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# THE GAUHATI HIGH COURT AT GUWAHATI

(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

# **NOTIFICATION NO. 70**

Dated Guwahati the 17<sup>th</sup> September, 2022

# THE GAUHATI HIGH COURT (LIVE STREAMING AND RECORDING OF COURT PROCEEDINGS) RULES, 2022

In exercise of its powers under Article 225 and Article 227 of the Constitution of India, the Gauhati High Court has framed the following Rules for live streaming and recording of court proceedings to imbue greater transparency, inclusivity and foster access to justice:

#### 1. Short title and commencement:

- (i) These Rules shall be called the Gauhati High Court (Live Streaming and Recording of Court Proceedings) Rules, 2022.
- (ii) These Rules shall come into force on such date as the High Court by a Notification appoints and different dates may be appointed for different provisions of these Rules.
- (iii) These Rules shall apply to the Gauhati High Court and to the Courts and Tribunals over which it has supervisory jurisdiction.

#### 2. Definitions:

In these Rules, unless the context or the subject matter may require otherwise:

- (i) "High Court" means the Gauhati High Court, including its Outlying Benches.
- (ii) "Chief Justice" means the Chief Justice of the Gauhati High

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Court.

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- (iii) "Bench" means the Judge(s) assigned to hear the case filed before the Court.
- (iv) "Court" means the High Court and/or all the Courts, Tribunals, etc., under its supervision under Article 227 of the Constitution of India.
- (v) "Proceedings" means and include judicial proceedings, administrative proceedings, Lok Adalat proceedings, Full Court references, farewells and other meetings and events organised by the Court.
- (vi) "ICT Committee" means and includes a Committee constituted by the Chief Justice to deal with matters concerning information and communication technology.
- (vii) "Registrar (IT)" means and includes any Officer so designatedby the Chief Justice of the High Court.
- (viii) "Designated Officer" means the Registrar (IT) or any other officer mandated to carry out the function of granting access to copies of Recordings under these Rules.
- (ix) "Court Master / Bench Clerk or Bench Assistant" means the Court staff who assists the Court in the conduct of proceedings, including updating of the cause lists published on the display board.
- (x) "Court premises" means and includes buildings and complexes under the authority of Courts.
- (xi) "Designated venue" means and includes a courtroom or any

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other place where the Proceedings are conducted, whether within the court premises or at a remote location.

- (xii) "Remote location" means and includes a geographical location, different from the Court premises, from where proceedings are conducted.
- (xiii) "Hardware" means and includes equipment to be installed for live streaming and recording of proceedings or any ancillary activity.
- (xiv) "Communication device" means a hardware device capable of transmitting analog or digital signal over the telephone and other communication devices, whether wired or wireless.
- (xv) "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.
- (xvi) **"Recording"** means audio and video data of proceedings stored in electronic format, whether or not it is live-streamed.
- (xvii) "**Transcript**" means the official written record of the proceedings published as per the directions of the Court.
- (xviii) **"Archival data"** means audio and visual data recorded during the conduct of the proceedings and retained by the Court.
- (xix) "Live Streaming Platform" or "Live Streaming Portal" means the High Court authorised access to the web-platform / portal used for live telecast / streaming / webcasting of the physical / virtual court proceedings of the High Court, as may

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be, selected and notified from time to time, by the High Court.

(xx) "Video Conferencing platform" means the platform / portal / application used for video conferencing / remote conferencing / web conferencing, as may be selected and notified from time to time, by the High Court for the High Court.

#### 3. Hardware – Placement and control:

- (i) Requisite numbers of cameras may be installed in the courtroom for smooth live streaming and recording of proceedings.
- (ii) An additional feed shall be captured where the Court has employed an electronic evidence presentation system.
- (iii) A remote-control device may be provided to the presiding judge on the Bench or the Court, as the case may be, to pause or stop the live streaming at any time. Advocates, witnesses, accused or any other person permitted by the Bench or the Court, shall use appropriate microphones while addressing the Court.
- (iv) Appropriate hardware may be deployed for remote location to the extent practicable.
- (v) Where proceedings are conducted through web links, including video conferencing services, appropriate software and hardware will be employed, if necessary, to generate an integrated feed for live streaming.

