

**ARMED FORCES TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

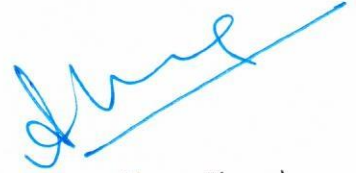
F.No.5(43)/2015/AFT/PB-Adm-I

20th December, 2024

OFFICE ORDER

On the recommendations of the *Committee to frame "Rules for Video Conferencing and Recording of Court Proceedings in the Armed Forces Tribunal"*, the Hon'ble Chairperson is pleased to issue the **Standard Operating Procedure for Video Conferencing and Recording of Court Proceedings of the Armed Forces Tribunal (SOP)** which shall be made effective w.e.f. 02.01.2025.

Copy of the said SOP is annexed herewith.



(Arun Khera)
Sr.PPS & Head of Office

Copy for information:

1. PPS to Hon'ble HoDs/ AFT RBs
2. Under Secretary, AFT Cell, Ministry of Defence, Sena Bhawan, New Delhi
3. Secretary, AFT, PB Bar Association and RBs
4. PPS to Hon'ble Members, AFT (PB)
5. Registrar / Registrar-in-Charge, AFT, RBs
6. JAG (Army), JAG (Air) and JAG (Navy)
7. Joint Registrar, AFT (PB)
8. Sr. PPS / PPS to Hon'ble Chairperson
9. Section Officers (Judicial / Filing) AFT (PB)
10. Tribunal Officers (Court 1 & 2)
11. AFT Website

**STANDARD OPERATING PROCEDURE FOR VIDEO CONFERENCING
AND RECORDING OF COURT PROCEEDINGS OF THE ARMED FORCES
TRIBUNAL**

With the approval of the Hon'ble the Chairperson, in terms of Section 23(1) of the Armed Forces Act 2007, the following Standard Operating Procedure (herein after referred to as SOP) for conducting hybrid hearings (i.e simultaneous appearances from the remote location through video conferencing and physical appearances in the Courtroom) and recording of Court proceedings of the Armed Forces Tribunal shall be applicable to all hearings conducted by the Armed Forces Tribunal, (Principal Bench) New Delhi and to all Regional Benches of the Armed Forces Tribunal, w.e.f. 02.01.2025, till notification of the Rules for Videoconferencing and Recording of Court Proceedings of the Armed Forces Tribunal 2024 by the Central Government in the Official Gazette.

Chapter I – Preliminary

1. Definitions

In this SOP, unless specifically defined, all words in this SOP shall have the same meaning as defined in the Definitions in THE ARMED FORCES TRIBUNAL ACT 2007, THE ARMED FORCES TRIBUNAL(PROCEDURE) RULES, 2008 & THE ARMED FORCES TRIBUNAL(PRACTICE) RULES, 2009.

(i) **Advocate:** means and includes an advocate entered in any roll maintained under the provisions of the Advocates Act, 1961, and shall also include government pleaders/advocates and officers of the department of prosecution.

(ii) **Archival Data:** means audio and visual data recorded during the conduct of the proceedings and retained by the Tribunal.

(iii) **Communication Device:** means a hardware device capable of transmitting analog or digital signal over the telephone and other communication devices, whether wired or wireless.

(iv) **Coordinator:** means a person nominated as coordinator under 4.1. of this SOP.

(v) **Tribunal Officer / Reader:** means the Tribunal staff that assists the Tribunal in the conduct of proceedings, including updating of the cause lists published on the display board.

(vi) **Court Premises:** means and includes buildings and complexes under the authority of the Tribunal.

(vii) **Court Room:** any reference to court room in the present rules refers to premises where the proceedings of the Tribunal are conducted.

(viii) **Designated Officer:** means the officer mandated by the Chairperson to carry out the necessary functions pertaining to video conferencing under this SOP.

(ix) Designated Venue: means and includes a courtroom or any other place where the proceedings are conducted, whether within the Tribunal premises or at a remote location.

(x) Designated Video Conferencing Software: means software provided by the Tribunal from time to time to conduct video conferencing.

(xi) Hardware: means and includes equipment to be installed for recording of proceedings or any ancillary activity.

