

THE HIGH COURT OF KERALA

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Date: **09-04-2024**

No: **DI-1/107950/2023**

NOTIFICATION

Sub.:The Electronic Video Linkage Rules for Courts (Kerala), 2021 – effective implementation of – relaxation of Rules and issuing of practice directions under Rule 16- reg.

Ref.:(1) Minutes of the Meeting of the Administrative Committee dated
01/04/2024

(2) Rule 16 of the Electronic Video Linkage Rules for Courts (Kerala), 2021

(3) High Court letter of even number dated 03/04/2024 addressed to the
State Police Chief, Kerala

The Electronic Video Linkage Rules for Courts (Kerala) (for short 'the Rules') came into force with effect from 25/08/2021. However, it has come to the notice of the High Court that the provisions of the Rules have not been properly implemented due to several reasons. After considering the matter in detail, the High Court, in exercise of its powers under Rule 16 of the Rules, hereby relaxes the following provisions in the Rules and also issues the following Practice Directions:

(1) Mode of application for video linkage

As per Rule 6(1), a witness or a party to the proceeding is entitled to move an application in the form prescribed in Schedule II of the Rules for giving evidence through video linkage. Rule 6(4) provides that on receipt of the application and upon hearing all parties concerned, the Court shall allow the request unless it finds that it was not made with an intention to impede a fair trial or to delay the proceedings.

Now, in relaxation of the contrary provisions in the Rules 6(1) and 6(4) of the Rules, it is hereby directed that the request for examination through video linkage of formal witnesses like forensic experts, doctors, revenue

officers, Nodal officers of the telecom company may be made through e-mail or by post in all cases or in the form of a request made at the end of the witness list in the final report / charge sheet in a separate column. In pending cases, the Station House Officer in charge of the case is permitted to make a request for such examination, before the trial commences. Further, if the police shows the e-mail ID and phone number of such witnesses in the witness list, summons may be issued through e-mail or other electronic modes to those official witnesses. In the summons, the video link and the time slot may also be provided by the Court concerned.

(2) Dedicated space in the District Centre and major sub centres as Remote Point

As per Rule 6(8) of the Rules, if the Trial Court wants to examine a witness located in a different District within the State, he has to forward the details of the witness through the District Judge to the District Judge of the district where the witness is located. The High Court has directed the Principal District Judges to identify and set up a small space in the District Centre and major sub centres as the Remote Point and to provide necessary facility for video conference.

Now, in relaxation of Rule 6(8) of the Rules, it is hereby directed that, the Courts are permitted to order examination through video linkage of a witness situated in any district in the State; and the space so identified in the district centres and the major sub centres will be deemed to be the Remote Point, unless the trial Court otherwise directs in the order.

(3) Chamber / Office / Residence to be Remote Points

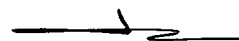
Under Rule 16(2) of the Rules, it is hereby notified that,

(i) If the witness to be examined through video linkage is a Judicial Officer, his/her Chamber / Office will be the Remote Point.

(ii) In the case of official witnesses, formal witnesses or any other witnesses, their office / chamber / residence be considered as the Remote Point, if the trial Court finds it necessary and if both sides agree in writing. In such cases, the necessity to engage a Co-ordinator at the Remote Point can be dispensed

with. However, an order to the above effect shall be passed by the trial Court only when it is convinced that all the necessary equipment for the effective examination is made available at the said office / chamber / residence and that it will not cause prejudice to both sides.

(By Order)



P. Krishna Kumar
Registrar General



To,

All the District Judges (They shall bring this to the notice of all the judicial officers in the district.)
All the CJMs
The Joint Registrars, Deputy Registrars and Assistant Registrars, High Court
The PS to Honourable the Chief Justice
The PS to Honourable Judges
The Chief Librarian, High Court.
The IT Section, High Court
The e Courts Cell, High Court
The Court Officers Section
The CA to Registrars
The Administrative Records Section, High Court (2 copies)
The Notice Board, High Court
The Stock File.

Copy to

The Additional Chief Secretary to Government, Home (C) Department
The Advocate General, Kerala
The State Police Chief, Kerala
The Director General of Prosecutions, Kerala
The Director, Kerala Judicial Academy, Athani
The Secretary, Rule Committee u/s 123 CPC
The Secretary, Kerala High Court Advocates' Association

