

**GOVERNMENT OF KERALA****Abstract**

Home Department- Judiciary- Electronic Audio Video Linkage Rules (Kerala), 2025- - Approved - Orders issued

HOME (C) DEPARTMENT

G.O.(Ms)No.223/2025/HOME Dated,Thiruvananthapuram, 04-12-2025

Read 1 Letter No.D1-1/36916/2016 Dated 29.04.2025 of Registrar General, High Court

ORDER

Government, after having examined the draft notification forwarded by the Registrar General through the letter read above, are pleased to approve the *Electronic Audio-Video Linkage Rules, (Kerala)2025*.

The Registrar General, High Court of Kerala shall arrange to publish the notification appended herewith.

(By order of the Governor)
BISHWANATH SINHA
ADDITIONAL CHIEF SECRETARY

To:

The Registrar General, High Court of Kerala, Ernakulam (with C/L
The Principal Accountant General (Audit/A&E) Kerala,
Thiruvananthapuram

The Law Department (vide .LEG-E1/137/2025-LAW dated
25.08.2025)

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Section Officer

THE HIGH COURT OF KERALA
NOTIFICATION

DI-1/43497/2005

Kochi – 682 031

Dated.....,

...th November, 2025

WHEREAS, it is considered expedient to consolidate, unify and streamline the procedures governing the use of audio-video electronic means in the conduct of trials, inquiries, and other proceedings.

WHEREAS Section 530 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Act 46 of 2023) provides that all trials, inquiries and proceedings under the said Sanhita, including the examination of complainant and witnesses, the recording of evidence in inquiries and trials and all appellate proceedings or other proceeding, may be held in electronic mode by use of electronic communication or audio-video electronic means.

WHEREAS the recording of evidence through electronic means and the conduct of proceedings through audio-video conferencing are fully recognised in all civil, criminal, commercial and matrimonial proceedings before the High Court of Kerala and the District Judiciary in accordance with the extant Electronic Video Linkage Rules for Courts (Kerala) 2021, notified on August 25th 2021.

WHEREAS to avoid delay in proceedings arising from the non-availability of parties, advocates, witness it is considered expedient to formulate and enable the use of audio-video electronic means before Counsellors in Family Court, in Court annexed Alternative Dispute Resolution processes including Arbitration, Mediation, Pre-litigation Mediation, Lok Adalat, Departmental inquiry, as well as in proceedings conducted by the Legal Services institutions under the Legal Services Authorities Act, 1987 (Act 39 of 1987), and before such Tribunals as may be notified by the High Court in the State of Kerala and the Union

Territory of Lakshadweep from time to time, and in such other proceedings as may be specified in the Rules.

In exercise of the powers conferred under Articles 225 and 227 of the Constitution of India, and all other enabling provisions of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Act 46 of 2023) and in exercise of all other powers enabling it in this behalf, the High Court of Kerala, in supersession of the existing Rules on the subject, and with the previous approval of the Governor of Kerala conveyed in..... and that of the Administrator of the Union Territory of Lakshadweep conveyed in hereby makes the following Rules.

ELECTRONIC AUDIO VIDEO LINKAGE RULES (KERALA), 2025

CHAPTER I

PRELIMINARY

1 Short Title, Commencement and Applicability:

(1) These Rules shall be called "Electronic Audio-Video Linkage Rules (Kerala), 2025".

(2) They shall come into force on the date notified by the High Court of Kerala.

(3) These Rules shall apply to the High Court, Courts in the District Judiciary in the State of Kerala and the Union Territory of Lakshadweep and proceedings before the Commissioners appointed to record evidence by such Court.

(4) In the absence of any applicable rules, these Rules shall also apply to proceedings before Counsellors in the Family Court, Court annexed Alternative Dispute Resolution including Arbitration, Mediation, Pre-litigation Mediation, Lok Adalat, Departmental inquiry, proceedings conducted by the Legal Services institutions under the Legal Services Authorities Act, 1987 (Act 39 of 1987), proceedings before the Tribunals notified by the High Court in the State of Kerala and the Union Territory of Lakshadweep from time to time and to such other proceedings as are mentioned in these Rules.

2 Definitions:-

(1) In the construction of these Rules, the following terms (unless the context or subject matter otherwise requires) shall have the respective meanings hereinafter assigned to them:

(a) "Advocate" means and includes an Advocate entered in any roll under the provisions of the Advocates Act, 1961 (Act 25 of 1961), all

Government Law Officers, and Prosecuting Officers as defined under the explanation to sub-section (6) of Section 18 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Act 46 of 2023);

(b)"Authorities, bodies, institutions or persons under the Legal Services Authorities Act, 1987 (Act 39 of 1987)" include all persons, bodies or institutions conducting court-annexed alternative dispute resolution proceedings, including Permanent Lok Adalats, Lok Adalats and proceedings conducted by the Kerala State Legal Services Authority, High Court Legal Services Committee, District Legal Services Authorities, Taluk Legal Services Committees, and also Arbitrators, Mediators and mediation or arbitration institutions such as Alternative Dispute Resolution Centre, High Court Mediation Centre, District Mediation Centres, Additional District Mediation Centres, Mediation Sub-centres, High Court Arbitration Centre, and any other institution notified for court annexed Alternative Dispute Resolution;

(c)"Commissioner" means a person to whom a commission is issued under the provisions of the Code of Civil Procedure, 1908 (Act 5 of 1908) or the Bharatiya Nagarik Suraksha Sanhita, 2023 (Act 46 of 2023) or any other law for the time being in force;

(d)"Co-ordinator" means a person nominated as Co-ordinator under Rule 5 of these Rules;

(e)"Court" means any Court in the District Judiciary, or Tribunal or a Board or Authority exercising judicial functions over which the High Court exercises supervisory or appellate jurisdiction, whether conducting the proceedings in a physical, virtual or hybrid mode;