#### 4. Requisitioning and positioning of human resources

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- A dedicated control room (DCR) may be set up for every Court complex.
- (ii) The DCR may, *inter alia*, comprise of an Officer of the Court or a technical and video recording experts. The DCR will monitor and track proceedings as they are live-streamed, recorded and transcribed. The DCR shall ensure that nothing uncivil or inappropriate is streamed in the public domain.
- (iii) The coverage of proceedings will be coordinated by the technical experts under the direct supervision of the Registrar (IT) or her/his nominee or any Officer nominated in case of district Courts and Tribunals.
- (iv) The Registrar (IT) and/or his nominee shall be subject to the directions of the ICT Committee for the overall implementation of live streaming and recording of proceedings.

#### 5. Personnel positioned in the Court:

The Court Master, Bench Clerk / Bench Assistant, as the case may be, and Court staff attached to the Bench will be responsible to enable the live streaming of proceedings. The technical personnel will assist them in case of requirement. Subject to availability, a technical expert may be deputed in the Court who shall function under the overall supervision of the DCR.

# 6. Mode of live streaming and recording of proceedings:

- (1) Subject to the exclusions contained within these Rules, all proceedings shall be live streamed by the Court designated by the Chief Justice.
  - (i) The mode of live streaming of Court proceedings may be

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through any available live streaming platform / portal for live webcasting of audio-visual feed of the virtual / physical Court proceedings. Such live streaming platform shall be selected and notified by the High Court from time to time.

- (ii) The live streaming will be done by the authorised Court personnel only, directly to the live streaming platform / portal or through the Court's official account of any video conferencing platform to the live streaming platform / portal, as may be required, depending upon whether the hearing is virtual or physical.
- (iii) The web link of accessing the live streaming of the Court proceedings will be published on the website of the Court and may also be published in the cause list of the respective Court / Bench.
- (2) The following will be excluded from live streaming:
  - Matrimonial matters, including transfer petitions arising thereunder.
  - (ii) Cases concerning sexual offences, including proceedings instituted under Sec. 376 of the Indian Penal Code, 1860.
  - (iii) Cases concerning gender-based violence against women.
  - (iv) Cases registered under or involving the Protection of Children from Sexual Offences Act, 2012, and under the Juvenile Justice (Care and Protection of Children) Act, 2015.
  - (v) In-camera proceedings as defined under Sec. 327 of the Code of Criminal Procedure, 1973, or Sec. 153B of the Code of Civil

Procedure, 1908.

- (vi) Matters where the Bench / Court is of the view, for reasons to be recorded in writing, that publication would be antithetical to the administration of justice.
- (vii) Cases, which in the opinion of the Bench / Court may provoke enmity amongst communities likely to result in a breach of law and order.
- (viii) Recording of evidence, including cross-examination.
- (ix) Privileged communications between the parties and their Advocates; cases where a claim of privilege is accepted by the Court; and non-public discussions between Advocates.
- (x) Any other matter as per the discretion of the Bench / Court or the Chief Justice.
- (3) Live-streaming in certain cases may be restricted to final arguments.
- (4) The Court Master / Bench Clerk / Bench Assistant, as the case may be, shall duly inform the parties, before the commencement of the proceedings, that the proceedings are being live streamed and that objections, if any, should be articulated at that juncture to the concerned Bench or Court.
- (5) Objections, if any, to live streaming may be raised at the time of institution of the case or at any later stage. The final decision on that behalf shall be of the Bench or the court.
  - (i) Objection to live streaming, if any, shall be raised by the party by filing the form prescribed in **Schedule I.**
  - (ii) A person objecting to live streaming at a later stage, shall do so by

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filing the form prescribed in Schedule II.

