

# HIGH COURT OF DELHI AT NEW DELHI

## FREQUENTLY ASKED QUESTIONS

### ON VIDEO CONFERENCE HEARINGS IN THE DELHI HIGH COURT AND THE COURTS & TRIBUNALS OVER WHICH IT HAS JURISDICTION.

#### Background:

The Delhi High Court notified the Video Conferencing Rules 2020 (“Rules”) on 1<sup>st</sup> June 2020. These Rules apply to proceedings conducted via Video Conferencing (“VC”) by the Delhi High Court and the Courts as well as Tribunals over which it has jurisdiction. The present Frequently Asked Questions (FAQs) are being published to facilitate the understanding of the procedure for VC hearings as outlined in the Rules for the benefit of lawyers, litigants and laypersons. In the event of any conflict, between the FAQs and the Rules, the latter shall prevail.

#### **Q.1 Where can the full text of the Rules be found?**

**A.1** The full text of the Rules is available on the official website of the Delhi High Court:

[http://delhihighcourt.nic.in/writereaddata/upload/Notification/NotificationFile\\_ULDC4UVQWZ9.PDF](http://delhihighcourt.nic.in/writereaddata/upload/Notification/NotificationFile_ULDC4UVQWZ9.PDF)

**Q.2 Whether proceedings conducted by a Court via VC are judicial in nature? And if so, what are the protocols to be followed?**

**A.2** Yes, all proceedings conducted by a Court via VC are judicial and therefore all the courtesies and protocols applicable to physical Court hearings shall apply to VC hearings. The protocol provided in Schedule I of the Rules shall be adhered to for proceedings conducted by way of VC. All relevant statutory provisions applicable to judicial proceedings including provisions of the CPC, CrPC, Contempt of Courts Act, 1971, Indian Evidence Act, 1872 (Evidence Act) and Information Technology Act, 2000 (IT Act), shall apply to proceedings conducted via VC.

**Q.3 Can VC hearings be conducted in all types of cases irrespective of their stage?**

**A.3** Yes, all types of cases irrespective of the stage they are at, can be heard and disposed of via VC hearings. Thus, proceedings can be conducted by the Court through VC at any of the following stages: ad-interim, *ex parte* initial hearings and at final disposal stage.

**Q.4 Can evidence be recorded via VC?**

**A.4** Yes, evidence can also be recorded through VC upon a specific direction of the Court or on a request made by a party or witness. The procedure for recording of evidence is prescribed in Chapter III of the Rules.

**Q.5 a) What are the timings for conduct of VC hearings?**

**A.5a)** As per Rule 12.7, VC hearings shall ordinarily take place during the Court hours (Indian Standard Time). However, the Court may pass suitable directions concerning the timing and schedule of VC hearings as the circumstances may warrant, in a given specific case.

**Q.5b) What will be the timings for examination of witnesses through VC?**

**A.5b)** The person being examined will ordinarily be examined during the working hours of the concerned Court or at such time as the Court may deem fit.

**Q.6 Who can ask for a VC hearing and how is the request to be made?**

**A.6** Rule 6.1. provides that any party to the proceeding or witness, (except where proceedings are initiated at the instance of the Court)

may move a request for VC. However, during pandemics such as COVID-19, epidemics, earthquakes, natural disasters, war and such like circumstances which impede access to physical courts, hearings of the Court could be conducted through VC, as may be notified from time to time.

The request for a VC hearing can be made by submitting the '*Request Form For Video Conference*'. The form is appended as Schedule II to the Rules:

[http://delhihighcourt.nic.in/writereaddata/upload/Notification/NotificationFile\\_ULDC4UVQWZ9.PDF](http://delhihighcourt.nic.in/writereaddata/upload/Notification/NotificationFile_ULDC4UVQWZ9.PDF)

**Q.7 Who hosts VC hearings?**

A.7 VC hearings shall be hosted by the Information Technology Department ('IT Department') of the High Court using the approved/designated Video-Conferencing software. The hearings shall be conducted through the Coordinator at the Court Point and if required, a Coordinator at the Remote Point.

