

HIGH COURT OF CHHATTISGARH : BILASPUR
NOTIFICATION

No. 5739 /Rules/2022

Bilaspur, dated 02/05/2022

With the objective of effectuating and broadening the implementation of Open Court concept during the virtual as well as physical hearings of the High Court and Sub-ordinate Courts, Tribunals and Authorities under the supervisory control of the High Court of Chhattisgarh, in exercise of powers conferred by Article 225 and Article 227 of the Constitution of India, the High Court of Chhattisgarh hereby makes the following rules as to the live streaming of Court proceedings of the High Court of Chhattisgarh, sub-ordinate Courts, Tribunals and Authorities under the supervisory control of the High Court of Chhattisgarh.

1. Short Title & Commencement:

- (a) These rules shall be called the Chhattisgarh High Court (Live Streaming of Court Proceedings) Rules, 2022.
- (b) These rules shall be commenced w.e.f. 25/04/2022.

2. Definitions: In these rules, unless the context or the subject matter otherwise requires:

- (a) **Archival Data** : means audio and visual data recorded during the conduct of the proceedings and retained by the Court under these rules.
- (b) **Assisting Ministerial Personnel of the Court** : means and includes the Court Master and other staffs assisting the Presiding Judge(s).
- (c) **Centralized Command and Control Centre (CCCC)**: means a place/ room at High Court of Chhattisgarh 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 Chhattisgarh, recording of all the cameras at optimized/reduced parameters; and such place/ room shall also have archiving servers and storage for archived courtroom recordings.
- (d) **Chief Justice**: means Honourable the Chief Justice / Acting Chief Justice of the High Court of Chhattisgarh.
- (e) **Communication Device**: means a hardware device capable of transmitting analog or digital signal over the telephone and other communication devices, whether wired or wireless.

(f) Court: means the High Court of Judicature of Chhattisgarh, sub ordinate Courts, tribunals and authorities under the supervisory control of the High Court in the State.

(g) 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.

(h) Designated Officer: means Registrar (IT), Assistant Registrar (IT) or Assistant Programmer or any other officer authorized by the Chief Justice to perform duties under these rules.

(i) 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.

(j) High Court: means the High Court of Chhattisgarh.

(k) In-Charge Command Centre: means the person/persons authorized by the Chief Justice or his designate for supervision of CCCC and DCCC.

(l) Live Streaming Platform /Live Streaming Portal: means the High Court authorised access to the web-platform/portal used for live telecast/ streaming/ webcasting of the physical/ virtual court proceedings of the High Court and Sub-Ordinate Court, as may be selected and notified from time to time, by the High Court of Chhattisgarh.

(m) Presiding Judge: means and includes the Presiding Judge of Single Judge Court or of a Bench of the High Court, sub ordinate Courts, tribunals and authorities under the supervisory control of the High Court in the State before whom the case is listed.

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

(o) Recording Device: means any tool or instrument which is used for recording images or videos or sound or call.

(p) Remote Location: means and includes a geographical location other than the Court premises.

(q) Video Conferencing Platform: means the platform/ portal/ application used for video conferencing / remote conferencing / web conferencing, as may be selected and notified from time to time, by the High Court for the High Court and Sub-Ordinate Courts.

3. Applicability:

(a) 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 proceedings and activities of Farewells, Ovations and Full Court References of the High Court or any other programmes organised by Courts with such modifications, as may be necessary to give effect them as per 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 specify from time to time other activities or proceedings, to which these Rules shall be applicable.

4. Mode of Live Streaming:

(a) The mode of live streaming of Court proceedings may be any publicly available Live Streaming Platform/Portal for live webcasting of audio-visual feed of the virtual/ physical court proceedings. Such Live Streaming Platform shall be selected and notified by the High Court from time to time.

(b) The live streaming will be done by authorised High Court and District Court personnel only, directly to the Live Streaming Platform/ Portal or through High Court official accounts of any Video Conferencing Platform to the Live Streaming Platform/ Portal, as may be required depending upon the situation of virtual hearing or physical hearing.

