

In exercise of the powers conferred by Article 225 or relevant statute where applicable, and Article 227 of the Constitution of India, the High Court of Madhya Pradesh, hereby, makes the following amendments in the “Madhya Pradesh Live-Streaming Rules for Court Proceedings, 2021”, namely:-

AMENDMENTS

In the said Rules;

1. In preface, in second para, for the word “control” the word “jurisdiction” shall be substituted.
2. In Rule 1, In clause (a) between the words “Live-Steaming” and “Rules” , the words “and Recording” shall be inserted.
3. In Rule 2 -
 - (1) After clause (a) the following sub-rule shall be inserted, namely :
“(a-1) **Bench**: means the Judge(s) assigned to hear the case filed before the court.”
 - (2) In clause (c), the words “judicature for” shall be deleted.
 - (3) In clause (e), the words “judicature for” shall be deleted and for the words “Control of the High Court in the State”, the words “jurisdiction of the High Court of Madhya Pradesh” shall be substituted.
 - (4) After clause (f), the following clause shall be inserted, namely :
“(f-1) **Court Premises** : means and includes buildings and complexes under the authority of the courts.”
 - (5) After clause (g), the following clause shall be substituted, namely :
“(g-1) **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.”
 - (6) After clause (h), the following clause shall be substituted, namely :

- “(h-1) **Hardware**: means and includes equipment to be installed for live streaming and recording of proceedings or any ancillary activity.”
- (7) After clause (i), the following clause shall be substituted, namely :
“(i-1) **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 I.T. and e-Court Committee.”
- (8) In clause (j), between the words “facilitating” and “to view”, the words “any person” shall be inserted.
- (9) After clause (j), the following clause shall be substituted, namely :
“(j-1) **Proceedings**: mean and include judicial proceedings, Lok Adalat proceedings, full-court references, official transfer, elevation, retirement, farewells organized by the Court and other proceeding as may be directed by the Chief Justice.”
- (10) For clause (l), the following clause shall be substituted, namely :
“(l) **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.”
- (11) After clause (l) the following clause shall be inserted, namely :
“(l-1) **Registrar (IT)** : means and includes any officer so designated by the Chief Justice.”
- (12) In clause (m), after the words “premises”, the words “from where proceedings are conducted” shall be inserted.
- (13) After clause (m), the following clause shall be inserted, namely :
“(n) **Transcript** : means the official written record of the proceedings published as per the directions of the court.”

- 4 In Rule 3, between the words “effect” and “these Rules”, for the words “them as per” preposition “to” shall be substituted and between the words “may” and “from” for the word “specify” the word “direct” shall be substituted.
5. In Rule 4 –
- (1) For clause (a) the following clause shall be substituted, namely:
“(a) Cameras will be ordinarily installed in the courtroom covering at least five angles; one towards the Judge/Presiding Officer, the second and third towards the advocates engaged in the concerned matter, the fourth towards the accused (where applicable) and the fifth towards the deponent/witness, as required.”
- (2) After clause (b), the following clause shall be inserted, namely :
“(b-1) If the court has employed an electronic evidence presentation system, an additional feed shall be captured there from.”
- (3) After clause (c), the following clauses shall be inserted, namely :
“(d) A remote-control device shall be provided to the presiding judge on the bench to pause or stop the live streaming at any time.
(e) 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-rules.”
6. In Rule 5, in clause (b), in the last line, after the word “recorded” the words “and shall ensure that nothing uncivil or inappropriate is streamed in the public domain” shall be inserted.
7. In Rule 6, between the words “premises” and “to enable” the words “or designated venue” shall be inserted and at the end, after the word and full stop “proceedings.” the words and full stop “The technical expert(s) shall

function under the overall supervision of the District Command and Control Centre (DCCC).” shall be inserted.

8. In Rule 7 :

- (1) In clause (a), for the word “shall” the word “will” shall be substituted and at the end after the word “Court” the words “which would come to an end with close of the proceedings” shall be added.
- (2) In clause (b)-
In clause (b), for the word “shall” the word “will” shall be substituted.
- (3) For sub-clauses (ii) and (iii), the following sub-clauses shall be substituted, namely :
 - “(ii) Matters concerning sexual offences including proceedings instituted under Section 376, Indian Penal Code, 1860.
 - (iii) 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.
 - (iii-a) Matters registered under or involving the Medical Termination of Pregnancy Act, 1971.”
- (4) For sub-clause (vii), the following clause shall be substitute, namely :
“(vii) Matters involving sensitive issues which in the opinion of the Bench, may provoke enmity amongst communities likely to result in a breach of law and order.”
- (5) For sub-clause (ix), the following sub-clause shall be substituted, namely :
“(ix) Recording of evidence, including cross-examination.”

- (6) In sub-clause (xvi), at the end, for word "Judge" the word "Bench/Chief Justice" shall be substituted.
- (7) After clause (c), the following clause shall be inserted, namely :
- "(d) 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) Transcript of the recordings would be made available to the advocate or litigant-in-person.
- (iii) 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.
- (e) 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.
- (f) Audio-video recording or recording of proceedings by any other means, beyond the mandate of the present Rules is expressly prohibited."

9. In Rule 8-

- (1) In clause (a), between the words and comma "if any," and "to Live-Streaming" the word and comma "by any party," shall be

inserted and at the end after the words “details” the words “as prescribed in schedule-I or schedule II, as the case may be. The Court may consider oral objection in cases listed before the Court” shall be inserted.

- (2) In clause (b), at the end for the word “Judge” the words “concerned Bench which shall not be subject matter of challenge” shall be substituted.

10. For Rule 9, the following rule shall be substituted, namely :

“9. Manner of Recording of Proceedings:

- (a) The cameras in the Court shall be as per Rule 4(a).
- (b) The following need not be Live-Streamed or saved in the Archival Data :
- (i) Discussions between/amongst the judges on the bench.
 - (ii) Any document or instruction given by the Judge to any member of the staff during the proceedings or any communication / message / document given by the court master / reader to the bench.
 - (iii) Documents given to the judge during the proceedings.
 - (iv) Notes taken down by the judge during the proceedings.
 - (v) Notes made by an advocate either on paper or in electronic form, for assistance, while making submissions before the bench.
 - (vi) Communication between advocate and client, inter-se the advocates, and communications which is not a submission exchanged between the advocate and the Court.
- (c) If one or more circumstances mentioned above occur or at the time of dictating the 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:

“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”.

11. For Rule (10), the following rule shall be substituted, namely :

“10. Storage, relay and recording of proceedings:

- (a) The recordings shall be archived and may be uploaded, wholly or in part, on the Courts’ website or made available on other digital platforms, as directed by the Court. 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 and which shall not be less than six months. Archived data shall be stored in electronic devices in encrypted form with a specific hash (#) value.
- (b) Access to copies of the recordings not uploaded will be sanctioned by the designated officer, who will act as per law. An application for copies of recordings shall be made in the form prescribed in schedule III.
- (c) Personal information such as 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. Inter alia, any one of the masking techniques, as provided in Rule 7(e), may be adopted. However, such Proceedings will be preserved in the archival data.
- (d) The advocates and litigants-in-person may request the bench to redact personal and sensitive information inter alia of the kind referred to in Rule 10(c).
- (e) Subject to limitations contained in these rules, 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.

- (f) There shall be a time lag of ten minutes in Live Streaming which may be changed as per the direction of the Court.
- (g) The live streaming shall be carried out from the designated venue as decided by the bench.
- (h) The content of the recording will be vetted and shall be posted, usually within three days of the conclusion of the proceedings. The same shall be posted on the Courts' website or made available on such digital platforms, as directed by the court."

12. In Rule 11 –

- (1) In clause (a), in sub-clause (ii), for the word "Judge" the word "Bench" shall be substituted.

- (2) In clause (b)-

For sub-clause (i), the following clauses shall be substituted, namely :

"(i) No person including print and electronic media, and social media platforms 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.

