

**IN THE HIGH COURT OF JHARKHAND AT RANCHI  
(Civil Writ Jurisdiction)**

**Writ Petition (PIL) No. \_\_\_\_\_ of 2020**

Dilip Kumar ..... PETITIONER

Versus

High Court of Jharkhand & Ors ..... RESPONDENTS

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Subject: Live-streaming of Open Court proceedings of Hon'ble High Court of Jharkhand.

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Filed By:

*Sd/--*

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Law Student & Ex-  
Defence Personnel

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**SYNOPSIS AND LIST OF DATES**

- Prayer(s):** (i) Issue a writ, order or direction declaring that Open Court proceedings of the High Court of Jharkhand shall be live streamed in a manner that it is easily accessible to general public at large for its audio-video viewing.
- (ii) Issue a writ of mandamus or direction, directing the Respondent No.1 representing Chief Justice and Judges of the High Court of Jharkhand to frame Rules for enabling the live streaming of Open Court proceedings of the High Court of Jharkhand and place such Rules before the full court/Rule committee for its approval under Art.225 of the Constitution.
- (iii) Issue a writ of mandamus or direction, directing the Respondent No.1 representing Chief Justice and Judges of the High Court of Jharkhand to take all necessary actions required to live stream the Open Court proceedings of the High Court of Jharkhand.
- (iv) Issue a writ of mandamus to Respondent No.2, 3 & 4 to make available all the necessary infrastructure required to live stream and/or audio-video record the Open Court proceedings of the High Court of Jharkhand.

Since, in the pre covid-19 period, Open Court proceedings of the Hon'ble High Court of Jharkhand was not easily accessible to the general public at large due to limited seating capacity of the Court-rooms and, thereafter furthermore, during this present Covid-19 pandemic period the virtual mode of said Open Court proceedings is no more accessible to the general public at large including litigants, media-personnel and law-students etc. **Hence, this Public Interest Litigation.**

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**(Civil Writ Jurisdiction)**

**W.P. (PIL) No. \_\_\_\_\_ of 2020**

In the matter of;

An application under Article 226 of the  
Constitution of India;

And

In the matter of;

- 1.** Dilip Kumar@Dilip Kumar Dangi, [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] Jharkhand, Pin-[REDACTED] ..... **PETITIONER**

V E R S U S

- 1.** Hon'ble High Court of Jharkhand  
Through its Registrar General,  
P.O. & P.S.-Doranda, Ranchi-834 033
- 2.** The State of Jharkhand, Through its Secretary to  
Department of Law, At- 2<sup>nd</sup> Floor, Project Building, P.O.  
& P.S.-Dhurwa, District- Ranchi, Pin-834 004
- 3.** Department of Information Technology & E-Governance,  
Jharkhand, Through its Secretary, At-Project Building,  
P.O.& P.S.-Dhurwa, District-Ranchi, Pin-834 004
- 4.** Ministry of Information and Broadcasting  
Through the Dy. Director of Doordarshan Kendra, Ranchi  
At-Ratu Road, Indrapuri Colony, P.O. & P.S.-  
Sukhdeo Nagar, District- Ranchi, Pin-834 001
- 5.** The Bar Association Jharkhand High Court  
Through its Secretary General  
At- P.O. & P.S.-Doranda, Ranchi-834 033 ..... **RESPONDENTS**

**TO,**

**The Hon'ble Mr. Justice Dr. Ravi Ranjan, The Chief Justice of the High Court of Jharkhand at Ranchi and His other Companion Judges of the said Hon'ble Court;**

The humble petition on behalf of the petitioner above named;

