

CHAPTER IX: LIVE STREAMING

95. Live-streaming and Recording of Proceedings:

- (1) Subject to the exclusions contained within these Rules and as decided by the Chief Justice, proceedings from certain courtrooms will be live-streamed by the Court.
- (2) The following proceedings will be excluded from live-streaming:
 - (a) Matrimonial matters, including transfer petitions arising thereunder;
 - (b) Cases concerning sexual offences, including proceedings instituted under Section 64 and 65(1), Bharatiya Nyaya Sanhita;
 - (c) Cases concerning gender-based violence;
 - (d) Matters 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;
 - (e) In-camera proceedings as defined under Section 327 of the Bharatiya Nagarik Suraksha Sanhita, 2023, or Section 153B of the Code of Civil Procedure, 1908;
 - (f) Matters where the Bench is of the view, for reasons to be recorded in writing, that live streaming would be antithetical to the administration of justice;
 - (g) Cases, which in the opinion of the Bench, may provoke enmity amongst communities and are likely to result in a breach of law and order;
 - (h) Recording of evidence, including cross-examination;
 - (i) 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;
 - (j) Any other matter in which a specific direction is issued by the Bench or the Chief Justice.
- (3) Live-streaming may be restricted to final arguments.
- (4) Objections, if any, to live-streaming may be raised at the time of institution of the case or any later stage by filing the form prescribed by the High Court. The final decision in that behalf shall be of the Bench.
- (5) The Court Master or Reader 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 stage to the concerned Bench.
- (6) The final decision as to whether or not to allow the live-streaming of the proceedings or any portion thereof shall be of the Bench. The decision of the Bench shall be guided by the principle of upholding an open and transparent judicial process. The decision of the Bench shall not be justiciable.

- (7) In cases where the proceedings are not live-streamed, proceedings may be recorded on request from the Bench and such recordings shall be maintained for usage by the Court and the appellate courts, subject to the following:
 - (a) Access to the recording of the testimony of witnesses will not be given until such time that the evidence is recorded in its entirety.
 - (b) Transcription of the recordings may be made available to the Advocate.
 - (c) In case of a party-in-person, who is also a witness in the matter, the Bench in its discretion will decide as to the stage at which the party-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 Bench and the Supreme Court, as per the direction issued in 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.
- (10) There shall be a delay of ten minutes in streaming. This time limit may be modified as per the directions of the Court.
- (11) Subject to limitations contained in these Rules, the recording of the proceedings shall commence as soon as the Bench assembles and instructs the Court staff to start the proceedings, and shall end when the Bench signals its conclusion for the day.
- (12) The live-streaming shall be carried out from the designated venue as decided by the Bench.

96. Human Resources:

- (1) A dedicated control room (DCR) shall be set up with an officer of the Court, 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.
- (2) The coverage of proceedings will be coordinated by technical experts under the direct supervision of the Registrar (IT) or their nominee.
- (3) The Registrar (IT) and/or their nominee shall be subject to the directions of the IT Committee for the overall implementation of live-streaming and recording of proceedings.

97. Personnel in the Court: In addition to the Court Master and court staff attached to the Bench, technical experts shall be appointed to enable the live-streaming of proceedings. The technical expert(s) shall function under the overall supervision of the DCR.

98. Manner of Recording of Proceedings:

- (1) Cameras shall not 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 namely,
 - (a) Discussions between or amongst the Judges on the Bench.
 - (b) Instructions given by a Judge to the administrative staff during the proceedings.
 - (c) Any communication or message or document given by the Court Master or reader to the Bench.
 - (d) Documents given to the Judge during the proceedings.
 - (e) Notes taken down by the Judge during the proceedings.
 - (f) Notes made by an Advocate, either on paper or in electronic form, for assistance while making submissions before the Bench.
 - (g) Communication between the Advocate and their clients, between Advocates, and communications which are not between the Advocate and the Court.
 - (h) If one or more circumstances mentioned in this Sub-Rule occur, the live stream will be paused and the monitor will display the message: “Live-streaming paused as per applicable Rules”.
 - (i) If the Judge concerned on the Bench wants to opt out of live-streaming while dictating the order or 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 rises for recess or otherwise, the live-streaming will be paused, and the monitor will display the message: “Court not in session”.

99. Storage and Access:

- (1) The recordings may be archived.
- (2) Recordings may be uploaded, wholly or in part, on the Court’s website or made available on other digital platforms, as directed by the Court.

- (3) The content of the recordings will be vetted and uploaded, usually within __ days of the conclusion of the proceedings.
- (4) Access to copies of the recordings not uploaded will be sanctioned by the Designated Officer. An application for copies of Recordings shall be made in the prescribed format.
- (5) The archival data shall ordinarily be retained by the Court for at least __ months, subject to special directions issued by the concerned Bench in a particular case. The Chief Justice may issue Practice Directions regarding the cases and the period for which archived data will be preserved for longer than __ months. Archival data shall be stored in electronic devices in encrypted form with a specific hash (#) value.

100. General Precaution.

- (1) 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 these Rules may be adopted. However, such proceedings will be preserved in the archival data.
- (2) The Advocates may request the Bench to redact personal and sensitive information, inter alia, of the kind referred to in Sub-Rule (1).

101. Disclaimers:

- (1) The daily cause list published on the website of the Court shall contain requisite information and disclaimers regarding live- streaming.
- (2) The archival data shall not constitute the official record of the court proceedings unless otherwise directed by the Bench.

102. Prohibitions and Restrictions on usage of Communication and Recording Devices:

- (1) No person or entity (including print and electronic media, and social media platforms), other than an authorised person or 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.
- (2) 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, Information Technology Act, 2000, and other provisions of law, including the law of contempt.

- (3) 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.
- (4) 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 shall not be used for commercial, promotional purposes or advertising in any form.
- (5) No person shall use a communication device or a recording device for recording or for transcribing the proceedings, other than those authorised by the Court.
- (6) During proceedings, all personnel shall follow the instructions of the Judge, adhere to courtroom etiquette and discipline.
- (7) Violation of the above clauses may result in prosecution as per law. Additionally, the Bench may also direct seizure of the communication device or recording device.

103. Transcription and Access:

- (1) Transcripts may be prepared of recordings only when directed by the Court.
- (2) The transcripts may be translated into other languages.
- (3) Recordings that are uploaded will be made accessible to differently-abled persons.

104. Dedicated rooms for live-streaming: In order to decongest the courtrooms, dedicated room(s) for viewing the live-stream may be made available within the Court premises. Law researchers, staff, litigants, academicians, and media personnel authorised to enter the Court premises shall be given access to such dedicated rooms, upon receipt of necessary permissions/approvals. Appropriate arrangements shall 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.

105. Power to Relax the Requirements: The 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.

106. 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 the law for the time being in force, including the Information Technology Act 2000, Code of Civil Procedure, 1908 the Bharatiya Nagarik Suraksha Sanhita, 2023, Bharatiya Sakshya Adhiniyam, 2023, and the General Clauses Act, 1897.