

# 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