(xii) Hybrid Hearing Mode: means a system of hearing which enables Advocates/Parties appearing from remote locations through video conferencing and Advocates/Parties appearing physically in Courtroom to be able to address the Tribunal simultaneously and wherein the Tribunal, the Advocates/Parties located remotely and the Advocates/Parties appearing physically are able to interact with each other in real time.

(xiii) IT Committee: means and includes a committee constituted by the Chairperson to deal with matters concerning information and communication technology, also referred to as the 'IT Committee'.

(xiv) Live Link: means and includes a live television link, audio-video electronic means or other arrangements whereby a person/party to a case, a required person or any other person permitted to remain present, while physically absent from the Courtroom is nevertheless virtually present in the Courtroom by remote communication using technology to give evidence and be cross-examined.

(xv) Proceedings: means judicial proceedings conducted by the Tribunal or any such proceedings as directed by the Chairperson or any other person nominated by him.

(xvi) Recording: means audio and video data of proceedings stored in electronic format.

(xvii) Recording Device: means and includes a device capable of recording images or sound, including but not limited to camera, audio recorder, video recorder, mobile telephone, or screen recorder.

(xviii) Registrar (IT): means and includes any officer so designated by the Chairperson of the Tribunal.

(xix) Remote Point: is a place where any person(s) are required to be present or appear through a video link.

(xx) Remote User: means a user participating in Tribunal proceedings through video conferencing at a Remote Point.

(xxi) Remote Location: means and includes a geographical location, different from the Tribunal premises, from where proceedings are conducted.

(xxii) Required Person: means and includes:

- (a)** The person who the Tribunal considers necessary to be examined; or
- (b)** The person in whose presence certain proceedings are to be recorded or conducted; or

- (c) Any person who is required to make submissions before the Tribunal;
or
- (d) Any other person who is permitted by the Tribunal to appear through video conferencing.
- (e) Any person who is an Applicant/Appellant/Respondent before the Tribunal.

(xxiii) Transcript: means the official written record of the proceedings published as per the directions of the Tribunal/Bench.

(xxiv) Tribunal Point: means the Courtroom or one or more places where the Tribunal is physically convened, or the place where any nominated officer holds proceedings pursuant to the directions of the Tribunal.

(xxv) Tribunal User: means a user participating in Tribunal proceedings through video conferencing at a Tribunal Point.

(xvi) SOP: shall mean this SOP for Video Conferencing and Recording of Court Proceedings for the Tribunal and any reference to a Schedule shall be a reference to a Schedule of this SOP.

Chapter II - General Principles

2. General Principles Governing Video Conferencing

- (i) Video conferencing facilities may be used at all stages of judicial proceedings and proceedings conducted by the Tribunal.
- (ii) All proceedings conducted by a Tribunal by way of video conferencing shall be judicial proceedings, and all the courtesies and protocols applicable

to a physical Tribunal shall apply to these virtual proceedings. The protocol provided in Schedule I shall be adhered to for proceedings conducted by way of video conferencing.

(iii) All relevant statutory provisions applicable to judicial proceedings, including provisions of the Civil Procedure Code, 1908 (abbreviated hereafter as the CPC), Code of Criminal Procedure, 1973 (abbreviated hereafter as the CrPC), Contempt of Courts Act, 1971, Indian Evidence Act, 1872 (abbreviated hereafter as the Evidence Act), and Information Technology Act, 2000 (abbreviated hereafter as the IT Act), Bharatiya Nagarik Suraksha Sanhita, 2023 (abbreviated hereafter as the BNSS), and Bharatiya Sakshya Adhiniyam, 2023 (abbreviated hereafter as the BSA), the Army Act 1950, the Navy Act 1957, the Air Force Act 1950 and all Regulations governing the Armed Forces shall apply to proceedings conducted by video conferencing in accordance with the terms of THE ARMED FORCES TRIBUNAL ACT 2007.

(iv) Subject to maintaining the independence, impartiality, and credibility of judicial proceedings, and subject to such directions as the Tribunal may issue, the Tribunal may adopt such technological advances as may become available from time to time.

(v) There shall be no unauthorized recording of the proceedings by any person or entity.