**Q.8 What is the Court Point and Remote Point? Who is the Coordinator?**

A.8 'Court Point' is the Courtroom or one or more places where the Court convenes physically or the place where a Commissioner or an

inquiring officer holds proceedings as per directions of the Court. 'Remote Point' is a place where any person or persons are required to be present or appear through a video link. The Coordinator at the Remote Point is the person authorized by the Court as defined under Rule 5.3.

**Q.9 What if a Required Person is at a Remote Point where VC facility is not available?**

**A.9** A 'Required Person' as per Rule 2(xiii) includes any person who is to be examined, a person in whose presence the person is to be examined, the Advocate who has to conduct the examination of the witness, a person who has to make submissions before the Court or any other person who has been permitted to appear through VC.

When a Required Person is at a Remote Point, as per Sub-Rule 5.3, which is located in India and no VC facility is available at that place, the concerned Court will formally request the District Judge, in whose jurisdiction the Remote Point is situated to appoint a Coordinator and to provide a VC facility which is suitable and proximate to the Court Point.

If the Remote Point is in a foreign territory, in civil cases, the Court may formally request the closest Indian embassy to appoint a Coordinator to provide a VC facility.

In criminal cases, where witness examination is to take place, of a person located in a foreign territory, as per Rule 5.3.11, the provisions of the '*Comprehensive Guidelines issued by the Ministry of Home Affairs*' would be followed, to the extent they comport with the provisions of the CrPC and the Indian Evidence Act. The said Guidelines are here: [https://www.mha.gov.in/sites/default/files/ISII\\_ComprehensiveGuidelines\\_17122019.pdf](https://www.mha.gov.in/sites/default/files/ISII_ComprehensiveGuidelines_17122019.pdf)

**Q.10 Is a Remote Point Coordinator required to be appointed for a VC hearing?**

**A.10** If only oral submissions have to be advanced, ordinarily, Remote point Coordinator/s will not be required to be appointed. However, if a witness is to be examined or statement of a person is to be recorded the court would in the normal and usual course appoint a Remote Point Coordinator.

**Q.11 Can VC hearings be recorded at the Remote Point?**

**A.11** No. Rule 3 (vi) prohibits unauthorized recording of the proceedings by any person or entity.

**Q.12 Who can attend VC hearings and can all persons who attend the hearing also actively participate in it?**

**A.12** Persons who can join the VC hearings, except in-camera proceedings, are of two categories:

- (i) 'Participants' as per Rule 14 and
- (ii) 'Viewers' as per Rule 16.

'**Participants**' would include, the Advocates appearing for the parties including intervenors, litigants in person, Senior Advocates, other interested persons such as jail authorities, legal aid representatives, government officials and any other persons who are permitted by the Court to join the VC hearings as 'Participants'.

'**Viewers**' could include various categories of persons including, accredited journalists, reporters, members of the public and any other persons as the Court may permit from time to time. Viewers would be entitled to merely observe the proceedings and not take part in the VC hearings in any manner whatsoever. In the case of in-camera proceedings, the persons who can join VC hearings shall be those, as may be directed by the Court.

**Q.13 Which is the software used for VC hearings?**

**A.13** 'Participants' can join VC hearings by using the designated VC software application, as may be prescribed from time to time. Currently, in so far as the High court is concerned the CISCO WebEx software is being used to conduct VC hearings.

**Q.14 In the event of a technical glitch, is it permissible to use any other software?**

**A.14** As per Rule 12.2, in the event of a technical glitch during a given proceeding, the Court may for reasons to be recorded, permit the use of any software other than the designated VC Software for conducting the VC hearing for that particular proceeding.

