

ORISSA HIGH COURT: CUTTACK

Notice regarding Orissa High Court e-Filing and Video Conferencing Scheme, 2020.

In view of exigency caused by COVID-19, as per the order of Hon'ble Apex Court *in Suo Motu Writ (Civil) No. 5/2020 In Re : Guidelines for Court Functioning through Video Conferencing During Covid-19 Pandemic*, the Hon'ble Court have been pleased to formulate the 'Orissa High Court e-Filing and Video Conferencing Scheme, 2020' for e-filing of cases and hearing of cases by Video Conferencing in High Court of Orissa and with regard to ancillary matters, in order to effectively ensure access to justice having due regard to requirements of public safety in the prevailing circumstances.

Filing of cases be done by sending scanned copies of applications and relevant documents through mail in e-mail Id: efilingohc@gmail.com. The 'Orissa High Court e-Filing and Video Conferencing Scheme, 2020' has been uploaded in the Court's website for reference of all concerned.

All concerned are requested to adhere to the provisions of the said Scheme with respect to filing of cases and hearing of matters in High Court of Orissa with regard to matters covered thereunder.

In case of difficulty in joining the VC session or in case of any grievance regarding quality or audibility of feed of VC, the VC Helpline Number at 9437900550 may immediately be contacted.

Advocates/ Parties whose cases shall be heard through Video Conferencing are requested to remain in readiness one hour prior to commencement of Court hours for the purpose of testing the functionality of Video Conferencing. Such Advocates/Parties are further requested to ensure availability of the Video Conferencing software applications (as mentioned in the scheme) in their respective devices prior to testing.

Mentioning for listing of extremely urgent matters may be as usual made through e-mail Id: drj.od-hc@gov.in.

The above arrangement shall come in to force w.e.f. 09.04.2020 till the exigency arising out of COVID-19 persists.

THE HIGH COURT OF ORISSA: CUTTACK
THE 8TH APRIL, 2020.

By the Order of the Court
Sd/- S.K.Mishra
8/4/2020
Deputy Registrar(Judicial)

**ORISSA HIGH COURT e-FILING AND VIDEO CONFERENCING
SCHEME, 2020**

STATEMENT OF OBJECT AND REASONS

Whereas in view of the order dated 06.04.2020 passed by Hon'ble Supreme Court of India in **Suo Motu Writ (Civil) No.5/2020 In Re: Guidelines for Court Functioning Through Video Conferencing During Covid-19 Pandemic** authorizing High Courts to take all measures to reduce the need for physical presence of stakeholders of judicial system within court premises and to secure the functioning of courts in consonance with social distancing guidelines and best public health practices and further to adopt measures required to ensure the robust functioning of the judicial system through the use of video conferencing technologies and to determine modalities suitable to the temporary transition to the use of video conferencing technologies consistent with the peculiarities of the judicial system in the State and the dynamically developing public health situation,

Whereas due to proliferation of Information Technology and use of Smartphones, it is now possible that Advocates and Parties can file their cases by electronic means remotely from their respective locations and their causes can be taken up for hearing through Video Conferencing;

Whereas being satisfied that prevailing circumstances necessitate urgent enforcement of modalities for filing and hearing of cases in such manner as would ensure that there is least physical presence of Advocates/Parties and

other Stakeholders in Court, the High Court of Orissa do hereby formulate 'Orissa High Court e-Filing and Video Conferencing Scheme, 2020' for enabling electronic filing of cases, mention memo for listing and hearing of cases by Video Conferencing in High Court of Orissa and with regard to ancillary matters, in order to effectively ensure access to justice while meeting requirement of public safety.

APPLICABILITY AND EXTENT

This provisions of this Scheme shall ordinarily remain in force w.e.f. **09.04.2020** till the exigency arising out of COVID-19 persists. Notwithstanding the above, High Court of Orissa may extend the period and scope of applicability of this scheme with such amendments and modifications as it deems necessary.

CHAPTER - I

PROCEDURE FOR E-FILING

1. Lawyers and litigants shall file applications/petitions etc. by sending soft copy (preferably in scanned PDF format) of such applications, petitions and other relevant documents only through e-mail to **efilingohc@gmail.com**. Wherever any application or petition requires to be backed by an affidavit, a verification shall be filed to that effect following the format of affidavit.

