

RULES ON LIVE-STREAMING AND RECORDING OF COURT PROCEEDINGS

Preface

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 ¹[jurisdiction] of the High Court.

1. Short Title and Commencement.-

- (a) These Rules shall be called “Madhya Pradesh Live-Streaming ²[and Recording] 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.
- ²[(a-1) **Bench:** means the Judge(s) assigned to hear the case filed before the court.]
- (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.

1. Substituted by Notification Published in M.P. Gaz, 4(Ga), dt. 01.09.2023, Page 637.

2. Inserted by Notification Published in M.P. Gaz, 4(Ga), dt. 01.09.2023, Page 637.

- (c) **Chief Justice:** means the Chief Justice of the High Court of 1[* **] 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 1[***] Madhya Pradesh, District Courts, Tribunals and Authorities under the supervisory 2[jurisdiction of the High Court of Madhya Pradesh].
- (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.
- ³[(f-1) **Court Premises:** means and includes buildings and complexes under the authority of the courts.]
- (g) **Designated Officer:** means the Registrar (IT) or Senior Principal System Analyst (System Administration) or any other officer authorized by the Chief Justice to perform duties under these rules.
- ³[(g-1) **Designated Venue:** means and includes a courtroom or any other place where the proceedings are conducted, whether within the court premises or at a remote location.]
- (h) **District Command and Control Center (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.
- ³[(h-1) **Hardware:** means and includes equipment to be installed for live streaming and recording of proceedings or any ancillary activity.]
- (i) **In-Charge Command Centre:** means the person/persons authorized by the Chief Justice or his designate for supervision of CCCC and DCCC.
- ³[(i-1) **IT Committee:** means and includes a committee constituted by the Chief Justice to deal with matters concerning information and communication technology, also referred to as I.T. and e-Court Committee.]

1. Deleted by Notification Published in M.P. Gaz, 4(Ga), dt. 01.09.2023, Page 637.

2. Substituted by Notification Published in M.P. Gaz, 4(Ga), dt. 01.09.2023, Page 637.

3. Inserted by Notification Published in M.P. Gaz, 4(Ga), dt. 01.09.2023, Page 637-638.

(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 ¹[any person] to view the proceedings as permitted under these Rules.

¹[(j-1) **Proceedings:** mean and include judicial proceedings, Lok Adalat proceedings, full-court references, official transfer, elevation, retirement, farewells organized by the Court and other proceeding as may be directed by the Chief Justice.

(k) **Recording:** means audio and video data of proceedings stored in electronic format as per these rules.

²[(l) **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.]

¹[(l-1) **Registrar (IT) :** means and includes any officer so designated by the Chief Justice.]

(m) **Remote Location:** means and includes a geographical location, other than the Court premises ¹[from where proceedings are conducted.]

¹[(n) **Transcript :** means the official written record of the proceedings published as per the directions of the court.]

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 proceeding and activities of Farewells and Full Court References of the High Court with such Modifications, as may be necessary to give effect ²[to] 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 ²[direct] from time to time other activities or proceedings, to which these Rules shall be applicable.

1. Inserted by Notification Published in M.P. Gaz, 4(Ga), dt. 01.09.2023, Page 638.

2. Substituted by Notification Published in M.P. Gaz, 4(Ga), dt. 01.09.2023, Page 638 & 639.

4. Hardware-Placement & Control:

- (a) ¹[Cameras will be ordinarily installed in the courtroom covering at least five angles; one towards the Judge/Presiding Officer, the second and third towards the advocates engaged in the concerned matter, the fourth towards the accused (where applicable) and the fifth towards the deponent/witness, as required.]
- (b) Advocates, witnesses, accused or any other person permitted by the Judge/Presiding Officer, shall use appropriate microphones while addressing the Court.
- ²[(b-1) If the court has employed an electronic evidence presentation system, an additional feed shall be captured there from.]
- (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.
- ²[(d) A remote-control device shall be provided to the presiding judge on the bench to pause or stop the live streaming at any time.
- (e) In so far as a remote location is concerned, appropriate hardware will be deployed to the extent practicable, bearing in mind the provisions made in the aforementioned sub-rules.]

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 expert. Such Command and Control Center shall monitor and track proceedings as they are Live-streamed and recorded ²[and shall ensure that nothing uncivil or inappropriate is streamed in the public domain.]

