

HIGH COURT FOR THE STATE OF TELANGANA ::HYDERABAD

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Endt. ROC No.2468/SO/2024
(G.O.Ms.No.81, dt:14.11.2024)&

Dt : 19 .11.2024

(The Telangana Gazette No.13, Rules Supplement to Part-I
Extraordinary, dt:14.11.2024)

"Communicated"

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19/11/24
REGISTRAR GENERAL

To

- 1.The Prl. Secretary to the Hon'ble the Chief Justice, High Court for the State of Telanagana. {for placing the same before the Hon'ble the Chief Justice}
2. All the Personal Secretaries to the Hon'ble Judges. {for placing the same before the Hon'ble Judges}.
3. All the Unit Heads in the State of Telangana(with request to communicate to all the presiding officers in their units)
- 4.The Advocate General, High Court for the State of Telangana.
- 5.All the Registrars, High Court for the State of Telangana.
- 6.The Chairman, Bar Council of Telangana.
- 7.The Director, Telangana State Judicial Academy, Secunderabad.
- 8.The Member Secretary, Telangana Legal Services Authority.
- 9.The Director, High Court Mediation and Arbitration Centre.
- 10.The Secretary, High Court Legal Services committee.
- 11.The President, Telangana High Court Advocate's Association.
12. The President, High Court Advocate's Clerks Association.
13. The Section Officers
 - a) Statistics Section
 - b) New Filing Section (Writ, Civil, Criminal and OS Wings),
Writ Service Section,
Writ Non-Service Section,
Writ Division Bench Section,
Criminal Section,
Posting Section

2468
58863

GOVERNMENT OF TELANGANA
ABSTRACT

RULES - The Telangana Electronic Processes (Issuance, Service and Execution) Rules, 2024 - Notification - Orders - Issued.

LAW (LA, LA&J-HOME-COURTS.B) DEPARTMENT
G.O.Ms.No:81 Dated:14.11.2024.
Read

From the Registrar General, High Court for the State of Telangana,
Hyderabad, Rec. No.1064/SO/2024, dated: 19.08.2024.

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ORDER:

The Registrar General, High Court for the State of Telangana, Hyderabad, in the letter read above, has stated that the Government of India has enacted Bharatiya Nagarik Suraksha Sanhita, 2023 (Central Act No.46 of 2023) and received the assent of the Hon'ble the President of India and in consonance with the Bharatiya Nagarik Suraksha Sanhita, 2023 the Hon'ble High Court has framed rules under sub-section (1) of section 64 of Bharatiya Nagarik Suraksha Sanhita, 2023 and directed the Registry to obtain approval of the Government.

2. Government, after careful examination of the proposal of the Registrar General, High Court for the State of Telangana at Hyderabad, hereby decided to notify the Telangana Electronic Processes (Issuance, Service and Execution) Rules, 2024, under sub-section (1) of section 6 read with section 523 of Bharatiya Nagarik Suraksha Sanhita, 2023, (Central Act No.46 of 2023).

3. Accordingly, the following Notification, shall be published in an Extraordinary issue of the Telangana Gazette, Dated:14.11.2024:-

NOTIFICATION

In exercise of the powers conferred by sub-section (1) of section 64 read with section 523 in particular and all other enabling sections of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Central Act No. 46 of 2023), the Government of Telangana hereby makes the following rules, in its application to the State of Telangana, namely:-

RULES

- (1) These rules may be called "**The Telangana Electronic Processes (Issuance, Service and Execution) Rules, 2024**".
 - (2) These rules shall come into force on the date of their publication in the Telangana Gazette.
 - (3) These Rules shall apply to all classes of Courts mentioned in Section of the Code and Sanhita. They shall apply to the cases governed by the Sanhita so also by the Code of Criminal Procedure, 1973 (Central Act No.2 of 1974).
2. These Rules shall be in addition to any other law or Rules made by the High Court for the State of Telangana for the time being in force for issuance, service and execution of process by Court.