2. Ordinarily, this e-mail ID shall be under operational control of Superintendent of Filing Counter.

3. As far as serving copies are concerned, soft copies of the petitions etc. shall be sent to the e-mail ID of Advocate General or the Assistant Solicitor General for matters pertaining to State Government and Central Government, as the case may be. For others, the soft copies of the petition shall be served through the official / designated e-mail ID of the concerned party. If any party cannot be provided with soft copies in the above manner through e-mail, then Registry may provide such soft copies to such party through e-mail provided that:-

- i. The party supposed to serve soft copy through e-mail furnishes adequate reasons as to why he could not make service of such copy through e-mail
- ii. The party supposed to be served with the copy makes a request for being provided with the soft copy through valid e-mail ID furnished by him

4. Every e-filed petition shall contain a screenshot showing that the e-mail containing the soft copies of all relevant documents has been sent to the intended e-mail ID and shall further be accompanied by an undertaking of the Advocate/Party to the following effect:-

- a. soft copies of all relevant documents in the matter have been sent to the e-mail ID (mention e-mail ID) of the concerned parties and
- b. no intimation has been received indicating that the e-mail message as at (a) above could not be delivered at the intended e-mail address.

In absence of materials indicating the contrary, compliance of the above shall be treated as proof of service of copy in e-filed matters.

Nothing stipulated above shall preclude a party from serving copy on any person, organization etc and proving such service in any manner permitted under law.

5. The Advocate/Party shall mention the following in the petition:-
 - a. Full Name of the Advocate/Party
 - b. Mobile Phone Number of the Advocate/Party (preferably one which is linked to *Whatsapp*)
 - c. Bar Council Enrolment Number (in case of Advocates)

6. The Bar Council Enrolment Number shall be mentioned (preferably in typed format) exactly as it is displayed in the relevant Certificate, without inserting any space between the characters and without adding any extra character. The mobile phone number, e-mail ID (from which the filing is received) and the Bar Council Enrolment Number shall be updated against the name of the concerned Advocate in the Case Information System (CIS) Software of Orissa High Court for all relevant purposes.

7. The information as at Clause (4) shall be mentioned clearly at an appropriate place in the index page or the first page of the petition/application etc. in bold letters duly endorsed by signature of the person/advocate filing the same.

8. All pages of the petition/application etc including Annexures shall be signed by the petitioner / authorized agent and also by the lawyer prior to being scanned and e-filed.

9. Wherever a person is unable to pay Court Fee/Deficit Court Fee while resorting to e-filing for some genuine reasons, he shall submit an undertaking while e-filing the case that he shall pay the required Court Fee/Deficit Court fee in the prescribed manner as per Rules within one week of resumption of normal functioning of Court. He shall further submit an undertaking that he shall file the original of all e-filed documents within the time period of one week after resumption of normal functioning of High Court.

In case the person/persons is/are not liable to pay Court fees for filing or instituting cases in view of Odisha Government's Notification issued in 1994, he shall mention it in index page or the first page of petition/application etc. in bold letters duly endorsed by signature of the person/advocate e-filing the case indicating which category he/they belong to for claiming such exemption which shall be subject to verification

10. Within a period of one week from the date of restoration of normal functioning of the Court the following steps shall have to be taken by the concerned Advocate/Party:-
- a. If Court Fee/ Deficit Court Fee had not been paid while e-filing then such Court Fee / Deficit Court shall be paid. This shall be subject to scrutiny by appropriate authority,
 - b. Original Documents pertaining to all e-filed documents of a matter would have to be filed as per Rules by the concerned Advocate/Party,
 - c. Whenever an Advocate / Party shall file Original Documents of the e-filed documents as per Sub Clause (b) above, such

Advocate/Party shall also submit an undertaking that all documents e-filed by him are true copies of the documents filed by him under Clause (10) (b) of this Scheme.

- d. Wherever verification has been filed as per Clause (1), a properly sworn affidavit shall be filed.