**Q.15 Can VC be conducted through 'Zoom' app, 'Whatsapp', 'TeamViewer', 'Google Duo' or any other software/app?**

**A.15** No. VC hearings can be conducted only through the designated application/software.

**Q. 16 Are persons who are not parties to the case allowed to view the proceedings conducted through VC?**

**A.16** As per Rule 16.1, members of the public will be allowed to view Court hearings conducted through VC, except proceedings ordered for reasons recorded in writing to be conducted in-camera. The Court shall endeavour to make available sufficient links (consistent with available bandwidth) for accessing the proceedings.

**Q.17 Who can remain present when the Court conducts VC hearings?**

**A.17** Advocates, required persons, litigants in person and/ or any other person/s permitted by the Court can remain present during VC hearings. All such persons shall abide by the requirements set out in Schedule I of the Rules.

**Q.18(a) What kind of equipment is required for the conduct of VC hearings?**

**A.18(a)** Rule 4 sets out the list of recommended equipment for conducting VC hearings at the Court Point and the Remote Point:

- (i) Desktop, Laptop, mobile devices with internet connectivity and printer
- (ii) Device ensuring uninterrupted power supply
- (iii) Camera
- (iv) Microphones and speakers
- (v) Display unit
- (vi) Document visualizer
- (vii) Provision of a firewall

**Q.18(b) What would be the ideal venue from which participants should join VC proceedings?**

**A.18 (b)**The venue should have:

(i) Adequate seating arrangements so as to ensure privacy;

(ii) Adequate lighting;

and should be a quiet and secure space.

**Q.19 Can I do VC hearings from my home?**

**A.19** Yes, you can join VC hearings from your home so long as there is a quiet and secure space, as far as feasible.

**Q.20 How can persons who do not have necessary hardware make use of VC facility?**

**A.20** VC infrastructure has been set-up in designated spaces. Currently, VC infrastructure is available in Court Room Nos. 19 and 20, Ground Floor, Main Building, Delhi High Court for advocates/litigants, who do not have the VC facility at their home/office. Interested persons who do not have a laptop or any other device compatible for Video Conference can visit the Delhi High Court and use the Video Conference facility available there, provided an invitation to join the court proceedings via Video Conference is sent to their e-mail id. Likewise in all the district court complexes similar facilities have been made available.

**Q.21 Should the device used in VC hearings have an antivirus software installed?**

**A.21** It is always advisable to install an anti virus software on your laptop or any other device used for VC facility to ensure the security and integrity of the proceedings. However, the same is not compulsory.

**Q.22 Can I attend VC hearings via a mobile phone which uses an android operating system? And if so how?**

**A.22** Yes. For using this facility, you can currently either install Webex app which can be downloaded from Google Play store or by accessing the browser.

**Q.23 Can I attend VC hearings by using an iphonesthich has ios software installed in it?**

**A.23** Yes. For using this facility, currently, you have to install the Webex app after downloading it from Apple store.

**Q.24 How is the information concerning VC hearings disseminated?**

**A.24** Cause-list containing cases listed for the day is generated on a date prior to the actual date of hearing. The cause list for the High Court is available on:

[http://delhihighcourt.nic.in/causelist\\_NIC\\_PDF.asp](http://delhihighcourt.nic.in/causelist_NIC_PDF.asp).

The cause list for the Delhi District Courts is available at : <https://delhicourts.nic.in/CLCIS-2016.html>.

Besides this, advocates/litigants in person are sent an e-mail which providedetails of the VC hearing.

**Q.25 How is the link sent for participating in the VC hearings?**

**A.25** At the time of filing, Advocates have to provide their email addresses. As per Rule 14.3, Advocates appearing in VC hearings shall be provided links to join the hearings. Links may also be requested and provided to litigants, and attendees who would be interested to participate in the hearings as PARTICIPANTS. The link can be requested from the Coordinator at the Court Point which in most cases is the Court Master.

A link may also be provided for the general public including accredited journalists and reporters to join the hearings. Such VIEWERS can only view the proceedings as Attendees. VC hearings of the High court may be conducted by either allotting specific

timeslots or by admitting 'Participants' into a 'Virtual Lobby' as per Rule 14.4.