3. (1) In these rules, unless the context otherwise requires-
- (a) "Bail Bond" means an undertaking for release with surety;
 - (b) "CCTNS" means Crime and Criminal Tracking Network and Systems, a system software/web portal used by the Police for the collection of data and execution of instructions;
 - (c) "CIS" means Case Information System, a system software used by the Judiciary for the collection of data and execution of instructions;
 - (d) "Code" means Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974);
 - (e) "Electronic Communication" means the communication of any written, verbal, pictorial information or video content transmitted or transferred (whether from one person to another or from one device to another or from a person to a device or from a device to a person) by means of an electronic device including a telephone, mobile phone, or other wireless telecommunication device, or a computer, or audio-video player or camera or any other electronic device or electronic form as may be specified by a Notification by the Central Government;
 - (f) "Electronic Signature" means authentication of any electronic record by a subscriber by means of the electronic technique specified in the Second Schedule of the Information Technology Act, 2000 (Central Act No.21 of 2000) and includes digital signature;
 - (g) "Government" means the Government of Telangana;
 - (h) "High Court" means the High Court for the State of Telangana;
 - (i) "Process" includes summons, warrants or any other forms set forth in the Second Schedule of Sanhita and of the Code, with such variations as the circumstances of each case require, issued for the respective purposes mentioned in the Sanhita and Code;
 - (j) "Recognised Electronic Mail Address" means the email account of a person or organisation used to send and receive messages over Internet, which is shown to be admitted, used, or provided by such person or organisation either personally or on a website or portal;
 - (k) "Rules and Orders" means "Criminal Rules of Practice and Circular Orders, 1990";
 - (l) "Sanhita" means the Bharatiya Nagarik Suraksha Sanhita, 2023 (central Act No. 46 of 2023);
 - (m) "Seal" means image of the seal of the Court;
 - (n) "State" means the State of Telangana;
 - (o) "Summons" means any summons issued under Chapter VI of the Code and Sanhita;
 - (p) "Warrant" means and includes bailable warrant and non-bailable warrant.
- (2) Words and expressions used and not defined in these Rules, shall have the same meaning as assigned to them in the Bharatiya Nagarik Suraksha Sanhita, 2023; The Bharatiya Nyaya Sanhita, 2023 and The Information Technology Act, 2000.
4. The Courts may generate and issue process in electronic mode through CIS/NSTEP in such forms as set forth in the Second Schedule of the Code/Sanhita, with such variations as the circumstances of each case require and the same may be directed to be served by a police officer, or by an officer of the Court issuing it or other public servant.

5. Every process issued in form of electronic communication under the Sanhita must ordinarily be written in the language of the court and shall be in an encrypted or any other form of electronic communication and shall bear the image of the seal of the Court or digital signature. The Court may however direct the process to be issued in English language, if deemed expedient.
6. Every process issued electronically shall contain electronic signature in such a manner that the name of the Court or the capacity in which the signatory or subscriber acts, is clearly mentioned. The summons generated in electronic form shall bear image of the seal of the court or digital signature of the Clerk of Court or the Reader or any person authorized in writing in this regard as the case may be. Every warrant of arrest in electronic form shall be issued by electronic signature of the Presiding Officer of the court and shall also bear the seal of the Court. Provided that in case of any breakdown of electronic system, the Court may issue warrant in paper/physical/hard copy mode and it should bear the sign manual of the Judge or the Magistrate from whose Court they are issued.
7. Where the processes generated in electronic form are received on CCTNS through a secured system, in an encrypted or any other form of electronic communication, it shall be presumed to be issued by the Court. Further, any printout of such process shall have the same effect as issued in original for the purpose of its execution.
8. The Officer In-charge of the Police Station shall ensure that the verified details relating to address, recognised electronic mail address, phone number and messaging application used by the informant or victim or accused or witnesses, as the case may be, are recorded during arrest, investigation or inquiry and entered in CCTNS. Such details shall also be entered in the Register maintained at the Police Station in compliance with sub-section (1) of section 64 of the Sanhita. If any of such information is not available, the Officer In-charge of the Police Station shall make an endorsement to that effect in the Register. Provided that any such details may be amended on the basis of any further verification or on the basis of an application by such person.
9. Where a case is filed on the basis of a private complaint, the complainant shall file the details relating to address, recognised electronic mail address, phone number and messaging application of the accused and witnesses, if known to him, along with the complaint. If any of such information is not available, the complainant shall make an endorsement to that effect.
10. The details relating to address, recognised electronic mail address, phone number and messaging application shall be transmitted in electronic form and maintained in CIS and may be used for issuance of process. Such digital information shall form part of the register under section 64(1) of the Sanhita.
11. The details relating to recognised electronic mail address, phone number and messaging application of the informant, victim and witnesses shall not be provided to the accused while supplying copies under U/s. 207, 208 of the Code or sections 230 and 231 of the Sanhita. The Officer In-charge of the Police Station shall ensure that such details do not form part of the copies prepared under sub-sections (2) and (7) of section 173 of the Code or sub-sections (3) and (8) of section 193 of the Sanhita.

