

Live Streaming of Court Proceedings in India - Draft Rules

On June 7, 2021, the e-Committee of the Supreme Court of India released the **Draft Model Rules for Live-Streaming and Recording of Court Proceedings**. Draft Model Rules aims to imbue greater transparency, inclusivity and foster access to justice.

The **Rules are part of the National Policy and Action Plan for the implementation of Information and Communication Technology (ICT) in the judiciary**. They have been framed by the High Court of Judicature in the exercise of powers under Article 225 and Article 227 of the [Indian Constitution](#).

Recently, **Gujarat became the first Indian state to pass its live-streaming rules**. The Gujarat High Court (Live Streaming of Court Proceedings) Rules, 2021, were made public on July 17, 2021.

Live Streaming Rules for Court Proceedings in India

Article 21 of the Indian Constitution grants the right to access to justice. Thus, this encompasses the right to access judicial trials and hearings. Discussed below are the rules as released by the Supreme Court's e-committee:

- **The subject of cases excluded from live streaming -**
 - Matrimonial disputes
 - Sexual Assault cases registered under Section 376, Indian Penal Code, 1860
 - Gender-based violence
 - Cases registered under [POCSO Act](#) and Juvenile Justice (Care and Protection of Children) Act, 2015
 - If the Bench disapproves of telecasting or recording the hearing for cases related to unethical conduct, provoke communal enmity, privileged communications, etc.
- **Objections for Live Stream -**
 - Both parties involved in the judicial case shall be duly informed about the hearing and its live proceedings
 - They have the right to object to it and can fill specific forms regarding the same to the Bench
 - However, **even if the stream is not made to go live, the recording of the entire proceedings shall be maintained** for usage by the Court and the Appellate court(s)
- **The Final Decision -**
 - The decision on live streaming of any case will ultimately lie in the hands of the Bench
 - The decision of the Bench will be guided by the principle of an open and transparent judicial process. The decision of the Bench shall not be justiciable
- **Anonymity in Criminal Matters -**
 - In criminal cases, the real identity of the accused or the victim shall not be revealed, as and when directed by the Court

- The records of victims and witnesses shall be maintained using dummy names, face-masking and recorded audio
- **Manner of Recording of Proceedings -**
 - **Cameras will be installed in the courtroom at five different angles.** One towards the bench, two towards the advocates engaged in the case, fourth towards the accused and the fifth towards the witnesses
 - A remote-control device shall be provided to the presiding judge on the Bench to pause or stop the Live-streaming at any time
- **Storage of Recordings -**
 - All recordings will be archived by the respective courts
 - These shall wholly or partially be uploaded on the official website of the Indian court (as per the Bench)
- **Relay of Proceedings -**
 - There shall be a **delay of 10 minutes in streaming**, which may be changed as per the direction of the Court

Prohibitions under the Live Stream Proceedings

There are certain restrictions that will be applicable even for live proceedings. Discussed below are the same:

- **What will not be streamed?**
 - Discussion between the judges
 - Documents given to the judges during the proceedings or notes taken by them during the hearing
 - Instructions given to the administrative staff by the Judges
 - Communication between the advocate and their clients
- **Personal Information will not be Shared -**
 - 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
- **Restrictions on usage of the Recording or Live -stream -**
 - No person/entity (including print and electronic media, and social media platforms) other than an authorised person/entity shall record, share and/or disseminate Live-streamed Proceedings or 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
- **Use of Communication Device during proceedings is strictly prohibited -**
 - During Proceedings, all personnel shall follow the instructions of the Presiding Judge, adhere to courtroom 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

Advantages of Rules on Live Streaming

- **Transparency in the System** - This is expected to bring more transparency to the Indian Judiciary system
- **Enlighten the Future of Indian Judiciary** - The rules also allow access of the recordings to be provided to law researchers, staff, litigants and academicians. This will help them in learning more about the courtroom proceedings and benefit them for their future cases
- **Make the system more Tech-Friendly** - With the creation of a Dedicated Control Room (DCR) in every court complex. The DCR shall, inter alia, comprise an officer of the Court, technical and videorecording experts and track and monitor the proceedings
- **Time-Saving** - This initiative comes under the e-Courts Mission Mode Project, monitored and funded by the Ministry of Law and Justice. Once these rules are implemented, the authorities expect the procedure to getting justice quicker and time-saving

Challenges with the Draft Rules for Judicial Proceedings

- **Data Privacy & Security** - This is the biggest concern with the live streaming of proceedings that the personal data or identity of victims or convicts might surface over the internet if the data is not entirely protected
- **Installation and Maintenance** - The installation of cameras and DCRs in all courts across the country is going to be a time taking procedure. Apart from it appointment of technical experts for the further maintenance of technological aspects is also a key challenge
- **Provision of Internet & related Infrastructure** - The court complexes will have to be updated with internet connections and other infrastructural requirements for the best utilisation of live-stream proceedings
- **Training the Judges and Administrative Staff** - Since it will be a new change, not just the administrative staff in the courtroom, but also the Judges will have to be trained or prepared for such hearings

Gujarat High Court (Live Streaming of Court Proceedings) Rules, 2021

With the objective of effectuating and broadening the implementation of the Open Court concept during the virtual as well as physical hearings, the High Court of Gujarat made the (Live Streaming of Court Proceedings) Rules, 2021 public and notified the same on July 17, 2021.

- The weblink for accessing the live streaming of the court proceedings will be published on the website of the Gujarat High Court
- The subject of cases exempted under the Rules of Live Stream and Court Proceedings of the Supreme Court shall be exempted for the state High Court as well
- It also states that the recordings of the live stream will only be available on the prescribed portals for as long as the Bench allows. Copy of videos so deleted/removed will be securely kept with the IT Cell of the Gujarat High Court
- No live commenting or live chat will be allowed
- The High Court of Gujarat or any personnel of its Registry will not be responsible for any delays, breakdown or disruption in the live streaming

- The live-streamed feed/videos of the court proceedings will not be allowed to be treated as evidence
- Violation of these provisions will entail proceedings under the provisions of the Contempt of Courts Act, 1971 and other applicable penal laws