**MOST RESPECTFULLY SHEWETH :-**

- 1.** That in the present petition, the petitioner prays for issuance of an appropriate writ(s)/ order(s)/ direction(s) for following relief(s):-
  - (i) Issue a writ, order or direction declaring that Open Court proceedings of the High Court of Jharkhand shall be live streamed in a manner that it is easily accessible to general public at large for its audio-video viewing.
  - (ii) Issue a writ of mandamus or direction, directing the Respondent No.1 representing Chief Justice and Judges of the High Court of Jharkhand to frame Rules for enabling the live streaming of Open Court proceedings of the High Court of Jharkhand and place such Rules before the full court/Rule committee for its approval under Art.225 of the Constitution.
  - (iii) Issue a writ of mandamus or direction, directing the Respondent No.1 representing Chief Justice and Judges of the High Court of Jharkhand to take all necessary actions required to live stream the Open Court proceedings of the High Court of Jharkhand.
  - (iv) Issue a writ of mandamus to Respondent No.2, 3 & 4 to make available all the necessary infrastructure required to live stream and/or audio-video record the Open Court proceedings of the High Court of Jharkhand.
  - (v) Pass any other appropriate writ(s) or direction(s) or order(s) as Your Lordships may deem fit and proper in view of the facts and circumstances of the case.

2. That the Writ Petition has been filed on the following grounds:-

**Synopsis of Grounds**

| Sl.No. | Grounds  | Pg.No. |
|--------|--|--------|
| (i)    | For that right to seek and receive information including audio-video live streaming of the Open Court proceedings of the High Court of Jharkhand is a fundamental right guaranteed under Art. 19(1)(a) of the Constitution.  |        |
| (ii)   | For that Access to justice is a fundamental right guaranteed under Article.21 of the Constitution.   |        |
| (iii)  | For that, in view of the fact that, even Contempt of Courts Act, 1971 permits the fair and accurate reporting of Open Court proceedings, as such, the concept of "Open Court" equally includes the "virtual access" to court-proceedings rather just limiting it up to the "physical access" to Courtroom.                     |        |
| (iv)   | For that the element of sovereignty in judicial functions of the State mandates that administration of such sovereign judicial functions must be witnessed by the general public at large rather being just confined to the four-walls of the Court-room.  |        |
| (V)    | For that in consonance with the underlying principle of the sovereign functions of the State, the other co-equal organs of State are already live streaming their sovereign legislative functions, as such, there is no scope for the judiciary to lack behind in terms of live streaming of its sovereign judicial functions. |        |
| (vi)   | For that being a Court of record it is imperative that the public-record of its sovereign judicial function is created word-by-word in similar manner as it is created by the other co-equal organs of the State e.g. Parliament and State legislatures.   |        |

|        |   |  |
|--------|---|--|
| (vii)  | For that the law declared by the Hon'ble High Court by virtue of its constitutional position and more so specifically under Art.227 being binding upon the entire territory of the State, as such, having impact upon the every individual of the State.  |  |
| (viii) | For that, since, legal profession is truly not a profession like other professions of medical, engineering etc. but rather it is a sovereign judicial function, as such, the sea of its knowledge and wisdom as it is reflected through its judicial proceedings shouldn't be kept confined to the Courtroom but it should be openly allowed to be disseminated to public at large for equally spreading the education and awareness among the common public, students, junior lawyers etc. |  |
| (ix)   | For that in Swapnil Tripathi Vs Supreme Court of India, [(2018) 10 SCC 628] Hon'ble Supreme Court has commended the Hon'ble High Courts to consider the adoption of live-streaming both in the High Courts and in the district judiciaries.   |  |
| (X)    | For that Hon'ble High Court of Gujarat has already started live streaming of its Court proceedings on YouTube on the experimental basis and further Committee has also been constituted to work out the modalities and framing the Rules for said live-streaming of Court proceedings.  |  |

**(i) For that right to seek and receive information including audio-video live streaming of the Open Court proceedings of the High Court of Jharkhand is a fundamental right guaranteed under Art. 19(1)(a) of the Constitution:-** Hon'ble Supreme Court in the case of The Secretary, Ministry of Information and Broadcasting, GOI & Ors. Vs Cricket Association of Bengal & Ors. (1995) 2 SCC 161 held that:

“...the right to freedom of speech and expression also includes the right to educate, to inform and to entertain and also the right to be educated, informed and entertained.”

