

इसे वेबसाईट www.govtpressmp.nic.in
से भी डाउन लोड किया जा सकता है.



मध्यप्रदेश राजपत्र

(असाधारण)
प्राधिकार से प्रकाशित

क्रमांक 401]

भोपाल, गुरुवार, दिनांक 7 अक्टूबर 2021—आश्विन 15, शक 1943

HIGH COURT OF MADHYA PRADESH AT JABALPUR

Jabalpur the 1st October 2021

RULES ON LIVE-STREAMING AND RECORDING OF COURT PROCEEDINGS

Preface

No. A-3649.— Whereas to imbue greater transparency, inclusivity and foster access to justice, it is expedient to set up infrastructure and the framework to enable live-streaming and recording of Proceedings. These Rules are framed by the High Court of Madhya Pradesh in the exercise of powers under Article 225 or relevant statute where applicable, and Article 227 of the Constitution of India.

These Rules will apply to the High Court of Madhya Pradesh and to the courts, tribunals and authorities under the supervisory control of the High Court.

1. Short Title and Commencement.—

- (a) These Rules shall be called “**Madhya Pradesh Live-Streaming Rules for Court Proceedings, 2021**”.
- (b) These Rules shall come into force from the date notified by the High Court of Madhya Pradesh in the official gazette.

2. Definitions. –

- (a) **Archival Data:** means audio and visual data recorded during the conduct of the proceedings and retained by the Court under these rules.
- (b) **Centralized Command and Control Centre (CCCC):** means a place / room at High Court of M.P., Jabalpur in order to enable the system for live streaming as well as archiving of courtroom proceedings, the audio-visual recording of the High Court and District Courts of the State of Madhya Pradesh, recording of all the cameras at optimized/reduced parameters; and such place/room shall also have archiving servers and cold storage for archived courtroom recordings.
- (c) **Chief Justice:** means the Chief Justice of the High Court of Judicature for Madhya Pradesh, including the Acting Chief Justice.
- (d) **Communication Device:** means a hardware device capable of transmitting analog or digital signal over the telephone and other communication devices, whether wired or wireless.
- (e) **Court:** means the High Court of Judicature for Madhya Pradesh, District Courts, Tribunals and Authorities under the supervisory control of the High Court in the State.
- (f) **Court Master / Reader:** means the court staff that assists the Court in the conduct of proceedings, including updating of the cause lists published on the display board.
- (g) **Designated Officer:** means Registrar (IT) or Senior Principal System Analyst (System Administration) or any other officer authorized by the Chief Justice to perform duties under these rules.
- (h) **District Command and Control Centre (DCCC):** means a place / room at each District Head Quarter in order to monitor live streaming and keep audio-visual recording of respective District Court and its Tehsil Courts.

- (i) **In-Charge Command Centre:** means the person/persons authorized by the Chief Justice or his designate for supervision of CCCC and DCCC.
- (j) **Live-stream/ Live-streamed/ Live-streaming:** means and includes a live television link, webcast, audio-video transmissions via electronic means or other arrangements through High Court channel / website facilitating to view the proceedings as permitted under these Rules.
- (k) **Recording:** means audio and video data of proceedings stored in electronic format as per these rules.
- (l) **Recording Device:** means any tool or instrument which is used for recording images or videos or sound or call.
- (m) **Remote Location:** means and includes a geographical location other than the Court premises.

3. **Applicability.** –

These Rules shall apply to the Court proceedings whether those are in physical mode, virtual mode or in hybrid mode and shall also apply to the Lok Adalat proceedings and activities of Farewells and Full Court References of the High Court with such modifications, as may be necessary to give effect them as per these Rules. For example -- the word “Judge” used in these Rules may be read as “Chairman” in the context of Lok Adalat. The Chief Justice may specify from time to time other activities or proceedings, to which these Rules shall be applicable.

4. **Hardware – Placement and Control.** –

- (a) Cameras shall be installed in the courtroom covering at least two angles; one towards the Judge/Presiding Officer and second towards the advocates engaged in the concerned matter and shall not film the media and visitor’s galleries.
- (b) Advocates, witnesses, accused or any other person, permitted by the Judge/Presiding Officer, shall use appropriate microphones while addressing the Court.

- (c) Where proceedings are conducted through weblinks, including video conferencing services, appropriate software and hardware shall be employed, if necessary, to generate an integrated feed for Live-Streaming.

5. Requisitioning and Positioning of Human Resources. –

- (a) A Centralized Command and Control Center (CCCC) shall be set up at Principal Seat, Jabalpur and a District Command and Control Centre (DCCC) shall be set up at every district headquarter.
- (b) All the Command and Control Centers shall be run by In-Charge Command Center or by an officer of the Court, who shall be authorized in this behalf by the Chief Justice in case of the High Court and by the Senior most Officer in case of the District Court or the Tribunal or the Authority, and technical and video-recording experts. Such Command and Control Center shall monitor and track proceedings as they are Live-streamed and recorded.
- (c) The coverage of proceedings shall be coordinated by the technical experts under the direct supervision of the designated officer.
- (d) The designated officer shall be subject to the directions of the Chief Justice for the overall implementation of Live-streaming and recording of proceedings.

6. Personnel positioned in the Court. –

In addition to the Court Master and court staff attached to the Court, technical expert(s) shall be appointed/deputed in each of the Court premises to enable the Live-streaming of proceedings.