(f)"Court Point" means the courtroom or other place where the High Court, Court or Forum sits or holds proceedings, or such place as designated for the conduct of such proceedings;

(g)"Court User" means a user participating in the proceedings through electronic audio-video linkage at a Court Point;

(h)"Designated Electronic Audio-Video Communication Platform" means any application, algorithm-driven interface, digital environment, software, or system, approved by the High Court from time to time for conducting or facilitating proceedings under these Rules through audio-video electronic means, including but not limited to live interaction, remote appearance, recording, or transmission of proceedings under these Rules, regardless of the underlying technology or mode of access;

(i)"District Judge" means the Principal District and Sessions Judge of the District and the District Judge of the Union Territory of Lakshadweep;

(J)"Electronic Audio-Video Linkage" or "Video Conferencing" means any secure and interactive technological medium enabling real-time audio-video communication between two or more persons or locations, including a Court Point and a Remote Point, for conducting judicial or other proceedings through a designated electronic audio-video communication platform or any other mode approved by the High Court, and includes a Live Link;

(k)"Forum" includes Commissioners, Authorities, Bodies, Institutions or Persons under the Legal Services Authorities Act (Act 39 of 1987) as defined in these Rules and any other forum or authority conducting any proceedings, including Alternative Dispute Resolution proceedings under these Rules;

(l)"High Court" means the High Court of Kerala;

(m)"Live Link" means a secure, real-time audio-video communication facility, including the one made available through electronic communication platforms, that enables a person to be virtually present before the Court and participate in the proceedings, and which allows the High Court, Court or Forum, where necessary, to restrict communication between such person and any other Participant;

(n)"Participant" in the context of a proceedings conducted in compliance with these Rules includes Advocates, Required Persons, Court-appointed

persons, including Co-ordinators, Interpreters, Readers, Special Educators, Translators, and any other person whose presence is directed or permitted by the High Court, Court or Forum;

(o)"Remote Point" means a place from which any person participates in any proceedings before the High Court, Court or Forum, other than from the Court Point through electronic audio-video linkage, and includes designated places under the Bharatiya Nagarik Suraksha Sanhita, 2023 (Act 46 of 2023), for conducting proceedings through audio-video electronic means and includes Vulnerable Witness Deposition Centres;

(p)"Remote User" means a user participating from a Remote Point through electronic audio-video linkage;

(q)"Required Person" includes;

(i)the person who is to be examined or whose statement is to be recorded;

(ii)any party, accused or any other person in whose presence certain proceedings are to be recorded or conducted;

(iii)a party in person;

(iv)any person, including a victim;

(v)any other person who is permitted to appear through electronic audio-video linkage.

(2) The words and phrases used but not defined herein shall have the same meaning as assigned to them in the Bharatiya Nagarik Suraksha Sanhita, 2023 (Act 46 of 2023); Bharatiya Sakshya Adhiniyam, 2023 (Act 47 of 2023); Information Technology Act, 2000 (Act 21 of 2000); General Clauses Act, 1897 (Act 10 of 1897)/Kerala Interpretation and General Clauses Act, 1125(Act 7 of 1125 M.E.); Civil Rules of Practice, Kerala; Criminal Rules of Practice, Kerala and the Electronic Filing Rules for Courts (Kerala), 2021.

CHAPTER II

GENERAL PRINCIPLES

3 Principles:-

(1) All proceedings before the High Court, Court or any Forum and all stages of judicial or other proceedings, where any person is required to appear or to be present, may be conducted through audio-video electronic means, including video conferencing and live link facilities, and these Rules shall be applicable to such proceedings.

(2) All proceedings conducted through audio-video electronic means, including electronic audio-video linkage and live link facilities, shall be deemed to be judicial proceedings, and all the courtesies and protocols applicable shall apply to such proceedings. The protocols mandated in Schedule I of these Rules shall be adhered to in all such proceedings.

(3) All relevant statutory provisions applicable to judicial proceedings, including the provisions of Bharatiya Nagarik Suraksha Sanhita, 2023 (Act 46 of 2023), Bharatiya Sakshya Adhiniyam, 2023 (Act 47 of 2023), Contempt of Courts Act, 1971 (Act 70 of 1971), Information Technology Act, 2000 (Act 21 of 2000), Code of Civil Procedure, 1908, Civil Rules of Practice, Kerala, Criminal Rules of Practice, Kerala, Electronic Filing Rules for Courts (Kerala), 2021, and the Rules of the High Court of Kerala, 1971, and all Circulars, Guidelines or Rules issued under the above Acts shall apply to proceedings conducted under these Rules.

(4) The High Court or the Court may carry out any act, process, or proceedings authorised under the Bharatiya Nagarik Suraksha Sanhita, 2023 (Act 46 of 2023) through electronic audio-video linkage.

(5) The High Court or the Court may also use the modes of electronic audio-video linkage for plea bargaining under Chapter XXIII of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Act 46 of 2023).

(6) The High Court, Court or Forum and every stakeholder institution

involved in such proceedings shall, as far as practicable, ensure the availability of infrastructure, devices and connectivity for participating in proceedings through audio-video electronic means, including electronic audio-video linkage.

(7) Subject to the independence, impartiality, and credibility of judicial proceedings, and to such directions as the High Court may issue from time to time, the High Court, Court or Forum shall adopt such technological changes and solutions as may become available from time to time.

(8) The integrity and security of proceedings conducted under these Rules shall be preserved at all times, and any instance of unauthorised access, attempted intrusion, or security breach shall be promptly reported to be dealt with in accordance with law.

(9) The confidentiality of proceedings conducted under these Rules shall be maintained by all Participants and persons present, and no broadcasting, photographing, publishing, recording, sharing or usage of such proceedings, either wholly or in part, shall be made except with the written permission of the High Court, Court or Forum.

