



\$~14

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

Date of decision: 01st JUNE, 2023

IN THE MATTER OF:

+ **LPA 484/2023 & CM APPLs. 30912/2023, 30913/2023**

SHALINI SINGH

..... Appellant

Through: Mr. Ravi Kumar, Advocate

versus

UNITED INDIA INSURANCE COMPANY LTD & ORS.

..... Respondents

Through: Mr. Nikhil Jain, Advocate

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

JUDGMENT (ORAL)

1. The instant LPA has been filed by the Appellant challenging the Order dated 08.05.2023 passed by the learned Single Judge in CM APPL.23321/2023.
2. The Appellant approached this Court by filing the writ petition being W.P.(C) 3218/2021 challenging the grading of APARs (Annual Performance Appraisal Report) of the writ petitioner and for issuance of a writ of *mandamus* setting aside the APARs for the year 2018-19 and 2019-20.
3. Pending the writ petition, an application for stay was filed which has been rejected. The Appellant has filed an application being CM APPL.



23321/2023 for live streaming and recording of final arguments under the Live Streaming and Recording of Court Proceedings Rules, 2022. In the said application, it is stated that the Appellant is extremely circumspect of the conduct of the Respondents who despite being issued notice for making false statements in W.P.(C) 11298/2019, escaped consequences by making further false statements. The learned Single Judge dismissed the said application on the ground that the infrastructure with respect to live streaming is yet to be set in order.

4. The said order has been challenged by the Appellant in the instant LPA by stating that it makes the Live Streaming and Recording of Court Proceedings Rules, 2022 not enforceable and undermines the powers of this Court with respect to enforcement of statutes.

5. Heard learned Counsel for the parties and perused the material on record.

6. At this juncture, it is necessary to reproduce the relevant Rules regarding live streaming and recording of proceedings. Rules 5.1 to 5.6 of the Live Streaming and Recording of Court Proceedings Rules, 2022 are reproduced as under:-

"5.1. Subject to the exclusions contained within these rules, all proceedings will be live streamed by the court.

5.2. The following will be excluded from live streaming:

i. Matrimonial matters, child adoption and child custody including transfer petitions arising thereunder.

ii. Cases concerning sexual offences, including



proceedings instituted under Section 376, Indian Penal Code, 1860 (IPC).

iii. Cases concerning gender-based violence against women.

iv. 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.

v. Matters registered under or involving the Medical Termination of Pregnancy Act, 1971.

vi. In-camera proceedings as defined under Section 327 of the Code of Criminal Procedure, 1973 (CrPC) or Section 153 B of the Code of Civil Procedure, 1908 (CPC).

vii. Matters where the bench is of the view, for reasons to be recorded in writing that publication would be antithetical to the administration of justice.

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. Recording of evidence, including cross-examination.

x. 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.

xi. Any other matter in which a specific direction is issued by the bench or the Chief Justice.



5.3. Live streaming in certain cases may be restricted to final arguments.

5.4. The court master/reader shall duly inform the parties, before the commencement of the proceedings, that the proceedings are being live streamed and that objections, if any, should be articulated at that juncture to the concerned bench.

5.5. Objections, if any, to Live streaming may be raised at the time of institution of the case or any later stage. The final decision in that behalf shall be of the Bench.

i. Objection to Live streaming, if any, shall be raised by the party by filing the form prescribed in Schedule I.

ii. A person objecting to Live streaming at a later stage, shall do so by filing the form prescribed in Schedule II.

5.6. The final decision as to whether to allow the live streaming of the proceedings or any portion thereof will be of the bench. However, the decision of the bench will be guided by the principle of an open and transparent judicial process. The decision of the Bench shall not be justiciable, provided that, in case of difference of opinion, the matter can be referred to a larger bench for a final decision." (emphasis supplied)

7. A perusal of the above Rules shows that live streaming has to be conducted subject to several conditions. It further reveals that in certain cases live streaming may be restricted to final arguments and live streaming need not be permitted if there is an objection from any side.

8. A pointed question was asked to learned Counsel for the Respondent



whether they have any objection for live streaming of the proceedings, for which an emphatic 'NO' was given. Even though the Respondents have not raised any objections by filing the form prescribed under Schedule-I or Schedule-II of the Live Streaming and Recording of Court Proceedings Rules, 2022, the learned Counsel for the Respondent has objection to the live streaming of the proceeding, this Court is not venturing into the issue of non-filing of the objections form in the prescribed format.

9. In view of the above, this Court does not wish to proceed further in the instant LPA. The LPA is rejected, along with pending application(s), if any.

SATISH CHANDRA SHARMA, CJ

SUBRAMONIUM PRASAD, J

JUNE 01, 2023

hsk