



**HIGH COURT OF TRIPURA  
AGARTALA**

**No. F. 6(61)-HC/2022/19788**

**Dated, Agartala, the 8<sup>th</sup> August, 2022**

**ORDER**

The Hon'ble High Court having taken note of the recommendation in the 237<sup>th</sup> Report on "Police Training, Modernisation and Reforms" of the Department-related Parliamentary Standing Committee on Home Affairs, has been pleased to order that henceforth, all the Courts of the District Judiciary of Tripura shall hold trial of the Under Trial Prisoners (UTP)/remand proceedings, particularly for those who are in high-risk groups, through Video Conferencing as far as practicable. For this purpose, the Courts may use the existing video conferencing infrastructure provided to all the Courts under eCourts Project Phase- II.

Considering the non-availability of sufficient VC units at the Prisons at this stage, the Trial Courts may conduct Virtual Trial of UTPs at different time slots and for this purpose, a list of the cases where Virtual Trial of UTPs has been scheduled by the Court may be published in advance in the Official Website of the District Court and the Notice Board of the Court House.

The Virtual Trial of the UTPs shall be governed by the Tripura Video Conferencing (Conduct of Proceedings including Recording of Evidence and Remand of Accused in the Trial/Remand Courts) Rules, 2018.

Considering the potential risks and violations of fundamental rights of the UTPs at the time of virtual production before the Trial Courts, the Hon'ble High Court is further pleased to issue the "**Advisories To Safeguard The Rights Of The UTPs During Virtual Trial**" for observance by the Trial Courts and Prison Authorities annexed with this order.

Sd/-  
**(D.M. Jamatia)**  
REGISTRAR GENERAL

**No. F. 6(61)-HC/2022/19789-831**

**Dated, Agartala, the 8<sup>th</sup> August, 2022**

**Copy to:**

1. Principal Secretary to Hon'ble the Chief Justice, High Court of Tripura for kind appraisal of His Lordship;

2. Secretary to Hon'ble Mr. Justice T. Amarnath Goud, Judge, High Court of Tripura for kind appraisal of His Lordship;
3. Secretary to Hon'ble Mr. Justice A. Lodh, Judge, High Court of Tripura for kind appraisal of His Lordship;
4. Secretary to Hon'ble Mr. Justice S.G. Chattopadhyay, Judge-in-Charge, ICT including eCourts Project, High Court of Tripura for kind appraisal of His Lordship;
5. The Advocate General, Tripura, Agartala for kind information;
6. The Senior Government Advocate, High Court of Tripura, Agartala for kind information;
7. The Secretary, High Court Bar Association, Agartala for kind information;
8. The Secretary, Tripura Bar Association, Agartala for kind information;
9. The Assistant Solicitor General of India, Government of India, Agartala for kind information;
10. The Public Prosecutor, High Court of Tripura, Agartala for kind information;
11. The Director General of Police, Tripura for kind information;
12. **The District and Sessions Judge**, Gomati Judicial District, Udaipur / Khowai Judicial District, Khowai / North Tripura Judicial District, Dharmanagar / Dhalai Judicial District, Ambassa / Sepahijala Judicial District, Sonamura / West Tripura Judicial District, Agartala/ Unakoti Judicial District, Kailashahar/ South Tripura Judicial District, Belonia for information and necessary action. **They are requested to circulate this order among all the Trial Courts exercising criminal law jurisdiction, the VC Coordinators and the Bar Associations of their respective judgeships;**
13. The Principal Secretary, IT, Government of Tripura for information and necessary action;
14. The LR & Secretary, Law, Government of Tripura, Agartala for information;
15. The Secretary, Home (Jail), Government of Tripura for information and necessary action;
16. The Secretary, Finance, Government of Tripura for information and necessary action;
17. The Registrar (Vigilance), High Court of Tripura, Agartala for information;
18. The Registrar (Judicial), High Court of Tripura, Agartala for information;
19. The Member Secretary, Tripura State Legal Services Authority for information and necessary action;
20. **The Judge, Family Court**, Udaipur, Gomati Judicial District / Khowai, Khowai Judicial District / Agartala, West Tripura Judicial District / Dharmanagar, North Tripura Judicial District / Kailashahar, Unakoti Judicial District / Sonamura, Sepahijala Judicial District/ Ambassa, Dhalai Judicial District / Belonia, South Tripura Judicial District for information;
21. The Inspector General of Prisons, Government of Tripura, Agartala for information and necessary action;

22. The Registrar (Admn. P & M), High Court of Tripura, Agartala for kind information;
23. The Joint Registrar, High Court of Tripura, Agartala for kind information;
24. The Director, IT, Government of Tripura for kind information;
25. The Dy. Registrar (Judicial), High Court of Tripura, Agartala for information;
26. The Dy. Registrar (Vigilance)-cum-CPC, High Court of Tripura, Agartala for information and necessary action;
27. The Sr. System Officer, eCourts Services, High Court of Tripura for information and necessary action;
28. The Programmer-I, High Court of Tripura for information. **He is requested to upload this Order in the official website of the High Court of Tripura immediately.**
29. ORDER File.

