

ITEM NO.40

COURT NO.1

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition (Civil) No.1016/2019

K.N. GOVINDACHARYA

Petitioner(s)

VERSUS

SECRETARY GENERAL & ORS.

Respondent(s)

(With IA No.154535/2022 - APPROPRIATE ORDERS/DIRECTIONS, IA No.48339/2020 - APPROPRIATE ORDERS/DIRECTIONS, IA No.178586/2019 - APPROPRIATE ORDERS/DIRECTIONS, IA No.118982/2019 - APPROPRIATE ORDERS/DIRECTIONS, IA No.120212/2019 - CLARIFICATION/DIRECTION and IA No.44662/2020 - EARLY HEARING APPLICATION)

Date : 02-01-2023 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA

For Petitioner(s) Mr. Virag Gupta, Adv.
Mr. Vishal Arun Mishra, Adv.
Ms. Harshita Nigam, Adv.
Mr. Hitesh Shahi, Adv.
Mr. Ujjwal Bhardwaj, Adv.
Mr. Sachin Mittal, AOR

For Respondent(s) Ms. Aishwarya Bhati, ASG
Mr. Devashish Bharuka, AOR

Mr. Padmesh Mishra, Adv.
Mr. Pratyush Shrivastava, Adv.
Mr. Arkaj Kumar, Adv.
Mr. Arvind Kumar Sharma, AOR

**UPON hearing the counsel the Court made the following
O R D E R**

- 1 On 17 October 2022, notice was issued on prayer 'a' of the Interlocutory Application (IA No 154535 of 2022) moved by the petitioner, which reads as follows:

“(a) Direct for a special agreement with You Tube for safeguarding the copyright over live streaming and achieved judicial proceedings as per the directions in judgment of Swapnil Tripathi vs. Supreme Court of India (2018) 10 SCC 639.”

- 2 In pursuance of the above order, an affidavit has been filed on behalf of the first respondent. Paragraphs 5 to 8 of the affidavit filed by the first respondent are extracted below:

“5. That it is most respectfully submitted that the Full Court of this Hon'ble Court took a decision in a meeting held on 20.09.2022 to start live streaming of the court proceedings before the Constitution Benches. In compliance thereof, a decision was taken by the Competent Authority directing the Registry through the Computer Cell to work in close coordination with the National Infom1atics Centre (NIC), Video Conferencing (VC) Division to proceed with live streaming on the NIC's YouTube channel w.e.f. 27.09.2022. It is submitted that the experience and knowledge that would be gained while live streaming the court proceedings before the Constitution Benches would eventually help in further improving the system and adopting the same for other court proceedings, as and when so decided.

6. That it is submitted that to give effect to the decision of the Full Court of this Hon'ble Court to start live streaming the court proceedings before the Constitution Benches, the Computer Cell of this Hon 'ble Court has adopted the following method:

- a. For live streaming of court proceedings of the Constitution Bench matters, the Computer Cell relies upon its VC platform, CISCO WebEx coupled with latest VC hardware and infrastructure.
 - b. The Computer Cell provides the VC content through live stream link to NIC. Further, the NIC also encodes the URL and publishes it through YouTube, NIC Webcast portal. Lastly, the links generated are also shared on the SCI website for live streaming.
7. That the technology is constantly improving, and the Respondent no. 1 has been persistently working to develop a self-reliant system. It may be brought to the kind notice of this Hon'ble Court that not only the Registry, but NIC as well, at present, does not have the sufficient technical and infrastructure wherewithal to host the live streaming completely on its own without third-party applications and solutions. The dependency on third-party applications to offer the live streaming services to a larger audience, therefore, is inevitable. This, however, is a temporary I interim measure. It is a work in progress and all efforts are being made towards making the entire live streaming a self-contained ecosystem.
8. That it is further submitted that use of any third-party application is subject to the terms and conditions of such application. These third-party applications are essentially open platforms, which offer their services on certain standard terms and conditions, which are applicable to all its users. Due to technical constraints, as a temporary I interim measure, the Respondent no. 1 is constrained to avail the facilities of third parties to ensure compliance of the directions of this Hon'ble Court in *Swapnil Tripathi (supra)*, the aforesaid decision of the Full Court of this Hon'ble Court and to uphold the principle of open courts. As submitted hereinabove, the Respondent no.1 is constantly working towards achieving its goal for a self-sustained, self-contained, and self-reliant live streaming platform."

- 3 The above extract indicates that a temporary arrangement has been put into place in view of the decision in ***Swapnil Tripathi vs Supreme Court of***

India¹ and in order to uphold the principle of open courts. Since the affidavit of the first respondent states that efforts are being adopted for a self contained and self reliant live streaming platform, list the Petition on 10 April 2023.

- 4 An updated report be filed by the Registry in the meantime.

(CHETAN KUMAR)
A.R. -cum-P.S.

(SAROJ KUMARI GAUR)
Assistant Registrar

1 (2018) 10 SCC 639