- (6) The final decision as to whether or not to allow the live streaming of the proceedings or any portion thereof will be of the Bench or the Court. However, the decision of the Bench or the Court will be guided by the principle of an open and transparent judicial process. The decision of the Bench or the Court shall not be justiciable.
- (7) In cases where the proceedings are not live streamed, the recording shall be maintained for usage by the Court and the Appellate Court (s), subject to the following conditions:
  - (i) Access to the recording of the testimony of witnesses will not be given until such time that the evidence is recorded in its entirety.
  - (ii) Transcription of the recordings would be made available to the Advocate or litigant-in-person.
  - (iii) In case of litigant-in-person, who is also a witness in the matter, the Bench or the Court in its discretion will decide as to the stage at which the litigant-in-person should have access to the recordings of the testimonies concerning the other witnesses in the matter.
- (8) In criminal matters, the testimony of victims and witnesses will be recorded for the exclusive use of the concerned Court and the Appellate Court (s), as per the direction issued on that behalf. The anonymity of the victims and witnesses shall be maintained in the recordings via dummy names, face masking, pixelation and / or electronic distortion of voice, as and when directed by the Court.
- (9) Audio-video recording or recording of proceedings by any other means, beyond the mandate of the present Rules is expressly

prohibited.

# 7. Manner of recording of proceedings:

- (1) Cameras shall not audio-video record the media persons and the visitors present during the proceedings.
- (2) The following will ordinarily not be live streamed or saved in the archival data or transcribed:
  - (i) Discussions between/amongst the Judges on the Bench.
  - (ii) Instructions given by a Judge or Presiding Officer to the administrative staff during the proceedings.
  - (iii) Any communication / message / document given by the Court Master / Bench Clerk / Bench Assistant to the Bench or the Court.
  - (iv) Documents given to the Judge or Presiding Officer during the proceedings.
  - (v) Notes taken down by the Judge or the Presiding Officer during the proceedings.
  - (vi) Notes made by an Advocate either on paper or in electronic form, for assistance, while making submissions before the Bench or the Court.
  - (vii) Communication between the Advocate and client, *inter se* the Advocates, and communications which are not submissions made by the Advocate before the Court.
- (3) If one or more circumstances mentioned in Rule 7 (2) occur, the monitor will display the message "*Live streaming paused as per applicable Rules*".
- (4) In case the Judge on the Bench or the Presiding Officer is desirous of

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opting out of live streaming while dictating the order / oral judgment, live streaming will be paused during that period. In such circumstances, the monitors will display a message "*Order-dictation in progress*". Likewise, when the Bench or the Presiding Officer rises for recess or otherwise, the live streaming will be paused and the monitor will display the message: "*Court not in session*".

### 8. Storage and access:

- (i) The recordings will be archived.
- (ii) Recordings may be uploaded, wholly or in part, on the Courts' website or made available on other digital platforms, as directed by the Court.
- (iii) Access to copies of the recordings not uploaded will be sanctioned by the Designated Officer, who will act as per law. An application for copies of recordings shall be made in the form prescribed in **Schedule III** alongwith a fee to be determined by the Court.
- (iv) The archived data should ordinarily be retained by the Court for at least six months, subject to special directions issued by the concerned Bench or the Court in a particular case. The Chief Justice 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.

#### 9. Relay of proceedings and recordings:

(1) General precaution: -

- (i) Personal information such as date of birth of parties, home address, identity card number, bank account information and the personal information of related parties, such as close relatives, witnesses and other participants, will be deleted or muted during live streaming. *Inter alia*, any one of the masking techniques, as provided in Rule 6(8), may be adopted. However, such proceedings will be preserved in the archival data.
- (ii) The Advocates and litigants-in-person may request the Bench to redact personal and sensitive information inter alia of the kind referred to in Rule 9(i).

### (2) Relay of proceedings: -

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- (i) Subject to limitations contained in these Rules, the live stream shall commence as soon as the Bench assembles or the Presiding Officer sits and instructs the Court staff to start the proceedings and shall end when the Bench or the Court signals its conclusion for the day.
- (ii) There may be a delay of upto ten minutes in streaming the proceedings which may be changed as per the direction of the Court.
- (iii) The live streaming shall be carried out from the designated venue as decided by the Bench / Court.

#### (3) Relay of recordings:-

The content of the recordings will be vetted and shall be posted, usually within three days of the conclusion of the proceedings. The same shall be posted on the Courts' website or made available on such digital platforms as may be directed by the Court.

# 10. Disclaimers, prohibitions and restrictions: -

#### (1) Disclaimers:-

- The daily cause list published on the website of the Court shall contain requisite information and disclaimer regarding livestreaming.
- (ii) The archival data shall not constitute the official record of the Court proceedings unless otherwise directed by the Bench or the Court.