(c) The live streaming of the Court Proceedings may be with latency/ delay of upto 1 minutes from the actual proceedings.

(d) The weblink of accessing the live streaming of the court proceedings will be published on the website of the High Court and may also be published in the Causelist of the respective Court(s)/ Bench(es).

5. Hardware:

(a) The required number of Cameras shall be installed in each Court rooms ensuring coverage of the Judge/Presiding Officer, the Advocates/Lawyers appearing in the concerned case, and also covering the area of the witness box of the case as also of the witness. It shall be ensured that the camera shall not film the media and Visitors Gallery.

(b) Facility of microphone shall be provided for advocates, witnesses, accused or any other person, permitted by the Court/Judge.

(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.

6. Requisitioning and Positioning of Human Resources:

(a) A Centralized Command and Control Center (CCCC) shall be set up at High Court of Chhattisgarh, Bilaspur, and a District Command and Control Center (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 experts. Such Command and Control Center shall monitor and track proceedings as they are Live-streamed and recorded.

(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.

7. Personnel positioned in the Court:

(a) 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 to enable the Live-streaming of proceedings.

8. Live-streaming and Recording of Proceedings:

(a) Subject to the exclusions contained within these Rules, all proceedings shall be Live-streamed by the Court.

(b) The following shall 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).
- (ii) Matters concerning sexual offences.
- (iii) Matters where Children and Juveniles are involved like POCSO cases etc.
- (iv) Matters concerning gender-based violence against women.
- (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.
- (vii) Matters involving sensitive issues.
- (viii) Matters of national security.
- (ix) Recording of evidence.
- (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 Judge.
- (xvii) Live-Streaming in certain cases may be restricted to final arguments.

9. Objections:

- (a) Objections, if any, 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.

(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 Judge.

10. Manner of Recording of Proceedings:

(a) The following need not be Live-Streamed or saved in the Archival Data:-

- (i) Discussions between/amongst the judges.
- (ii) Any document or instruction given by the Judge to any member of the staff during the proceedings.
- (iii) Communication between advocate and client, inter-se advocates and communications which is not a submission exchanged between advocate and the Court.
- (iv) At the time of 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.

11. Storage and relay of proceedings:

(a) The recordings shall be archived and may be uploaded, wholly or in part, on the Court's website or made available on other digital platforms, as directed by the Judge. 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.

(b) There may be a delay of one minute in Live Streaming subject to the direction of the Judge and shall end when the Judge signals its conclusion for the day.

12. 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 Judge.

(b) Restrictions and Limitations-

(i) No person 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.

(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 for recording or for transcribing the proceedings.

(iv) Live Streaming 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.

(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.

(viii) Requests for copy of any Live Streamed feed/videos shall not be entertained for any purpose whatsoever.

(ix) 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. Any participant found to

be misusing the access to the Court for undue publicity through Live Streaming facility, 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.

(x) In case of stopping the Live Streaming for any of the foregoing reasons/circumstances, and 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.

(xi) Violation of any rule mentioned in Rule 11 (b) shall entail proceedings under the penal laws.

13. Limitation and Restrictions:

(a) The live streaming of the court proceedings is for general information purpose only, aimed to effectuate and broaden the principles of Open Court, transparency, access to justice and larger public interest. Live streaming of the Court proceedings being done with an educative and beneficial cause, will not be sought for as of right by any of the stakeholders.

(b) No live commenting or live chat will be allowed on the live streaming being done of the Court proceedings. Any comments posted on uploaded videos will be moderated by the High Court and approved, if found to be appropriate, relevant and useful.

(c) The High Court of Chhattisgarh or any personnel of its Registry will not be responsible for any delays, breakdown or disruption in the live streaming or its quality on the part of the Live Streaming Platform/ Portal. Any delay / breakdown / disruption / outage of the live streaming due to any reason at Court end, will be noted with details by the assisting ministerial personnel of the particular Court, in the Register as prescribed in ANNEXURE FORM I to these rules.