(vi) The person defined in **1(xxii)(a)** hereinabove shall provide identity proof as recognized by the Government of India/State Government/Union Territory to the Tribunal Point coordinator via personal email. In case identity proof is not readily available, the person concerned shall furnish

the following personal details: name, parentage, and permanent address, as also, temporary address if any.

3. Facilities Recommended for Video Conferencing

The following equipment is recommended for conducting proceedings by video conferencing at the Tribunal Point and at the Remote Point:

- (i) Desktop, Laptop, mobile devices with internet connectivity, and printer;
- (ii) Device ensuring uninterrupted power supply;
- (iii) Camera;
- (iv) Microphones and speakers;
- (v) Display unit;
- (vi) Document visualizer;
- (vii) Provision of a firewall;
- (viii) Adequate seating arrangements ensuring privacy;
- (ix) Adequate lighting; and
- (x) Availability of a quiet and secure space.

4. Preparatory Arrangements

- 4.1** There shall be a Coordinator at the Tribunal Point. However, a Coordinator may be required at the Remote Point only when a person/party a case or a person accused of an offence is to be examined.
- 4.2** In the judicial proceedings of the Tribunal, persons nominated by the Tribunal shall perform the functions of Coordinators at the Tribunal Point as well as the Remote Point as provided in 4.3.
- 4.3** The Coordinator at the Remote Point may be any of the following:

Sub Rule	Where the Advocate or Required Person is at the following Remote Point:-	The Remote Point Coordinator shall be:-
4.3.1	Overseas	An official of an Indian Consulate / the relevant Indian Embassy / the relevant High Commission of India
4.3.2	The Principal Bench located at New Delhi and Regional Benches of the Tribunal within the territory of India	Any authorized official nominated by the Chairperson of the Principal Bench of the Tribunal and the HOD in case of any Regional Bench of the Armed Forces Tribunal.
4.3.3	Jail / prison / Military Custody	The concerned Jail Superintendent or Officer in-charge of the prison/military custody.
4.3.4	Hospitals administered by the Defence Services, Central Government, the State Government or local bodies and private Hospitals.	DGAFMS, DGMS of all the three Armed Forces, Commanding Officer of the hospitals, Medical Superintendent/ HOD or an official authorized by them or the person/Officer in charge of the said hospital.
4.3.5	In care or employment of any other government office, organization or institution (collectively referred to as institutional facilities).	The Superintendent or Officers in-charge of the institutional facility or an official authorized by them.

4.3.6	Forensic Science Lab	The Administrative Officer in-charge or any person nominated by the aforesaid officer-in-charge.
4.3.7	In case of any other location	The Tribunal may appoint any person deemed fit and proper who is ready and willing to render their services as a Coordinator to ensure that the proceedings are conducted in a fair, impartial and independent manner and according to the directions issued by the Tribunal in relation thereto.

4.4 When a Required Person is at any of the Remote Points mentioned in this SOP at 4.3 hereinabove and video conferencing facilities are not available at any of these places, the concerned Bench of the Tribunal will formally request the Officer-in-charge/Superintendent/any authorized person, in whose jurisdiction the Remote Point is situated, to appoint a Coordinator and to provide a video conferencing facility from proximate and suitable premises.

4.5 The Coordinators at both the Tribunal Point and Remote Point shall ensure that the recommended requirements set out in this SOP at 3 hereinabove are complied with, so that the proceedings are conducted seamlessly.

4.6 The Coordinator at the Remote Point shall ensure that:

4.6.1 All Advocates and/or Required Persons scheduled to appear in a particular proceeding are ready at the Remote Point designated for video conferencing at least 30 minutes before the scheduled time.

4.6.2 No unauthorized recording device is used.

4.6.3 No unauthorized person enters the video conference room when the video conference is in progress.

4.6.4 The person as mentioned in this SOP at **1(xxii)(a)** being examined is not prompted, tutored, coaxed, induced, or coerced in any manner by any person and that the person being examined does not refer to any document, script, or device without the permission of the concerned Tribunal during the course of examination.

4.7 Where the person as mentioned in this SOP at **1(xxii)(a)** to be examined through video conferencing requires or if it is otherwise expedient to do so, the Tribunal shall give sufficient notice in advance, setting out the schedule of video conferencing 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 email account of the Coordinator of the concerned Remote Point designated in accordance with this SOP.