# (2) Prohibitions and restrictions on usage of the recording or live stream:-

(i) No person / entity (including print and electronic media, and social media platforms) other than an authorised person / entity shall record, share and / or disseminate live streamed proceedings or archival data.

This provision shall also apply to all messaging applications. Any person / entity acting contrary to this provision will be prosecuted as per law. The Court shall have the exclusive copyright in the recordings and archival data. Any unauthorised usage of the live-stream will be punishable as an offence under the Indian Copyright Act, 1957; the Information Technology Act, 2000; and other provisions of law, including the law of contempt.

- (ii) Any party / litigant-in-person accessing the live stream will be bound by these Rules.
- (iii) The live stream shall not, without the prior written authorisation of the Court, be reproduced, transmitted, uploaded, posted, modified, published or re-published in any form.

- (iv) The use of authorised recordings in their original form may be permitted by the Court, *inter alia*, to disseminate news and for training, academic and educational purposes. Authorised recordings handed over for the aforesaid purposes shall not be further edited or processed. Such recordings will not be used for commercial, promotional purposes or advertising in any form.
- (v) No person shall use a recording device for recording or for transcribing the proceedings, other than those authorized by the Court.
- (3) 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 concern to a witness or other participants in the proceedings or allow a person who is not a participant to receive information about the proceeding or the hearing to which the person is not otherwise entitled.
- (ii) During proceedings, all personnel shall follow the instructions of the Presiding Judge or Officer; adhere to courtroom etiquettes and discipline; and shall not engage in the following actions, viz., audio and / or video recording; taking screenshots or using mobile communication tools to relay the proceedings.
- (iii) Violation of sub Rules (i) and (ii) will result in prosecution as per law. Additionally, the Bench or the Court may also direct seizure of the communication device or recording

device.

#### 11. Transcription and access:-

- (i) Transcripts shall be prepared of recordings only when directed by the Court.
- (ii) The transcripts may be translated into other scheduled languages.
- (iii) Recordings that are uploaded will be made accessible for differently-abled persons.

#### 12. Dedicated room(s) for live streaming:-

A dedicated room (s) for viewing the live stream may be made available within the Court premises in order to decongest the Court rooms. Access shall be given to law researchers, staff, litigants, academicians and media personnel authorised to enter the Court premises upon receipt of necessary permissions / approvals. Appropriate arrangements may be made to enable viewing of live streams from multiple Benches within this / these room (s). Special arrangements will be made for differently-abled persons.

#### 13. Power to relax:-

The High Court may, if satisfied that the operation of any Rule is causing undue hardship, by order, dispense with or relax the requirements of that Rule to such extent and subject to such conditions as may be stipulated to deal with the case in a just and equitable manner.

#### 14. Reference to words and expressions:

Words and expressions used and not defined in these Rules shall have the same meaning as assigned to them by law for the time being in force, including the Information Technology Act 2000; the Code of Civil Procedure, 1908; the Code of Criminal Procedure, 1973; the Indian Evidence Act, 1872; and the General Clauses Act, 1897.

# 15. Residual provisions:

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Matters for which no express provision is made in these Rules shall be decided by the Court consistent with the principle of furthering the interest of justice.

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# SCHEDULE I [Referred to in Rule 6(5)(i)]

# **Objection to live-streaming of proceedings by filing party**

- 1. Case Number / Filing Number (if any): \_\_\_\_\_\_
- 2. Cause Title: \_\_\_\_\_
- Reasons for objection to live streaming (please select one or more applicable).
  The case relates to:
  - (i) Matrimonial matters, transfer petitions thereunder.
  - (ii) Sexual offences, including proceedings instituted under Sec. 376 of the Indian Penal Code.
  - (iii) Gender-based violence against women.
  - (iv) POCSO and under the Juvenile Justice (Care and Protection of Children) Act, 2015.
  - (v) In-camera proceedings as defined under Sec. 327 of the Code of Criminal Procedure or Sec. 153B of the Code of Civil Procedure.
  - (vi) Publication would be antithetical to the administration of justice.
  - (vii) Other(s) (state the reason briefly):

4. Applicant Details:

- (i) Party name: \_\_\_\_\_
- (ii) Plaintiff/Petitioner/Appellant/Applicant No.:

(iii) Applicant Address: \_\_\_\_\_

(iv) Applicant Telephone/Mobile number: \_\_\_\_\_\_

I have read and understood the provisions of the Rules for live streaming for Courts (hyperlink). I undertake to remain bound by the same to the extent applicable to me.