(d) The High Court of Chhattisgarh shall hold copyright over live streamed feed and videos, prohibiting any unauthorised copying of the live feed / videos. Unauthorised use/re-use, capture, editing/ re-editing, distribution/redistribution, or creating derivative works or compiling the live streamed feed / videos or using the same for any commercial purpose, in any form, will not be permitted. However, web-links to

the entire videos as live streamed / uploaded by the High Court may be used/embedded for any informational, educational and/or academic purposes.

(e) Notwithstanding any provisions of these rules, no unauthorised recording / streaming of the Court proceedings by anyone is deemed to be allowed.

(f) The live streamed feed / videos of the court proceedings are not to be considered as part of the case or court record or for reliance by any Subordinate Court of the State in any adjudication.

(g) The live streamed feed / videos of the court proceedings will not be allowed to be treated as evidence of anything relating to the Court proceedings and will also not be considered admissible as such, in any Court proceedings in the High Court or Subordinate Courts.

(h) Requests for copy of any live streamed feed / videos will not be entertained for any purpose whatsoever.

(i) No content of the live streamed feed / videos or any observations made therein, will be treated as authorised/ certified / official version of anything relating to the Court proceedings. Only the orders / judgments pronounced by the respective Benches and the process / certified copies issued by the High Court Registry accordingly, will be treated as authentic and authorised.

(j) Anyone participating in the proceedings, whether in person or through video conferencing, will have to maintain utmost discipline and decorum for upholding the dignity and majesty of the Court. Any participant found to be misusing the access to the Court for undue publicity through live streaming facility, may be muted or removed from video conferencing session; or asked to leave the Court if participating in person. In such a situation, if required, the Presiding Judge may direct to stop the live streaming of the Court proceedings of the particular case for the day. Such an event will be noted by the assisting ministerial personnel of the Court, in the Register as prescribed in ANNEXURE FORM I to these rules.

(k) 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.

N.I.C.

(I) Violation of any of these provisions, will entail proceedings under the provisions of the Contempt of Courts Act, 1971 and other applicable penal laws.

ANNEXURE FORM-I

Bench/ Court of	Date & Time	Matter Number, Ld. Adv. etc.	Detailed Account of Not Live Streaming and Stopping / Pausing / Breakdown etc. of Live Streaming				Sign of the Assisting Ministerial Personnel
			Not Live Streaming on Instructions of the Presiding Judge(s) [Rule (c)]	Stopped / Paused in the interest of administration of justice [Rule (f)]	Delays/ Breakdown / Disruption [Rule 13(c)]	Stopping for Court Decorum [Rule 13(j)]	

14. Power to Relax:

The Chief Justice may, if satisfied that the operation of any Rule is causing undue hardship, by order, dispense with or relax the requirement 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.

15. 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.

16. 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.

By order of Hon'ble the High Court.