1. Substituted by Notification Published in M.P. Gaz, 4(Ga), dt. 01.09.2023, Page 639.

2. Inserted by Notification Published in M.P. Gaz, 4(Ga), dt. 01.09.2023, Page 639.

- (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 ¹[or designated venue] to enable the live streaming of proceedings. ¹[The technical expert(s) shall function under the overall supervision of the District Command and Control Centre (DCCC).]

7. Live streaming and Recording of Proceedings :

- (a) Subject to the exclusions contained within these rules, all proceedings ²[will] be live streamed by the court ³[which would come to an end with close of the proceedings.]
- (b) The following ²[will] 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.).
 - ²(ii) Matters concerning sexual offences including proceedings instituted under Section 376, Indian Penal Code, 1860.
 - (iii) Matters registered under or involving the Protection of Children from Sexual Offences Act, 2012 (POCSO) and under the Juvenile Justice (Care and Protection of Children) Act, 2015.
 - (iii-a) Matters registered under or involving the Medical Termination of Pregnancy Act, 1971.]
 - (iv) Matters concerning gender-based violence against women.

1. Inserted by Notification Published in M.P. Gaz, 4(Ga), dt. 01.09.2023, Page 639 & 640.

2. Substituted Inserted by Notification Published in M.P. Gaz, 4(Ga), dt. 01.09.2023, Page 640.

3. Added by Notification Published in M.P. Gaz, 4(Ga), dt. 01.09.2023, Page 640.

- (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.
- ¹[(vii) Matters involving sensitive issues which in the opinion of the Bench, may provoke enmity amongst communities likely to result in a breach of law and order.]
- (viii) Matters of national security.
- ¹[(ix) Recording of evidence, including cross-examination.]
- (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 ¹[Bench/Chief Justice.]
- (c) Live streaming in certain cases may be restricted to final arguments.
- ²[(d) 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:
 - (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.

1. Substituted by Notification Published in M.P. Gaz, 4(Ga), dt. 01.09.2023, Page 640 & 641.

2. Inserted by Notification Published in M.P. Gaz, 4(Ga), dt. 01.09.2023, Page 640 & 641.

- (ii) Transcript 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 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.
- (e) In criminal matters, the testimony of victims and witnesses will be recorded for the exclusive use of the concerned bench and the appellate court(s), 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.
 - (f) Audio-video recording or recording of proceedings by any other means, beyond the mandate of the present Rules is expressly prohibited.]

8. Objections-

- (a) Objections, if any, ¹[by any party,] 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 ¹[as prescribed in schedule-I or schedule II, as the case may be. The Court may consider oral objection in cases listed before the Court.]
- (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 ²[concerned Bench which shall not be subject matter of challenge.]

²9. Manner of Recording of Proceedings:

- (a) The cameras in the Court shall be as per Rule 4(a).
- (b) The following need not be Live-Streamed or saved in the Archival Data :
 - (i) Discussions between/amongst the judges on the bench.

1. Inserted by Notification Published in M.P. Gaz, 4(Ga), dt. 01.09.2023, Page 641 & 642.

2. Substituted by Notification Published in M.P. Gaz, 4(Ga), dt. 01.09.2023, Page 642 & 643.

- (ii) Any document or instruction given by the Judge to any member of the staff during the proceedings or any communication / message / document given by the court master / reader to the bench.
 - (iii) Documents given to the judge during the proceedings.
 - (iv) Notes taken down by the judge during the proceedings.
 - (v) Notes made by an advocate either on paper or in electronic form, for assistance, while making submissions before the bench.
 - (vi) Communication between advocate and client, inter-se the advocates and communications which is not a submission exchanged between the advocate and the Court.
- (c) If one or more circumstances mentioned above occur or 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: "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".]

¹[10. Storage, relay and recording 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 Court. 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 and which shall not be less than six months. Archived data shall be stored in electronic devices in encrypted form with a specific hash (#) value.
- (b) 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.

- (c) 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 7(e), may be adopted. However, such Proceedings will be preserved in the archival data.
- (d) 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 10(c).
- (e) Subject to limitations contained in these rules, the live stream 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.
- (f) There shall be a time lag of ten minutes in Live Streaming which may be changed as per the direction of the Court.
- (g) The live streaming shall be carried out from the designated venue as decided by the bench.
- (h) The content of the recording 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 directed by the court.]

