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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 3926/2024

CA RAKESH KUMAR GUPTAPetitioner

Through: Petitioner, in-Person.

versus

DELHI HIGH COURT THROUGH REGISTRAR GENERAL

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **20.08.2024**

CM APPL. 47379/2024 (for directions to allow Respondent affidavit and Petitioner to put them on judicial court file)

1. Through this application, Petitioner seeks to place on record an affidavit of Respondent and rejoinder thereto.
2. For the grounds and reasons stated in the application, the same is allowed. Both documents are taken on record.
3. Disposed of.

W.P.(C) 3926/2024 & CM APPL. 47380/2024 (for directions to respondent to consider the Petitioner's suggestion in next one month and implement it with suitable changes)

4. Through the above captioned application, Petitioner seeks directions to the Respondent – High Court of Delhi to consider his suggestion to reduce the cost of live streaming. Considering the nature of prayer, the Court



has instead of dealing with the application, called out the main writ petition on board for final hearing so that composite directions, if necessary, can be given, which would include the prayer sought in the present application.

5. Mr. Rakesh Kumar Gupta, the Petitioner, draws attention to the recent initiation of the live streaming facility by the Delhi High Court as per the notification bearing No. 02/Rules/DHC dated 13th January, 2023. He argues that the Government of NCT of Delhi, having ample funds, should extend these transparency measures to include recording of court proceedings. Mr. Gupta asserts that recorded proceedings would deter advocates from potentially misleading the courts, thus enhancing judicial transparency. To highlight the necessity for recorded proceedings in cases related to tax evasion, as detailed in his writ petition, he relies upon Article 13 of the Constitution of India, 1950. He argues that despite his attempts to intervene in such proceedings and shed light on alleged corrupt practices, his requests have been denied on the grounds that he is neither a necessary nor a proper party. Given these circumstances, through the present writ petition he seeks the following relief:

“(a) Advice Respondent to take steps, so that Live streaming and Recording of Proceedings notification dated 13-1-2023, is implemented by all organisation covered definition Rule 1(v) of Notification.

(b) Advice Respondent to comply Rule 5- Live streaming and Recording of Proceedings notification dated 13-1-2023.

(c) Advice Respondent to provide copies of recording available for Para 12 cases.

(b) Advice Respondent to records all hearing in future and provide copies of recording available for Para 12 cases.

(c) Advice Respondent to create facility/ system to give live stream copy like E-inspection.

(d) Correct the recording and keeping recorded hearing procedure in Delhi High Court,

(e) Complete pending work in live streaming process in time bound time table



(f) Kindly advise administrative side of Honourable Court to take such appropriate actions, as the Honourable Court deems fit under the circumstance.”

6. In addition to the facts and contentions presented in the main writ petition, through the above captioned application, Petitioner has certain suggestions to offer to the Delhi High Court for reducing the cost of live streaming, which according to him, can be achieved in a more effective manner. For this purpose, the Petitioner has provided a detailed analysis of the costs associated with Cisco Webex Software and cloud storage solutions.

7. The Court has carefully considered the aforementioned contentions. Presently, live streaming of court proceedings is being conducted on case-to-case basis, as per directions of the Court. The necessary rules for the same, being ‘Live Streaming and Recording of Court Proceedings Rules of the High Court of Delhi, 2022’¹ have already been notified. Furthermore, the required infrastructure for live streaming is already operational in Courtroom No. 1 and is under installation in Courtroom No. 39. Given that live streaming has commenced only on a limited basis in these two courtrooms, it involves substantial development of Information Technology² infrastructure, necessitating a phased implementation across other courtrooms. The Delhi High Court has clarified that a comprehensive implementation of live streaming in all courtrooms is presently unfeasible due to these logistical constraints.

8. The Delhi High Court’s counter affidavit explains that since the live streaming of court proceedings mechanism is currently operational on a limited basis, the adherence to all rules and directives detailed in the Rules

¹ “the Rules”

² “IT”



cannot be fully ensured until the important milestones of complete implementation of live streaming across all courtrooms, installation of necessary infrastructure, and formulation and approval of requisite practice directions, are accomplished.

9. They note that Rule 7 of the Rules elaborates upon the storage and access of live streaming content, which reads as follows:

“7. Storage and Access

7.1 The recordings will be archived.

7.2 Recordings may be uploaded, wholly or in part, on the Courts’ website or made available on other digital platforms, as directed by the court.

7.3 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.

7.4. The archived data should ordinarily be retained by the court for at least six months, subject to special directions issued by the concerned bench in a particular case. The Chief Justice may issue practice directions regarding the cases and the period for which archived data will be preserved. Archived data shall be stored in electronic devices in encrypted form with a specific hash (#) value.”

10. Further, it is submitted that through the Minutes of the Meeting dated 10th October, 2023 of IT Committee of the Delhi High Court, it was directed that the Rules Branch of the Delhi High Court would be required to prepare the Practice Directions for preservation of archived data. The said Minutes of the Meeting are as under:

“(J) The Rules Branch may be requested to prepare the required Practice Directions as per Rule 7.4 for preservation of archived data as also detailed procedure/guidelines/rules as per Rule 7.3 for grant copies of the recordings of court proceedings available in archival data, including the fee required to be paid by the applicant.