(10) Where the facilities specified in Rule 4 are fully or partially not available at the Court Point or the Remote Point, it shall be the responsibility of -

(i) the prosecution, in all criminal cases where the prosecution or the Court seeks or directs the use of electronic audio-video linkage;

(ii) the accused, where such proceedings are sought for the examination of defence witnesses, except where the accused is receiving legal aid, in which case the responsibility shall vest with the Legal Services Institution concerned under the Legal Services Authorities Act, 1987 (Act 39 of 1987); and

(iii) the party seeking such proceedings, in civil or other matters;

to ensure that the required facilities are in place, or any deficiencies are rectified, unless otherwise directed by the Court.

Provided that where the Participant is in prison, hospital or any other institution, it shall be the responsibility of the Superintendent or the Person in charge of such prison, hospital or any other institution to ensure that the required facilities are arranged, confidentiality is maintained, and deficiencies therein are rectified;

Provided further, that where the Participant is in a foreign country, and the Remote Point is the Indian Embassy or Consulate or High Commission, the Indian Embassy or Consulate, or High Commission shall provide necessary assistance, and make arrangements required to maintain confidentiality at the expense of the parties hereinabove mentioned.

(11) All expenses incurred for providing or supplementing such facilities, or for taking any steps required under these Rules for the conduct of proceedings, shall be borne by the persons specified above, and may be included as part of the costs of the suit or proceedings, subject to the orders of the High Court, Court or Forum.

4 Facilities Recommended:

(1) As far as practicable, the following functionally equivalent facilities may be provided for conducting the proceedings at the Court Point and the Remote Point:

- (a) A well-lit, sound-controlled area suitable for confidential proceedings;
- (b) A computing device with high-resolution video display, audio and document viewing capability;
- (c) A stable, secure internet connection with adequate bandwidth for real-time transmission;
- (d) Facility to take high-quality printouts and scan documents at high

resolution;

(e) Uninterrupted power supply with backup power source;

(f) Video and audio input/output devices supporting clear transmission and reception; and

(g) Access control mechanisms and session-based credential verification.

(2) All software and platforms used shall, as far as practicable, support end-to-end encryption, user authentication, and session-based access.

(3) The infrastructure shall comply with data security standards and policies issued by the High Court from time to time.

(4) All recordings shall be preserved in accordance with the protocols notified by the High Court from time to time.

(5) The High Court may, from time to time, issue directions regarding minimum hardware specifications, software platforms, security protocols, data retention periods, or integration with case management systems.

5. Nomination, Duties and Responsibilities of Co-ordinators

(1) Unless otherwise directed by the High Court, Court or Forum, there shall be a Co-ordinator at the Court Point and Remote Point.

(2) Subject to sub-rule (1), a Co-ordinator shall be required at the Remote Point only when a witness or accused person is to be examined from such Remote Point.

(3) In all the Courts in the District Judiciary, one or more persons nominated by the High Court or the District Judge concerned, within whose jurisdiction the respective Court is situated, shall perform the functions of the Co-ordinator at the Court Point as well as the Remote Point.

(4) In the High Court, the Director (IT) or any other person authorised by the Chief Justice shall be the Co-ordinator at the Court Point.

(5) Subject to sub-rules (6) and (7), where any Participant in a proceeding under these Rules is located at any of the following institutions or facilities, the Co-ordinator at the Remote Point may be the person indicated against each:

Location	Co-ordinator at the Remote Point
(i) Overseas	Any official of the Government of India in such a country or a person nominated by such a person, including an official of an Indian Consulate/Indian Embassy/High Commission of India.
(ii) Court of another State/ Union Territory	Any authorised person nominated according to the Rules prevailing in such Court.
(iii) Kerala State Legal Services Authority or High Court Legal Services Committee or office of the District Legal Services Authority, Taluk Legal Services Committee or Alternative Disputes Resolution Centre, High Court or High Court Mediation Centre or District Mediation Centre, Mediation sub-centre or High Court Arbitration Centre.	Any person nominated by the Member-Secretary, Kerala State Legal Services Authority or Secretary, High Court Legal Services Committee or Secretary, District Legal Services Authority or Chairman, Taluk Legal Services Committee; Director, Alternative Disputes Resolution Centre, High Court or Centre Co-ordinator, High Court Mediation Centre, or Mediation Co-ordinator, District Mediation Centre or Mediation sub-centre Co-ordinator, or Director, High Court Arbitration Centre.
(iv) Jail or Prison	The Superintendent of the Jail or Prison, or Officer in charge of the Jail or Prison or an Officer authorised by such officer.
(v) Hospitals	Medical Superintendent or an Officer authorised by the Medical Superintendent, or the person in charge of the said hospital.
(vi) Observation Home	The Superintendent or Officer in Charge of

(vi) Observation Home, Special Home, Children's Home, Shelter Home or any institution referred to as a child facility (collectively referred to as child facilities) and where the Required Person is a juvenile or a child or a person who is an inmate of such child facility.	The Superintendent or Officer-in-Charge of that child facility centre, or an officer authorised by such Superintendent or Officer-in-Charge.
(vii) Women Rescue Homes, Protection Homes, Shelter Homes, or any institution referred to as a women's facility (collectively referred to as women's facilities)	The Superintendent or Officer-in-Charge of the women's facility centre or an officer authorised by such Superintendent or Officer-in-Charge.
(viii) In custody, care or employment of any other government office, institutional facility centre, organisation or institution (collectively referred to as institutional facilities)	The Superintendent or Officer-in-Charge of the institutional facility centre, or an officer authorised by such Superintendent or Officer-in-Charge.
(ix) Forensic Science Lab	The Administrative Officer in charge or an officer authorised by such Administrative Officer.
(x) Any other Government department	Head of the Department or an Officer authorised by the Head of the Department.
(xi) In case of any other location	The High Court, Court or Forum concerned, may appoint any person deemed fit and proper who is ready and willing to render services as a Co-ordinator to ensure that the proceedings are conducted in a fair, impartial and independent manner and according to the directions issued under these Rules.

