HIGH COURT OF MADHYA PRADESH, JABALPUR

Video Conferencing & E-Filing Guidelines (In view of exigency caused by COVID-19)

Date:15.04.2020

Hon'ble the Supreme Court of India in Suo Motu Writ (Civil) No.05/2020 (In Re: Guidelines for Court Functioning Through Video Conferencing in view of Covid-19 Pandemic), vide order dated 06.04.2020 has directed the 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, it is essential to evolve guidelines for filing of urgent matters through electronic mode and conducting hearing of urgent matters through video linkage mode to facilitate administration of justice ensuring social distancing in view COVID-19 Pandemic.

PROCEDURE FOR E-FILING

- 1. Advocates and Parties shall file only urgent matters (applications/petitions etc) through online e-filing software available on the website of the High Court of M.P. (www.mphc.gov.in) by the following process as per details given at "Annexure-A" of this document.
- 2. In case the Advocates and parties are unable to file the applications / petitions etc. they may send the soft copy (in scanned PDF format) of such applications/petitions alongwith annexures/documents, if any, mandated

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by the guidelines only through e-mail on the following address:

Principal Seat Jabalpur: - regj2hcjbp@mp.gov.in

Bench at Indore :-hc-indore@nic.in

Bench at Gwalior :-principalregistrargwl@gmail.com

E-filing & e-mail shall be treated open, on working hours and days as per the calendar of this High Court. In Case a matter is submitted after working hours or days, it shall be treated to be filed on next working days.

- 3. Ordinarily, these e-mail IDs shall be under operational control of the Nodal Officer authorised in this regard by Hon'ble the Chief Justice. The matters will be submitted along with the praecipe/ brief of the case and with an application mentioning the specific reasons of extreme urgency.
- 4. Wherever any application or petition requires to be backed by an affidavit, self-verification shall be filed to that effect following the format of affidavit. The parties shall submit duly authenticated affidavit as and when required. All status reports, reply, case diary and any other document required by the order of the Court shall also be filed in scanned pdf format.
- 5. The complete petition in soft copy along with all relevant documents duly scanned in PDF format filed through advocate/ in person should be sent from email address of the advocate/ person to email address mentioned above for respective Benches. Further, soft copies of the same shall be sent to the Office of the Advocate General at their email address: advgenjab@mp.gov.in / pkkaurav1@mp.gov.in in the case of State matters and a copy be send to the Assistant Solicitor General of India, Madhya Pradesh High Court, Jabalpur on email address: advjkjain1@gmail.com in case of matter pertaining to Union Government or its respective Departments. For others, the soft copies of



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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.
- 6. Every e-filed petition shall contain a screen shot 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: -
 - 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
 - II. No intimation has been received indicating that the e-mail message as at (i) 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.

7. The Advocate/Party shall provide the following information in the



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application/petition:

- a) Full Name of the Advocate/Party
- b) Mobile Phone Number of the Advocate/Party and alternative numbers (preferably one which is linked to WhatsApp)
- c) Email of the Advocate and party-in-person
- d) Email of the opposite party if available
- e) Bar Council Enrolment Number (in case of Advocates)
- 8. 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.

In case the party in person files his case through e-mail, then he shall necessarily submit copy of his ID proof i.e. Aadhaar Card/ Photo I.D. Card/ Election Card/ Passport, Registered Mobile Number and authorized e-mail I.D. alongwith material papers. The parties shall mention their I.D. Registration Number in the praecipe/brief and shall also attach a soft copy of their Photo I.D.

- 9. The information as at Clause (7) 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.
- 10. 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.
- 11. Wherever a person is unable to pay Court Fee/Deficit Court Fee while resorting to e-filing for some genuine reasons, he shall submit reasons for non-payment of Court Fee electronically together with an undertaking that he shall pay the requisite Court Fee/Deficit Court fee in



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the prescribed manner as per Rules within 72 hours 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 72 hours after resumption of normal functioning of High Court and the Advocate shall give an Undertaking to pay Court Fees as personal liability.

- 12. Within a period of 72 hours 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 Fees/Deficit Court Fees had not been paid while e-filing then the same shall be paid. This shall be subject to scrutiny by appropriate authority,
- b) Original Documents pertaining to all e-filed documents of the matter would have to be filed as per Rules by the concerned Advocate/Party,
- c) Whenever an Advocate / Party files 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 this Scheme.