Further, in the same judgement it has been held as:-

“The freedom of speech and expression is a right given to every citizen of this country and not merely to a few. No one can exercise his right of speech in such a manner as to violate another man's right of speech. One man's right to speak ends where the other man's right to speak begins. Indeed, it may be the duty of the State to ensure that this right is available to all in equal measure and that it is not hijacked by a few to the detriment of the rest. This obligation flows from the preamble to our Constitution, which seeks to secure to all its citizens liberty of thought, expression, belief and worship. State being a product of the Constitution is as much committed to this goal as any citizen of this country. Indeed, this obligation also flows from the injunction in [Article 14](#) that "the State shall not deny to any person equality before the law" and the direction in [Article 38\(2\)](#) to the effect: "the State, shall, in particular - endeavour to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people..... Under our Constitutional scheme, the State is not merely under an obligation to respect the fundamental rights guaranteed by Part-III but under an equal obligation to ensure conditions in which those rights can be meaningfully and effectively enjoyed by one and all”

**(ii) For that Access to justice is a fundamental right guaranteed under Article.21 of the Constitution:-** In this context, in Anita Kushwaha Vs Pushap Sudan (2016) 8 SCC 509 Hon'ble Supreme Court has held as:

“access to justice is and has been recognised as a part and parcel of right to life in India and in all civilised societies around the globe. The right is so basic and inalienable that no system of governance can possibly ignore its significance, leave alone afford to deny the same to its citizens. The Magna Carta, the Universal Declaration of Human Rights, the International

Covenant on Civil and Political Rights, 1966, the ancient Roman jurisprudential maxim ubi jus ibi remedium, the development of fundamental principles of common law by judicial pronouncements of the courts over centuries past have all contributed to the acceptance of access to justice as a basic and inalienable human right which all civilised societies and systems recognise and enforce”.

Further, in the case of Swapnil Tripathi Vs Supreme Court of India, [(2018) 10 SCC 628], Hon’ble Supreme Court held as:

“2. Indeed, the right of access to justice flowing from Article 21 of the Constitution or be it the concept of justice at the doorstep, would be meaningful only if the public gets access to the proceedings as it would unfold before the Courts and in particular, opportunity to witness live proceedings in respect of matters having an impact on the public at large or on section of people. This would educate them about the issues which come up for consideration before the Court on real time basis.”

“23. Live-streaming of proceedings is crucial to the dissemination of knowledge about judicial proceedings and granting full access to justice to the litigant. **Access to justice can never be complete without the litigant being able to see, hear and understand the course of proceedings first hand**”

[Emphasis added]

**(iii) For that, in view of the fact that, even Contempt of Courts Act, 1971 permits the fair and accurate reporting of Open Court proceedings, as such, the concept of “Open Court” equally includes the “virtual access” to court-proceedings rather just limiting it up to the “physical access” to Courtroom:-** That the different facets of “Open Court” proceedings could be truly understood through the following judicial pronouncements by the Hon’ble Supreme Court.



(A) In *Shahabuddin Vs State of Bihar & Ors.* (2010) 4 SCC 653 it was held as:

“.....In my considered view an `open court' is a court to which general public has a right to be admitted and access to the court is granted to all the persons desirous of entering the court to observe the conduct of the judicial proceedings.”

