of decrees of that Court.

CHAPTER XIII: APPEALS TO THE SUPREME COURT

134. Grant of Certificate to Civil and Criminal Appeal:

- (1) A party desiring to appeal to the Supreme Court under Article 132, Article 133 or Article 134 of the Constitution of India may apply orally for the grant of a certificate immediately after the pronouncement of the judgment by the Court, and the Court may grant or refuse the same.
- (2) Upon the Court making an order for the certificate to be granted, the Registry shall issue a certificate in the prescribed format. An application for amendment of the record of the appeal by adding or substituting parties will not be entertained by this Court after the date of the order granting the certificate. The parties desiring such amendment shall be required to move the Supreme Court on that behalf.

135. Consolidation of Appeals: The parties desiring consolidation of appeals shall be required to move the Supreme Court for an order in that behalf, under Rule 5 of Order LV of the Supreme Court Rules, 2013.

136. Petition of Civil or Criminal Appeal accepted by the Supreme Court: Once the Supreme Court digitally transmits the petition of appeal to the Registrar of the Court, the following steps shall be taken:

- (1) Notices of the lodgment of the petition of appeal shall be served on the respondents personally, or by email on the Advocates who represented them when the matter was in the High Court, as prescribed in Rule 72.

Provided that if the Advocate served with the notice is unable to communicate it to the party concerned, they shall inform the Registrar, who may thereupon either order the notice to be served by Speed Post, courier, or email.

- (2) Unless otherwise ordered by the Supreme Court, the Court shall transmit all the records of the case from each court it has been heard in within ___ days from the receipt of the petition of appeal.
- (3) All the records shall be maintained digitally, and indexed, and shall be transmitted digitally to the Supreme Court.

137. Translation of Documents:

- (1) Any document in the records not in English and not already containing a translation authorised by the High Court shall be translated before the records are transmitted to the Supreme Court.
- (2) The cost of such translation shall be borne by the appellant, and the translation has to be certified by a Court-authorised translator.

- 138. Rules Supplemental to Code of Civil Procedure, 1908:** The Rules contained in this Chapter shall be read as supplemental to Order XLV of the Code of Civil Procedure, 1908, and to the Supreme Court Rules and shall not be read in derogation of either of them.
- 139. Civil and Criminal Appeals by Special Leave:** The provisions of Rules 140 to 142 above (both inclusive) shall apply *mutatis mutandis* to civil appeals by Special Leave of the Supreme Court.

CHAPTER XIV: INSPECTION, STORAGE AND DESTRUCTION OF RECORDS

140. Request to Inspect Records:

- (1) The parties or their Advocates may be permitted by the Registrar to inspect pleadings of other cases online. The party or Advocate may make such a request online and shall not be charged for such inspection.
- (2) A party desiring to search or inspect any of the records of a case other than pleadings shall provide reasons in writing and an affidavit with the application to the Registrar. Inspection or search shall be allowed under and in accordance with the orders of the Registrar passed on the application. If allowed, no fee shall be required to be paid for the inspection.
- (3) Wherever possible, the records shall be available in a digital format, and depending on the records required and the reasons provided, the Registrar may require the inspection to be in person at the Court.
- (4) If a physical record is being inspected, no pen or ink shall be used during inspection, and no marks shall be made on any record or papers inspected. Any person infringing this rule may be deprived of their right to inspect such record.
- (5) No party or person shall be entitled to inspect or search any document or paper of which certified copies cannot be granted as per Rule 134.

141. Prohibition on Inspection of Certain Items: Nothing in these Rules shall entitle any person to inspect:

- (1) the Judges' notes or minutes;
- (2) correspondence that is confidential or not strictly judicial;
- (3) autograph judgments; and
- (4) registers of the Court.

142. Storage of Records:

- (1) The records of the case shall be maintained on a local server and remain on the litigants' and Advocates' dashboards once the case is disposed of in the High Court.
- (2) All original documents submitted to the Court by any party shall be returned within ___ days once the case is disposed of.

Provided that an original document may be returned to the party to whom it belongs during the course of the case if an application regarding the same has been made with reasons, and if allowed by the Bench hearing the case.