Wherever verification has been filed as per Clause (4), a properly sworn affidavit shall be filed.

- 13. 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.
- 14. The reply, civil application, miscellaneous civil application, if any, to be filled under this scheme shall also be filed as per the method prescribed in this scheme.



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SCRUTINY OF E- FILED MATTERS

- 15. The Principal Registrar (Judicial) at Principal Seat Jabalpur and Principal Registrars at Bench at Indore & Gwalior shall entrust the work of scrutiny of defects of e-filed cases to such staff/officials of respective Benches as deemed fit, having regard to exigencies.
- 16. After receiving, the e-filed cases through online filing / 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.
- 17. The concerned Advocate/Party shall remove the defects and will send the necessary intimation through e-mail to the concerned e-mail address, citing sufficient details of the matter for easy follow up action by the concerned staff/official.
- 18. After removal of defects, the matter shall be processed through the Principal Registrar(s) of respective Seat / Benches.

PROCEDURE FOR HEARING OF CASES THROUGH VIDEO CONFRENCING:

19. The Principal Registrar (Judicial), after examining, shall place the matter before Hon'ble the Chief Justice for consideration. If Hon'ble the Chief Justice is satisfied with the nature and urgency of the matter, then His Lordship may direct the Registry to register, assign the registration number and list the matter before the nominated Bench. Thereafter the matter will be registered and the Advocate/Parties-in-person will be intimated through SMS/e-mail about the details of the date and time slot allocated for hearing their matter through VC/Virtual Court. If the matter



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- is not found of urgent nature, then parties shall be informed accordingly.
- 20. Ordinarily Vidyo Cloud Meetings Video Conferencing (VC) Software Application or any other such software as directed by Hon'ble Court 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 may be resorted to for ensuring proper hearing of a matter.
- 21. In order to join the Video Conferencing, Advocates / parties will use the link provided by the High Court. It shall be the responsibility of the concerned Advocate to appear through the medium directed at the given time. The Advocate may apply to Principal Registrar (Judicial) at Principal Seat Jabalpur and Principal Registrars at Bench at Indore and Gwalior, as the case may be, that he may be allowed to appear from the remote point available in premises of the High Court at Principal Seat Jabalpur, or at Bench Indore or at Bench Gwalior. In this case, it shall be the responsibility of the Advocate to appear at the remote point on the given time.
- 22. On receipt of the VC joining details, either through e-mail/ SMS /WhatsApp, any device which is suitable to use such details to connect to the Video Meeting/Call initiated from the Court for that matter can be used for the purpose. 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.

- 23. Recording and / or sharing or publishing of the VC Court proceeding / hearing is strictly prohibited.
- 24. Alternatively, for those Advocates or litigants who are not comfortable in Vidyo applications, video conferencing remote points may be created within the High Court premises (Silver Jubilee Hall / Mediation Centre at Principal Seat Jabalpur, Mediation Centre at Bench Indore and Mediation Centre at Bench Gwalior) for appearing in the case. But the advocate / parties shall maintain social distancing and follow the guidelines of the Government pertaining to Covid 19. Only Advocates appearing in the listed matters shall be allowed within the premises of the Court. Their entry in the premises shall be allowed only one hour before the allotted time.
- 25. Lawyers and litigants are advised to ensure availability of *Vidyo software* or any other software as per directions of Hon'ble Court on their respective devices i.e. mobile phones, laptops, desktops etc. It will be the responsibility of the Advocate or party to ensure optimum internet connectivity in the device which the concerned advocate or Party shall use to appear through Video Conferencing. The details for using Vidyo type application is mentioned at "Annexure-B" of the document.
- 26. The concerned advocates and/or parties, whose case(s) is / are listed shall remain ready at least an hour before the allotted time for testing purposes and they shall promptly log in to the VC (virtual) room through Vidyo software or any other software as directed by Hon'ble Court, after intimation is sent to them in this regard.
- 27. 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.