(B) In *Naresh Shridhar Mirajkar and Ors. Vs State of Maharashtra and Anr.*, AIR 1967 SC 1 Hon'ble Supreme Court held that:

“A Court of justice is a public forum. It is through publicity that the citizens are convinced that the Court renders evenhanded justice, and it is, therefore, necessary that the trial should be open to the public and there should be no restraint on the publication of the report of the Court proceedings. The publicity generates public confidence in the administration of justice. .... Hegel in his *Philosophy of Right* maintained that judicial proceedings must be public, since the **aim of the Court is justice, which is a universal belonging to all.**”

[Emphasis added]

(C) Again, in *Swapnil Tripathi Vs Supreme Court of India*, (*Supra*), Hon'ble Supreme Court held as:

“**6. Indisputably, open trials and access to the public during hearing of cases before the Court is an accepted proposition.** As regards the pronouncement of judgments by the Supreme Court, there is an express stipulation in [Article 145\(4\)](#) of the Constitution that such pronouncements shall be made in open Court. Indeed, no such express provision is found in the Constitution regarding “open Court hearing” before the Supreme Court, but that can be traced to provisions such as [Section 327](#) of the Code of Criminal Procedure, 1973 ([CrPC](#)) and Section 153-B of the Code of Civil Procedure, 1908 (CPC) which read thus.....”

"12. As aforesaid, Courts in India are ordinarily open to all members of public, who are interested in witnessing the court proceedings. However, due to logistical issues and infrastructural restrictions in courts, they may be denied the opportunity to witness live Court proceedings in propria persona. To consummate their aspirations, use of technology to relay or publicize the live court proceedings can be a way forward. By providing "virtual" access of live court proceedings to one and all, it will effectuate the right of access to justice or right to open justice and public trial, right to know the developments of law and including the right of justice at the doorstep of the litigants. **Open justice, after all, can be more than just a physical access to the courtroom rather, it is doable even "virtually" in the form of live streaming of court proceedings and have the same effect.**"

"13.....We are conscious of the fact that in terms of [Section 327](#) of CrPC and Section 153-B of CPC, only court-directed matters can be heard in camera and the general public can be denied access to or to remain in the court building used by the Court. Until such direction is issued by the Court, the hearing of the case is deemed to be an open court to which the public generally may have access. **The access to the hearing by the general public, however, would be limited to the size and capacity of the court room. By virtue of live streaming of court proceedings, it would go public beyond the four walls of the court room.....**"

"C.7 Virtual reality as an extension of the open court

The time has come for this Court to take a step further in adopting technology and to enable live-streaming of its proceedings. **Live-streaming of courtroom proceedings is an extension of the principle of open courts.** Live-streaming will have the ability to reach a wide number of audiences with the touch of a button.

[Emphasis added]

9

**(iv) For that the element of sovereignty in judicial functions of the State mandates that administration of such sovereign judicial functions must be witnessed by the general public at large rather being just confined to the four-walls of the Court-room:-** On this aspect, Hon'ble Supreme Court held as follows in Swapnil Tripathi Vs Supreme Court of India, (*Supra*).

“5. Legal scholars indicate that the principle of open justice encompasses several aspects that are central to the fair administration of justice and the rule of law.<sup>8</sup> It has both procedural and substantive dimensions, which are equally important. Open justice comprises of several precepts:

- (i) The entitlement of an interested person to attend court as a spectator;
- (ii) The promotion of full, fair and accurate reporting of court proceedings;**
- (iii) The duty of judges to give reasoned decisions; and
- (iv) Public access to judgments of courts.

The principle of an open court is a significant procedural dimension of the broader concept of open justice. Open courts allow the public to view courtroom proceedings. Black's Law Dictionary defines an “open court” as follows:

“... a court to which the public have a right to be admitted... This term may mean either a court which has been formally convened and declared open for the transaction of its proper judicial business, or a court which is freely open to spectators...”

The idea of open courts is crucial to maintaining public confidence in the administration of justice:

“The public must be able to enter any court to see that justice is being done in that court, by a tribunal conscientiously doing its best to do justice according to law.”

Open courts ensure a check on the process of adjudication in judicial proceedings. Bentham regarded publicity about courtroom proceedings as a mechanism to prevent improbity of judges:

“Publicity is the very soul of justice. It is the keenest spur to exertion, and the surest of all guards against improbity. It keeps the judge himself, while trying, under trial.