Chapter III - Procedure for Video Conferencing

5. Application for Appearance, Evidence, and Submission by Video Conferencing:

5.1 Any party to the proceeding, save and except where proceedings are initiated at the instance of the Tribunal, may move a request for video

conferencing A person/party to a case seeking a video conferencing proceeding shall do so by making a request in the form prescribed in Schedule II.

5.2 Any proposal to move a request for video conferencing should first be discussed with the other party or parties to the proceeding, except where it is not possible or inappropriate, for example, in cases such as urgent applications.

5.3 On receipt of such a request and upon hearing all concerned persons, the Tribunal will pass an appropriate order after ascertaining that the application is not filed with an intention to impede a fair trial or to delay the proceedings.

5.4 While allowing a request for video conferencing, the Tribunal may also fix the schedule for convening the video conferencing.

5.5 In case the video conferencing event is convened for making oral submissions, the order may require the Advocate or party in person to submit written arguments and precedents, if any, in advance on the official email ID of the concerned Tribunal.

6. Service of Summons

6.1 Summons issued to a person as stated in this SOP at **1(xxii)(a)** who is to be examined through video conferencing shall mention the date, time, and venue of the concerned Remote Point and shall direct the said person to attend in person along with proof of identity or an affidavit to that effect. The existing SOP regarding service of summons and the consequences for

non-attendance, as provided in the CPC and CrPC/BNSS, shall apply with respect to service of summons for proceedings conducted by video conferencing.

6.2 Furthermore in respect of service of summons on persons described in this SOP at **1(xxii)(a)** residing outside the country, concerning criminal matters, the provisions of “Comprehensive Guidelines for investigation abroad and issue of Letters Rogatory (LRs) / Mutual Legal Assistance (MLA) Request and Service of Summons / Notices/ Judicial documents in respect of Criminal Matters” **(available at http://164.100.117.97/WriteReadData/userfiles/ISII_ComprehensiveGuidelinesMutualLegalAssistance_17122019.pdf)** will be followed to the extent they comport with the provisions of the CrPC/BNSS and the extant laws.

7. Examination of persons

7.1 Any person being examined, including a person as described in this SOP at **1(xxii)(a)**, shall, before being examined through video conferencing, produce and file proof of identity by submitting an identity document issued or duly recognized by the Government of India, State Government, Union Territory, or in the absence of such a document, an affidavit attested by any of the authorities referred to in Section 139 of the CPC or Section 297 of the CrPC/Section 333 of BNSS, as the case may be. The affidavit will inter alia state that the person, is the same person, who is to depose at the virtual hearing. A copy of the proof of identity or affidavit, as the case may be, will be made available to the opposite party.

7.2 The person being examined will ordinarily be examined during the working hours of the concerned Tribunal or at such time as the Tribunal

may deem fit. The oath will be administered to the person being examined by the Coordinator at the Tribunal Point.

7.3 Where the person being examined or Appellant is in custody, the statement or, as the case may be, the testimony, may be recorded through video conferencing. The Tribunal shall provide adequate opportunity to the under-trial prisoner to consult in privacy with their counsel before, during, and after the video conferencing.

7.4 The Tribunal may obtain the signature of the person being examined on the statement once the examination is concluded. The signed transcript will form part of the record of the judicial proceedings. The signature on the statement of the person being examined shall be obtained in either of the following ways:

7.4.1 If digital signatures are available at both the concerned Tribunal Point and Remote Point, the soft copy of the statement digitally signed by the Bench at the Tribunal Point shall be sent by the official email to the Remote Point where a **print out** of the same will be taken and signed by the person being examined. A scanned copy of the statement digitally signed by the Coordinator at the Remote Point would be transmitted by official email of the Tribunal Point. The hard copy of the signed statement will be dispatched after the testimony is over, preferably within three days, by the Coordinator at the Remote Point to the Tribunal Point by a recognized courier/registered speed post.

7.4.2 If digital signatures are not available, the printout of the statement shall be signed by the Bench and the representative of the parties, if

any, at the Tribunal Point and shall be sent in non-editable scanned format to the official email account of the Remote Point, where a printout of the same will be taken and signed by the person examined and countersigned by the Coordinator at the Remote Point. A non-editable scanned format of the statement so signed shall be sent by the Coordinator of the Remote Point to the official email account of the Tribunal Point, where a printout of the same will be taken and shall be made a part of the judicial record. The hard copy would also be dispatched, preferably within three days, by the Coordinator at the Remote Point to the Tribunal Point by a recognized courier/registered speed post.