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 ¹[Bench.]

(b) Restrictions and Limitations-

¹[(i) No person including print and electronic media, and social media platforms 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.

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.

(i-a) 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.]

(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 ²[or any messaging application] for recording or for transcribing the proceedings.

(iv) Live Screening 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.

1. Substituted by Notification Published in M.P. Gaz, 4(Ga), dt. 01.09.2023, Page 644 & 645.

2. Inserted by Notification Published in M.P. Gaz, 4(Ga), dt. 01.09.2023, Page 645.

- (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.

¹[* * *]

²[(viii)] 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 ³[and shall be bound by these rules.] 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 Streaming 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.

³[(ix) Use of communication device or recording device during proceedings:

- (a) 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.
- (b) During proceedings, all personnel shall follow the instructions of the presiding judge, adhere to court

1. Deleted by Notification Published in M.P. Gaz, 4(Ga), dt. 01.09.2023, Page 645.

2. Renumbered by Notification Published in M.P. Gaz, 4(Ga), dt. 01.09.2023, Page 645.

3. Inserted by Notification Published in M.P. Gaz, 4(Ga), dt. 01.09.2023, Page 645 & 646.

room etiquettes and discipline, and shall not engage in the following actions- audio and/or video recording, taking screenshots or using mobile communication tools to relay the proceedings.

- (c) Violation of Sub-Rules (i), (i-a) and (ii) will result in prosecution as per law. Additionally, the bench may also direct seizure of the communication device or recording device.]
- (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.
- ¹[(xi) Any violation of these rules shall entail proceedings under the penal laws, prosecution under the Indian Copyright Act, 1957, Information Technology Act, 2000 and any other provisions of law.]

¹[11A. Transcription and Access:

- (a) Transcripts shall be prepared of recordings only when directed by the court.
- (b) The transcripts may be translated into other scheduled languages.
- (c) Recordings that are uploaded will be made accessible for differently abled persons.]

12. Power to Relax:

The ²[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 or category of cases in a just and equitable manner.

1. Inserted by Notification Published in M.P. Gaz, 4(Ga), dt. 01.09.2023, Page 646.

2. Substituted by Notification Published in M.P. Gaz, 4(Ga), dt. 01.09.2023, Page 646.

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.

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**¹[SCHEDULE I
[Referred to in Rule 8(a)]**

Objection to live streaming of proceedings by filing Party

1. Diary Number / Filing Number (if any):
2. Cause Title:
3. 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 Section 376 of the IPC.
 - 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 Section 327 of the CrPC or Section 153 B of the CPC.
 - 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 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

A. Bench assigned:

B. Decision of the Bench: Allowed/ Not Allowed

Date:]

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¹[SCHEDULE II
[Referred to in Rule 8(a)]

Objection to live streaming of proceedings

1. Case Number / CNR Number / Diary Number (if any):
2. Cause Title:
3. Date of Hearing (if already listed) (DD/MM/YYYY):
4. Reasons for objection to the Live streaming (please select one or more applicable). Case relates to:
 - i. Matrimonial matters, transfer petitions thereunder.
 - ii. Sexual offences, including proceedings instituted under Section 376 of theIPC.
 - 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 Section 327 of the CrPC or Section153 B of the CPC.
 - 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. [vi] Respondent No.
 - [vii] Deponent for No. _____
 - [viii] Other(s) _____
 - iii. Applicant Address _____
 - iv. Applicant Telephone 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 the use of the Registry

C) Bench assigned:

D) Decision of the Bench:: Allowed/Not Allowed

Date :]

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¹[SCHEDULE III
[Referred to in Rule 10(b)]]

**APPLICATION FORM FOR COPIES OF RECORDINGS
AVAILABLE IN ARCHIVAL DATA**

1. Case Number / CNR 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. Reason/s for requesting access: __
10. Format in which Recording is requested: (i) Cloud link (ii) Physical Drive
11. Fee to be Paid:
[Subject to fee as prescribed by the concerned High Court.]

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

For the use of the Registry
WHETHER APPROVED BY DESIGNATED OFFICER

Fee paid:]

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