REGISTRAR GENERAL

Annexure

**HIGH COURT OF TRIPURA  
AGARTALA**

**ADVISORIES TO SAFEGUARD THE RIGHTS OF THE UTPs DURING VIRTUAL TRIAL**

1) The UTP/accused must be given sufficient opportunity to understand the equipment and the courtroom procedure prior to hearing. This orientation should be given either by the prison officer, the legal aid authorities or the paralegal volunteers; and the court, before initiating the proceedings, should ask the UTP whether he understands the process or not.

2) The responsibilities of the Presiding Officer of the Trial Court/ Remand Courts are the same as those he has in his court but with additional concern for the fact that he and the UTP are at different locations and communicating via a screen.

3) Court documents, that the parties or judge will require prior to or during the course of the hearing, must be sent to the judge prior to commencement of the hearing. In *Rajendra S. Bidkar vs. The State of Maharashtra and Ors. Criminal Writ Petition (PIL) NO. 386 OF 2004*, the Bombay High Court suggested- "*No accused shall be remanded by Video Conferencing without a copy of the remand application being made available to him.*" The remand applications could be forwarded to the court and the jail through email or courier specially appointed for this purpose, the court mentioned.

4) Any person participating in the proceedings off-camera being held through video-conferencing should be identified for the record.

5) The Presiding Officer of the Trial Court /Remand Courts should assure that any person who is permitted to be a part of the court room and is speaking to the court during a video-conference proceeding is within camera view and microphone range, so that the person can be seen and heard by other persons at the remote location, as well as by individuals in the courtroom.

6) The video linkage cameras should be setup in a manner that Presiding Officers of the Trial Court can check for any injuries or harms to the UTP/ accused person. Not just the face, but the entire body should be visible to the magistrate.

7) Safeguards should be in place to ensure that the UTP/ accused person can be a part of the hearing without any threat, force, or coercion. Such orientation programmes for inmates and the prison authorities must be conducted periodically by representatives from the legal aid authority.

8) There must be a provision to seek for in person/ in camera production in cases where UTP seeks to file complaint against custodial violence or any other grievance. The lawyer should be able to approach the court for any such grievances.

9) Appointment of legal aid lawyers by the legal services authorities to be present in each jail during remands by video-linkage.

10) The video conference proceeding must be preceded by private, confidential communications between the UTP and his lawyer. A means of confidential communications between the accused, who is in a jail, and the lawyer in the courtroom, must be provided and must be available during the video proceeding. Where appropriate, the Presiding Officer of the Trial Court may allow suspension of the audio transmission and recording or allowing counsel to leave the conference to communicate with the client in private.

11) The lawyers may also be informed to reach the video conferencing room/courtroom at least one hour in advance to communicate with their clients and on the other hand, prison in-charge must ensure that their prisoners are available at the other end. This will facilitate free communication between them before the video conferencing proceeding.

12) VC Coordinators of the Courts and Jails shall be responsible for ensuring that the video conferencing equipment is ready and functioning properly in advance of any hearing, so that there will be no interference with the punctual commencement of a hearing.

13) Technical assistance throughout the proceedings is necessary. The quality and continuity of digital transmissions to and from prisons and courts must be subject to regular maintenance checks and monitoring.

14) The Presiding Officer of the Trial Court/ Remand Courts conducting the proceeding should have discretion to discontinue any proceeding in which there are technical issues which detract from the fairness of the proceeding, or if there are matters which occur during the proceedings which would warrant conducting the proceeding with the UTP's personal appearance in the courtroom. However, in such situations the production should be scheduled within 2 days.

15) Cameras and microphones should be sufficient in number to allow video and audio coverage of all participants, prevent crowding of participants, facilitate security, and protect confidential communications. The cameras should be operated in a manner showing split images i.e. all the views of the place at which the prisoner is physically present.

16) Audio and visual recordings must be synchronized and undistorted and all hearing participants should speak directly into their microphones.

17) To optimize viewing, while the video conferencing room/court room must be well lit, the monitors should be placed in a darkened area of the room and be of sufficient size and number to allow convenient viewing by all participants.

18) In order to ensure accountability, a daily checklist for quality check of instruments should be maintained and submitted to the District & Session Judge every month by the VC Coordinators of Courts and Jails.

19) Lawyers whose clients would be produced through video-conferencing must be informed at least two days in advance. For this purpose, a list of video conferencing cases for each day must be put up on the notice board outside the court room and a court-wise list for all video conferencing cases must be prepared and made available along with the cause list and be displayed in the official websites of the District Courts. The same list must be sent to the concerned prison at least one day in advance from the date of video conferencing. Emails can be used for promptly sending such information.

20) A list must be prepared by the office of the District & Session Judge, mentioning the video conferencing time for each District Court on a daily basis in order to cater to the requirement of all District Courts and smooth functioning of the video conferencing facility.

21) Provisions should be made for proper identification of the UTP/ accused person concerned prior to the commencement of the proceedings in order to avoid any discrepancy, especially in cases concerning individual with similar physical features. The responsibility of the identification must lie with the prison authorities.

22) The advisories as mentioned above are only illustrative and not exhaustive. The Presiding Officer of the Trial Court may adopt any other safeguard, as he thinks fit, to ensure that the virtual trial of an UTP is not held at the cost of fair trial.

**(D.M. Jamatia)**  
REGISTRAR GENERAL