- 7.5 An audio-visual recording of the examination of the person examined shall be preserved. An encrypted master copy with '**hash**' value shall be retained as a part of the record.
- 7.6 The Tribunal may, at the request of a person to be examined, or on its own motion, taking into account the best interests of the person to be examined, direct appropriate measures to protect the privacy of the person examined bearing in mind aspects such as age, gender, physical condition, and recognized customs and practices.
- 7.7 The Coordinator at the Remote Point shall ensure that no person is present at the Remote Point, save and except the person being examined and those whose presence is deemed administratively necessary by the Coordinator for the proceedings to continue.

- 7.8** The Tribunal may also impose such other conditions as are necessary in a given set of facts for effective recording of the examination (especially to ensure compliance with 4.6.4 hereinabove).
- 7.9** The examination shall, as far as practicable, proceed without interruption or the grant of unnecessary adjournments. However, the Tribunal will be at liberty to determine whether an adjournment should be granted, and if so, on what terms.
- 7.10** The Tribunal shall be guided by the provisions of the CPC and Chapter XXIII of the CrPC/Chapter XXV of the BNSS, the Evidence Act/BSA, and the IT Act while examining a person through video conferencing.
- 7.11** Where a Required Person is not capable of reaching the Tribunal Point or the Remote Point due to sickness or physical infirmity, or the presence of the required person cannot be secured without undue delay or expense, the Tribunal may authorize the conduct of video conferencing from the place at which such person is located. In such circumstances, the Tribunal may direct the use of portable video conferencing systems. Authority in this behalf may be given to the concerned Coordinator and/or any person deemed fit by the Bench.
- 7.12** Subject to such orders as the Tribunal may pass, in case any party or person authorized by the party is desirous of being physically present at the Remote Point at the time of recording the testimony, such a party shall make its own arrangement for appearance/representation at the Remote Point.

8. Exhibiting or Showing Documents to a Person/Party to a case at a Remote Point

If in the course of the examination of a person or submissions being made at a Remote Point by video conferencing, it is necessary to show a document to the person/party to a case the Tribunal may permit the document to be shown in the following manner:

8.1 If the document is at the Tribunal Point, by transmitting a copy or image of the document to the Remote Point electronically, including through a document visualizer; or

8.2 If the document is at the Remote Point, by putting it to the person/party to a case and transmitting a copy/image of the same to the Tribunal Point electronically including through a document visualizer. The hard copy of the document countersigned by the person/party to a case and the Coordinator at the Remote Point shall be dispatched thereafter to the Tribunal Point via authorized courier/registered speed post.

9. Ensuring Seamless Video Conferencing

9.1 The Advocate or Required Person shall address the Tribunal by video conferencing from a specified Remote Point on the date and time specified in the order issued by the Tribunal. The presence of the Coordinator will not be necessary at the Remote Point where arguments are to be addressed by an advocate or party in person before the Tribunal.

9.2 If the proceedings are carried out from any of the Remote Point(s) (in situations described in this SOP at **4.3.1 to 4.3.7** hereinabove, the Coordinator at such Remote Point shall ensure compliance with all

technical requirements. However, if the proceedings are conducted from a Remote Point falling in the situation contemplated in this SOP at **4.3.7** hereinabove), such as an Advocate's office, the Coordinator at the Tribunal Point shall ensure compliance with all technical requirements for conducting video conferencing at both the Tribunal Point and the Remote Point.

