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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SUO MOTU HIGH COURT ON ITS OWN MOTION (ST) NO. 29396 OF 2026

In Re: Unauthorised recording of the Court proceedings.

High Court on its Own Motion

vs

Shri Dilip Wagh

...Respondent

Mr. B.V. Samant, Addl. GP a/w. Mr. A.R. Deolekar, AGP for the State.

Ms. Prajakta Dhane, Deputy Registrar, E-Court Project present.

Mr. Dilip Wagh present.

**CORAM: G. S. KULKARNI &
DR. NEELA GOKHALE, JJ.**

DATE: 5th OCTOBER 2026

P.C.

1. While the Court was in session today, at about 12:23 p.m., we noticed a person sitting in the last row holding a mobile phone, with its flash on. We suspected that he was video recording the Court proceedings. Immediately, the Court staff seized the mobile handset and it was sent to the IT Department of the Court for examination.

2. The person recording the Court proceedings identified himself as Dilip Wagh, working in the Office of the Education Inspector. He had no case to attend in this Court. He stated that he had come to meet the Government Pleader in some other case. On being apprehended video recording the Court proceedings, he attempted to delete the video recording, and in fact, deleted the video recording of

the Court proceedings. However, the IT Department upon examination of his mobile handset recovered the said recording from the deleted items. We do not know the purpose and intent of Shri. Wagh having indulged in such an act.

3. Unfortunately, such instances are on the rise, when persons by different measures without prior permission record Court proceedings. These recordings are then manipulated in ways unimaginable and then distorted versions are posted on social media. In fact, it has become quite rampant. In such context, we may refer to an order dated 27.02.2025, in the case of *Sameer Mohammad Yusuf Patel v. the Panvel Municipal Corporation & Ors.*¹ passed by a co-ordinate Bench of this Court, in which during the course of the hearing, the Court staff noticed a person recording the Court proceedings on his mobile phone and informed the Court. The device i.e., the mobile phone was seized and was forwarded to the Registry for examination and safe custody. The said person informed the Court that he was not granted any permission by the Registry of this Court for audio recording. As per the standing notice issued by the Registry dated 13.02.2017, his gadget, i.e., the mobile phone was seized and forwarded to the Registry for safe custody. Considering that no permission was taken for recording the Court proceedings, the Court considered the said act to be an illegal act and directed the concerned person to pay costs of Rs.1,00,000/-. The said order was complied.

4. We may state that except for a written permission being granted, there is an express bar to record Court proceedings under the Rules framed by the High Court. We may refer to the Rules governing Live-Streaming and Recording of

¹ Writ Petition No.16293 of 2024

Court Proceedings. The bar applies to both the live streaming and otherwise. The relevant provisions are 9.2 and 9.3, which read thus:

“9. Disclaimers, Prohibitions and Restrictions :-

9.1. Disclaimers

* * *

9.2. Prohibitions and restrictions on usage of the recording or live stream :-

i. 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.

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.

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.

ii. Any party/ litigant-in-person accessing the live stream will be bound by these Rules.

iii. 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.

iv. 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 will not be used for commercial, promotional purposes or advertising in any form.

v. No person shall use a recording device for recording or for transcribing the proceedings, other than those authorised by the Court.

9.3. Use of communication device or recording device during proceedings :-

i. 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.”

ii. 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.

iii. Violation of Sub-Rules (i) and (ii) will result in prosecution as per law. Additionally, the bench may also direct seizure of the communication device or recording device.”

(emphasis supplied)

5. Confronted with the aforesaid position, we asked Shri Dilip Wagh, as to whether he had obtained any written permission from the Registry, he stated that he has not obtained any written permission.

6. In these circumstances which have arisen, we may usefully refer to a decision of the Punjab and Haryana High Court at Chandigarh, in the case of *Court on its Own Motion v. Ravjot Singh and Ors.*², where a similar incident had taken place before the learned Single Judge. The learned Single Judge observed that the seized mobile revealed a clip of Court's videography and that such occurrence was required to be treated with extreme seriousness and shall be deemed to be contempt of the Court, besides amounting to obstruction in the administration of justice. A question was framed to be answered by the larger Bench "whether the unauthorized recording of the Court proceedings would amount to a criminal contempt?". The Division Bench referred to the provisions of the Contempt of Courts Act and the relevant decisions rendered by the other High Courts, and more particularly referring to the decision of the Delhi High Court in the case of *Ramkrishna Gowda v. Chairman Zee Television New Delhi*³, wherein the Court observed that Court proceedings in the High Court or any other Court subordinate thereto cannot be videotaped, photographed or telecast without taking prior written permission from the High Court. The Court also referred to the decision in the case of *Balakrishna Pillai v. Balachandran*,⁴ wherein it was held no person,

² 2023 SCC OnLine P&H 2220

³ AIR 2000 Kar 276

⁴ (2001) 1 RCR (Cri) 281

whether he is a member of the Press or otherwise or any other member of the public, is entitled to take photograph of the proceedings of the Court including subordinate Courts without the permission of the High Court, and if such person resorts to such actions, violating the above procedure, the act will amount to Contempt of Court. The Court accordingly answered the question so framed and held that the conduct in question of such video recording of the Court proceedings without permission was contemptuous and amounted to contempt of Court.