..... It is through publicity alone that justice becomes the mother of security. By publicity, the temple of justice is converted into a school of the first order.....”

“9. Various judgments of this Court have reinforced the importance of open courts.

The earliest and most significant judgment on this aspect is the decision of a nine-judge Bench in **Naresh Shridhar Mirajkar v State of Maharashtra** (“Mirajkar”). While upholding an oral order of the High Court prohibiting the media to publish the evidence of a witness in a defamation suit, the majority emphasised the importance of open courts. Chief Justice Gajendragadkar, speaking for the majority observed:

“20... It is well settled that in general, all cases brought before the courts, whether civil, criminal, or others, must be heard in open court. Public trial in open court is undoubtedly essential for the healthy, objective and fair administration of justice. Trial held subject to the public scrutiny and gaze naturally acts as a check against judicial caprice or vagaries, and serves as a powerful instrument for creating confidence of the public in the fairness, objectivity, and impartiality of the administration of justice. Public confidence in the administration of justice is of such great significance that there can be no two opinions on the broad proposition that in discharging their functions as judicial tribunals, courts must generally hear causes in open and must permit the public admission to the court-room.”

Justice Gajendragadkar then quoted from Bentham (as noted in **Scott v Scott**):

“20... In the darkness of secrecy sinister interest, and evil in every shape, have full swing. Only in proportion as publicity has place can any of the checks applicable to judicial injustice operate. Where there is no publicity there is no justice. Publicity is the very soul of justice. It is the keenest spur

to exertion, and surest of all guards against improbity. It keeps the Judge himself while trying under trial (in the sense that) the security of securities is publicity.”

Even in his dissenting opinion, Justice Hidayatullah (as the learned judge then was) agreed with the majority on the importance of an open court system:

“90. ...As we have fortunately inherited the English tradition of holding trials (with a few exceptions to which I shall refer later) in public, I shall begin with the English practice. It has always been the glory of the English system as opposed to the Continental, that all trials are held *ostiis apertis*, that is, with open doors. This principle is old... it is a direct guarantee of civil liberty and it moved Bentham to say that it was the soul of Justice and that in proportion as publicity had place, the checks on judicial injustice could be found....”

“h. Above all, **sunlight is the best disinfectant.** Live-streaming as an extension of the principle of open courts will ensure that the interface between a court hearing with virtual reality will result in the dissemination of information in the widest possible sense, imparting transparency and accountability to the judicial process. “

[Emphasis added]

**(v) For that in consonance with the underlying principle of the sovereign functions of the State, the other co-equal organs of State are already live streaming their sovereign legislative functions, as such, there is no scope for the judiciary to lack behind in terms of live streaming of its sovereign judicial functions:-** Since, judiciary is constitutionally mandated to create check-and-balance among all the organs of the State, as such, instead of lacking behind, judiciary is to be role model for the other co-organs of the State to lay down an optimum level of public transparency and

accountability. Few relevant examples of such live-streaming by the other co-equal organs of the State are as follows:-

| SL.No | State organs              | Live Telecast                | Live Webcast  |
|-------|---------------------------|------------------------------|---|
| 1.    | Lok Sabha                 | Lok Sabha TV on DD           | <a href="https://webcast.gov.in/">https://webcast.gov.in/</a>                 |
| 2.    | Rajya Sabha               | Rajya Sabha TV on DD         | <a href="https://webcast.gov.in/">https://webcast.gov.in/</a>                 |
| 3.    | Jharkhand<br>Vidhan Sabha | -----                        | <a href="https://jhargov.tv/">https://jhargov.tv/</a>                         |
| 4.    | Bihar Vidhan<br>Sabha     | -----                        | <a href="https://webcast.gov.in/biharvs/">https://webcast.gov.in/biharvs/</a> |
| 5.    | UP Vidhan<br>Sabha        | Doordarshan Uttar<br>Pradesh | -----   |