- 9.3** The Coordinator at the Tribunal Point shall be in contact with the concerned Advocate or the Required Person and guide them regarding the fulfillment of technical and other requirements for executing a successful hearing through video conferencing. Any problems faced by such Remote Users shall be resolved by the Tribunal Point Coordinator. The Tribunal Point Coordinator shall inter alia share the link of the video conferencing hearing with such Remote Users.
- 9.4** The Coordinator at the Tribunal Point shall ensure that any document or audio-visual files emailed by the Remote User are duly received at the Tribunal Point.
- 9.5** The Coordinator at the Tribunal Point shall also conduct a trial video conferencing, preferably 30 minutes prior to scheduled video conferencing, in order to ensure that all the technical systems are in working condition at both the Tribunal Point and the Remote Point.
- 9.6** At the scheduled time, the Coordinator at the Tribunal Point shall connect the Remote User to the Tribunal.
- 9.7** On the completion of video conferencing, if a Remote User is of the opinion that they were prejudiced due to poor video and/or audio quality,

the Remote User shall immediately inform the Coordinator at the Tribunal Point, who shall, in turn, communicate this information to the Tribunal without any delay. The Tribunal shall consider the grievance and if it finds substance in the grievance, may declare the hearing to be incomplete, and the parties may be asked to reconnect or make a physical appearance in Tribunal.

Chapter IV - General Procedure for Video Conferencing

10. General Procedure

- 10.1** The procedure set out hereafter in this chapter is without prejudice to the procedure indicated elsewhere in this SOP qua specific instances in which proceedings are conducted via video conferencing.
- 10.2** The Coordinator at the Tribunal Point shall ensure that video conferencing is conducted only through a Designated Video Conferencing Software. However, in the event of a technical glitch during a given proceeding, the concerned Tribunal may for reasons to be recorded permit the use of a software other than the Designated Video Conferencing Software for video conferencing in that particular proceeding.
- 10.3** The identity of the person to be examined shall be confirmed by the Tribunal with the assistance of the Coordinator at the Remote Point in accordance with 7.1 hereinabove, at the time of recording of the statement and the same must be reflected in the order sheet of the Tribunal.
- 10.4** In judicial proceedings before it, parties requesting for recording statements of the person to be examined by video conferencing shall confirm to the Tribunal, the location of the person, the willingness of such

person to be examined through video conferencing, and the availability of technical facilities for video conferencing at the agreed upon time and place.

- 10.5** Video conferencing shall ordinarily take place during the Tribunal hours. However, the Tribunal may pass suitable directions concerning the timing and schedule of video conferencing as the circumstances may warrant.

11. Conduct of Proceedings

- 11.1** All Advocates, Required Persons, the party in person, and/or any other person permitted by the Tribunal to remain physically or virtually present (hereinafter collectively referred to as participants) shall abide by the requirements set out in Schedule I.
- 11.2** Before the commencement of video conferencing, all participants shall have their presence recorded. However, in case a participant is desirous that their face or name be masked, information to that effect will be furnished to the Tribunal Point Coordinator prior to the commencement of the proceeding.
- 11.3** The Tribunal Point Coordinator shall provide for the link/Meeting ID/Room Details in the daily cause list. Once the proceedings have commenced, no other persons will be permitted to participate in the virtual hearing, save and except with the permission of the Tribunal. In specific cases, the Tribunal, for reasons recorded in writing, may restrict the video conferencing for the general public at large, and in such cases, the link/Meeting ID/Room Details may be shared with the concerned persons through email or WhatsApp.

11.4 The participants, after joining the hearing, shall remain in the virtual lobby if available, until they are admitted to the virtual hearing by the Coordinator at the Tribunal Point.

11.5 Participation in the proceedings shall constitute consent by the participants to the proceedings being recorded by video conferencing.

11.6 Establishment and disconnection of links between the Tribunal Point and the Remote Point would be regulated by orders of the Tribunal.

11.7 The Tribunal shall satisfy itself that the Advocate, Required Person, or any other participant that the Tribunal deems necessary at the Remote Point or the Tribunal Point can be seen and heard clearly and can clearly see and hear the proceedings.

11.8 To ensure that video conferencing is conducted seamlessly, the difficulties, if any, experienced in connectivity must be brought to the notice of the Tribunal at the earliest on the official email address and mobile number of the Tribunal Point Coordinator which has been furnished to the participant before the commencement of the virtual hearing. No complaint shall subsequently be entertained.

11.9 Wherever any proceeding is carried out by the Tribunal under this SOP by taking recourse to video conferencing, this shall specifically be mentioned in the order sheet.

12. Allowing persons who are not parties to the case to view the proceedings

12.1 Members of the public may be allowed to view Tribunal hearings conducted through video conferencing. The Tribunal shall endeavour to

make available sufficient links (consistent with available bandwidth) for accessing the proceedings.