(6) Where a Co-ordinator is to be appointed under sub-rule (1) or sub-

rule (2) and no specific arrangement is otherwise made, the following shall apply-

(a) Unless otherwise directed by the District Judge, the District System Administrator or the Senior System Officer shall act as the Co-ordinator for both the Court Point and the Remote Point.

(b) Where the District System Administrator or the Senior System Officer is not stationed at the Court Point and no Co-ordinator is appointed by the Court, the Bench Clerk of the trial court shall act as the Co-ordinator at the Court Point.

(c) Where the Court directs that a Remote Point Co-ordinator is required under sub-rule (2) but the District System Administrator or the Senior System Officer is stationed at a different centre, and the Remote Point is not one of those specified in sub-rule (5), a staff member may be deputed by the District Judge or the Chief Judicial Magistrate concerned to act as the Co-ordinator at the Remote Point; and

(d) In a case not falling under (a) to (c), the Court shall nominate the Chief Ministerial Officer or any other staff member of the Court to act as the Co-ordinator at the Court Point or Remote Point.

(7) In the following cases, the Remote Point shall be as mentioned herein below:

(a) Where the witness to be examined is a Judicial Officer, the chambers, office or residence of such officer;

(b) Where

(i) the High Court, Court or Forum so directs or,

(ii) if the case is proceeding without contest, or;

(iii) if the contesting parties give consent in writing, the chambers, office or residence of the witness; unless the court otherwise directs.

(8) Where arguments are addressed by the Participant from the Remote Point and if the assistance of a Co-ordinator is required, the Participant at the Remote Point shall apply in advance for the same to the High Court, Court or Forum, which shall then nominate a person to be the Co-ordinator at the Remote Point.

(9) The Co-ordinators at both the Court Point and Remote Point shall ensure that the facilities recommended in Rule 4 are available. They shall also conduct a test between the points well in advance to resolve any technical problem, so that the proceedings are conducted without interruption.

(10) The Co-ordinator at the Remote Point shall ensure that:

(i) all Participants required to appear or be heard are available and ready at the Remote Point at least 30 minutes before the scheduled time;

(ii) no other audio or video recording device, including a mobile phone, is used inside the Remote Point;

(iii) no unauthorised person enters the Remote Point when the proceedings are in progress;

(iv) that person being examined or heard is not prompted, tutored, coaxed, induced or coerced in any manner by any person; and

(v) that the person being examined does not refer to any document, script or device without the permission of the High Court, Court or Forum concerned, during the proceedings.

(11) Where the witness to be examined through electronic audio-video linkage requires or if it is otherwise expedient to do so, the Court shall give sufficient notice in advance, setting out the schedule of the proceedings and in appropriate cases may transmit non- editable digital scanned copies of all or any part of the record of the proceedings to the official electronic mail account of the Co-ordinator of the Remote Point concerned or in the absence of a Co-ordinator, in the electronic mail

account of the witness.

(12) Before the scheduled date of the proceedings, the High Court, Court or Forum may require that the Co-ordinator at the Remote Point receives in his official electronic mail account either a view of the electronic or digital records, or duly authenticated non-editable scanned soft copies in electronic form or certified copies of all or any part of the record of the proceedings which may be required for recording statements or evidence or necessary for reference by the Required Person.

Provided that such records shall be used by the Required Person only with the prior permission of the High Court, Court or Forum, and under the supervision of the Co-ordinator, if any, and no copy or extract shall be taken or retained without such permission.

(13) The High Court, Court or Forum shall, whenever required, direct the Co-ordinator at the Remote Point or at the Court Point to provide-

- (i) a translator in case the person to be examined is not conversant with the official language of the Court;
- (ii) an expert in sign language in case the person to be examined is impaired in speech and/or hearing;
- (iii) an interpreter or special educator, as the case may be, in case the person to be examined is either permanently or temporarily differently abled.

CHAPTER III

GENERAL PROCEDURES

6. Application for Appearance, Evidence and Submission through Electronic Audio-Video Linkage:-

(1) Any party to the proceedings or the Advocate of the party or Required Person or the Advocate of the Required Person, save and except where the proceedings through electronic audio video linkage are

initiated at the instance of the Court, may move an application in the form prescribed in Schedule II of these Rules.

(2) In proceedings before the Family Court, electronic audio-video linkage shall be allowed only after completing the counselling. When either of the parties is not able to attend the counselling in person, the Family Court may, for reasons to be recorded in writing, allow the counselling to be done through electronic audio-video linkage.

(3) The form for the request shall be served on the opposite party or parties to the proceedings, except where it is not possible for valid reasons.

(4) On receipt of the application and upon hearing all parties concerned, the High Court, Court or Forum, shall pass an order after ascertaining that the application is not filed with an intention to impede a fair trial or to delay the proceedings.

(5) The High Court, Court or Forum, while allowing the application for electronic audio-video linkage, shall also fix the schedule for the proceedings.

(6) If the proceedings through electronic audio-video linkage are scheduled for making oral submissions, the High Court, Court, or Forum may require the Advocate or Required Person to submit written arguments and citation of judgments, if any, in advance to the Court concerned through the official electronic mail of that Court.

(7) In case the Required Person is in a country outside India, the Presiding Officer of the Court or Forum shall route the details for electronic audio-video linkage through the High Court.

(8) The High Court, Court or Forum may order examination through electronic audio-video linkage of a witness situated in any district in the State and the space so identified shall be deemed to be a Remote Point unless the court otherwise directs in the order.

(9) If any Court in the District Judiciary in Kerala wants to examine a Required Person who is outside the State through electronic audio-video linkage in a Court premises, then the details thereof with a formal request shall be forwarded by or through the District Judge concerned to the District Judge in whose jurisdiction the Required Person is present for facilitating the electronic audio-video linkage facility.