Sanjay 02.05.22
(Sanjay Kumar Jaiswal)
Registrar General

Copy forwarded to :-

1. Addl. Registrar-cum-P.P.S. to Hon'ble the Chief Justice, High Court of Chhattisgarh, Bilaspur for information of his Lordship.
2. Private Secretary to Hon'ble Mr. Justice Goutam Bhaduri, High Court of Chhattisgarh, Bilaspur for information of his Lordship.
3. Private Secretary to Hon'ble Mr. Justice Sanjay K. Agrawal, High Court of Chhattisgarh, Bilaspur for information of his Lordship.
4. Private Secretary to Hon'ble Mr. Justice P. Sam Koshy, High Court of Chhattisgarh, Bilaspur for information of his Lordship.
5. Private Secretary to Hon'ble Mr. Justice Sanjay Agrawal, High Court of Chhattisgarh, Bilaspur for information of his Lordship.
6. Private Secretary to Hon'ble Mr. Justice Rajendra Chandra Singh Samant, High Court of Chhattisgarh, Bilaspur for information of his Lordship.
7. Private Secretary to Hon'ble Mr. Justice Arvind Singh Chandel, High Court of Chhattisgarh, Bilaspur for information of his Lordship.
8. Private Secretary to Hon'ble Mr. Justice Parth Prateem Sahu, High Court of Chhattisgarh, Bilaspur for information of his Lordship.
9. Private Secretary to Hon'ble Mr. Justice Gautam Chourdiya, High Court of Chhattisgarh, Bilaspur for information of his Lordship.
10. Private Secretary to Hon'ble Mrs. Justice Rajani Dubey, High Court of Chhattisgarh, Bilaspur for information of her Lordship.
11. Private Secretary to Hon'ble Mr. Justice Narendra Kumar Vyas, High Court of Chhattisgarh, Bilaspur for information of his Lordship.
12. Private Secretary to Hon'ble Mr. Justice Naresh Kumar Chandravanshi, High Court of Chhattisgarh, Bilaspur for information of his Lordship.
13. Private Secretary to Hon'ble Mr. Justice Deepak Kumar Tiwari, High Court of Chhattisgarh, Bilaspur for information of his Lordship.
14. Private Secretary to the Registrar General, High Court of Chhattisgarh, Bilaspur, for information.
15. Steno to the Registrar (Vigilance and I&E/Judicial/S & A Cell) High Court of Chhattisgarh, Bilaspur, for information.
16. The Director, Chhattisgarh State Judicial Academy, High Court of Chhattisgarh, Bilaspur for information.
17. The Principal Secretary, Law & Legislative Affairs Department, Government of Chhattisgarh, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nava Raipur (Chhattisgarh).
18. The Advocate General, High Court of Chhattisgarh, Bilaspur for information.
19. The District & Sessions Judge, Bastar at Jagdalpur/ Bilaspur/ Durg/ Raigarh/ Raipur/ Rajnandgaon/ Dakshin Bastar at Dantewara/ Janjgir-Champa/ Dhamtari/ Korba/ Mahasamund/ Kabirdham(Kawardha)/ Uttar Bastar (Kanker) /Koriya (Baikunthpur)/ Jashpur/ Balod/ Bemetara/ Kondagaon/ Surajpur/ Sarguja at Ambikapur/ Baloda-Bazar/ Mungeli/ Balrampur at Ramanujanj for information.
20. The Principal Judge/Judge, Family Court, Bastar at Jagdalpur/ Bilaspur/ Durg/ Raigarh/ Raipur/ Rajnandgaon/ Janjgir-Champa/ Dhamtari/ Korba/ Mahasamund/ Kabirdham (Kawardha)/ Uttar Bastar (Kanker) /Koriya (Baikunthpur)/ Jashpur/ Balod/Bemetara/Kondagaon/Surajpur/ Sarguja at Ambikapur/ Baloda-Bazar for information.
21. Commercial Court, Sector-19, Kotara Bhantha, Naya Raipur, C.G. 492101 for information.

22. The President, Chhattisgarh State Industrial Court, Near Ghadi Chowk, Raipur with a request to circulate all the Presiding Officers of the Labour Courts for information.
23. The President, Chhattisgarh Bar Association, High Court Campus, Bilaspur for information.
24. Registrar Ministerial (S&A Cell/C.S.J.A.), High Court of Chhattisgarh, Bilaspur for information.
25. Additional Registrar (Judicial/D.E.&E/HCLSC/Adm.), High Court of Chhattisgarh, Bilaspur for information.
26. All Additional Registrar (M), High Court of Chhattisgarh, Bilaspur for information.
27. Officer on Special Duty-cum-Central Project Coordinator, E-Courts Mission Mode Project, High Court of Chhattisgarh for information.
28. Member Secretary, Chhattisgarh State Legal Services Authority, Old High Court Building, Bilaspur for information.
29. All Deputy Registrar, High Court of Chhattisgarh, Bilaspur for information.
30. Library, High Court of Chhattisgarh, Bilaspur for information.
31. Court Manager, High Court of Chhattisgarh, Bilaspur for information.
- ✓ 32. In Charge, NIC High Court Computer Cell, High Court of Chhattisgarh, Bilaspur with a direction to upload in the official web-site of this High Court.
33. Deputy Controller, Government Regional press, Khairagarh Road, Rajnandgaon Chhattisgarh with a request to publish it in the forthcoming issue of Chhattisgarh Gazette.

Sanjay
03.05.22
(Sanjay Kumar Jaiswal)
Registrar General