12. The Officer In-charge of the Police Station or any subordinate Officer deputed by him upon receipt of summons issued in form of electronic communication by the Court, shall forward the summons on the recognised electronic mail address, phone number or messaging application of the person summoned.
13. (1) Where summons are served by way of electronic mail, the electronic mail service provider shall be used in such a manner so as to generate acknowledgment and such acknowledgment shall form part of the report of service.
- (2) When any process is sent to a person or organisation on recognised electronic mail address, unless the delivery of the electronic mail is disrupted or bounced back for any reason whatsoever, or a "return to sender" message, "bounced back message" or "error message" is received from mail server, the delivery may be deemed to be effected, and unless the contrary is proved, to have been effected at the time at which the electronic mail would be delivered in the ordinary course of email.

Explanation: The ordinary course of email may be determined in accordance with section 13 of the Information Technology Act, 2000.

14. (1) When a process or report generated in electronic form is authenticated by means of electronic signature it shall be deemed to be authenticated by signature of the person who affixed the electronic signature;
- (2) Where summons are served by way of any other electronic communication including messaging application, the acknowledgment shall form part of the report of the service and the report shall contain details including mobile number, messaging application and screenshot/photo of the application reflecting delivery of the communication.
- (3) Such delivery may be deemed to be due service of summons/process and a copy of such summons/process along with report of service shall be kept in record as a proof of service of summons/process.

Explanation: Acknowledgement under this Rule or under Rule 13 includes an acknowledgement given by:

- (1) any communication by the addressee, automated or otherwise; or
- (2) any conduct of the addressee, sufficient to indicate to the originator that the electronic record has been received.
15. In case, verified details of the email address, phone number or messaging application relating to the person summoned are not available, the Officer In-charge of the Police Station or any Police Officer deputed by him shall make an entry in that regard and after taking printout in duplicate of the summons issued in electronic mode, shall execute the same in accordance with procedure prescribed under Chapter VI of the Code or Sanhita.
16. When summons are not served by an electronic mail or other mode of electronic communication or delivery is disrupted and bounced back for any other reason, the Officer In-charge of the Police Station or any Police Officer deputed by him shall prepare a report in that regard containing all details including mobile number, messaging application and screenshot/photo of the application and may proceed as per Rule 15 for execution of the summons.

17. In case of warrant or any other process is issued in electronic mode, the Officer In-charge of the Police Station or any Police Officer deputed by him shall take a printout of the warrant or process and execute the same in accordance with the Code or Sanhita and the rules in that regard.
 18. Where any process is served or executed otherwise through electronic mode, the Police Officer while making service or executing the process shall capture photographs and take acknowledgment of the Recipient, which shall form part of the report of the service.
 19. Upon due service or non-service of the process, the serving officer of the concerned Police Station shall transmit the service report along with relevant documents including bail bonds, photographs, acknowledgment, if any, to the concerned Court in electronic form through CCTNS/ NSTEP, and shall also forward such service/execution report in physical form.
 20. The Court, after receiving the report in electronic form under Rule 19, may act upon such report. Such report or printout of such report shall be sufficient to be original for the purpose of satisfaction as to the service/execution of the process.
 21. Where any process is issued in cases relating to offences under sections 376 to 376 E of Indian Penal Code, 1860 or sections 64 to 71 of the Bharatiya Nyaya Sanhita, 2023 or offences against woman or child, the Officer In-charge of the Police Station shall ensure that the identity of the victim is not revealed in any manner in course of service or execution. Further, in such cases, the report in physical form shall be submitted in a sealed envelope to the Court.
4. The Registrar General, High Court for the State of Telangana at Hyderabad shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

R. THIRUPATHI
SECRETARY TO GOVERNMENT
LEGAL AFFAIRS, LEGISLATIVE AFFAIRS & JUSTICE

To
The Commissioner of Printing, Stationery and Stores Purchase, Hyderabad.
(with a request to publish the above said notifications and send 25 copies directly to the Hon'ble High Court, under intimation to Government.)
✓ The Registrar General, High Court for the State of Telangana at Hyderabad.
The Law (H) department.
Sf/sc.

// FORWARDED :: BY ORDER //


SECTION OFFICER

R.N.I. No. TELMUL/2016/73158.
HSE No. 1051/2023-2025.



[Price: ₹. 6-00.]



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RULES SUPPLEMENT TO PART - I
EXTRAORDINARY
OF

THE TELANGANA GAZETTE
PUBLISHED BY AUTHORITY

No. 13] HYDERABAD, THURSDAY, NOVEMBER 14, 2024.

NOTIFICATIONS BY GOVERNMENT

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LAW DEPARTMENT

(LA, LA&J-HOME-COURTS.B)

THE TELANGANA ELECTRONIC PROCESSES (ISSUANCE,
SERVICE AND EXECUTION) RULES, 2024.