The learned Advocates / Parties are requested to comply with above requirement and extend necessary cooperation for smooth functioning of Court work. Non compliance may lead to non consideration of the relevant petition/application.

11. The reply, civil application, miscellaneous civil application, if any, to be filed under this Scheme shall also be filed as per the method prescribed above.

CHAPTER II

MENTIONING OF EXTREMELY URGENT MATTERS

1. Applications / memos filed for the purpose of taking up a matter on the ground of extreme urgency shall only be submitted via e-mail to the Deputy Registrar (Judicial) at **drj.od-hc@gov.in** as is already being done and each such application/memo shall state the specific nature of extreme urgency so that it can be placed before concerned Hon'ble Judge in charge for consideration and listing.
2. When a memo is filed for listing with respect to a pending matter on account of any urgency, the concerned Advocate or party shall prepare the scanned soft copies (preferably in scanned PDF format) of the

entire case document and send it to all concerned e-mail IDs in the manner prescribed in this Scheme for e-filing under Chapter I. Such soft copies shall be supplied in the prescribed manner at the time of filing memo of urgency for listing.

3. Applications/Memos filed by Advocates or Party shall contain his / her statements to the following effect:-

- a. He/She has filed mention memo on _____(mention date) but the case has not been listed
- b. He or she is willing to appear before the Court through Video Conference as per the provisions of the present Scheme and under such terms and manner as may be decided by the concerned Bench,
- c. He/she understands that the proceeding of Court conducted through Video Conferencing shall be treated at par with conventional Court proceedings for all relevant purposes

CHAPTER III

SCRUTINY OF E-FILED MATTERS

1. The Registrar (Judicial) shall nominate suitable official/officials who shall keep track of e-filed cases received in e-mail ID **efilingohc@gmail.com** and after completion of required

formalities, forward the said e-filed cases to the e-mail ID **scrutinyefiling@gmail.com** for scrutiny of defects.

2. The Registrar (Judicial) shall entrust the work of scrutiny of defects of e-filed cases to such staff/officials as deemed fit, having regard to exigencies.
3. Ordinarily, the operational control of **scrutinyefiling@gmail.com** shall remain jointly with all such staff/officials who shall be responsible for scrutinizing defects of e-filed matters and the aforementioned staff / official shall also be responsible for every intimation issued through the said e-mail ID.
4. After receiving, the e-filed cases through e-mail in the above manner, staff/officials entrusted with the work of scrutinizing defects of such matters shall peruse the soft copies of the e-filed cases and scrutinize the same for defects. They shall prepare list of defects, if any, and intimate the same to the concerned Advocate/Party through reply e-mail in the same chain e-mail containing the e-filed case.
5. The defects pointed out in e-filed matters shall be intimated from the e-mail ID **scrutinyefiling@gmail.com** to the concerned Advocate's/Party's e-mail ID at the earliest
6. The concerned Advocate/Party shall remove the defects and e-mail necessary intimation in this regard directly to **scrutinyefiling@gmail.com** citing sufficient details of the matter for easy follow up action by the concerned staff/official.

CHAPTER IV

LISTING AND TRANSFER OF CASE RECORDS

1. Listing of the number of urgent cases on the basis of the mention memos on a particular day shall be solely as per approval of the Hon'ble Judge in Charge.
2. There shall be no printing of cause list and all concerned shall access the cause list through website of Orissa High Court at **www.orissahighcourt.nic.in**
3. Registry shall ensure that the case records of the listed matters are made available to the concerned Bench in such manner and within such time prior to the holding of Court, as directed by the said Bench.

CHAPTER V

PROCEDURE FOR HEARING OF CASES THROUGH VIDEO CONFERENCING

1. Ordinarily **Vidyo** or **Zoom Cloud Meetings** Video Conferencing (VC) Software Applications shall be used for conducting hearing of cases through Video Conferencing. However, if required, all alternative means such as using other VC applications or using Video Calling facility such as *Whatsapp* Video Calling may be resorted to for ensuring proper hearing of a matter.
2. Hardware based VC system has also been installed in the premises of the High Court for those who are unable to make arrangements

for appearing before Court through Video Conferencing. However, in view of the serious health risk posed by movement outside of home at this juncture, all concerned are urged to stay at home or office and appear through VC in the manner prescribed in this Scheme. In the event, any Advocate or Party chooses to appear through VC system installed in Court premises, he shall make specific request in that regard while submitting his Memo for listing.

