

# Bharat Bhushan Sharma vs Govt.Nct Of Delhi & Ors. on 28 March, 2025

**Author: Sachin Datta**

**Bench: Sachin Datta**

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IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment pronounced

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W.P.(C) 2888/2025

BHARAT BHUSHAN SHARMA

.....

Through: Mr. Nikhil Srivastava and Ms.

Muskan Sharma,

alongwith petitioner in person

versus

GOVT.NCT OF DELHI & ORS.

.....Re

Through: Ms. Harshita Nathrani, Adv. f  
and R2.

Mr. Samar Singh Kachwaha, Mr.

Harshvardhan Thakur and Mr.

D., Advocates for R3.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

JUDGMENT

CM APPL. 13748/2025 (Exemption)

1. Allowed, subject to all just exceptions.

2. Application stands disposed of.

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3. The petitioner has filed the present petition, seeking directions for the respondents to take necessary steps to ensure compliance with the directions issued by the Supreme Court of India and this Court regarding live streaming and video recording of court proceedings.

4. It is submitted that the Supreme Court in Swapnil Tripathi vs. Supreme Court of India (W.P. (C) No. 1232 of 2018, AIR 2018 SC 4806) emphasized that access to justice is an essential component of Article 21 of the Constitution. The Court held that the concept of justice at the doorstep would be meaningful only if the public is allowed to witness court proceedings, particularly in matters impacting the public at large.

5. Following this, the e-committee of the Supreme Court formulated Model Rules for Live Streaming and Recording of Court Proceedings, stating that greater transparency and accessibility to justice require courts to set up infrastructure for live-streaming and archiving proceedings. It is submitted that the model rules apply to High Courts and subordinate courts under their supervisory jurisdiction.

6. Subsequently, the Hon'ble Delhi High Court, through its Notification No. 02/RULES/DHC dated 13.01.2023 (corrected by Corrigendum No. 180/RULES/DHC dated 03.11.2023), provided detailed guidelines regarding archival, access, and retention of recorded proceedings. As per Rule 7 of this notification, court recordings must be archived, and access to them must be granted under prescribed procedures.

7. The petitioner contends that the said notification of the Delhi High Court has not been effectively implemented.

8. The petitioner had filed an application under Section 151 CPC, 1908 in CS OS 381/2016 (Badri Bhagat Jhandewala Temple Society vs. Smt. Harpyari), seeking preservation of court proceedings dated 03.09.2024. However, the application was dismissed on the ground that Delhi High Court Rules for Video Conferencing (2021) do not mandate automatic recording of proceedings. The Court observed that recording occurs only upon a specific application filed prior to the proceedings, which was not done in this case.

9. Subsequently, the petitioner filed I.A. No. 41702/2024 in CS OS 381/2016, seeking recording of proceedings dated 09.10.2024, which is currently pending adjudication before this Court.

10. Further, the petitioner filed an RTI application dated 21.10.2024 seeking information regarding the implementation of live-streaming and video recording rules. The response dated 06.11.2024 confirmed that no archival data or recordings of court proceedings exist, and that live-streaming is limited to Court No. 1 as per the directions of the Hon'ble Court.

11. The petitioner submits that the lack of video recording and live-streaming of proceedings has allowed the plaintiff in CS OS 381/2016 to mislead the Court and obtain favourable orders based on false submissions.

12. It is further submitted by the petitioner that an Unstarred Question No. 1232 was raised in the Rajya Sabha to the Ministry of Law and Justice, Government of India, Department of Justice, seeking details on the implementation of live-streaming directions and allocation of funds for setting up necessary infrastructure.

13. The Ministry responded on 05.12.2024, stating that the Supreme Court had not issued specific directions to the Government of India regarding live-streaming. However, the Model Rules for Live Streaming and Recording of Court Proceedings had been circulated to all High Courts. The Ministry further disclosed that 112.26 crores had been earmarked under eCourts Project Phase-III for the establishment of Courtroom Live Audio-visual Streaming System (CLASS).

14. It is submitted that despite the allocation of funds no comprehensive infrastructure has been implemented across all Courts.

15. Hence the petitioner has now approached this Court, inter alia, praying as under -

"Pass an order(s) under Article 226 r/w section 227 of the Constitution of India for issuance of writ in the nature of mandamus and/or any other appropriate writ/order/direction of like nature thereby commanding the respondent to take immediate and requisite steps in pursuance of the directions laid down by the Hon'ble Supreme Court of India and notification issued by the Hon'ble Delhi High Court (CORRECTED AS PER CORRIGENDUM NO. 180/RULES/DHC DATED 03.11.2023) High Court Of Delhi: New Delhi Notification NO.02/RULES/DHC DATED:

(13.01.2023) Published By Government Of India Delhi Gazette Regd. NO. D.L.-33002/99, SG-DL-E-14012023-241984,"

16. During the course of the proceedings, learned counsel for the respondents drew the attention of this Court to the order dated 20.08.2024, passed by this Court in C.A. Rakesh Kumar Gupta v. Delhi High Court Through Registrar General, W.P. (C) 3926/2024. The relevant portion of the said order is reproduced below -

"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."

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."

17. As rightly observed in C.A. Rakesh Kumar Gupta (supra), this Court, on the administrative side has been actively engaged in addressing the logistical and infrastructural challenges associated with the initiative to introduce / expand live streaming of Court proceedings. However, it has also been recognized that there are infrastructural challenges associated with expanding this initiative. Also, importantly, the initiation / expansion of live streaming must be preceded by adequate preparation so as to ensure that the quality and security of judicial proceedings is not compromised. This is particularly in the light of recent concerns arising on account of misuse of live stream videos by content creators on social media. As such, it is imperative that necessary practical assessments are made and safeguards are introduced. As noticed in C.A. Rakesh Kumar Gupta (supra), the technical committees of this Court are actively engaged in the said exercise. It has also been rightly noted that imposing rigid timelines without regard to technical challenges and resource allocation would not be prudent.

18. Issuance of any omnibus directions (as sought by the petitioner), regardless of the technical issues and the safeguards that are required to be put in place, could have unintended consequences, potentially undermining the quality, confidentiality, and security of judicial processes.

19. In the circumstances, this Court is not inclined to grant the prayer sought in the present petition. The present petition is accordingly dismissed.

SACHIN DATTA, J MARCH 28, 2025/sv