(10) If any Court in the District Judiciary in Kerala receives a request directly from a Court outside the State for facilitating the examination of a Required Person within its jurisdiction through electronic audio-video linkage, such Court shall intimate the District Judge concerned, who shall make necessary arrangements for the electronic audio-video linkage facility.

7. Service of Summons:-

(1) When a summons is issued to a witness, proposed to be examined or heard as provided under these Rules, the summons shall specifically mention the date, time and venue of the Remote Point and shall also direct the witness to attend in person along with proof of identity or an affidavit to that effect as mentioned in sub-rule (5) of Rule 8.

(2) When such a witness is also required to produce a document, it shall be sufficient compliance of the direction if the witness produces it in the Remote Point at the time fixed for examination, along with an authenticated copy. The document so produced shall be scanned and sent to the Court Point before the commencement of the examination, to enable the Court and the parties to verify it. The Co-ordinator at the Remote Point shall, along with the other documents, transmit the original of the document and the authenticated copy so produced to the Court Point within three days of its production by authorised courier service, or speed post or by other means as directed by the High Court, Court or Forum, as the case may be.

8. Examination of Persons:-

(1) In civil cases, the party requesting the examination of any person through electronic audio-video linkage or live link shall inform the Court of -

(a) the location of the person to be examined;

(b) the date and time proposed for such examination; and

(c) the availability and adequacy of technical facilities and the willingness of the party to be examined through electronic audio-video linkage at the proposed Remote Point;

(2) In criminal cases, where the person to be examined is a prosecution witness or Court witness, the prosecution, and where the person to be examined is a defence witness, the defence counsel, will inform the Court, the location of the person, the time, the place and the availability of the technical facilities.

(3) Where the person to be examined is an accused, the prosecution shall confirm the location of the accused at the Remote Point.

(4) When the accused person is in custody and not present at the Court Point, the Court shall order a multi-point electronic audio-video linkage between the Court, the witness and the accused person in order to facilitate the recording of the statement of the witness. The Court shall also ensure an adequate opportunity to the accused person to communicate in privacy with his Advocate before, during and after the recording of evidence.

(5) A Required Person shall, before being examined, produce and file proof of identity by submitting an identity document issued or duly recognised by the Government of India/State Government/Union Territory, as the case may be. In the absence of such a document, an affidavit attested by any of the authorities referred to in Section 139 of the Code of Civil Procedure, 1908 (Act 5 of 1908) or Section 333 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Act 46 of 2023) shall be produced. The affidavit shall contain the photograph and particulars of

the deponent and shall affirm that the person shown therein is the same individual who is to depose through electronic audio-video linkage. The copy of the identity document or affidavit filed, as the case may be, shall be made available to the opposite party.

(6) If the proof of identity or affidavit is produced at the Remote Point, the same shall be scanned and sent to the Court Point before the commencement of the proceedings, to enable the High Court, Court or Forum, and the opposite parties to verify it. The identity of the Required Person shall be confirmed by the High Court, Court or Forum with the assistance of the Co-ordinator at the Remote Point before commencement of proceedings under these Rules. The same shall be mentioned in the order sheet of the High Court, Court or Forum. The Co-ordinator at the Remote Point shall, along with the other documents, transmit the hard copy of the proof of identity or affidavit to the Court Point by authorised courier service, or speed post or by other means as directed by the High Court, Court or Forum, as the case may be.

(7) All proceedings under these Rules shall ordinarily be conducted during the working hours or at such time as the High Court, Court, or Forum may deem fit. Before the commencement of the examination, an oath shall be administered from the Court Point to the person deposing.

(8) Where the Required Person being examined or the accused to be tried is in custody, the statement or the testimony, as the case may be, may be recorded through electronic audio-video linkage. The High Court, Court or Commissioner shall provide adequate opportunity to the under-trial prisoner to communicate in privacy with the Advocate engaged by such person, before, during and after the recording of evidence or statement.

(9) Where a party or an Advocate for such party requests in the course of the proceedings that some privileged communication may have to take place, the High Court, Court or Forum shall pass appropriate orders having due regard to the nature of the communication.

(10) Subject to the provisions regarding examination of witness in the

Bharatiya Sakshya Adhiniyam, 2023 (Act 47 of 2023) and sub-rules (10) to (12) of Rule 5 of these Rules, before the examination of the witnesses, the High Court, Court or Forum may direct that the documents, if any, sought to be relied upon shall be transmitted to the Co-ordinator at the Remote Point, so that the witness acquires familiarity with the said documents.

(11) If a person is required to be examined with reference to a particular document, the High Court, Court or Forum may direct that the summons to that person shall be accompanied by a duly certified copy of the said document.

(12) Where the examination mentioned in sub-rule (11) involves reference to any original electronic or digital record, such record shall, unless otherwise directed by the High Court, Court or Forum, be produced and displayed simultaneously at both the Court Point and the Remote Point, in a manner that ensures its integrity, accuracy, and completeness. Where simultaneous access to the original is not feasible, a mirror image or a duly certified copy shall be used at the Remote Point, subject to the directions of the High Court, Court or Forum.

(13) When the person being examined finds it difficult to identify any person through the ordinary mode of electronic audio-video linkage imaging or live link imaging, the image of the person may be shown to the witness more closely by zooming the camera to remove the difficulty in identification. Such a fact shall be recorded in the proceedings.

(14) The High Court, Court or Forum, shall obtain the signature or equivalent authentication of such person on the transcript on the conclusion of each session of examination. Such an authenticated transcript shall form part of the record of the judicial proceedings. The signature or authentication shall be obtained in either of the following ways:

(i) If electronic signature, digital signature or any other electronic mode of authentication as prescribed by the High Court for authentication of

deposition is available at both the Court Point and the Remote Point, a non-editable electronic transcript or its non-editable electronic copy authenticated at the Court Point by the High Court, Court or Forum, shall be transmitted through the official electronic mail or secure electronic communication channel to the Remote Point where it shall be authenticated by the person examined using any of the aforesaid modes, which shall thereafter be retransmitted to the Court Point by official electronic mail or secure electronic communication channel.