**(vi) For that being a Court of record it is imperative that the public-record of its sovereign judicial function is created word-by-word in similar manner as it is created by the other co-equal organs of the State e.g.**

**Parliament and State legislatures:-** Since, Hon'ble High court by virtue of being a Court of record inherently possesses the contempt jurisdiction, as such, until public record of its court-proceedings is created in the mechanical manner on the word-to-word basis, exercise of such contempt power won't be proper. In this regard, in Swapnil Tripathi Vs Supreme Court of India, (*Supra*) Hon'ble Supreme Court has observed as:

“13. Publication of court proceedings of the Supreme Court is a facet of the status of this Court as a Court of Record by virtue of Article 129 of the Constitution, whose acts and proceedings are enrolled for perpetual memory and testimony. Further, live streaming of court proceedings in the prescribed digital format would be an affirmation of the constitutional rights bestowed upon the public and the litigants in particular. ....”

**(vii) For that the law declared by the Hon'ble High Court by virtue of its constitutional position and more so specifically under Art.227 being binding upon the entire territory of the State, as such, having impact upon the every individual of the State.** In this regard, in the case of Olga Tellis Vs Bombay Municipal Corpn.,(1985) 3 SCC 545 Constitution Bench has held as:

“.....justice must not only be done but must manifestly be seen to be done... The appearance of injustice is the denial of justice. It is the dialogue with the person likely to be affected by the proposed action which meets the requirement that justice must also be seen to be done...

.....Whatever its outcome, such a hearing represents a valued human interaction in which the affected person experiences at least the satisfaction of participating in the decision that vitally concerns her, and perhaps the separate satisfaction of receiving an explanation of why the decision is being made in a certain way. Both the right to be heard from, and the right to be told why, are analytically distinct from the right to secure a different outcome; these rights to interchange express the elementary idea that to be a *person*, rather than a *thing*, is at least to be consulted about what is done with one. Justice Frankfurter captured part of this sense of procedural justice when he wrote that the “validity and moral authority of a conclusion largely depend on the mode by which it was reached...No better instrument has been devised for arriving at truth than to give a person in jeopardy of serious loss notice of the case against him and opportunity to meet it. Nor has a better way been found for generating the feeling, so important to a popular government, that justice has been done.”

Further, in the case of Swapnil Tripathi Vs Supreme Court of India, (*Supra*) Hon'ble Supreme Court has held as:

“3. As no person can be heard to plead ignorance of law, there is corresponding obligation on the State to spread awareness about the law and the developments thereof including the evolution of the law which may happen in the process of adjudication of cases before this Court. The right to know and receive information, it is by now well settled, is a facet of [Article 19\(1\)\(a\)](#) of the Constitution and for which reason the public is entitled to witness Court proceedings involving issues having an impact on the public at large or a section of the public, as the case may be. ....”

**(viii) For that, since, legal profession is truly not a profession like other professions of medical, engineering etc. but rather it is a sovereign judicial function, as such, the sea of its knowledge and wisdom as it is reflected through its judicial proceedings shouldn't be kept confined to the Courtroom but it should be openly allowed to be disseminated to public at large for equally spreading the education and awareness among the common public, students, junior lawyers etc.:-** In *Life Insurance Corporation of India v. Professor Manubhai D Shah*, (1992) 3 SCC 637, Hon'ble Supreme Court has dwelt on in the following terms about the significance of disseminating information in a democracy.

“8. ....The print media, the radio and the tiny screen play the role of public educators, so vital to the growth of a healthy democracy.....

.....It cannot be gainsaid that modern communication mediums advance public interest by informing the public of the events and developments that have taken place and thereby educating the voters, a role considered significant for the vibrant functioning of a democracy. Therefore, in any set-up, more so in a democratic set-up like ours, dissemination of news and views for popular consumption is a must and



any attempt to deny the same must be frowned upon unless it falls within the mischief of Article 19(2) of the Constitution...”