- 28. 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.
- 29. 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. The Advocates and Parties appearing through Video Conferencing should note that they will keep their microphone on mute until they are asked by the Technical Officer or the Bench to unmute at the remote point.
- 30. Registry shall immediately install a VC Helpline Number 14624 for Principal Seat Jabalpur, Helpline Number 14625 for Bench at Gwalior, Helpline Number 14626 for Bench at Indore for smooth operation of VC. The same shall be communicated to all concerned through notice in the website. In case of any difficulty in joining or conducting the VC session, or in case of any grievance regarding quality and/or audibility of feed of VC, concerned Advocates / Parties can immediately contact the VC Helpline Number through voice call, SMS or WhatsApp message.
- 31. Whenever the Bench feels that the case is not of urgent nature it may pass appropriate order.



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- 32. With the permission of concerning Court, the amicus-curiae may be appointed in appropriate case.
- 33. Any complaint with regard to the quality and/or audibility of feed during VC Session shall be communicated during the proceeding or immediately after concluding the Session, failing which no grievance in this regard shall be entertained thereafter

ACCESSING ORDERS AND JUDGMENTS

- 34. 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.
- 35. The judicial orders will be uploaded in the portals of the High Court, (i.e., www.mphc.gov.in) and will be communicated to the Counsel/ Party-in-person/Government Counsel through their e-mail. In matters of bail, order will also be communicated to the Judges/Magistrates and Superintendents of Jails concerned through e-mail.

MISCELLANEOUS:

- 36. The Principal Registrar (Judicial) at Principal Seat Jabalpur and Principal Registrars at Bench at Indore & Gwalior, as the case may be, 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 Guidelines after restoration of normal functioning of Court.
- 37. Notwithstanding anything contrary contained in any other Rules in force, the provisions of these Guidelines shall prevail over the provisions of any Rules in force in so far as such prevalence ensures accomplishment of the objective of these Guidelines



- 38. All the District and Sessions Judges/Presiding Officers shall take up necessary follow up action on the basis of these guidelines for their respective Courts/Tribunals.
- 39. Hon'ble the Chief Justice may issue any further guidelines / directions for the smooth functioning of the hearings through Video Conferencing at the High Court level on time to time basis.

BY ORDER OF HON'BLE THE CHIEF JUSTICE

REGISTRAR GENERAL

Copy to:

- 1. Principal Registrar, High Court of M.P., Bench at Indore and Gwalior for information and necessary action .
- 2. Advocate General, office of Advocate General, Jabalpur for information and necessary action.
- 3. Chairman, Bar Council of M.P., Jabalpur
- 4. Office Bearers of all Bar Associations, High Court of Madhya Pradesh, Jabalpur and its Bench at Indore and Gwalior for information.
- 5. Assistant Solicitor General of India, Madhya Pradesh High Court, Jabalpur for information.

REGISTRAR GENERAL

<u>"Annexure-A"</u> "E-Filing" user manual

a. For E-filing Advocates need to register themselves on Madhya
Pradesh High Court Website.

To create an account click on e-filing Link given on the top right of homepage of website or click on the link given below.

https://mphc.gov.in/efiling



For new registration, Advocates have to enter their Enrollment Number and Year.

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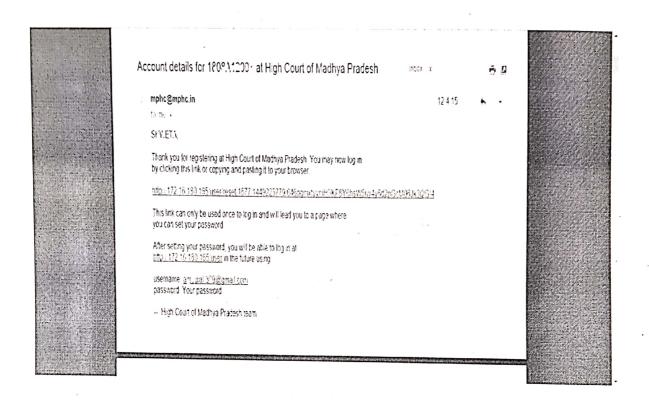
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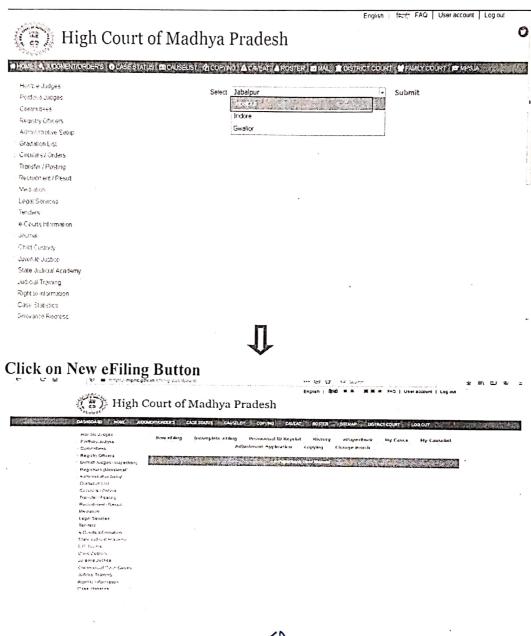


