

# RULES ON E-SAKSHYA, E-SUMMONS, NYAYA SHRUTI

Presented by:

***Dr. Sarfaraz Ahmed Khan***

*LLM, M.Phil (NUJS), LL.M (Essex, UK), PhD (CityU, Hong Kong)*

*British Chevening Scholar & Michigan Grotius Research Fellow*

*Professor & Former Registrar (Acting) WBNUJS*

*Former Professor & Director, Symbiosis Law School Hyderabad*

*+919831736144; sakhan@nujs.edu]*

# VIDEO CONFERENCING FACILITIES



GOVERNMENT OF SIKKIM  
HOME DEPARTMENT  
GANGTOK

No. 66/Home/2024

Dated: 03/09/2024

## NOTIFICATION

In exercise of powers conferred by second proviso to sub-section (3) of section 265 and second proviso to sub-section (2) of section 266 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023), the State Government is pleased to designate following places as the designated place for the examination of witness by audio-video electronic means as under, namely:-

Sl. No	Location for examination of witness by Audio-Video electronic means	Name of Institutions/ Office/ Department	Remote Coordinator	Point
1.	Video Conferencing Room	State Central Prison, Rongyek	Jailor/ Sub-Jailor	
2.	Video Conferencing Room	District Prison, Boomtar, Namchi District	Jailor/ Sub-Jailor	
3.	Video Conferencing Room	Regional Forensic Science Laboratory, Saramsa, Ranipool, Gangtok District	Administrative Officer, Regional Forensic Science Laboratory	



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In exercise of powers conferred by second proviso to sub-section (3) of section 265 and second proviso to sub-section (2) of section 266 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023), the State Government is pleased to designate following places as the designated place for the examination of witness by audio-video electronic means as under, namely:-

<b>Sl. No</b>	<b>Location for examination of witness by Audio-Video electronic means</b>	<b>Name of Institutions/ Office/ Department</b>	<b>Remote Point Coordinator</b>
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2.	Casualty/OP Management	Government Hospital	RMO/Dean <b>or</b> Designated Officer	- do-	- do-
3.	Trolley/ Movement assistance	Government Hospital	RMO/Dean <b>or</b> Designated Officer	- do-	- do-
4.	Any other duties identified by RMO/Dean which requires more special /medical knowledge	Government Hospital	RMO/Dean <b>or</b> Designated Officer	- do-	- do-
5.	Cleaning/maintenance of study area, stock area, and peripherals	District/ Taluka Office/ Legal Aid Clinics Any Government Library.	Secretary DLSA /Librarian/ Incharge Officer	- do-	- do-

6.	Arranging of Books/Listing of Books or any clerical assistance or Binding	DLSA Office District/ Taluka Office/ Any Govt. Library	Secretary DLSA/ Librarian/ Incharge Officer.	- do-	- do-
7.	Cleaning of classrooms, library, labs, grounds and peripherals	Govt. Educational Institutions	HM/ Principal Or Designated Officer	- do-	- do-
8.	Cleaning/ maintenance along with Municipal/ Corporation cleaning staff	Corporation/ Municipality/ Panchayat	Respective Commissioner/ BDO or Designated officer	- do-	- do-
9.	Removal of weeds from roadsides	Corporation/ Municipality/ Panchayat	Respective Commissioner/ BDO or Designated officer	- do-	- do-
10.	Any Cleaning or maintenance of public buildings.	Public Offices	Concerned Officers	- do-	- do-

11.	Traffic regulation, crowd regulation, premises/ station cleaning, common areas maintenance	Police Station	SHO/ Designated Officer	- do-	- do-
12.	Cleaning/Maintenance	Public Parks/ Space & Beach of Corporation/ Municipality/ Panchayat	Respective Commissioner/ BDO or Designated officer	- do-	- do-
13.	Cleaning/ Maintenance	Old age homes Mental Health Institutes/ Hostels/ social welfare department buildings	Warden / In charge officer or Designated Officer	- do-	- do-
14.	Tree Planting, watering, weed removal maintenance work	Forest Department	Ranger / In-charge Officer / Designated Officer	- do-	- do-

	Cleaning/Maintenance or clerical assistance	Zoo / Museums	Curator/ In-charge officer/ Designated Officer	- do-	- do-
16.	Any other duty as part of community service which the court deems fit in the given case	Concerned Department	Concerned Officer	- do-	- do-

## NOTIFICATION

In exercise of the powers conferred by the second proviso to sub-section (1) of section 265 and the second proviso to sub-section (2) of the section 267 of Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023), and in partial modification of Notification No. 66/Home/2024 dated 03/09/2024, the State Government is pleased to amend the said notification as under, namely:-

i. In the Notification No. 66/Home/2024 dated 03/09/2024, after serial no. 3 following shall be inserted, namely:-