Signature of the Applicant / Authorised signatory: (this application may be e-signed)

Date: Digital Signature/Scanned Signature:

For use of the Registry/Office:

- A) Bench / Court assigned:
- B) Decision of the Bench / Court (Allowed / Not Allowed):

Date:

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# SCHEDULE II [Referred to in Rule 6(5)(ii)]

# **Objection to live streaming of proceedings**

- 1. Case Number / CNR Number / Diary Number (if any):
- 2. Cause Title:

Date of Hearing (if already listed) (DD/MM/YYYY): \_\_\_\_\_\_

- 4. Reasons for objection to live streaming (please select one or more applicable). The case relates to:
  - (i) Matrimonial matters, transfer petitions thereunder.
  - (ii) Sexual offences, including proceedings instituted under Sec. 376 of the Indian Penal Code.
  - (iii) Gender based violence against women.
  - (iv) POCSO and under the Juvenile Justice (Care and Protection of Children) Act, 2015.
  - (v) In-camera proceedings as defined under Sec. 327 of the Code of Criminal Procedure or Sec. 153B of the Code of Civil Procedure.
  - (vi) Publication would be antithetical to the administration of justice.
  - (vii) Other (s) (state the reason briefly):

5. Applicant details:

- (i) Party Name:
- (ii) Select one:
- (a) [i] Petitioner No. \_\_\_\_ [ii] Accused No. \_\_\_\_ [iii] Plaintiff No.

(b) [iv] Defendant No. \_\_\_\_ [v] Applicant No. \_\_\_\_

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[vi] Respondent No. \_\_\_\_\_ [vii] Deponent for: \_\_\_\_\_ No. \_\_\_\_\_

[viii] Other (s): \_\_\_\_\_

(iii) Applicant Address: \_\_\_\_\_

(iv) Applicant Telephone/Mobile number:

I have read and understood the provisions of the Rules for live streaming for Courts (hyperlink). I undertake to remain bound by the same to the extent applicable to me.

Signature of the Applicant / Authorised signatory: (this application may be e-signed)

Date: Digital Signature/Scanned Signature:

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For use of the Registry/Office:

A) Bench / Court assigned:

B) Decision of the Bench / Court (Allowed / Not Allowed):

Date:

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#### SCHEDULE III [Referred to in Rule 8(iii)]

#### Application form for copies of recordings available in archival data

- 1. Case Number / CNR Number / Diary Number (if any): \_\_\_\_\_
- 2. Cause Title: \_\_\_\_\_\_

3. Date of Hearing (if already listed) (DD/MM/YYYY): \_\_\_\_\_\_

- 4. Applicant Status (select one):
  - (i) Party to the proceedings
  - (ii) Authorised Representative
  - (iii) Advocate for the Party
  - (iv) Third Party /None of the above (Please specify)

5. Identification document enclosed: (i) Bar Association ID (ii) AADHAAR Card (iii) PAN Card (iv) Driver's License (v) Ration Card (vi) Other Government issued ID (please specify)

- 6. ID Number:
- 7. Applicant Address:
- 8. Applicant Telephone number:
- 9. Reasons for requesting access:
- 10. Format in which Recording is requested: (i) Cloud link (ii) Physical Drive

I have read and understood the provisions of the Rules for live streaming for Courts (hyperlink). I undertake to remain bound by the same to the extent applicable to me. I undertake not to copy, distribute or publish or cause the copying, distribution or publication of the recordings in any manner without the prior written approval of the Court.