(ii) If either the High Court, Court or Forum, or the Required Person being examined is unable to authenticate the transcript as mentioned in clause (i) above, a printout of the transcript signed or otherwise authenticated by the Judge of the High Court, or the Presiding Officer of the Court or Forum, shall be scanned in a non-editable format at the Court Point, and it shall be transmitted to the Remote Point through the official electronic mail or secure electronic communication channel, where a print out of the same shall be taken and signed by the person examined and countersigned by the Co-ordinator at the Remote Point, if any. A non-editable scanned format of the transcript, so signed, shall be retransmitted by official electronic mail or secure electronic communication channel to the Court Point by the Co-ordinator of the Remote Point; or by the person examined if there is no Co-ordinator at the Remote Point, by electronic mail. The hard copy of the signed transcript shall also be dispatched within three days of recording, along with other documents, if any, by the Co-ordinator at the Remote Point or by the person examined, as the case may be, to the Court Point by authorised courier service or by speed post or such other means as directed by the High Court, Court or Forum as the case may be.

(iii) Where the person examined is an accused in custody and the examination was conducted through electronic audio-video linkage under Section 316 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Act 46 of 2023), the procedure under clause (ii) above shall be followed by forwarding the copy authenticated at the Court Point as mentioned in clause (ii) above to the Prison or Jail. The Co-ordinator at the Remote

Point shall forthwith, and not later than seventy-two hours of such examination, obtain the signature of such accused person on all pages of the print out of the transcript or authenticate the same in the manner provided in clause (i) above, if the facility is available and after counter signing the same, it shall be retransmitted to the Court Point in the manner provided in clause (i) above. The hard copy of the signed transcript shall also be dispatched within three days of recording, along with other documents, if any, by the Co-ordinator at the Remote Point to the Court Point by authorised courier service or by speed post or by such other means as directed by the High Court, Court or Forum, as the case may be.

(15) As far as practicable, the audio-video recording of the persons examined shall be preserved, and the encrypted master copy with hash value shall be retained by the High Court, Court or Forum, as part of the records. However, no proceedings conducted under these Rules shall be considered invalid on the ground that the proceedings were not so recorded or such a copy was not retained.

(16) Where a facility to record such data has been provided, such recorded data may be secured by an administrative password and be retrieved only when its retrieval is ordered. The administrative password shall remain with the Director (IT) or any other person authorised by the Chief Justice in the case of the High Court, and with the Presiding Officer of the Court or Forum.

(17) The Court may, at the request of the person to be examined, or on its own motion, taking into account the best interests, direct appropriate measures to protect the privacy of such person, bearing in mind aspects such as age, gender, physical condition and recognised customs and practices.

(18) The Co-ordinator at the Remote Point shall ensure that, except for the witness, only persons permitted by the High Court, Court or Forum are present at the time of examination of the witness.

(19) The Court shall, to ensure compliance with clause (iv) of sub-rule (10) of Rule 5 of these Rules, impose such other conditions as may be necessary for the effective recording of the examination.

(20) The proceedings under these Rules shall, as far as practicable, proceed on a day-to-day basis. The High Court, Court or Forum shall not grant unnecessary adjournments.

(21) When a Participant is unable to reach the Court Point or the Remote Point due to sickness or physical infirmity or due to any genuine reason which the High Court, Court or Forum, may decide, or when the presence of the Participant cannot be secured without undue delay or expenses, the High Court, Court or Forum may authorise the conduct of the proceedings through electronic audio-video linkage from the place where the Participant is present. In such circumstances, the High Court, Court, or Forum may direct the use of a portable electronic audio-video linkage system. The authority for the same shall be given to the Co-ordinator concerned or to any other person deemed fit.

(22) Subject to the orders of the High Court, Court or Forum, where any party to the proceedings or the Advocate for such party desires to be physically present at the Remote Point at the time of recording of the evidence, such party shall make arrangements for being present at their own cost.

(23) The appearance of a Participant in compliance with these Rules shall be treated as substantive compliance with any law that requires the personal appearance of Participants.

9. Exhibiting or Showing Documents or Objects to the Required Person or the Accused at Remote Point:-

(1) If in the course of examination, it becomes necessary to show a document or object to a Participant at the Remote Point through electronic audio video linkage, the High Court, Court or Forum may permit such document or object to be shown by -

- (a) zooming the camera to display the document or object clearly; or
 - (b) electronically transmitting a scanned copy, or the relevant electronic or digital record in a non-editable format, including by using a document visualiser.
- (2) If the document or object is at the Remote Point, the High Court, Court, or Forum may permit such document or object to be shown to the person being examined by transmitting the image of the document or the object to the Court Point electronically, including through a document visualizer. The document or the object itself, as the case may be, shall be sent by the Co-ordinator at the Remote Point to the Court Point, along with any other relevant documents, preferably within three days by an authorised courier service, speed post or by such other means as directed by the High Court, Court or Forum, as the case may be.

10. Ensuring Seamless Electronic Audio-Video Linkage:-

- (1) A Participant may address the High Court, Court or Forum, from the specified Remote Point on the date and time specified by the High Court, Court or Forum. The presence of a Co-ordinator shall not be necessary at the Remote Point where arguments are addressed by the Participant Advocate or Required Person unless specifically requested.
- (2) The Co-ordinator at the Court Point shall also
- (a) guide the Participant regarding the technical requirements for participation in the proceedings;
 - (b) resolve technical issues faced by the Remote Users;
 - (c) ensure that all the required systems, including power backup and communication channels, are functional at both the Court Point and the Remote Point;
 - (d) establish the audio-video connection at the scheduled time and ensure seamless linkage throughout the proceedings; and

(e) ensure that any document or audio-visual file transmitted from the Remote Point is duly received at the Court Point.