(K) This court may dispense with any requirements of the Rules regarding supply of copies of live streaming of court proceedings till further orders/directions, keeping in view the fact that as of now, the Court is going to start live streaming of court proceedings on small scale on case-to-case basis in two court rooms only.”



11. In their counter affidavit, Delhi High Court has explained that as of now the requirement of the Rules regarding supply of copies of live streaming of court proceedings has been dispensed with, through the aforementioned Minutes of Meeting of IT Committee, which has been duly approved by the then Hon'ble Chief Justice, till further orders/ directions, keeping in mind that as of now the Court is going to start live streaming of court proceedings on a small scale, on case to case basis and in two court rooms only.

12. In compliance with the above Minutes of Meeting dated 10th October, 2023 of IT Committee, a copy of the file was forwarded to Rules Branch for further necessary action. Thereafter the Rules Branch has returned the matter to the IT Cell with some queries and as of now, the matter is under consideration.

13. The Delhi High Court has elucidated that the requirement for the supply of copies of live-streamed court proceedings, as per the Rules, has been temporarily suspended. This decision was made in accordance with the Minutes of the Meeting of the IT Committee, which was endorsed by the then Hon'ble Chief Justice. The suspension is in effect until further orders or directions are issued, reflecting the current limited scope of live streaming, which is being implemented on a small scale and on a case-by-case basis and in only two courtrooms. This measure is intended to facilitate the initial phases of this new judicial transparency initiative, which currently operates in a limited capacity within the two designated courtrooms.

14. This Court acknowledges the efforts made in initiating the live streaming of court proceedings, recognizing the complexity and technical



requirements involved in such an undertaking. It is apparent that the Delhi High Court is actively engaged in addressing the logistical and infrastructural challenges associated with expanding this initiative. Given the phased implementation and the ongoing deliberations within the Delhi High Court's committees, judicial intervention to mandate specific actions or timelines would be both premature and inappropriate. Thus, **reliefs (a), (b), and (e)**, for phased implementation of live streaming cannot be granted as it is a decision that is founded in logistical viability and resource management, which the Court must respect. The existing infrastructure and the gradual expansion plans are based on practical assessments by the High Court's technical committees. Prematurely extending these services without adequate preparation may compromise the quality and security of judicial proceedings. The **relief (f)** which is a suggestion to issue directions to the administrative side of the court to expedite the live streaming process is unnecessary as the High Court is already committed to enhancing transparency through measured steps. Imposing rigid timelines without regard to technical challenges and resource allocation would not be prudent.

15. Moreover, the judicial mechanism is not the appropriate forum for the Petitioner to suggest operational methodologies or to influence administrative decisions related to the court's procedural adaptations. Therefore, considering the substantial progress already made and the ongoing efforts to refine and expand live streaming capabilities, the Court finds no grounds to issue the directions sought by the Petitioner. The matters pertaining to the technical execution of administrative policies of live streaming are best handled by the designated judicial and technical committees of the High Court, which are equipped to address these issues in



accordance with evolving needs and technical advancements.

16. As regards, reliefs pertaining to the facilitating and providing recordings of the ongoing proceedings in the nine cases mentioned in Paragraph 12 of the writ petition [*which have been wrongly numbered as prayers (c) and (b)*], it is noted that the cases mentioned are listed before the Division Bench of Hon'ble Mr. Justice Yashwant Varma and Hon'ble Mr. Justice Purushaindra Kumar Kaurav in Court No. 42. Since the live streaming mechanism is currently operational only in a limited scope, on a case-by-case basis and in only two courtrooms – i.e. Court No. 1 and Court No. 39, the hearing in those cases are not being conducted under the Rules mentioned hereinabove. Rather, it is noted that the proceedings before the Division bench are being conducted under the applicable rules which are 'High Court of Delhi Rules for Video Conferencing for Courts, 2021' which in Rule 3(vi) specifically bars recording of proceedings on video conferencing. Hence the said proceedings which are being conducted under the hybrid/ video conferencing mechanism cannot be recorded.

17. In terms of **reliefs (c) and (d)** for providing copies of recordings is concerned, the provision for providing copies of the recordings conducted on live streaming is currently governed by specific rules which are based on privacy concerns. Expanding access without considering these factors could potentially lead to misuse and raise security concerns. Adjustments to the recording procedures are technical matters best left to the discretion of the Court's IT and administrative teams, who are equipped with the expertise to ensure compliance with legal standards and operational efficiency.

18. Accordingly, the present writ petition is dismissed, along with any pending applications, affirming the Court's confidence in the existing



processes and the Delhi High Court's commitment to enhancing judicial transparency responsibly and judiciously.

SANJEEV NARULA, J

AUGUST 20, 2024/d.negi