143. Destruction of Records:

- (1) Any physical record of a case shall be destroyed five years after all the appeals in the case have been exhausted. This shall not be applicable to the duly signed original judgment and decree pronounced in the case, which shall be maintained indefinitely.
- (2) Indexed digital records of a case maintained on a local server may be destroyed shall not be destroyed unless there is an order from the Chief Justice to do so.
- (3) A summary of the case, including a chronological date of hearings and the final outcome of the case shall be prepared by the Registry and maintained indefinitely.
- (4) All the orders, judgments and decrees in a case shall be indefinitely available on the High Court website or an equivalent website.

CHAPTER XV: PUBLIC INTEREST LITIGATION

144. Public Interest Litigations A Public Interest Litigation may be initiated in any of the following ways:

- (1) As a suo motu petition in pursuance of the orders of the Chief Justice;
- (2) In pursuance of the order of the Chief Justice on a recommendation made by any Judge of the High Court;
- (3) A letter petition can be directed to be treated as a Public Interest Litigation petition by the recommendation of the Public Interest Litigation Committee.
- (4) On presentation of a writ petition in the Court in the prescribed proforma in accordance with relevant Rules by,
 - (a) any citizen; or
 - (b) an organisation including _____ State Legal Services Authority, a non-governmental organisation, a registered trust, a registered society or as association of persons, registered or otherwise but shall not include persons agitating any cause before the Court in their personal capacity.

145. Writ Petitions as Public Interest Litigation:

- (1) Every Public Interest Litigation shall be in the form of a writ petition accompanied by an affidavit.
- (2) Prior research undertaken by the petitioner to verify the facts enclosed in the petition must be attached as an affidavit.
- (3) Every Public Interest Litigation shall be numbered as “Public Interest Litigation”.
- (4) All provisions of these Rules relating to writ petitions shall be applicable to Public Interest Litigations.
- (5) Notwithstanding anything contained in these Rules, in the procedure for filing and entertaining any petition in the nature of Public Interest Litigation, the procedure provided in these Rules shall not apply to cases where the High Court suo motu decides to treat any matter or issue as Public Interest Litigation.

146. Letter Petitions:

- (1) Letter petitions under the following categories shall not be entertained as Public Interest Litigation:
 - (a) Landlord-tenant disputes;
 - (b) Service matters and those pertaining to pension (not being family pension) and gratuity;

- (c) Personal disputes between individuals;
 - (d) Disputes relating to contractual or statutory liabilities, commercial disputes pertaining to intellectual property, partnership and arbitral awards;
 - (e) Matrimonial disputes;
 - (f) Threat to or harassment of the petitioner by private persons;
 - (g) Seeking an enquiry by an agency other than the local police;
 - (h) Seeking police protection;
 - (i) Admission to an educational institution.;
 - (j) Early hearing of matters pending in the High Court and Subordinate Courts;
 - (k) Maintenance of wife, children and parents.
- (2) All letter petitions received by the Court will first be screened by the Public Interest Litigation Cell.
 - (3) Only such petitions recommended by the Public Interest Litigation Cell shall be submitted to the Chief Justice for administrative orders.
 - (4) Letter petitions can include letters sent to the High Court by post, or through email and other formats of digital correspondence as notified by the Court.¹

147. Procedure and formats:

- (1) A writ petition in the nature of Public Interest Litigation, filed in the High Court of ___ shall as far as possible disclose all the details listed in the format in the prescribed format.
- (2) The Court, while hearing a Public Interest Litigation petition, may, in its discretion, order any sum of money to be deposited by the petitioner, and may also require any further affidavit or declaration to be filed by the petitioner, as deemed necessary.
- (3) If the Court finds that the petition is vexatious, motivated or not having public interest, then the amount so deposited may be forfeited. This shall be in addition to the costs, if any, which may be imposed by the Court.
- (4) The Court may also adopt other appropriate methods to ensure curbing of frivolous petitions, wrongly describing them as Public Interest Litigation filed for extraneous considerations or ulterior motives.

¹ To ease up petitions for people who live far away and do not have adequate transport in certain regions (but can access the internet and communicate over emails); disabled persons; different prisons have different rules on accessing digital communication etc.

- (5) The Court may use its discretion to list and hear urgent PILs or develop rules or practice directions for urgent listing.

148. Public Interest Litigation Cell: The Chief Justice shall constitute a Public Interest Litigation Cell which shall be headed by an officer not below the rank of Deputy Registrar.