7. Live-streaming and Recording of Proceedings. –

- (a) Subject to the exclusions contained within these Rules, all proceedings shall be Live-streamed by the Court.
- (b) The following shall be excluded from Live-streaming:

- (i) In-camera proceedings as defined under Section 327 of the Code of Criminal Procedure, 1973 (Cr.P.C.) or Section 153B of the Code of Civil Procedure, 1908 (C.P.C.).
- (ii) Matters concerning sexual offences.
- (iii) Matters where Children and Juveniles are involved like POCSO cases etc.
- (iv) Matters concerning gender-based violence against women.
- (v) Matrimonial matters, matters of adoption and custody of child, including transfer petitions arising there under.
- (vi) Matters relating to business confidentiality in commercial disputes.
- (vii) Matters involving sensitive issues.
- (viii) Matters of national security.
- (ix) Recording of evidence.
- (x) Matters relating to the Official Secrets Act, 1923.
- (xi) Matters relating to the Medical Termination of Pregnancy Act, 1971.
- (xii) Matters under Mental Health Act, 2017.
- (xiii) Privileged communications between the parties and their advocates and non-public discussions between advocates.
- (xiv) Matters where the Judge is of the view that publication would be antithetical to the administration of justice or which may provoke enmity amongst communities likely to result in a breach of law and order.
- (xv) Cases where a claim of privilege is accepted by the Court.
- (xvi) Any other matter or category of matters, for which a specific direction is issued by the Judge.

- (c) Live-Streaming in certain cases may be restricted to final arguments.

8. Objections. –

- (a) Objections, if any, to Live-Streaming may be raised at the time of institution of the case or any later stage by filing an application along with all appropriate details.
- (b) The final decision as to whether or not to allow the Live-Streaming of the proceedings or any portion thereof shall be of the Judge.

9. Manner of Recording of Proceedings –

- (a) The following need not be Live-Streamed or saved in the Archival Data :-
- (i) Discussions between/amongst the judges.
- (ii) Any document or instruction given by the Judge to any member of the staff during the proceedings.
- (iii) Communication between advocate and client, inter-se advocates and communications which is not a submission exchanged between advocate and the Court.
- (b) At the time of dictating the order/judgment or rising of the judge for recess or otherwise, Live-Streaming shall be paused and in such circumstances, the monitor shall display the appropriate message.

10. Storage and relay of proceedings. –

- (a) The recordings shall be archived and may be uploaded, wholly or in part, on the Courts' website or made available on other digital platforms, as directed by the Judge. The Chief Justice may issue practice directions in this regard and also for the cases, and the period for which archived data shall be preserved.

- (b) There may be a delay of ten minutes in Live Streaming subject to the direction of the Judge and shall end when the Judge signals its conclusion for the day.

11. Disclaimers, Prohibitions and Restrictions. –

(a) Disclaimers –

- (i) The daily cause list published on the website of the Court shall contain requisite information and disclaimer regarding Live-Streaming:
- (ii) The Archival Data shall not constitute the official record of the Court proceedings unless otherwise directed by the Judge.

(b) Restrictions and Limitations –

- (i) No person other than the person authorized as per Rule 5 of these Rules shall record, share, reproduce, transmit, upload, post, publish, edit, use, capture Live-Streamed proceedings or Archival Data or recordings in any form.
- (ii) The use of authorized recordings in their original form may be permitted by the Court, inter-alia to disseminate news and for training, academic and educational purposes. Authorized 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.
- (iii) No person other than the person authorized as per Rule 5 of these Rules shall use a Recording Device for recording or for transcribing the proceedings.
- (iv) Live Streaming of the proceedings shall not be claimed by any person as a matter of right.

- (v) The High Court or its officials shall not be responsible for any delay, breakdown or disruption during the Live Streaming or its quality on the part of the Live Streaming Platform/Portal due to reasons attributable to technology or to any such other factor beyond the control of the Court.
- (vi) The High Court shall have copyright over Live Streamed feed and videos, including the feed and videos retained in the Live Streaming platform after Live Streaming is over, prohibiting any unauthorized copying of the Live feed/videos.
- (vii) The Live Streamed feed/videos of the proceedings are not to be considered as part of the case of court record for the purpose of reliance in any proceedings of any nature and shall not be considered admissible as such, in any Court proceedings before any Court of law.
- (viii) Requests for copy of any Live Streamed feed/videos shall not be entertained for any purpose whatsoever.
- (ix) Anyone participating in the proceedings, whether in person or through video conferencing, shall have to maintain utmost discipline and decorum in consonance with the dignity and majesty of the Court. Any participant found to be misusing the access to the Court for undue publicity through Live Streaming facility, may be muted or removed from Live Stream session; or may be asked to leave the Court if participating in person. In such a situation, if required, the Judge may direct to stop the Live Streaming of the proceedings.
- (x) In case of stopping the Live Streaming for any of the foregoing reasons/circumstances, the Live Streaming, when resumed, may have a fresh link, which would be notified

through the High Court website and/or the Live Streaming Platform/Portal/Channel.

- (xi) Violation of any rule mentioned in Rule 10 (b) shall entail proceedings under the penal laws.

12. Power to Relax. –

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

13. 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, CPC, the CrPC, Indian Evidence Act, 1872, and the General Clauses Act, 1897.

14. Residual Provisions. –

Matters, concerning which no express provision is made in these Rules, shall be decided by the Judge concerned with the principle of furthering the interest of justice.

RAJENDRA KUMAR VANI, Registrar General.