

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

WP No. 30572 of 2024

(DR. VIJAY BAJAJ Vs UNION OF INDIA AND OTHERS)

Dated : 04-11-2024

Shri Utkarsh Agrawal - Advocate for petitioner.

Shri Sandeep Shukla - Advocate for respondent Nos.1 & 2.

*Shri Sanjay K. Agrawal - Senior Advocate with Shri Mihir Agrawal -
Advocate for respondent No.3.*

*Shri Harpreet Singh Ruprah - Additional Advocate General for
respondent No.4/State.*

Petitioner, in this petition, has prayed for following relief:-

*(i) To issue appropriate writ, order or direction by
restraining respondents, all social media, individuals, video-
makers, Media agencies and general public from editing/morphing
or illegally using in any form or sharing of Court Proceedings of
live streamed videos etc. of High Court of M.P. with immediate
effect in the interest of justice.*

*(ii) To issue writ in the nature of mandamus directing
respondent Nos. 1 to 4, to ensure deletion/removal of all live
streamed court videos/clips/shorts/memes of High Court of M.P.
which have been created and which are available on social media
forthwith by further submitting report to that effect before Hon'ble
Court, in the interest of justice.*

(iii) To issue writ in the nature of mandamus directing respondent No. 1 to 4 to take suitable criminal action against respondent Nos. 5 to 7 and all other persons who have violated provisions of Madhya Pradesh Live-Streaming and Recording Rules for Court Proceedings, 2021, in the interest of justice.

(iv) To issue writ in the nature of mandamus directing respondent No. 3 to conduct an enquiry as to the profit/revenue made by respondent Nos. 5 to 7 by un-authorizedly and illegally using the live streamed court- proceedings and further, recover all the amount from respondent Nos. 5 to 7 in the interest of justice.

(v) To issue following guidelines so as to regular Live streaming of Court proceedings:

(a) Centralized Command and Control Center (CCCC) be directed to be set up at Principal Seat, Jabalpur and-District Command and Control Center (DCCC) be directed to be set up in every District headquarter as per rule-5 (a) of the Live Streaming Rules, 2021, if not already set up.

(b) Command and Control Center referred to in rule-5 of Live Streaming Rules, 2021 shall monitor and track proceedings and they shall ensure that nothing uncivil or inappropriate is streamed in public domain.

(c) Command and Control Center referred to in rule-5 of Live Streaming Rules, 2021, shall ensure that provisions of Live Streaming Rules, 2021 are strictly followed and there is no

violation of the said rules; in case of any violation reported to them or brought to their knowledge, they shall forthwith report it to respondent No. 3 who shall take appropriate action in accordance with 2021 rules.

(d) There shall be at-least 20 minutes of time lag in live streaming so that no inappropriate or uncivil part is streamed in public domain.

(e) Any other guideline which this Hon'ble Court considers necessary for ensuring smooth regulation of live streaming of court proceedings.

(vi) To issue appropriate writ, order or direction for strict compliance of judgment of Hon'ble Apex Court in the case of Swati Tripathi (Supra) in respect of restrictions of Live streaming of court proceedings for High Court of M.P. in the interest of justice.

(vii) Any other writ, direction or order as this Hon'ble Court deems fit may be passed.

Counsel for petitioner has drawn the attention of this Court to Rule 11(b) of Madhya Pradesh Live-Streaming Rules for Court Proceedings, 2021 whereby, it is stated as under:-

(b) Restrictions and Limitations:-

(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.

(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 2[or any messaging application] for recording or for transcribing the proceedings.

(iv) Live Screening 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) 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 3[and shall be bound by these rules. Any participant found to be misusing the access to the Court for undue publicity through Live Streaming facility, may be muted or removed from Live Streaming session; or 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.

(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.

(x) 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/Channel.

(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.

Despite that, there is a misuse of live streaming of court proceedings as the respondent Nos. 5 to 7 have made mockery of the entire justice delivery system by uploading, transmitting, sharing, usage, facilitating uploads etc. “Memes”, “Reels”, “Shorts” etc. of live court proceedings on social platforms like -Whatsapp, Instagram, Facebook and other like platforms. The misuse of live court proceedings is done in the following manner -

(a) An extract of live court proceedings is taken, the same is edited and then it is put in the form of “Reels” “Memes” “Shorts” etc. on platforms like Whatsapp, Instagram, Facebook, Youtube Etc.

(b) Sometimes entire video is uploaded on platforms like Youtube with some fancy captions so as to attract Views. The same is being done to make revenue as number of views is proportional to revenue generated by the channels on Youtube, Youtube or any other social media like Whatsapp, Facebook, Instagram etc.

(c) Sometimes different channels on YouTube publish same video, by different captions; the spicier is the caption, more are the view of the videos, which in turn. will attract sponsorships to the concerned Youtube channels, Youtube any other social media which circulates it.

(d) On Youtube there is a comment section also. Most of the channels on Youtube allow people to like, dislike and comment on the video which are uploaded. The comments section allows people to share their opinion about the video which is uploaded. Sometimes these comments are personally made on the Hon'ble Judges, sometimes on the Advocates of the either party and sometimes on the officers of Government. Sometimes, there are abusive languages used to courts and Advocates.

(e) That, videos uploaded on Youtube are edited. Highlights of the said video is made so as to attract maximum viewer ship which in turn attracts revenue and sponsorship. These all can be verified from the Youtube and even at the time of drafting of the present petition, the said misuse can be seen on Youtube.

Notice issued.

Learned counsel for respondent Nos.1 to 4 accept notice and seek and granted four weeks time to file counter-affidavit to the present petition.

Notice be issued to respondent Nos.5 to 7 on steps being taken within 7 days.

Rejoinder thereto, if any, be filed within two weeks thereafter.

Till further orders, we hereby restrain the respondent Nos.5 to 7, all social media, individuals, video-makers, Media agencies and general public from editing/morphing or illegally using in any form or sharing of Court Proceedings of live streamed videos etc. of this Court with immediate effect.

All videos, shorts and reels uploaded in derogation of Rule 11(b) of Rules of 2021 on platforms of respondent Nos.5 to 7 shall be taken off.

It is made clear that if any social media platform intends to publish the Court proceedings, that will be permissible only in the manner provided by and subject to restrictions and limitations as per Rule 11(b) of Rules of 2021 and not in any other manner.

List after six weeks.

(SURESH KUMAR KAIT)
CHIEF JUSTICE

(VIVEK JAIN)
JUDGE

Biswal