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No. : ITC /116/2022

Date : 22 / 12 /2022

To,

The Principal Judge, City Civil Court, Ahmedabad.

The Principal District Judge (All the District Courts).

Subject : Guidelines / Standard Operating Procedure (SOP) for Live Streaming and recording of Court Proceedings of the Gujarat District Judiciary.

Sir/Madam,

With reference to the subject cited above, this is to state that, as per the guidelines and directions of the Honourable the Chief Justice for pilot implementation of live streaming of the Courts of Principal District Judges of 32 Districts and Principal Judge, City Civil Court, Ahmedabad, required hardware for the live streaming has already been provided and installed. Also pilot testing of the above said hardware by the technical team of the IT Cell along with the technical team of the District Judiciary, has been done for implementation.

Hon'ble the Chief Justice and Hon'ble Judges of the I. T. Committee of the High Court have been pleased to approve the enclosed **Guidelines / Standard Operating Procedure (SOP) for Live Streaming and Recording of Court Proceedings of the Gujarat District Judiciary**, as prepared based on the Model Rules of Live Streaming circulated by the the eCommittee of the Hon'ble Supreme Court of India. As directed, pilot implementation of live streaming shall be regulated as indicated in these Guidelines / SOP.

As further directed, this is to request your goodself to be prepared for pilot implementation of live streaming, as it is expected to be launched anytime soon.

Sincerely,

Ran
REGISTRAR GENERAL

Encl: Guidelines / Standard Operating Procedure for Live Streaming and recording of Court Proceedings of the Gujarat District Judiciary

THE HIGH COURT OF GUJARAT
GUIDELINES / STANDARD OPERATING PROCEDURE (SOP) FOR
LIVE STREAMING AND RECORDING OF COURT PROCEEDINGS
OF THE GUJARAT DISTRICT JUDICIARY

Date: 22nd December, 2022

1. Definitions:

- i. **Archival Data:** means audio and visual data recorded during the conduct of the proceedings and retained by the Court.
- ii. **Bench:** means the Judge(s) assigned to hear the case filed before the Court.
- iii. **Chief Justice:** means the Chief Justice of the High Court, including the Acting Chief Justice.
- iv. **Communication Device:** means a hardware device capable of transmitting analog or digital signal over the telephone and other communication devices, whether wired or wireless.
- v. **Court:** means the High Court of Gujarat and/or all the Courts/tribunals under its supervision under Article 227 of the Constitution of India.
- vi. **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.
- vii. **Court Premises:** means and includes buildings and complexes under the authority of Courts.
- viii. **Designated Officer:** means the Registrar (IT) or any other officer mandated to carry out the function of granting access to copies of recordings under these Guidelines / SOP.
- ix. **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.

- x. **Hardware:** means and includes equipment to be installed for live streaming and recording of proceedings or any ancillary activity.
- xi. **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 the High Court computer committee or e-Committee.
- xii. **Live-stream / Live-streamed / Live streaming:** means and includes a live television link, webcast, audio-video transmissions via electronic means or other arrangements whereby any person can view the proceedings as permitted under these Guidelines / SOP.
- xiii. **Proceedings:** mean and include judicial proceedings, Lok Adalat proceedings, full-court references, official transfer, elevation, retirement, farewells organised by the Court.
- xiv. **Recording:** means audio and video data of proceedings stored in electronic format, whether it is live streamed or not.
- xv. **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.
- xvi. **Registrar (IT):** means and includes any officer so designated by the Chief Justice of the High Court.
- xvii. **Remote Location:** means and includes a geographical location, different from the Court premises, from where proceedings are conducted.

2. Hardware – Placement & Control:

- 2.1.** Cameras will be ordinarily installed in the Courtroom covering the Bench, the advocates engaged in the concerned matter, the accused (where applicable) and the deponent/witness, as required.
- 2.2.** If the Court has employed an electronic evidence presentation system, an additional feed shall be captured therefrom.
- 2.3.** Facility shall be provided to the presiding judge on the Bench to pause or stop the live streaming at any time.

- 2.4.** Advocates, witnesses, accused, or any other person permitted by the Bench, shall use appropriate microphones while addressing the Court.
- 2.5.** 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-paragraphs.
- 2.6.** Where proceedings are conducted through weblinks, including video conferencing services, appropriate software and hardware will be employed, if necessary, to generate an integrated feed for live streaming.

3. Requisitioning and Positioning of Human Resources:

- 3.1.** The coverage of Proceedings will be coordinated by the technical experts under the direct supervision of the Registrar (IT) or her/his nominee.
- 3.2.** The Registrar (IT) and/or their nominee shall be subject to the directions of the IT Committee for the overall implementation of live streaming and recording of proceedings.

4. Live streaming and Recording of Proceedings:

- 4.1.** Subject to the exclusions contained within these Guidelines / SOP, all proceedings will be live streamed by the Court.
- 4.2.** The following will be excluded from live streaming:
 - i. Matrimonial matters, child adoption and child custody including transfer petitions arising thereunder.
 - ii. Cases concerning sexual offences, including proceedings instituted under Section 376, Indian Penal Code, 1860 (IPC).
 - iii. Cases concerning gender-based violence against women.
 - iv. 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.
 - v. Matters registered under or involving the Medical Termination of Pregnancy Act, 1971.