### **Q.26 How to join the VC hearing?**

The answer to this question is in two parts. The first part deals with joining the VC hearing through the WebEx Cisco application. The second part deals with VC hearings through other hardware or IP dialling systems.

### **A.26**

#### **A) VC through WebEx Cisco meeting**

The Court Point Coordinator (e.g., Court Master) shall send the link/ Meeting ID/ Room Details via the email Id furnished by the Advocate or Required Person or other Participant at the time of filing, who has been permitted to attend the hearing, as a Participant or a Viewer/Attendee. The following is a step-by-step procedure for joining the WebEx-Meeting for Participants:

- a) Open your Mail (Gmail or any other mail service which you have provided at the time of filing for sending invitation link) and check for invitation link for the WebEx Meeting.
- b) Click and open the email you have received from the concerned court's WebEx email id.

c) After opening the email, you will see a green button saying 'Join Meeting'. Click on the green button.

d) After clicking the green button, a new page will open and will ask for your name and mail-id if you are a first time user.

e) Enter the information accordingly, and then click the 'Join Meeting' button.

f) You will finally get the Meeting Panel in your window.

g) From here, you can set your audio and video. For more information, use this video:-  
<https://help.webex.com/video?videoId=6087079359001>

h) You will see the audio panel in the upper menu or at the bottom; you will see the video and microphone signs. Click the microphone option for 'Mute' and 'Unmute' settings. Click the camera sign for enabling and disabling the camera.

i) In case if you are not able to get default audio and video settings then Select audio and videos setting accordingly. If you are using an integrated audio/video system, select 'Integrated' and if you are using an external audio/video system, select 'External Audio Video devices'. Then, click on the 'Connect Audio and Video' button.

After the successful integration of the AV setup, you have now successfully joined the Meeting.

**B) VC through Cisco video conferencing system Like (IX 5200 TP System, Cisco P-60 and other hardware system or IP Dialing System)**

This procedure is normally followed for recording of evidence of the party(ies) stationed outside India, on the directions of the Court. Normally, on the orders of the Court the official of the Indian Consulate / Indian Embassy / High Commission of India (where the party(ies) is living) is appointed as the Co-ordinator at the Remote Point. The remuneration for such official and the party who has to pay the same is also fixed in the order. Orders are also passed regarding the payment and preparation of the certified copies and transmission thereof to the Co-ordinator at Remote Point. The Co-ordinator at the Remote Point is contacted after the receipt of the certified copies for fixing of the actual date & time for recordal of evidence through VC and multiple checkings are done 2-3 days before the actual VC to ensure uninterrupted and smooth proceedings.

**Procedure for IP base Dialing system Or Hard VC**

- i) Details for the VC shall be shared with the concerned parties who are to participate;
- ii) Participants shall dial into the DHC Cisco Server [69991@dhctp.co.in](mailto:69991@dhctp.co.in)/[69990@dhctp.co.in](mailto:69990@dhctp.co.in) (and enter the meeting ID generated by the system )

OR

The coordinator at the DHC end shall dial in the participant's IP base or VC system from the High Court server

- iii) The VC setup at both sides is checked;
- iv) The meeting shall be initiated from the DHC Installed server (CMS/CMM)
- v) Before the actual proceeding a trial run can be done to ensure that all the connections are in order and are duly established. Audio / video and recording features are also verified.
- vi) After the trial run, the same process shall be followed as directed by the Court 30 mins prior to the scheduled hearing. Audio / video and recording features are again verified.
- vii) Once the connections are established satisfactorily, the proceedings shall commence.

**Q.27 Can a party request for a VC hearing or proceeding and if so what is the procedure for the same?**

A.27 Any party to the proceeding or witness, may move a request for video conferencing. Such a request can be made by filing the form prescribed in Schedule II of the Video Conferencing Rules, 2020 of the Delhi High Court. The Court may allow the request or deny the same, for reasons. If the request is allowed, the Court may also fix the schedule for convening the VC hearing after taking a report from the VC Cell regarding availability of time slot in the VC room. In all such hearings, the person will ordinarily be examined during the working hours of the concerned Court or at such time as the Court may deem fit. Depending upon the nature of the case, i.e., Civil or Criminal appropriate directions shall be issued by the Court for holding the VC hearing or recording evidence by VC.