Signature of the Applicant / Authorised signatory: (this application may be e-signed)

Date:

Digital Signature/Scanned Signature:

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For use of the Registry/Office:

Whether approved by designated officer: Fee to be paid:

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These Rules shall come into force with effect from 26<sup>th</sup> September, 2022, except Rule 4, Rule 6 (7), Rule 6 (8), Rule 8, Rule 9 (3), Rule 11 and Rule 12, which shall come into effect from a date to be notified later on.

#### By Order,

Sd/- R.A. Tapadar

#### **REGISTRAR (JUDICIAL & IT)**

# Memo No. HC.III-40/2019/4374-4394/G (Pt.), dated Guwahati, the $17^{th}$ September, 2022

- 1) The Secretary General, Supreme Court of India, New Delhi.
- Smti. R. Arulmozhiselvi, Member (Human Resource), e-Committee, Supreme Court of India, New Delhi.
- The Secretary, Law Department, Government of Nagaland, Kohima/ Government of Mizoram, Aizawl/ Government of Arunachal Pradesh, Itanagar.
- 4) The L.R. –cum- Commissioner & Secretary to the Government of Assam, Judicial Department, Dispur, Guwahati-6.
- 5) The Registrar (Vig./ Admn./ Judl./ Estt.), Gauhati High Court, Guwahati.
- 6) The Registrar-cum-Principal Secretary to Hon'ble the Chief Justice, Gauhati High Court, Guwahati.
- 7) The Registrar, Gauhati High Court, Kohima Bench, Kohima/ Aizawl Bench, Aizawl/ Itanagar Permanent Bench, Naharlagun. *He is requested to circulate this notification amongst the courts in his respective state.*
- The Chairman, Bar Council of Assam, Nagaland, Mizoram, Arunachal Pradesh and Sikkim.
- 9) The District & Sessions Judge, \_\_\_\_\_\_, Assam. He/ she is requested to circulate this notification amongst the courts under his/ her jurisdiction.
- 10) The President/ Secretary General, Gauhati High Court Bar Association, Guwahati.
- 11) The President/ General Secretary, Gauhati High Court Advocates' Association, Guwahati.

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- 12) The President/Secretary, All Assam Lawyers' Association, Guwahati.
- 13) The President/Secretary, Lawyers' Association, Guwahati.
- 14) The Director, Law Research Institute, Gauhati High Court, Guwahati.
- 15) The Principal Judge, Family Court, Barpeta / Cachar / Dhubri / Kamrup (M)

– I, II & III / Nalbari, Assam.

- 16) The Member, MACT, Barpeta / Cachar / Dhubri / Goalpara / Kamrup (M) -
  - I, II & III / Nagaon / Nalbari / Sonitpur / Kamrup (Amingaon), Assam.
- 17) The Special Judge-cum-Judge, Designated Court, Assam.
- 18) The Special Judge, Assam.
- 19) The Special Judge, NDPS Court, Guwahati, Assam.
- 20) The Special Judge, CBI, Assam.
- 21) The Special Judge, CBI, Assam, Addl. CBI Court No. 1, 2 & 3, Guwahati.
- 22) The Presiding Officer, Labour Court / Industrial Tribunal, Kamrup (M), Guwahati / Dibrugarh, Assam.
- 23) The Presiding Officer, Industrial Tribunal, Cachar, Assam.
- 24) The Joint Registrar (\_\_\_\_\_\_), Gauhati High Court, Guwahati.
- 25) The Deputy Registrar (\_\_\_\_\_\_), Gauhati High Court, Guwahati.
- 26) The Assistant Registrar (\_\_\_\_\_\_), Gauhati High Court, Guwahati.
- The Librarian-cum-Research Officer, Gauhati High Court, Guwahati.
- 28) The Project Manager, Gauhati High Court, Guwahati, for information and necessary action. *Also, he is requested to upload this notification in the website of Gauhati High Court.*
- 29) The P.S. to Hon'ble Mr./ Mrs. Justice\_\_\_\_\_, Gauhati High Court, Guwahati.
- 31) The Court Master, Court No.\_\_\_\_\_, Gauhati High Court, Guwahati.
- 32) The C.A. to Registrar General, Gauhati High Court, Guwahati.
- 33) Notice Board, Gauhati High Court (Old & New Blocks), Guwahati.

R. A. Tapadar 17.09.22 REGISTRAR (JUDICIAL & IT)