Advocate Can Use their enrollment number and year as **username** e.g. If Enroll. Number is **256-A** and Year **1995**, **then** username will be **256A1995**

If Enroll. Number is 7538 and Year 2010, then username will be 75382010



After login Select Hon'ble High Court Bench

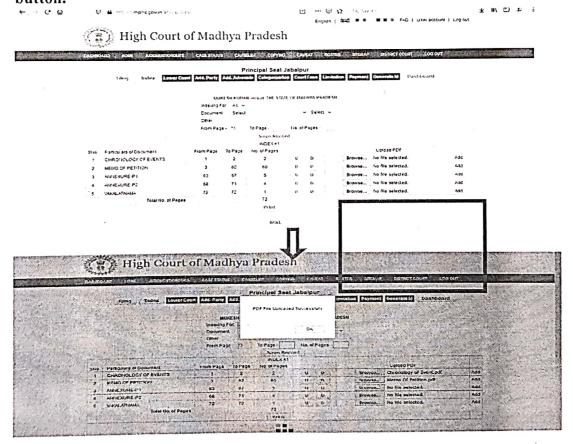




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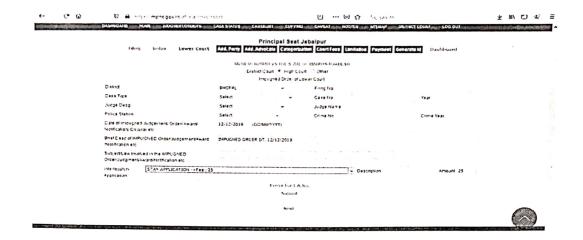


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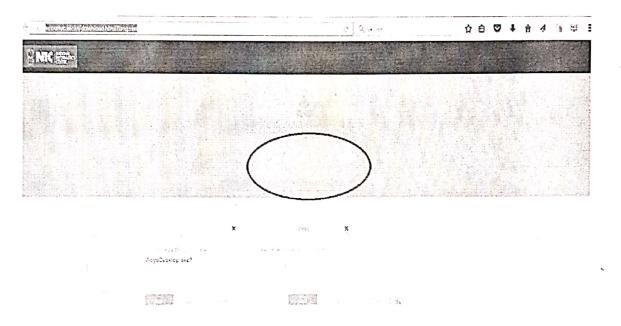
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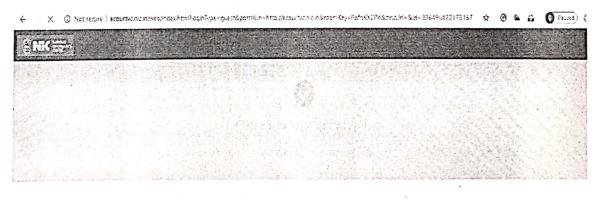
"Annexure-B"

Video Conferencing Manual (through Vidyo Desktop)

(1) Download the Vidyo Desktop application from http://ecourtvc.nic.in and click on the download Vidyo Desktop button.



- (2) Run the downloaded file and install the application.
- (3) Now click on the VC LINK which you have received in your e-mail or through SMS from High Court of M.P. / District Judiciary.



Need help? To tem Support

(4) If you are getting the message to install the plugin or web extension, just install it.



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(5) Now enter your name and click on join button to join in the conference.