Subject to the provisions for the examination of witnesses contained in the Evidence Act, 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 acquires familiarity with the said documents. The applicant will file an acknowledgement with the Court in this behalf. In civil cases, generally, the party requesting for recording evidence through video conferencing shall bear the expenses.

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 the translator / interpreter / special educator, as the case may be, as also the fee payable to the Coordinator at the Remote Point, shall be borne by such party as directed by the Court.

If the witness is abroad, an official of an Indian Consulate / the relevant Indian Embassy / the relevant High Commission of India may be requested for a Coordinator at remote point, when VC proceedings is to take place in foreign countries.

Communication with the embassy would be usually through email sent to the official ID of the embassy, notifying the order passed by the Court. The date for the VC proceeding is fixed with the coordinator from the foreign country. After discussion between the VC-Cell of the court and the coordinator at the remote end, a date is fixed for the trial run and the actual VC proceeding is fixed. The Coordinator at the Remote Point shall be paid such amount as honorarium as may be directed by the Court in consultation with the parties

**Q.28 Can Senior Advocates engaged in matters obtain separate links?**

**A.28** Yes, Senior Advocates who are engaged in the matters can get separate links. The request for obtaining the links must be communicated to the Court Master on the previous day by 7 PM. In case of any emergent situation, the link can be provided even later, subject to feasibility.

**Q.29 Can the links provided be shared with other persons?**

**A.29** No, the links provided cannot be shared.

**Q.30 At a time, how many advocates can join VC for a case?**

**A.30** Although there is no fixed number, it would depend upon the number of persons permitted by the Court to join the VC hearing. Usually, counsels from the same Chamber including associates, junior counsels can join the VC hearings.

**Q.31 Where can I obtain details concerning the court, the Bench before whom my case is listed and the date and time of the VC hearing?**

**A.31** The details are mentioned in the e-mail sent by the court.

**Q.32 Can a person participate after the VC hearing has commenced?**

**A.32** No. As per Rule 14.3, once the proceedings have commenced, no other persons will be permitted to participate in the hearing save and except with the permission of the Court. The Coordinator will ordinarily lock the meeting once the hearing has commenced.

**Q.33 Is participation in the proceedings deemed to constitute consent of the participants to the recording of the proceedings by the Court/ Commissioner/ Inquiring Officer?**

**A.33** Yes, as per Rule 14.5, participation in the proceedings is deemed to constitute consent by the participants to the proceedings being recorded by the Court or the Commissioner or Inquiring Officer. However no participant(s) is permitted to record the proceedings either by using the device on which the VC hearing is being conducted or any other external device.

**Q.34 Is it compulsory to have the presence recorded of the participants and the clients attending the hearing? How can the presence be recorded?**

**A.34** Yes, in accordance with Rule 14.2, before the commencement of the VC hearings, all Participants and clients attending the hearing shall have their presence recorded by transmitting their appearance to the court master via an email or by text message on the mobile number provided, with the item number and the party names.

**Q.35 What is the dress code to be followed for VC hearings?**

**A.35** All Participants ought to be dressed in a dignified and sober manner for VC hearings. The dress code for advocates shall be formal, dignified and sober. For male advocates, the attire would be white shirt and trousers and for female advocates, salwar kameez/ saree in white, grey, cream, black or sober colours. It is optional for the advocates to wear a band and black coat.

**Q.36 What shall be the dress code for police officials, judicial officers and court staff?**

**A.36** Police officers shall appear in the uniform prescribed for police officials under the relevant statute or orders. The attire for judicial officers and court staff will be formal i.e., black coat and tie, white shirt, formal trousers in winters and white shirt and trousers in summers. The decision of the Presiding Judge or officer as to the dress code will be final as per Schedule I (1) of the Rules. However,

during pandemics, earthquakes and other such exigencies, this Rule can be relaxed by the Court.