- 12.2** Where, for any reason, a person unconnected with the case is present at the Remote Point, that person shall be identified by the Coordinator at the Tribunal Point and Remote Point at the start of the proceedings and the purpose of the presence of that person shall be conveyed to the Tribunal. Such a person shall continue to remain present throughout the proceedings only if ordered so by the Tribunal. Such person(s) shall remain muted for the entire duration of the proceedings.

Chapter V - General Principles Governing Recording of Court Proceedings

13. The following are specifically excluded from video conferencing:

- (i)** All in-camera proceedings including those as defined under Section 366 of the BNSS/ Section 327 of CrPC or Section 153B of the Code of Civil Procedure, 1908 (CPC), **in view of the sensitive nature of matters being adjudicated by the Armed Forces Tribunal and the advancement in technology and artificial intelligence and its likely misuse;**
- (ii)** Recording of evidence, including cross-examination.
- (iii)** Cases relating to Official Secrets Act, 1923 or involving national security.

- (iv) Any other matter in which a specific direction is issued by the Bench or the Chairperson.

13.1 In all cases the recording shall be maintained for usage by the Tribunal and the appellate Court(s) and writ Courts:

However no request:

- (i) for supply of the copies of video conferencing recordings;
- (ii) audio and video recordings of any portion of the proceedings;
and
- (iii) Transcript of any proceedings,

will be entertained under any circumstances in view of the advancement in technology and advancement in artificial intelligence and likely misuse thereof.

13.2 Audio-video recording or recording of proceedings by any other means, beyond the mandate of this SOP is expressly prohibited.

14. Manner of Recording of Proceedings

14.1 The following will ordinarily not be saved in the archival data or transcribed:

- (i) Discussions between/amongst the Members on the Bench.
- (ii) Instructions given by a Member(s) to the administrative staff during the proceedings.
- (iii) Any communication/ message/ document given by the Tribunal Officer/ Reader to the Bench.

- (iv) Documents given to Member(s) during the proceedings.**
- (v) Notes taken down by the Member(s) during the proceedings.**
- (vi) Notes made by an advocate either on paper or in electronic form, for assistance, while making submissions before the Bench.**
- (vii) Communication between the advocate and client, inter-se the advocates, and communications which are not a submission exchanged between the advocate and the Tribunal.**

14.2 In case the Member(s) concerned on the Bench is/are desirous of opting out of video conferencing while dictating the order/oral judgment, the video conferencing shall be paused during that period. In such circumstances, the monitors will display a message: "*Order-dictation in progress*". Likewise, when the Bench rises for recess or otherwise, the video conferencing will be paused, and the monitor will display the message: "*Court not in-session*"

15. Storage and Access:

15.1 The recordings will be archived only for future reference of the Tribunal.

15.2 The archived data should ordinarily be retained by the Tribunal , in accordance with Rules 137 to 143 (both inclusive), of the Armed Forces Tribunal(Practice)Rules, 2009, subject to special directions issued by the concerned Bench in a particular case. The Chairperson or the Bench may issue practice directions regarding the cases and the period for which archived data will be preserved. Archived data shall be stored in electronic devices in encrypted form with a specific hash (#) value.

15.3 The editing and accessing of archived data may only be done on specific written permission of the Bench.

16. Prohibitions and Restrictions:

16.1 Prohibitions and restrictions on usage of the recording or video conferencing :

- (i) No person/entity (including print and electronic media, and social media platforms) other than an authorized person/entity shall record the video conferencing proceedings or archival data.**
- (ii) This provision shall also apply to all messaging applications. Any person/entity acting contrary to this provision will be prosecuted as per law. The Tribunal shall have the exclusive copyright in the recordings and archival Data.**
- (iii) Any unauthorized usage of the video conferencing will be punishable as an offence under the Indian Copyright Act, 1957, Information Technology Act, 2000, and other provisions of law, including the law of Contempt.**
- (iv) Any party/ litigant-in-person accessing the video conferencing will be bound by this SOP.**
- (vi) The use of authorized recordings in their original form is permitted by the Tribunal or Bench, only for perusal and consideration for the purpose of adjudication.**

- (vii) No person other than the authorized person shall use a recording device for recording or for transcribing the proceedings.