- vi. In-camera proceedings as defined under Section 327 of the Code of Criminal Procedure, 1973 (CrPC) or Section 153 B of the Code of Civil Procedure, 1908 (CPC).
- vii. Matters where the Bench is of the view, for reasons to be recorded in writing that publication would be antithetical to the administration of justice.
- viii. Cases, which in the opinion of the Bench, may provoke enmity amongst communities likely to result in a breach of law and order.
- ix. Recording of evidence, including cross-examination.
- x. Privileged communications between the parties and their advocates; cases where a claim of privilege is accepted by the Court; and non-public discussions between advocates.
- xi. Any other matter in which a specific direction is issued by the Bench or the Chief Justice.

4.3. Live streaming in certain cases may be restricted to final arguments.

4.4. The Court Master/Reader shall duly inform the parties, before the commencement of the proceedings, that the proceedings are being live streamed and that objections, if any, should be articulated at that juncture to the concerned Bench.

4.5. Objections, if any, to Live streaming may be raised at the time of institution of the case or any later stage. The final decision in that behalf shall be of the Bench.

- i. Objection to Live streaming, if any, shall be raised by the party by filing the form prescribed in [Schedule I](#).
- ii. A person objecting to Live streaming at a later stage, shall do so by filing the form prescribed in [Schedule II](#).

4.6. The final decision as to whether to allow the live streaming of the proceedings or any portion thereof will be of the Bench. However, 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, provided that, in case of difference of opinion, the matter can be referred to a larger Bench for a final decision.

4.7. 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.
- ii. 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.

4.8. 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.

4.9. Audio-video recording or recording of proceedings by any other means, beyond the mandate of the present Guidelines / SOP is expressly prohibited.

5. Manner of Recording of Proceedings:

5.1. The cameras in the Court shall be as per Paragraph 2.1.

5.2. In case the judge concerned on the Bench is desirous of opting out of live streaming while dictating the order/oral judgment, live streaming will be paused during that period. In such circumstances, the monitors will display a 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”.

6. Storage and Access:

6.1. The recordings will be archived.

- 6.2.** Recordings may be uploaded, wholly or in part, on the Courts' website or made available on other digital platforms, as directed by the Court.
- 6.3.** The archived data should ordinarily be retained by the Court for at least six months, subject to special directions issued by the concerned Bench in a particular case. The Chief Justice may issue practice directions regarding the cases and the period for which archived data will be preserved. Archived data shall be stored in electronic devices or on digital platforms in encrypted form with a specific hash (#) value.

7. Relay of Proceedings and Recordings:

7.1. Relay of Proceedings: -

- i. Subject to limitations contained in these Guidelines / SOP, 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.
- ii. The live streaming shall be carried out from the designated venue as decided by the Bench.

7.2. Relay of Recordings:

The content of the live streamed recording shall be posted on the Courts' website or made available on such digital platforms, as directed by the Court.

8. Disclaimers, Prohibitions and Restrictions:

8.1. 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 Bench.

8.2. 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 Guidelines / SOP.
- 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.

8.3. 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-Paragraph (i) and (ii) will result in prosecution as per law. Additionally, the Bench may also direct seizure of the communication device or recording device.

9. Access:

Recordings that are uploaded will be made accessible for differently abled persons.

10. Dedicated room(s) for live streaming:

In order to decongest the Court rooms, dedicated room(s) for viewing the live stream may be made available within the Court premises. Access shall be given to law researchers, staff, litigants, academicians, and media personnel authorised to enter the Court premises upon receipt of necessary permissions/approvals. Appropriate arrangements shall be made to enable viewing of live streams from multiple Benches within this/these room(s). Special arrangements will be made for differently abled persons.

11. Power to Relax:

The High Court may, if satisfied that the operation of any paragraph of these Guidelines / SOP is causing undue hardship, by order, dispense with or relax the requirements of that paragraph of these Guidelines/ SOP to such extent and subject to such conditions as may be stipulated to deal with the case in a just and equitable manner.

12. Reference to Words and Expressions:

Words and expressions used and not defined in these Guidelines/ SOP 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.

13. Residual Provisions:

Matters concerning which no express provision is made in these Guidelines/ SOP shall be decided by the Court consistent with the principle of furthering the interest of justice.

SCHEDULE I

[Referred to in Paragraph 4(5)(i)]

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 Guidelines/SOP for live streaming for Courts ([hyperlink](#)). I undertake to remain bound by the same to the extent applicable to me.

Date: _____ Signature of the Applicant/Authorised signatory:
(this application may be e-signed)

Digital Signature/Scanned Signature

For use of the Registry

- A. Bench assigned:
- B. Decision of the Bench: Allowed / Not Allowed

Date: _____ (Sign. & Designation)

SCHEDULE II

[Referred to in Paragraph 4(5)(ii)] 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 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): _____
5. Applicant Details:
 - i. Party name:
 - ii. Select one:

[i] Petitioner No.	[ii] Accused No.	[iii] Plaintiff No.
[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 Guidelines / SOP for live streaming for Courts ([hyperlink](#)). I undertake to remain bound by the same to the extent applicable to me.

Date: _____ Signature of the Applicant / Authorised Signatory:
(this application may be e signed)

Digital Signature/Scanned Signature

For the use of the Registry:

- A. Bench assigned:
 - B. Decision of the Bench: Allowed / Not Allowed
- Date: _____ (Sign. & Designation)