149. Processing and Screening of Letter Petitions:

- (1) All letter petitions shall be examined by the Public Interest Litigations Cell. Anonymous letter petitions and letter petitions from which the identity of the letter petitioner cannot be established or ascertained shall not be examined.
- (2) Whenever a letter petition is filed in vernacular language, the Public Interest Litigations Cell shall prepare a summary in English of the letter petition and the points of public concern raised in it, the replies, if any, received from any department, addresses of the government departments/officials, who may be considered as the necessary or appropriate parties for the decision of the petition and place it before the Chief Justice for administrative orders.
- (3) If a letter petition is treated as Public Interest Litigation, the Bench hearing the same may appoint suitable Advocate/s as amicus curiae to assist the Court in effectively disposing of the Public Interest Litigation. Preference for appointment should be given to subject-matter experts from public universities and Advocates with requisite experience in the field. The Court may also fix suitable honorarium payable to the amicus curiae, and decide upon the terms of appointment for an amicus curiae in the Public Interest Litigation.

150. Undertakings by the Petitioner:

- (1) The petitioner shall undertake that in the event any provisions of these Rules are violated, they will bear and pay costs which may be imposed in the discretion of the Court.
- (2) The petitioner shall specifically make a statement that they have made inquiries, approached appropriate authorities for necessary information and made all efforts for the redressal of the grievance made in the petition. They shall also state that they have filed the petition after exhausting all the alternative remedies available under law.
- (3) The petitioner shall undertake to pay the costs and other expenses incurred by the respondent, if it is found that any respondent has been made a party abusing the process of the Court, or if it is found by the Court that the prayer is vague, unnecessary, illegal or mala fide.

- (4) The petitioner shall undertake that in case they seek to withdraw the petition or fail to attend the case, they will bear the cost incurred by the respondent and pay such amount of cost as may be imposed in the discretion of the Court.

CHAPTER XVI: ACCESS TO DATA

151. Request for bulk data access:

- (1) Any person may make a request for bulk data access from the digital records of the Court in a prescribed format.
- (2) The request shall:
 - (a) Identify what data is sought,
 - (b) Describe the purpose for requesting the data,
 - (c) Explain how such data will be securely protected.
- (3) Requests should only be allowed for purposes which are in public interest and facilitate the interests of justice. These may include scholarly, journalistic, governmental, research, evaluation or statistical purposes where the identification of specific individuals is ancillary to the purpose of the inquiry.
- (4) Bulk access must not be granted for:
 - (a) Surveillance, except as conducted by the competent authority, in fulfilment of its legal mandate, within the bounds of its enabling legislation and any other law in force;
 - (b) Profiling, meaning any form of automated processing of personal data consisting of the use of personal data to evaluate certain personal aspects relating to a natural person, in particular to analyse or predict aspects concerning that natural person's performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements. Additionally, to guard against the risks that may arise from the use of automated decision-making systems and other tools that draw inferences from anonymised datasets, the Court could allow data access contracts to specify conditions and standards that parties accessing court records would have to comply with.
- (5) If a request for bulk access/distribution of restricted access data is accepted, access to such data will be given under and governed by an agreement between the applicant and the Court.
- (6) Access may be registered and logged. Upon request, such logs may be made available to members of the public, as determined by the Court.
- (7) Applicants shall not access the data or disseminate any information obtained under the agreement except as necessary to fulfil the purposes for which access was granted.

- (8) The data may be regularly checked against the source of the court record for accuracy, especially if this data is to be published or redistributed.
- (9) The data will not be used directly or indirectly to sell a product or service to an individual or the general public or for any other commercial purpose, except with the express permission of the Court.
- (10) Any use of the data by the applicant should comply with all its contractual obligations as well as any other applicable law.
- (11) Where the volume of data requested exceeds a threshold prescribed by the Court, the applicant may be required to pay appropriate fees, to meet the cost of providing the data. Fees may be levied at the discretion of the [Registrar/ Designated Judge/ Designated Officer] to whom the application is made for which a specific disclosure with respect to the purpose for which access is sought must be made. Generally, fees should be exempted when access is granted for research purposes, and fees should be levied when access to such data is used for any commercial purposes or to derive pecuniary gains.