**Q.37 How shall the Court be addressed?**

**A.37** All courtesies and protocols applicable to a physical Court shall apply to the VC/ virtual proceedings as identified in Schedule I of the Rules. Judges in the High Court would be addressed respectfully as 'Your Honour' or 'Madam/Sir' as is usually done in Court.

**Q.38 How are the Officers/ Advocates to be addressed?**

**A.38** The Bench Officers or Court Masters shall be addressed by their designation. Advocates shall be addressed as Learned Counsel or Senior Counsel.

**Q.39 What is the protocol to be observed during VC hearings?**

**A.39** All 'Participants' shall keep their microphones muted at all times till they are called upon to make their submissions. Mobile phones shall stay on silent/ switched off/airplane mode during the VC hearings. At the Remote Point, subject to any space constraints, background disturbances ought to be avoided. Upon being directed to make submissions, only the Senior Advocate, Advocate, or litigant

appearing in person shall keep the microphone in "ON" mode. Other persons shall MUTE their microphones. Persons shall ensure that cross-talk or cross submissions are avoided at all times.

**Q.40 How long before the scheduled VC hearing should the Participants be ready to dial in?**

**A.40(i)** Endeavour shall be made by all concerned that VC hearings are strictly conducted within the allotted time slots. If a particular case is likely to take longer, the same can be passed over and the Court Master would announce the time at which the matter is likely to be taken up after the Passover.

(ii) In the case of Participants being admitted to a Virtual Lobby, the time slots could be of a longer duration as multiple matters can be taken up in a particular time slot, in a sequential manner. All Participants shall then be taking part in the VC hearing at their turn at which stage they will be moved to the Virtual hearing room.

(iii) As per Rule 5.6.1, the Coordinator at the Remote Point shall ensure that all Advocates and/or Required Persons scheduled to appear in a particular proceeding are ready at the Remote Point designated for VC atleast 30 minutes before the scheduled time.

(iv) In case a 'Participant', joins the meeting before it has been started by the Host, the party shall exit and join the meeting at the appropriate time.

**Q.41 If any technical difficulty/ glitch is faced during the hearing, is there a redressal mechanism available?**

**A.41** In case, during the hearing, audio and video quality is found to be poor or unsatisfactory the participants are requested to bring this fact to the notice to the Court Point Coordinator (Court Master) at the earliest via the published mobile number or helpline number 14611. Intimation may also be sent through designated email-Id, which is available at the following link [\(Click here for Court Master's email-Ids\)](#).

The Court Point Coordinator shall, in turn, communicate this information to the Court without any delay. The Court shall consider the grievance and if it finds substance in the grievance it may declare the hearing to be incomplete and the parties may be asked to re-connect or make a physical appearance in Court.

No grievance will be entertained concerning connectivity, audio/visual quality, after the VC proceedings are over, save and except, where directions are passed by the concerned Court to entertain such complaints post conclusion of VC proceedings.

**Q.42 Is the cause list for VC hearings published?**

**A.42** The High Court publishes its cause-list on the official website:

[www.delhihighcourt.nic.in](http://www.delhihighcourt.nic.in).

The cause list for the Delhi District Courts is available at:

<https://delhicourts.nic.in/CLCIS-2016.html>

**Q.43 How can the item numbers of the cases be tracked of VC hearings in general and VC hearings being conducted during the COVID-19 lockdown or such emergent conditions?**

**A.43** (i) The display board on the website display's the item being currently taken up in a particular court.

(ii) During the COVID-19 lockdown period or any other such unprecedented situations when physical court hearings are not held and hearings are being conducted only through VC, the Display Board (<http://164.100.69.66/display/benchWiseDisplay.php>) shall track and display the name of the Hon'ble Judge(s) sitting on a particular day, the live status of the various courts and the item numbers being called. On double clicking the name of the Hon'ble Judge, the status of all the matters listed before the Hon'ble Judge would also be displayed.