16.2 Use of communication device or recording device during proceedings:

- (i) A person must not use a communication device or a recording device to disturb proceedings in a manner that may cause any interference in the proceedings.
- (ii) During proceedings, all personnel shall follow the instructions of the Bench, adhere to courtroom etiquettes and discipline, and shall not engage in the following actions- audio and/or video recording, taking screenshots or using mobile communication tools to relay the proceedings.
- (iii) Violation of **16 (i) and (ii)** hereinabove will result in prosecution as per law. Additionally, the Bench may also direct seizure of the communication device or recording device.

- 17. Transcripts** shall be prepared of recordings only when directed by the Bench and for perusal of the Bench only.

Chapter VI – Miscellaneous

18. Reference to Words and Expressions

Words and expressions used and not defined in this SOP shall have the same meaning as assigned to them in the CPC, 1908, the CrPC, 1973, Evidence Act, 1872, BNSS 2023, BSA 2023, BNS 2023 IT Act, 2000, Army Act, 1950, Navy Act, 1954, Air Force Act, 1950 and the General Clauses Act, 1897, the Armed Forces Tribunal Act 2007 and the Rules framed thereunder.

19. Power to Relax

The Tribunal or Bench may, if satisfied that the operation of any provision of this SOP is causing undue hardship, by a judicial or an administrative order dispense with or relax the requirements of that provision of this SOP to such extent and subject to such conditions, as may be stipulated to deal with the case in a just and equitable manner.

20. Residual Provisions

Matters with respect to which no express provision has been made in this SOP shall be decided by the Tribunal or Bench consistent with the principle of furthering the interests of justice.

SCHEDULE I

1. All participants shall wear sober attire consistent with the dignity of the proceedings. Advocates shall be appropriately dressed in professional attire prescribed under the Advocates Act, 1961. Serving personnel/Officers of the defence forces shall appear in the uniform prescribed under the relevant statute or orders. The attire for Members and Tribunal staff will be as specified in the Armed Forces Tribunal (Procedure) Rules, 2008. The decision of the Bench as to the dress code will be final.
2. Proceedings shall be conducted at the appointed date and time. Punctuality shall be scrupulously observed.
3. The case will be called out and appearances shall be recorded on the direction of the Tribunal.
4. Every participant shall adhere to the courtesies and protocol that are followed in a physical Court. Members will be addressed as "*Madam/Sir*" or "*Your Honour*". Officers will be addressed by their designation such as "*Bench Officer/Court Master*". Advocates will be addressed as "*Learned Counsel/Senior Counsel*". Advocates, Required Persons, parties in person and other participants shall keep their microphones muted till such time as they are called upon to make submissions.
5. Remote Users shall ensure that their devices are free from malware.
6. Remote Users and the Coordinator at the Remote Point shall ensure that the Remote Point is situated in a quiet location, is properly secured and has sufficient internet coverage.

7. Any unwarranted disturbance (eg. Hacking) caused during video conferencing may if the Bench so directs render the proceedings *non-est*.
8. All participants' cell phones shall remain in the mute mode during the proceedings.
9. All participants should endeavour to look into the camera, remain attentive and not to engage in any other activity during the course of the proceedings.

SCHEDULE II

Request Form for Video Conference

1. Case Number / CNR Number (if any)
2. Cause Title
3. Proposed Date of conference (DD/MM/YYYY): _____
4. Location of the Tribunal Point(s): _____
5. Location of the Remote Point(s): _____
6. Names & Designation of the Participants at the Remote Point:

7. Reasons for Video Conferencing:

In the matter of:

8. Nature of Proceedings: Final Hearing Motion Hearing Others

I have read and understood the provisions of this SOP for Video Conferencing for the Armed Forces Tribunal (hyperlink). I undertake to remain bound by the same to the extent applicable to me. I agree to pay video conferencing charges if so, directed by the Tribunal.

Signature of the applicant/authorized signatory:

Date:

For use of the Registry / Tribunal Point Coordinator

A) Bench assigned:

B) Hearing:

Held on (DD/MM/YYYY):

Commencement Time:

End time:

Number of hours:

Signature of the authorized officer:

Date: