

THE HIGH COURT OF ORISSA, CUTTACK

Notification

No.....890...../Comp. Dtd.....28-07-2021.....

With the objective of effectuating and broadening the implementation of Open Court concept during the physical, virtual as well as hybrid hearings of the High Court of Orissa, and by virtue of the powers conferred by Article 225 of Constitution of India, the High Court of Orissa do hereby make the following rules, namely:-

1. Short Title and Commencement:-

These rules may be called as **the High Court of Orissa Live Streaming of Court Proceedings Rules, 2021** and they shall apply to the High Court of Orissa from such date or dates and to such proceeding or proceedings as the Chief Justice may appoint in this behalf.

2. Definitions: -

- i. **Bench** means the Judge(s) assigned to hear the case filed before the Court.
- ii. **Chief Justice** means the Chief Justice of the High Court.
- iii. **Court** means the High Court of Orissa.
- iv. **Court Master** means the court staff that assists the Court in the conduct of proceedings, including updating of the cause lists published on the display board.
- v. **Hybrid Hearing Mode** means a system of hearing which enables Advocates/Parties appearing from remote locations through video conferencing and Advocates/Parties appearing physically in Courtroom to be able to address the Court simultaneously and wherein the Court, the Advocates/Parties located remotely and the Advocates/Parties appearing physically are able to interact with each other in real time.

- vi. **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 of the Court as permitted under these Rules.
- vii. **Live Streaming Platform or Live Streaming Portal** means the web-platform/portal used for live telecast / streaming / webcasting of the physical / virtual court proceedings of the High Court, as may be selected and notified from time to time.
- viii. **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.
- ix. **Presiding Judge** means and includes the Presiding Judge of Single Judge Court or of a Bench of the High Court before whom the case is listed.
- x. **Proceedings** mean and include judicial proceedings, administrative proceedings, Lok Adalat proceedings, full-court references, farewells and other meetings and events organized by the Court.
- xi. **Remote Location** means and includes a geographical location, different from the Court Premises, from where Proceedings are conducted.

3. 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 audiovisual 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 authorized High 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 2 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 Cause list of the respective Court(s)/Bench(es).

4. General Provisions Relating to Live Streaming:-

- a) High Court proceedings of all cases, except the following, may be live streamed: -
 - i. Matrimonial matters, including ancillary proceedings arising thereunder.
 - ii. Matters involving children and juveniles including 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. Cases concerning sexual offences, including proceedings instituted under Section 376, Indian Penal Code, 1860 (IPC).
 - iv. Cases concerning gender-based violence against women.
 - v. Cases relating to Official Secrets Act, 1923 or involving national security,
 - vi. Cases of Habeas Corpus petitions,
 - vii. In camera proceedings.
 - 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. 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.
 - x. Cases where the Bench records in writing with reasons to be not fit for live streaming
 - xi. Any other matter in which a specific direction is issued by the Bench or the Chief Justice for not live streaming the Court proceedings.

- b) Subject to provision of Rule 4 (a), the proceedings of the Court conducted through video conferencing mode, physically mode or in hybrid hearing mode may be covered for live streaming.
- c) Whenever there is difference of opinion between the Presiding Judges of a Bench as to whether a proceeding may be live streamed or not, then in such cases the relevant proceeding may not be live streamed.
- d) The Court may direct tagging of cases which may not be live streamed as per these rules to be heard separately during the course of the day.
- e) The videos of live streaming of court proceedings may be allowed to remain on the Live Streaming Platform / Portal except when specifically directed by the concerned Presiding Judge(s) to delete/remove the same. Copy of videos so deleted/removed will be securely kept in the live streaming platform without public access.
- f) Presiding Judges of Benches may mute their microphones while discussing with each other any aspect of the case or while passing any administrative instructions to the assisting ministerial personnel.
- g) Any oral comments or remarks made by the Bench during the live streaming shall not be treated as part of the case or of the case record and only the contents of the signed order of the Court shall be treated as final and as part of the record.
- h) The parties/Advocates may request for pausing or stopping live streaming of a proceeding and if the Bench deems it fit and proper, it may direct to stop/pause live streaming of such proceeding. Such fact shall be recorded by the Court Master in a register with noting on the date, time, case details and reasons of stopping/pausing live streaming under his/her signature.
- i) In case of any urgent need, the Presiding Judge may direct the technical personnel to stop/pause the live streaming, if the same is found to be necessary in the interest of administration of justice. Any such event of stopping or pausing shall be noted by the

Court Master, in a register with noting on the date, time, case details and reasons of stopping/pausing live streaming under his/her signature.