Further, in the case of Swapnil Tripathi Vs Supreme Court of India, (*Supra*) Hon’ble Supreme Court has held as:

“8. Indubitably, live streaming of Court proceedings has the potential of throwing up an option to the public to witness live court proceedings which they otherwise could not have due to logistical issues and infrastructural restrictions of Courts; and would also provide them with a more direct sense of what has transpired. Thus, technological solutions can be a tool to facilitate actualization of the right of access to justice bestowed on all and the litigants in particular, to provide them virtual entry in the Court precincts and more particularly in Court rooms. In the process, a large segment of persons, be it entrants in the legal profession, journalists, civil society activists, academicians or students of law will be able to view live proceedings in *propria persona* on real time basis.....”

“d. Viewing court proceedings will also serve an educational purpose. Law students will be able to observe and learn from the interactions between the Bar and the Bench. The archives will constitute a rich source for aspiring advocates and academicians to study legal advocacy procedures, interpretation of the law, and oratory skills, among other things. It will further promote research into the institutional functioning of the courts. Live-streaming and broadcasting will also increase the reach of the courts as it can penetrate to every part of the country;

**(ix) For that in Swapnil Tripathi Vs Supreme Court of India, (*Supra*) Hon’ble Supreme Court has commended the Hon’ble High Courts to consider the adoption of live-streaming both in the High Courts and in the district judiciaries:-** The relevant Paras. of said judgement are reproduced herein under.

“22. The need for live-streaming of proceedings applies with equal and, in some respects, greater force to proceedings of cases in the district judiciary and the High Courts. The pattern of litigation in our country resembles a pyramid. The courts within the district judiciary represent the large base of the pyramid where citizens have the greatest interface. It is to the Courts comprised in the district judiciary that citizens turn as a point of first access for remedying injustice. At the tip of the pyramid is the jurisdiction of this Court. In terms of volume, the largest amount of litigation emanates in the district judiciary, followed by the High Courts. The engagement of the district judiciary in resolving injustices faced by citizens requires that every citizen should have full access to and knowledge about the proceedings before those courts. **Equally, the principle of an open court which has been espoused in this judgment would merit that proceedings before the High Courts should also be live-streamed.**

“24. For lawyers and judges familiar with the cocoon of a physical court room, live-streaming would require attitudinal changes. They include the maintenance of order and sequencing of oral arguments. Judges in charge of their courts would have to devote attention to case management. But these demands are necessary incidents of the challenges of our time. Slow as we have been to adapt to the complexities of our age, it is nonetheless necessary for the judiciary to move apace with technology. By embracing technology, we would only promote a greater degree of confidence in the judicial process. **Hence, the Chief Justices of the High Courts should be commended to consider the adoption of live-streaming both in the High Courts and in the district judiciaries** in phases, commensurate with available resources and technical support. **The High Courts would have to determine the modalities for doing so by framing appropriate rules.**

[Emphasis added]

**(X) For that Hon'ble High Court of Gujarat has already started live streaming of its Court proceedings on YouTube on the experimental basis and further Committee has also been constituted to work out the modalities and framing the Rules for said live-streaming of Court proceedings.**

3. That Petitioner is an Ex-Defence Personnel. At present, Petitioner is a 5<sup>th</sup> year law-student as having being stuck-up in final year since last two years due to Covid-19. In addition to it, with permission of Ld. Sessions Court, Petitioner is acting as a Defence-Pleader in S.T.No. [REDACTED] u/s 304 IPC [being cross-case of S.T.No. [REDACTED] (C.C.No. [REDACTED])]. Petitioner's Bank A/C No. is [REDACTED] PAN No. is [REDACTED] and Aadhar No. is [REDACTED]. The petitioner has no personal interest, direct or indirect, in the subject matter of this PIL and he is filing this W.P. for the welfare and benefit of public at large. There is no civil, criminal, revenue or any litigation involving the Petitioner, which has or could have any legal nexus with the issues involved in this PIL.
4. That Petitioner humbly states and submits that judiciary being one of the organs of State discharges the sovereign judicial function of the State through the different strata of Courts i.e. District Court, High Court & Supreme Court.
5. That Petitioner states that in the pre Covid-19 period the judicial proceedings of the Hon'ble High Court of Jharkhand has been conducted in the "Open Court" but still public at large used to had limited access to such Open Court proceedings due to limited sitting capacity in the Court-rooms.