[G.O.Ms.No.81, LAW (LA, LA&J-Home-Courts.B), 14th November, 2024.]

In exercise of the powers conferred by sub-section (1) of section 64 read with section 523 in particular and all other enabling sections of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Central Act No. 46 of 2023), the Government of Telangana hereby makes the following rules, in its application to the State of Telangana, namely:-

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RULES

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 - (2) These rules shall come into force on the date of their publication in the Telangana Gazette.
 - (3) These Rules shall apply to all classes of Courts mentioned in Section of the Code and Sanhita. They shall apply to the cases governed by the Sanhita so also by the Code of Criminal Procedure, 1973 (Central Act No.2 of 1974).
2. These Rules shall be in addition to any other law or Rules made by the High Court for the State of Telangana for the time being in force for issuance, service and execution of process by Court.
3. (1) In these rules, unless the context otherwise requires-
 - (a) "Bail Bond" means an undertaking for release with surety;
 - (b) "CCTNS" means Crime and Criminal Tracking Network and Systems, a system software/web portal used by the Police for the collection of data and execution of instructions;
 - (c) "CIS" means Case Information System, a system software used by the Judiciary for the collection of data and execution of instructions;
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 - (e) "Electronic Communication" means the communication of any written, verbal, pictorial information or video content transmitted or transferred (whether from one person to another or from one device to another or from a person to a device or from a device to a person) by means of an electronic device including a telephone, mobile phone, or other wireless telecommunication device, or a computer, or audio-video player or camera or any other electronic device or electronic form as may be specified by a Notification by the Central Government;

- (f) "Electronic Signature" means authentication of any electronic record by a subscriber by means of the electronic technique specified in the Second Schedule of the Information Technology Act, 2000 (Central Act No.21 of 2000) and includes digital signature;
 - (g) "Government" means the Government of Telangana;
 - (h) "High Court" means the High Court for the State of Telangana;
 - (i) "Process" includes summons, warrants or any other forms set forth in the Second Schedule of Sanhita and of the Code, with such variations as the circumstances of each case require, issued for the respective purposes mentioned in the Sanhita and Code;
 - (j) "Recognised Electronic Mail Address" means the email account of a person or organisation used to send and receive messages over Internet, which is shown to be admitted, used, or provided by such person or organisation either personally or on a website or portal;
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- (2) Words and expressions used and not defined in these Rules, shall have the same meaning as assigned to them in the Bharatiya Nagarik Suraksha Sanhita, 2023; The Bharatiya Nyaya Sanhita, 2023 and The Information Technology Act, 2000.

4. The Courts may generate and issue process in electronic mode through CIS/NSTEP in such forms as set forth in the Second Schedule of the Code/Sanhita, with such variations as the circumstances of each case require and the same may be directed to be served by a police officer, or by an officer of the Court issuing it or other public servant.
5. Every process issued in form of electronic communication under the Sanhita must ordinarily be written in the language of the court and shall be in an encrypted or any other form of electronic communication and shall bear the image of the seal of the Court or digital signature. The Court may however direct the process to be issued in English language, if deemed expedient.
6. Every process issued electronically shall contain electronic signature in such a manner that the name of the Court or the capacity in which the signatory or subscriber acts, is clearly mentioned. The summons generated in electronic form shall bear image of the seal of the court or digital signature of the Clerk of Court or the Reader or any person authorized in writing in this regard as the case may be. Every warrant of arrest in electronic form shall be issued by electronic signature of the Presiding Officer of the court and shall also bear the seal of the Court. Provided that in case of any breakdown of electronic system, the Court may issue warrant in paper/physical/hard copy mode and it should bear the sign manual of the Judge or the Magistrate from whose Court they are issued.
7. Where the processes generated in electronic form are received on CCTNS through a secured system, in an encrypted or any other form of electronic communication, it shall be presumed to be issued by the Court. Further, any printout of such process shall have the same effect as issued in original for the purpose of its execution.
8. The Officer In-charge of the Police Station shall ensure that the verified details relating to address, recognised electronic mail address, phone number and messaging application used by the informant or victim or accused or witnesses, as the case may be, are recorded during arrest, investigation or inquiry and entered in CCTNS. Such details shall also be

entered in the Register maintained at the Police Station in compliance with sub-section (1) of section 64 of the Sanhita. If any of such information is not available, the Officer In-charge of the Police Station shall make an endorsement to that effect in the Register.

Provided that any such details may be amended on the basis of any further verification or on the basis of an application by such person.

