

Friday 11 June, 2021

To,

Chairman

E- Committee,

Supreme Court of India,

New Delhi

Subject:- Suggestions in relation to rules on live-streaming and recording of court proceedings.

1. This is in relation to the abovementioned matter. In terms of the Notification dated 7th June 2021 the E- Committee has published Rules on Live- Streaming and Recording of Court Proceedings, in terms whereof the E- Committee has invited suggestions and inputs from all stakeholders on or before 30 June, 2021.

2. After perusal of the Entire Rules, the undersigned with due respect wants to bring the attention of E- Committee towards the concerns of people with disabilities. It is pertinent to emphasize that law researchers, Court staff, litigants, academicians, and media personnel, who have found a mention in the **Rules On Live-Streaming and Recording of Court**

Proceedings could all be people with disabilities and might be viewing the live streaming of court procedure within dedicated rooms created in court premises or outside.

3. The Right of Persons with Disabilities Act 2016 (RPWD ACT) was enforced on 28th December 2020, to give effect to the Convention on the Rights of Persons with Disabilities 2006 which was adopted by United Nation General Assembly. India is a signatory to the above-mentioned convention and ratified the same on 1st October 2007. In view of that the advent of RPWD Act mandates the implementation of the convention.

4. The convention lays down the following principles which are incorporated in RPWD Act 2016:-

A. Non- Discrimination

B. Full & Effective Participation and inclusion in Society.

C. Equality of opportunity

D. Accessibility

5. SUGGESTIONS:-

S.N.	Para Nos of Rules	Observations & Suggestions, inputs
1.	<p>1. Definitions: xii. 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 as permitted under these Rules.</p> <p>7. Storage and Access</p> <p>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.</p> <p>10. Transcription and Access: - 10.3. Recordings that are uploaded will be made accessible for differently-abled persons.</p>	<p>In view of Definition 1(XII) Live-stream/ Live-streamed/ Live-streaming can be viewed by any person in real time. However para 7.2 & 10.3 suggest that the same will be available in accessible format for people with disabilities when the court decides to upload it which is under Court's discretion, Thus discriminating between a person with and without disabilities.</p> <p>The combined reading of Para 1 (XII) , 7.2 & 10.3 seems to suggest that live streaming will not be accessible and only recording that is uploaded will be accessible.</p>

2.	<p>1. Definitions: xii. 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 as permitted under these Rules.</p> <p>R/W</p> <p>11. Dedicated room(s) for live-streaming: - In order to decongest the court rooms, dedicated room(s) for viewing the Live-stream may be made available within the Court Premises. Access shall be given to law researchers, staff, litigants, academicians, and media personnel authorized to enter the Court Premises upon receipt of necessary permissions/approvals. Appropriate arrangements shall be made to enable viewing of Live-streams from multiple Benches within this/these room(s). Special arrangements will be made for differently-abled persons.</p>	<p>It suggests that the Live-stream/ Live-streamed/ Live-streaming can be viewed not only in the room dedicated within the court premises but also by any person outside the court through the suggested mode.</p> <p>While Para 11 suggests that special arrangements will be made for differently abled persons within these rooms, an additional explanation/para is required that provides for the live streaming to be accessible to persons with disabilities outside the room also. The Para as it is written right now - is about providing access in the dedicated room however it does not ensure the live streaming to be accessible on its own independently. Thus, a para needs to be added which mentions that the Live streaming will be accompanied by Sign</p>
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		<p>Language Interpretation and close captioning.</p> <p>In addition to the above observation, what special arrangements will be made for people with disabilities has not been specified/explained in detail. A specific para which mentions that the room will be made accessible for people with Locomotor Disability, visual impairment, Hearing impairment, dwarfism and multiple disabilities.</p>
3	3. Requisitioning and Positioning of Human Resources	<p>A para is required which provides for recruitment of Sign language interpreters and technical experts for enabling close captioning along with any other experts who might be required for making the live streaming accessible for people with disabilities.</p>
4.	Definition	<p>Definition of communication should be incorporated in line with the definition of</p>

		<p>communication as given in RPWD Act which is as follows :-</p> <p>(f) “communication” includes means and formats of communication, languages, display of text, Braille, tactile communication, signs, large print, accessible multimedia, written, audio, video, visual displays, sign language, plain-language, human-reader, augmentative and alternative modes and accessible information and communication technology;</p>
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The rules on live-streaming and recording of court proceedings for Live streaming of Court Proceedings need to be viewed through the lens of the newly enacted RPWD Act which demands access of all kinds of communication for people with disabilities. Only in such a situation will the rules on live-streaming and recording of court proceedings fall in

line with the principles of Non- Discrimination, Full & Effective Participation and inclusion in Society, Equality of opportunity and Accessibility which have been laid down in the Rights of Persons with Disabilities Act.

Submitted by:-

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