3. The concerned Bench shall have the power to appoint an *amicus curiae* and direct that VC facilities shall be made available to a party in appropriate cases for the benefit of those who do not have the means or access to video conferencing facilities, only for the purpose of their appearance through VC in a particular case.
4. Lawyers and litigants are advised to ensure availability of **Vidyo** or **Zoom Cloud Meetings** application on their respective devices i.e. mobile phones, laptops, desktops etc. It would be beneficial if *Whatsapp* application is also available in their phones. It is also advisable to ensure optimum internet connectivity in the device which the concerned Advocate or Party shall use to appear through Video Conferencing.
5. Arrangement of mobile phone or desktop computer/laptop and any other VC equipment or internet connectivity for conveniently appearing through video conferencing shall have to be made by the concerned Advocate / Party.
6. The concerned advocates and/or parties, whose case(s) is/are listed shall remain in readiness for VC during Court hours on the date of

listing and they shall promptly log in to the VC (virtual) room through ***Vidyo*** or ***Zoom Cloud Meetings*** **only after intimation is sent to them in this regard.**

7. Intimation shall be sent to the concerned Advocate/ Party as the case may be through SMS/Whatsapp message/ E-mail containing details of joining the Virtual Court through Video Conferencing. Hence Advocates/Parties are advised to maintain steady access to designated e-mail ID, mobile phones and VC software during the Court hours till their matter is taken up for hearing.
8. Advocates/Parties whose matters are listed shall remain in alertness with all readiness as prescribed above during Court hours and they should make themselves available before the Court through VC as soon as the Registry reaches out to them with VC joining details. If the concerned Advocate or Party is not available before the Bench through VC after being provided with VC joining details, then his matter may stand adjourned, provided that his non-availability is not due to any technical reasons beyond the control of such Advocate or Party.
9. The Registry may call on the mobile number of Advocate / Party, when the matter is to be called for hearing through video-conferencing, as per cause-list, and provide details of joining the VC session. It is thus advised that concerned Advocates / Parties should therefore try to keep their mobile phones available for call on and around the expected time of hearing of their matter.

10. If the Advocate/Party-in-Person is unable to connect to the Court through video conferencing, his matter may be taken up for hearing in such manner as may be directed by the concerned Bench.
11. **Recording and/or sharing or publishing of the Court proceedings held through VC sessions is strictly prohibited.** If at any point of time, it is found that any VC session with respect to Court proceedings has been recorded or published or shared by any person then strict action as deemed fit and proper may be taken by the Court against such person.
12. Every Advocate and party appearing before Court through Video Conferencing shall maintain necessary decorum which is otherwise maintained in conventional Court appearances. Advocates appearing through VC from their homes or offices may not wear robes and bands but it is expected that they should be properly dressed having due regard to the decency and decorum maintained in Court proceedings.
13. Advocates or Parties appearing through VC shall address the Bench in the same manner by maintaining same standards as is required to be done in conventional Court proceedings. In case of any violation, the Bench may direct to disconnect the VC link of the violator and order to proceed to the next matter.
14. In case if for any technical reason the VC session gets disconnected during proceedings, then Registry shall attempt to re-connect the concerned Advocates and Parties, as the case may be, to VC. Therefore, in case of abrupt interruption in VC, the

concerned Advocate and/or party shall await the intimation of the Registry for resuming the VC session or for any other necessary steps as may be required to be taken for hearing of the matter in accordance with the direction of the concerned Bench.

15. No Advocate or party shall join a VC session without receiving appropriate intimation in this regard from the Registry of Orissa High Court and once the hearing of a matter is over, the concerned advocates and parties shall leave the VC session at once and they shall not join VC again without intimation received in this regard from the Registry. Joining VC sessions without specific intimation from Court in this regard may entail suitable action against the concerned person as deemed fit and proper by the Bench.