9. Where a case is filed on the basis of a private complaint, the complainant shall file the details relating to address, recognised electronic mail address, phone number and messaging application of the accused and witnesses, if known to him, along with the complaint. If any of such information is not available, the complainant shall make an endorsement to that effect.
10. The details relating to address, recognised electronic mail address, phone number and messaging application shall be transmitted in electronic form and maintained in CIS and may be used for issuance of process. Such digital information shall form part of the register under section 64(1) of the Sanhita.
11. The details relating to recognised electronic mail address, phone number and messaging application of the informant, victim and witnesses shall not be provided to the accused while supplying copies under U/s. 207, 208 of the Code or sections 230 and 231 of the Sanhita. The Officer In-charge of the Police Station shall ensure that such details do not form part of the copies prepared under sub-sections (2) and (7) of section 173 of the Code or sub-sections (3) and (8) of section 193 of the Sanhita.
12. The Officer In-charge of the Police Station or any subordinate Officer deputed by him upon receipt of summons issued in form of electronic communication by the Court, shall forward the summons on the recognised electronic mail address, phone number or messaging application of the person summoned.
13. (1) Where summons are served by way of electronic mail, the electronic mail service provider shall be used in such a manner so as to generate acknowledgment and such acknowledgment shall form part of the report of service.

- (2) When any process is sent to a person or organisation on recognised electronic mail address, unless the delivery of the electronic mail is disrupted or bounced back for any reason whatsoever, or a "return to sender" message, "bounced back message" or "error message" is received from mail server, the delivery may be deemed to be effected, and unless the contrary is proved, to have been effected at the time at which the electronic mail would be delivered in the ordinary course of email.

Explanation: The ordinary course of email may be determined in accordance with section 13 of the Information Technology Act, 2000.

14. (1) When a process or report generated in electronic form is authenticated by means of electronic signature it shall be deemed to be authenticated by signature of the person who affixed the electronic signature;
- (2) Where summons are served by way of any other electronic communication including messaging application, the acknowledgment shall form part of the report of the service and the report shall contain details including mobile number, messaging application and screenshot/photo of the application reflecting delivery of the communication.
- (3) Such delivery may be deemed to be due service of summons/process and a copy of such summons/process along with report of service shall be kept in record as a proof of service of summons/process.

Explanation: Acknowledgement under this Rule or under Rule 13 includes an acknowledgement given by:

- (1) any communication by the addressee, automated or otherwise; or
- (2) any conduct of the addressee, sufficient to indicate to the originator that the electronic record has been received.

15. In case, verified details of the email address, phone number or messaging application relating to the person summoned are not available, the Officer In-charge of the Police Station or any Police Officer deputed by him shall make an entry in that regard and after taking printout in duplicate of the summons issued in electronic mode, shall execute the same in accordance with procedure prescribed under Chapter VI of the Code or Sanhita.
16. When summons are not served by an electronic mail or other mode of electronic communication or delivery is disrupted and bounced back for any other reason, the Officer In-charge of the Police Station or any Police Officer deputed by him shall prepare a report in that regard containing all details including mobile number, messaging application and screenshot/photo of the application and may proceed as per Rule 15 for execution of the summons.
17. In case of warrant or any other process is issued in electronic mode, the Officer In-charge of the Police Station or any Police Officer deputed by him shall take a printout of the warrant or process and execute the same in accordance with the Code or Sanhita and the rules in that regard.
18. Where any process is served or executed otherwise through electronic mode, the Police Officer while making service or executing the process shall capture photographs and take acknowledgment of the Recipient, which shall form part of the report of the service.
19. Upon due service or non-service of the process, the serving officer of the concerned Police Station shall transmit the service report along with relevant documents including bail bonds, photographs, acknowledgment, if any, to the concerned Court in electronic form through CCTNS/ NSTEP, and shall also forward such service/execution report in physical form.
20. The Court, after receiving the report in electronic form under Rule 19, may act upon such report. Such report or printout of such report shall be sufficient to be original for the purpose of satisfaction as to the service/execution of the process.

21. Where any process is issued in cases relating to offences under sections 375 to 376 E of Indian Penal Code, 1860 or sections 64 to 71 of the Bharatiya Nyaya Sanhita, 2023 or offences against woman or child, the Officer In-charge of the Police Station shall ensure that the identity of the victim is not revealed in any manner in course of service or execution. Further, in such cases, the report in physical form shall be submitted in a sealed envelope to the Court.

4. The Registrar General, High Court for the State of Telangana at Hyderabad shall take further necessary action accordingly.

R. THIRUPATHI,
Secretary to Government,
Legal Affairs, Legislative Affairs & Justice.

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