4.	(a) Video Conferencing facility in Medical Superintendent's Office Conference Hall;	STNM Hospital, Sochagang
	(b) Video Conferencing facility in Level 5, Pediatric Department/ Tele-Medicine;	STNM Hospital, Sochagang
	(c) Tele-Intensive Care Unit (ICU) Hub in Level 5, Medicine Department;	STNM Hospital, Sochagang
5.	Video Conferencing Room near Accounts and Administration Section of District Hospital, Namchi	District Hospital, Namchi District
6.	Video Conferencing Room near Out Patient Department (OPD) waiting area of District Hospital, Gyalshing	District Hospital, Gyalshing District
7.	Video Conferencing Room in Chief Medical Officer Office, District Hospital, Singtam and Pakyong	District Hospital, Singtam and Pakyong
8.	Video Conferencing Room in Tuberculosis Buidling	District Hospital, Mangan District

Sikkim Electronic Processes  
(Issuance, Service & Execution)  
Rules, 2025

# Rule 1: Short Title & Commencement

- These rules may be called the Sikkim Electronic Processes (Issuance, Service and Execution) Rules, 2025.
- They shall come into force from the date of publication in the Official Gazette.

# Rule 2: Definitions (Part 1)

- CCTNS: Crime and Criminal Tracking Network and Systems used by Police.
- CIS: Case Information System used by District Judiciary and High Courts.
- Court: Court of competent jurisdiction.
- Disclosed Electronic Mail Address: Email used and provided by person/organization.

## Rule 2: Definitions (Part 2)

- Electronic Communication: As defined under BNSS.
- eSign: Authentication of electronic record including digital signature.
- Process: Includes summons, warrants and other forms under Sanhita.
- Seal: Image of court seal.

## Rule 2: Definitions (Part 3)

- Summons: Any summons issued under Sanhita.
- Warrant: Includesailable and non-ailable warrant.
- Words not defined shall have same meaning as BNSS, BNS, BSA and IT Act.

# Rule 3: Electronic Issuance

- Court shall generate and issue process electronically through CIS.
- Forms as per Second Schedule of Sanhita.
- Service to be carried out by an officer of the Court.

# Rule 4: Alternate Mode

- If electronic address/contact not available OR service fails:
- Court may direct service through police officer or public servant.

# Rule 5: Form of Electronic Process

- Must be in language of court.
- Must be encrypted electronic communication.
- Must bear image of court seal and eSign.

# Rule 6: Authentication

- Must clearly mention name of Court and capacity of signatory.
- Summons must bear court seal and eSign of authorized officer.
- Warrants must be e-signed by Presiding Officer and bear seal.

# Rule 7: Presumption

- Electronic process received via secure system (CCTNS) presumed issued by Court.
- Printout shall have same legal effect as original.

# Rule 8: Duties of Police

- Officer-in-charge shall collect verified address, email, phone, messaging app.
- Details recorded during arrest/investigation.
- Entered into CCTNS and maintained in register.
- If unavailable → endorsement required.

# Rule 9: Private Complaint

- Complainant must provide address, email, phone, messaging details.
- If unavailable → endorsement required.

# Rule 10: Storage & Use

- Details transmitted electronically and maintained in CIS.
- Used for issuance of process.
- Forms part of register under Section 64 BNSS.

# Rule 11: Protection

- Victim and witness electronic details shall not be disclosed to accused.

# Rule 12: Forwarding by Police

- Officer-in-charge may forward summons via email/phone/messaging app.

# Rule 13: Service by Email

- Service deemed complete if acknowledgement generated.
- Even without acknowledgement → deemed delivered unless disproved.
- Delivery time presumed when email would ordinarily be delivered.

# Rule 14: Messaging Applications

- Acknowledgement forms part of service report.
- Must include mobile number, app details, screenshot/photo proof.
- Deemed valid service if properly recorded.

# Rule 15: No Electronic Details

- If verified email/phone unavailable:
- Police to record entry and take printout.
- Execute as per physical procedure.

# Rule 16: Failed Delivery

- If email/app delivery fails or bounces:
- Officer prepares detailed report with proof.
- Proceed as per applicable process.

# Rule 17: Warrants

- Electronic warrant to be printed.
- Executed as per Sanhita.

# Rule 18: Physical Service

- Acknowledgement of recipient required.
- Photograph may be captured as proof.
- Forms part of service report.

# Rule 19: Reporting

- Police shall transmit service/non-service report electronically via CCTNS/NSTEP.
- Including bail bonds, photographs, acknowledgements.

# Rule 20: Court Action

- Court may act upon electronic report.
- Printout deemed original for satisfaction of execution.

# Rule 21: Sensitive Cases

- In offences against women/children:
- Identity of victim must not be disclosed during service/execution.

# Rule 22: Saving Clause

- Rules are in addition to existing High Court rules.
- Do not derogate from existing legal provisions.