(3) The Co-ordinator at the Court Point shall ensure that the proceedings under these Rules are conducted using the designated electronic audio-video communication platform as prescribed by the High Court. In the absence of such designation, or where technical reasons so warrant, the High Court, Court, or Forum may, for reasons to be recorded in writing, permit the use of another secure audio-video communication platform for electronic audio-video linkage in those proceedings.

(4) The High Court, Court, or Forum shall mention in the order sheet:

(a) the time and duration of the proceedings;

(b) the software used, where it is not the designated electronic audio-video communication platform;

(c) the issue(s) addressed; and

(d) the documents, if any, that were produced, transmitted, and marked electronically.

(5) Any technical disruptions or deficiencies in audio or video quality experienced during the proceedings shall be recorded in the order sheet, along with a note on whether the communication was sufficiently clear to enable effective participation by all parties.

(6) Where any Participant believes that prejudice has been caused due to poor audio or video quality, the same shall be brought to the notice of the Co-ordinator at the Court Point forthwith through the Co-ordinator at the Remote Point, if any or otherwise, who shall immediately communicate it to the High Court, Court or Forum. The High Court, Court, or Forum, shall then consider the information and if it is of the opinion that the Participant was prejudiced by the proceedings, pass appropriate orders either:

(i) declaring the proceedings to be incomplete and ordering the resumption of the proceedings or

(ii) dispensing the electronic audio-video linkage proceedings and directing the Participant to appear in person before the High Court, Court or Forum, on a date to be fixed.

(7) When it comes to the notice of the Superintendent of Prisons, the Medical Superintendent of a Hospital, the Head of any other Department or Institution, or any person under their control or care that-

(a) person is required to appear simultaneously before two or more High Courts, Courts, or Forums; or

(b) the number of proceedings scheduled exceeds the manageable capacity of the Remote Point;

such officer shall forthwith inform the High Court, Court or Forum, which issued the direction last.

11. Costs:-

(1) The expenses of the electronic audio-video linkage facility shall include the expenses of preparing soft copies or certified copies of the Court record for sending to the Co-ordinator at the Remote Point and the fee payable to the translator, interpreter or special educator, as the case may be.

(2) Unless the Co-ordinator at the Remote Point is a Government servant, drawing a remuneration from the Government or an institutional representative, the Co-ordinator at the Remote Point shall be paid such amount as honorarium as may be fixed by the High Court, Court, or Forum in consultation with the parties to the case.

(3) In criminal cases, the expenses for conducting the proceedings under these Rules shall be borne by the prosecution where the prosecution or Court witness is to be examined; and by the accused when the defence

witness is to be examined, unless such costs are otherwise ordered by the Court, taking into account the provisions of the Criminal Rules of Practice, Kerala.

(4) In civil cases, the expenses for recording evidence through electronic audio-video linkage shall be borne by the party making the request, unless such costs are otherwise ordered by the Court.

(5) In other cases, the High Court, Court, or Forum may make an order as to the expenses as it considers appropriate, taking into account the rules or instructions regarding payment of expenses to the parties and witnesses, as may be prevalent from time to time.

(6) The High Court, Court, or Forum may, for reasons to be recorded in writing, exempt a party from the payment of costs or direct both the parties to share the expenses in the proportion as fixed by the High Court, Court or Forum.

(7) The costs, if directed to be paid, shall be deposited within the time fixed by the High Court, Court, or Forum. If the costs as directed are not paid, then the High Court, Court, or Forum shall pass appropriate orders, depending upon the facts and circumstances of each case.

12. Conduct of Proceedings. -

(1) All Participants shall strictly follow the mandates contained in Schedule I of the Rules. The High Court, Court or Forum, on an application filed before the commencement of the proceedings and having regard to the facts and circumstances of the case, may permit any Participant to mask the face or name for privacy.

(2) The Co-ordinator at the Court Point shall send the link/meeting ID/the details of the Remote Point to the electronic mail or the mobile number furnished by the Participants. Once the proceedings have commenced, no other person will be permitted to participate except on the orders of the High Court, Court or Forum.

(3) The Participants, after joining the proceedings at the Remote Point, shall remain in the virtual lobby, if available, until they are admitted to the electronic audio-video linkage proceedings by the Co-ordinator at the Court Point.

(4) Once the Participants participate in the proceedings, their participation shall constitute consent on their part to the proceedings being conducted and recorded by electronic audio-video linkage.

(5) The High Court, Court or Forum, shall have the power to control audio-video links between the Court Point and the Remote Point.

(6) The High Court, Court or Forum, shall ascertain from the Participant that every participant whom the High Court, Court or Forum considers necessary at the Remote Point or the Court Point is clearly visible and audible at all ends of the electronic audio-video linkage.

13. Access to Legal Aid Clinics/Camps/Lok Adalats/Jail Adalats:-

(1) In conformity with the provisions of the Legal Services Authorities Act, 1987 (Act 39 of 1987) along with the Rules and Regulations in force, in proceedings related to Legal Aid Clinics, Camps, Lok Adalats or Jail Adalats, any person who at the Remote Point is in Jail or Prison shall be examined through electronic audio-video linkage by the Member-Secretary, Kerala State Legal Services Authority; Secretary, High Court Legal Services Committee; Secretary, District Legal Services Authority or Chairman, Taluk Legal Service Committee or Members of Lok Adalats, before any award or order is passed.

(2) The award or order so passed shall have the same force as if it were passed by the regular Lok Adalat or Jail Adalat.

(3) The copy of the award or order and the record of the proceedings shall be sent to the Remote Point.

14. Permission to view the Electronic Audio Video Linkage proceedings by persons who are not parties:-

(1) The High Court, Court or Forum shall, depending on the availability of links with consistent bandwidth, allow persons who are not parties to the proceedings to view the proceedings through electronic audio-video linkage or live link.