7. A similar issue had arisen before the Rajasthan High court in the case of *Kamal Rathore v. State of Rajasthan*⁵, wherein during the course of hearing and arguments of the case in question, it was noticed that a person Mr. Anil Suman S/o Dhanraj Suman was recording the Court proceedings on his mobile handset without any permission. He was caught red-handed. Similar to the present case, he attempted to delete some of the Court proceedings. There was no justification forthcoming. In such context, the Court observed that the action of Shri Anil Suman constituted a serious interference with administration of justice, as a *prima facie* case of criminal contempt, under the Contempt of Courts Act, 1971 was made out. The Court also referred to Rule 3 (vi) of the Rajasthan High Court Rules for Video Conferencing for Courts, 2020, which clearly and expressly prohibited the recording of the Court proceedings in any manner, thereby restricting unauthorised recording of the proceedings by any person or entity. Accordingly, the Court issued notice to the said person as to why proceedings under the Contempt of Courts Act, 1971 not be initiated.

⁵ 2026 SCC OnLine Raj 3001

8. In the present case, the concerned person Shri Dilip Wagh, was sitting inside the courtroom in the absence of any case concerning him, being taken up by the Court. There cannot be any objection for any member of the public to attend the Court and witness the Court proceedings, as they are open proceedings. However, certainly, restrictions on any member of the public to adhere to the rules and regulations governing the Court proceedings, when inside the Courtroom, need to be followed in letter and spirit. This is the least, that can be expected from any person witnessing the Court proceedings. It is stated that Shri. Dilip Wagh is working with a government department, and if that be so, the responsibility on him, not to indulge into such actions, was more onerous. We are persuaded to believe from his demeanor that he was fully aware of these basic expectations when inside the courtroom and that too when the Court was in session. We are not aware as to what was his motive/intention in indulging into such acts, as no reason is forthcoming much less acceptable. Significantly, when the video of the Court proceedings was traced in the recently deleted folder of his mobile phone, which indicates that he was aware that he was not permitted to record the Court proceedings, hence, he attempted to delete the same.

9. Thus, considering the seriousness, casualness and frequency of such instances happening, it is high time that actions as the law would mandate are taken by the Court. We may hasten to add that on many occasions the Court may not even be aware of any such recording taking place, and only when clips of such video recording start circulating in the social media, such unauthorized actions would get noticed for actions to be taken, if the content is in any manner

objectionable. We are of the firm view, that things need to be prevented from reaching such stage.

10. We may also observe that the doors of the Court are open to one and all; to lawyers whose cases are listed or not; to junior lawyers; to students who are eager to attend the Court proceedings to learn and get enriched from their Court experience; to the litigants who are concerned with their Court proceedings or to the Press. However, there cannot be any doubt that all such persons attending Court proceedings need to abide by the basic norms and conduct themselves responsibly so as to maintain the elementary etiquette and adherence to the relevant Rules in attending the Court proceedings and respecting its solemnity and sanctity, which they do normally.

11. In fact, we welcome and would be least perturbed in the Court proceedings being witnessed by one and all. What is however, disturbing is the act of such person simply attending the proceedings and video recording the same for no rhyme or reason. We also cannot imagine, and do not know the motives in doing so. We need not know. In the present case, Mr. Dilip Wagh has indulged in such action, as if he was sitting in a garden or on the roadside, or any other place alike, when recording of Court proceedings without permission was strictly prohibited as per the Live-Streaming and Recording of Court Proceedings Rules (supra).

12. We are thus of the considered view that we would be failing in our duty if we overlook the requirement of the Rules and the law, by not taking action as mandated by the Rules against Shri. Dilip Wagh. Such conduct of Shri. Dilip Wagh

also imminently warrants an action to be taken against him under the Contempt of Courts Act, 1971. However, considering the fact that Shri Dilip Wagh has tendered an apology, we accept the apology, albeit it cannot be unconditional, more particularly in view of Rule 9.2 read with Section 9.3 of the High Court Rules (supra), being squarely attracted. In this view of the matter, we are inclined to pass the following order:

ORDER

- i) The mobile handset of Shri. Dilip Wagh is directed to be seized and confiscated. The personal data be removed and handed over to Shri. Dilip Wagh. The removal of the entire data on the mobile phone be undertaken in the presence of Shri Dilip Wagh and be certified to have been fully removed. The panchanama in that regard be recorded by the Registrar (Judicial-I) along with the officer from the IT Department. Thereafter, the mobile handset be disposed of by following the due procedure in law.
- ii) Shri Dilip Wagh is directed to deposit an amount of Rs.10,000/-, with the Secretary, High Court Legal Services Authority, Mumbai within a period of two weeks from today, failing which the same shall be recovered by the Head of Department from his salary as arrears of land revenue. A report to that effect be placed on record of the Court.
- iii) It is made clear that any recurrence of such conduct by Shri. Dilip Wagh, or any further violation of the prohibition against recording Court proceedings, shall be viewed with utmost seriousness and shall invite appropriate proceedings in accordance with law, including proceedings for contempt of Court.
- iv) List the proceedings for compliance on **19 October 2026** at 03:00 p.m.

(DR. NEELA GOKHALE, J)

(G. S. KULKARNI, J.)

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