5. Restrictions and Limitations:-

- a) Live streaming of Court proceedings shall not be claimed by any person as a matter of right.
- b) No live commenting or live chat will be allowed on the live streaming being done of the Court proceedings.
- c) Any remarks appropriate, relevant and useful for the purpose of live steaming may be communicated to the High Court through usual means of contact.
- d) The High Court or its officials will not be responsible for any delays, 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.
- e) Any delay / breakdown / disruption / outage of the live streaming due to any reason at Court end, will be noted with details by the Court Master in a register with noting on the date, time, case details and reasons of stopping/pausing live streaming under his/her signature
- f) The High Court shall have copyright over live streamed feed and videos, including the feeds and videos retained in the live streaming platform after live streaming is over, prohibiting any unauthorized copying of the live feed / videos.
- g) 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 purpose, in any form, will not be permitted.
- h) The live streamed feed / videos of the court proceedings are not to be considered as part of the case or court record for the purpose of reliance in any proceeding of any nature before any Court of law.

- i) 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 before any Court of law.
- j) Requests for copy of any live streamed feed / videos will not be entertained for any purpose whatsoever.
- k) No content of the live streamed feed / videos or any observations made therein, will be treated as authorized / 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 authorized.
- l) Anyone participating in the proceedings, whether in person or through video conferencing, will 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 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 Court Master, in a register with noting on the date, time, case details and reasons of stopping/pausing live streaming under his/her signature.
- m) 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) Violation of any of these provisions, will entail proceedings under the provisions of the Contempt of Courts Act, 1971 and other applicable penal laws.

6. Power to Relax:-

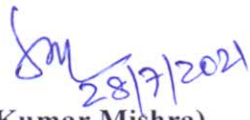
The Chief Justice may, if satisfied that the operation of any provision of these

Rule is causing undue hardship, by order, dispense with or relax the requirements of that Rule to such extent and subject to such conditions as may be stipulated to deal with the case in a just and equitable manner.

7. Residual Provisions:-

Matters concerning which no express provision is made in these Rules shall be decided consistent with the principle of furthering the interest of justice.

By Order of the High Court of Orissa


28/7/2021
(Suman Kumar Mishra)
Registrar (Judicial)

Memo No. 8525 (120) /Dtd. 28-07-2021
XXXIV-21/2021

Copy forwarded to the:-

1. All Officers of the Court,
 2. Joint Registrar-cum-Principal Secretary to Hon'ble the Chief Justice,
 3. Addl. Principal Secretaries/ Senior Secretaries/ Secretaries to Hon'ble Judges of the Court,
 4. Stamp Reporter/ Addl. Stamp Reporter & Oath Commissioner(s),
 5. Director, Odisha Judicial Academy, Odisha, Cuttack
 6. Member-Secretary, OSLSA, Cantonment Road, Cuttack
 7. Technical Director, NIC, The High Court of Orissa to upload in the official website
 8. All Superintendent/ Section Officers of the Court,
 9. All Court Master(s)
 10. Peskar, Lawzima Court
 11. Notice Board.
- for information and necessary action.


28.7.21

SPECIAL OFFICER (SPL. CELL)

Memo No. 8526 (33) /Dtd. 28-07-2021

Copy forwarded to the:

1. Advocate General, Odisha Cuttack
 2. Secretary, Odisha State Bar Council, Cuttack
 3. President/Secretary, Orissa High Court Bar Association, Cuttack
 4. Dist. & Sessions Judges,(All)
- for information and necessary action.


28.7.21

SPECIAL OFFICER (SPL. CELL)

Memo No. 8527 (2) /Dtd. 28-07-2021

Copy forwarded to the

1. Principal Secretary to Govt. of Odisha, Home Deptt., Bhubaneswar
2. Principal Secretary to Govt. of Odisha, Law Deptt., Bhubaneswar

for information and necessary action.


28.7.21

SPECIAL OFFICER (SPL. CELL)

Memo No. 8528 /Dtd. 28-07-2021

A copy of the same may be forwarded to the Deputy Director, Govt. Press, Cuttack for publish in the next issue of the Odisha Gazette and send 30 nos. of copies to the undersigned for kind reference of the Hon'ble Court.


28.7.21

SPECIAL OFFICER (SPL. CELL)