(2) The High Court, Court or Forum shall not permit persons to view the proceedings if such proceedings are conducted in camera.

(3) If persons who are not permitted by the High Court, Court or Forum are present in the Remote Point at the time of examination of the witness, the Co-ordinator at the Remote Point shall inform the High Court, Court or Forum before the proceedings start, the identity of the person and the reason for being present at the Remote Point. The said person shall only, on being permitted by the High Court, Court, or Forum, remain present at the Remote Point.

CHAPTER IV

MISCELLANEOUS

15. Power of High Court.-

(1) When the High Court is satisfied that the operation of any Rule causes undue hardship, it may order to dispense with or relax the requirements of that Rule to such extent and subject to such conditions, if any, as are necessary to deal with the case in a just and equitable manner.

(2) The High Court may also, from time to time, issue practice directions under these Rules, and the said directions shall be effective from the dates as may be notified.

16. Residuary Provision:-

(1) Matters with respect to which no express provision has been made in these Rules shall be decided by the High Court, Court or Forum, consistent with the principle of furthering the interest of justice.

17. Repeal and Savings:-

(1) The Electronic Video Linkage Rules for Courts (Kerala) 2021 is hereby repealed.

(2) Notwithstanding such repeal, anything done, any action taken, any proceeding commenced, and any nomination, authorisation, or order made or issued under the repealed Rules, shall, insofar as it is not inconsistent with these Rules, be deemed to have been done, taken, commenced, made or issued under the corresponding provisions of these Rules.

SCHEDULE – I

1. Advocates participating in the proceedings shall wear attire as prescribed by the Bar Council of India under the Advocates' Act 1961 (Act 25 of 1961). Police officers and other uniformed officers shall appear in the uniform as prescribed for them under the relevant statutes or orders. The attire of the Presiding Officers and the Court Staff shall be as prescribed by the High Court under the relevant Act, Rules and Orders. All other persons shall wear sober attire consistent with the dignity of the proceedings.

2. Proceedings shall be conducted as far as possible at the scheduled time by the courts concerned.

3. As directed by the court concerned, the cases shall be called out and the appearance of persons recorded.

4. Every participant shall adhere to the courtesies and protocols as are followed in the physical courts.

5. The participants in the proceedings shall keep their microphones muted till such time as they are called upon to make their submissions.

6. Remote Users shall ensure that their devices are free from any malware.

7. The Co-ordinator at the Remote Point and the Remote Users shall ensure that the Remote Point is situated in a quiet location and has sufficient internet connectivity. The Court may, if the situation so warrants, direct any proceedings to be non-est, if any uninterrupted disturbance is caused during the proceedings.

8. The mobile phones of all participants shall be in silent mode during the proceedings.

9. All Participants shall remain attentive during the proceedings and shall not engage in any unrelated activity. The visual transmission device at each location shall be positioned to continuously capture the full face up to the shoulders of the Participant clearly, and shall remain active and fixed throughout the proceedings. Participants shall ensure that their focus remains on the communication interface and that their faces are visually available at all times for the effective conduct of the proceedings as far as practicable.

10. The use of offensive language, disrespectful behaviour, or non-compliance with judicial instructions may lead to immediate removal from the session and other legal consequences.

11. Participants shall not join from any inappropriate place or wearing inappropriate attire.

12. Any place, including moving vehicles, washrooms and restaurants, or other places which may cause distraction in the conduct of proceedings or which may not be suitable to the decorum of proceedings, shall be considered as inappropriate places.

SCHEDULE II

REQUEST FORM FOR ELECTRONIC AUDIO-VIDEO LINKAGE

1.Number of the Case with Year:

2.Name of the Court:

3. Cause title/Name of parties to the proceedings;

4.Proposed Date of Video Conference [DD/MM/YYYY]:

5. Location of the Court Point(s):

6. Location of the Remote Point(s):

7. Name, Designation, Address of the Participants
at the Remote Point:

8. Stage of the Case:

9. Reasons for the Electronic Audio-Video Linkage:

10. Any other matter to be stated:

I have read and understood the provisions of the Electronic Audio-Video Linkage Rules (Kerala), 2025. I undertake to remain bound by the same to the extent applicable to me. I agree to pay the costs as mentioned in Rule 11 of the Rules or as directed by the Court.

Date:

Name and Signature of the Applicant

For the use of the Registry/Court Point Co-ordinator

a) Bench assigned:

b) Hearing:

Held on [DD/MM/YYYY]

Commencement Time:

End Time:

Number of Hours:

c) Costs:

Overseas transmission charge, if any:

To be incurred by the Applicant/Respondent:

To be shared equally:

Waived, as ordered by the Court.

Date:

By order

Registrar General

EXPLANATORY NOTE

(This is not part of the notification, but is intended to indicate its general purport)

With the enforcement of the (i) Bharatiya Nyaya Sanhita, 2023, (ii) Bharatiya Nagarik Suraksha Sanhita, 2023, and (iii) the Bharatiya Sakshya Ahiniyam, 2023, it has become essential to update and modernise the framework governing criminal judicial proceedings through audio-video proceedings. The object is to facilitate the use of technology in the administration of justice, ensuring accessibility, efficiency, transparency and procedural fairness. The new Rules consolidate and update the existing provisions governing video conferencing before Courts, Tribunals, and other judicial or quasi-judicial forums in the State.

The Rules prescribe the manner in which appearances, examination of witnesses, recording of evidence, production of documents, and other proceedings may be conducted through audio-video means. The new set of Rules provides a comprehensive and robust framework for the conduct of civil and criminal proceedings, as well as such other proceedings as are specified under these Rules or any other applicable statutes, through audio-video electronic means. The Rules are designed to make the conduct of proceedings through electronic mode consistent with the procedural laws in force. They ensure the security of identity, data and records; continuity and reliability of audio-video transmission; confidentiality and protection of privileged communication and safeguards to protect the rights of parties involved.