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.

- (i-a) 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.”

- (3) In sub-clause (iii), between the words “device” and “for recording”, the words “or any messaging application” shall be inserted.
- (4) Clause (viii) and entries relating thereto, shall be deleted.
- (5) Clause (ix) shall be renumbered as clause (viii) and in clause (viii) as so renumbered, between the words and full stop “court” and “. Any participant” the words “and shall be bound by these rules” shall be inserted.
- (6) After clause (viii) as so renumbered, the following clause shall be inserted, namely :

“(ix) Use of communication device or recording device during proceedings:

- (a) 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.
- (b) During proceedings, all personnel shall follow the instructions of the presiding judge, adhere to court room 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.
- (c) Violation of Sub-Rules (i), (i-a) and (ii) will result in prosecution as per law. Additionally, the bench may

also direct seizure of the communication device or recording device.”

(7) For clause (xi), the following clause shall be inserted, namely :

“(xi) Any violation of these rules shall entail proceedings under the penal laws, prosecution under the Indian Copyright Act, 1957, Information Technology Act, 2000 and any other provisions of law.”

13. After Rule 11, the following rule shall be inserted, namely :

“11A. Transcription and Access:

- (a) Transcripts shall be prepared of recordings only when directed by the court.
- (b) The transcripts may be translated into other scheduled languages.
- (c) Recordings that are uploaded will be made accessible for differently abled persons.”

14. In Rule 12, for the words “Chief Justice”, the words “High Court” shall be substituted.

15. After Rule 14, the following schedules shall be added, namely :

“SCHEDULE I

[Referred to in Rule 8(a)]

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 Rules for live streaming for Courts (hyperlink). I undertake to remain bound by the same to the extent applicable to me.

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

Date:

Digital Signature/Scanned Signature

For use of the Registry

A. Bench assigned:

B. Decision of the Bench: Allowed/Not Allowed

Date:

SCHEDULE II**[Referred to in Rule 8(a)]****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:
 - a. [i] Petitioner No. [ii] Accused No. [iii] Plaintiff No.

- b. [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 Rules for live streaming for Courts (hyperlink). I undertake to remain bound by the same to the extent applicable to me.

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

Date:

Digital Signature/Scanned Signature

For the use of the Registry

C) Bench assigned:

D) Decision of the Bench: Allowed/Not Allowed

Date :

SCHEDULE III**[Referred to in Rule 10(b)]****APPLICATION FORM FOR COPIES OF RECORDINGS
AVAILABLE IN ARCHIVAL DATA**

1. Case Number / CNR Number (if any):
2. Cause Title:
3. Date of Hearing (if already listed) (DD/MM/YYYY):
4. Applicant Status (select one):
 - i. Party to the proceedings
 - ii. Authorised Representative
 - iii. Advocate for the Party /
 - iv. Third Party /No.ne of the above (Please Specify)
5. Identification document enclosed: (i) Bar Association ID (ii) AADHAAR CARD (iii) PAN Card (iv) Driver's License (v) Ration Card (vi) Other Government issued ID (please specify)
6. ID Number: _____
7. Applicant Address: _____
8. Applicant Telephone number: _____
9. Reason/s for requesting access: _____
10. Format in which Recording is requested: (i) Cloud link (ii) Physical Drive
11. Fee to be Paid:

[Subject to fee as prescribed by the concerned High Court.]

I have read and understood the provisions of the rules for live streaming for Courts (hyperlink). I undertake to remain bound by the same to the extent applicable to me. I undertake not to copy, distribute or publish, or cause the copying, distribution or publication of the Recordings in any manner without the prior written approval of the Court.

Signature of the Applicant/Authorised Signatory*:

(this application may be e-signed)

Date:

Digital Signature/Scanned Signature

For the use of the Registry

WHETHER APPROVED BY DESIGNATED OFFICER

Fee paid:₹

RAMKUMAR CHOUBEY, Registrar General.