16. On receipt of the VC joining details either through e-mail/ SMS / Whatsapp, any device will be able use such details to connect to the Video Meeting/Call initiated from the Court for that matter. As the VC joining details will be sent only to the concerned advocates representing the parties in the matter or parties in a case appearing in person whose mobile numbers have been provided, it is expected that only the advocates/party-in-person whose presence is absolutely necessary shall join the VC Session /call to participate in the hearing of the matter. If such VC joining details are forwarded to another advocate (Senior Counsel etc.), the Session can be joined by him/her also. The Advocate / Party to whom the VC joining details are forwarded by Registry shall ensure that the link is not forwarded to any other Advocate/person not connected with the matter.

17. Registry shall immediately install a VC Helpline Number and communicate it to all concerned through cause list and notice in the website. In case of any difficulty in joining or conducting the VC session, or in case of any grievance regarding quality or audibility of feed of VC, concerned Advocates / Parties can immediately contact the VC Helpline Number through voice call, SMS or Whatsapp message. Registry shall ensure that such grievances are promptly attended to and brought to the notice of the concerned Bench.
18. Whenever the Bench feels that a matter is not urgent, it may direct to adjourn such matter and in such a case the VC link with the concerned Advocate/Party shall be disconnected immediately.
19. If for any reason VC session cannot be conducted for a matter, then the procedure adopted for hearing of such matter shall be entirely subject to the decision taken by Court having due regard to the regulations in force with respect to movement or congregation of members of public

CHAPTER VI

ACCESSING ORDERS AND JUDGMENTS

1. Subject to the directions of the concerned Bench, soft copy of orders passed by such Bench shall be communicated by the concerned Secretarial Staff to the Advocate/Party concerned through e-mail so that such Advocate/Party can access the final order without delay.

2. For the sake of uploading in website, the soft copy of such orders shall be communicated by the concerned Secretarial Staff to Central Project Coordinator only through official e-mail **cpc-ori@aij.gov.in** at the earliest alongwith all relevant details such as date of listing, cause list type, Bench ID, Order date etc for each concerned case and order.
3. An Advocate/Party can utilize the soft copy of order which has been transmitted to him through e-mail or he may access the soft copy of such order available in Court's website as well as use the print out of such copies at par with certified copies in accordance with Orissa High Court's Notice No. 4587 issued on 25.03.2020.

CHAPTER VII

PROCEDURE TO BE FOLLOWED AFTER RESTORATION OF NORMALCY

1. The Registrar (Judicial) shall take necessary steps to ensure that all e-filed cases under this Scheme are kept track of and that the concerned Advocate/Party has complied with the requirements as prescribed under Clause (10) of Chapter I after restoration of normal functioning of Court.
2. It shall be the duty of the Registrar (Judicial) to inform the Chief Justice as well as the concerned Bench in case any Advocate/Party does not comply with mandate of Clause (10) of Chapter I.

3. If it is found that the e-filed documents in a case are not the same as the physical documents filed in the manner prescribed under this Scheme then suitable action as deemed fit and proper may be initiated in the matter.

CHAPTER VIII

MISCELLANEOUS

1. Notwithstanding anything contrary contained in any other Rules in force, the provisions of this Scheme shall prevail over the provisions of any Rules in force in so far as such prevalence ensures accomplishment of the objective of this Scheme.
2. Since it is common experience that despite best efforts technology sometimes functions in a manner beyond human control, and since the objective behind the present scheme is to use technology for the benefit of larger public interest, liability for any unforeseen interruption, action, and disruption in the process of e-filing and in the process of hearing of cases through Video Conferencing shall not be attributable to any person or organization unless clear materials exist to show that the interruption, action or disruption was deliberately carried out by such person or organization, as the case may be, with improper motive.
3. Any suppression of fact regarding earlier filing shall be viewed seriously and the same shall be dealt with in the manner known to law.

4. Manipulation of any kind shall attract suitable penal consequences as prescribed under the relevant law in force.

5. All grievances regarding the quality and audibility of feed with respect to VC Session shall be communicated at the VC Helpline Number, mentioned under Clause (17) of Chapter V, either during the VC session or immediately after its conclusion by the concerned Advocate/Party failing which no grievance in this regard shall be entertained thereafter.

By Order

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9.4.2020
Registrar General