6. That Petitioner states that with the spread of COVID-19 pandemic Hon'ble High Court of Jharkhand stopped the physical mode of case-hearing and shifted to virtual mode of hearing.
7. The Petitioner respectfully submits that e-filing and virtual hearing are welcome steps in the furtherance of digitization of courts. However, the present set-up of virtual hearing is inaccessible to public at large including litigants, media-personnel and law students etc. which is not in consonance with the concept of Open Court proceedings.
8. That Petitioner submits that access to justice is guaranteed under Article 21 of the Constitution. Likewise, real-time right to information as to the Open Court proceedings of Hon'ble High Court of Jharkhand is guaranteed under Article 19(1)(a) of the Constitution.
9. That Petitioner further submits that the concept of "Open Court" also includes the "virtual access" and said concept of "Open Court" couldn't be kept limited just to the "physical access" to the Courts.
10. That *inter alia* acknowledging the aforesaid fundamental rights under Art.19(1)(a), Art.21 and concept of "Open Court", in Swapnil Tripathi Vs Supreme Court of India, (*Supra*) Hon'ble Supreme Court has already *in-principle* allowed the live-streaming of Supreme Court proceedings.
11. That in the aforesaid judgement Hon'ble Supreme Court has also commended the Hon'ble High Courts to consider the adoption of live-streaming both in the High Court and in the district courts and accordingly determine the modalities for doing so by framing appropriate rules.

- 12.** That the petitioner is the citizen of India and is residing within the territorial jurisdiction of this Hon'ble Court and his cause of action has arisen within the territorial jurisdiction of this Hon'ble Court.
- 13.** That the petitioner has never moved before this Hon'ble Court or any other Court for the same relief as prayed in this Public Interest Litigation.
- 14.** That there is no other speedy & efficacious remedy before the petitioner but to move this Hon'ble Court in its extraordinary writ jurisdiction.
- 15.** Prayer(s)
- (i)** Rule be issued.
  - (ii)** Issue a writ, order or direction declaring that Open Court proceedings of the High Court of Jharkhand shall be live streamed in a manner that it is easily accessible to general public at large for its audio-video viewing.
  - (iii)** Issue a writ of mandamus or direction, directing the Respondent No.1 representing Chief Justice and Judges of the High Court of Jharkhand to frame Rules for enabling the live streaming of Open Court proceedings of the High Court of Jharkhand and place such Rules before the full court/Rule committee for its approval under Art.225 of the Constitution.
  - (iv)** Issue a writ of mandamus or direction, directing the Respondent No.1 representing Chief Justice and Judges of the High Court of Jharkhand to take all necessary actions required to live stream the Open Court proceedings of the High Court of Jharkhand.
  - (v)** Issue a writ of mandamus to Respondent No.2, 3 & 4 to make available all the necessary infrastructure required to live stream and/or audio-video record the Open Court proceedings of the High Court of Jharkhand.

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**(vi)** Pass any other appropriate writ(s) or direction(s) or order(s) as Your Lordships may deem fit and proper in view of the facts and circumstances of the case.

AND FOR THIS ACT OF KINDNESS, THE PETITIONER AS IN DUTY BOUND, SHALL FOR EVER PRAY.

Filed by:

*Sd/--*

(Dilip Kumar)  
Law Student & Ex-  
Defence Personnel