

Court proceedings - Videography - Court proceedings in the High Court or any other Court subordinate thereto cannot be videotaped, photographed or telecast without taking prior written permission from the High Court. “ 8. That the Court halls have a sanctity and symbolize the divinity of justice it seeks to represent. The Court halls cannot be used for any purpose other than the holding of Court proceedings for dispensation of justice. The proceedings in the Court are held in open and the public in general can attend the proceedings unless otherwise directed. But nobody can be permitted to defile the same. The Court proceedings in the High Court or any Court subordinate thereto cannot be video taped, photographed or telecast without taking prior written permission from the High Court.” **Ramakrishna Gowda v. Chairman, Zee Television, New Delhi 2000 AIR (Karnataka) 276**

Usage of the phone for sending SMS, to attend an urgent call from family or friends or clients or to contact the client where it does not hamper the court proceedings and does not create disturbance was considered to be a question within the domain of the Judge to determine as to whether it would amount to contempt or not? “38. Therefore, carrying a mobile phone inside the court hall or keep it in a silent mode or the occasional alerts or looking at the short messages received through mobile phone or forwarding messages in reply without disturbing the court proceedings cannot be said to be an obstructing the course of administration of justice attracting criminal contempt proceedings. In fact, the technology so advanced that it is unthinkable that the counsel can be without the aid of mobile phone. The mobile phone provides multifarious services. Today one can get the cause list sent through SMS on a small fee paid to certain agencies. Software has been developed to have statutory enactments seen from a mobile phone. Counsel can keep in touch with his office or office staff or juniors. A counsel can also get messages from some other court regarding the progress of the case. At times, a message or SOS call from his family or friends or clients. The facilities available in a mobile phone for the counsel will also apply to clients who attend Courts. In Supreme Court from the Court halls, the Court masters contact the registry officials from the intercom even during the middle of court proceedings. Many a times, this court through the services of other side counsels or court masters sent messages to counsels, who are not present at the time of calling their cases and to avoid the cases to go for default. One can multiply the advantage of the facilities which come through advancement of technology. This was not to suggest that they are free to use mobile phone, lest it may hinder or hamper the court proceedings. Ultimately the Judge who conducts the proceedings in a particular court hall will be the ultimate authority to decide the disturbance if any caused due to ringing of mobile phones and if it was so intolerable that only a punishment for contempt alone was the way out. “ **K.Neelamegam v. Durgamoorthi, Revenue Divisional Officer 2011(13) RCR (Criminal) 627 (Madras)**

Ringling of alarm on the phone of an Advocate, when he immediately rushed outside the court shall not amount to contempt of court. Gujarat High Court in the case of *Suo Motu v. S.B. Vakil Advocate, High Court of Gujarat* ⁴ 2006(53) R.C.R (Civil) 55.

No person whether he is a member of a press or otherwise or any other member

of the public who is entitled to take photograph of the proceedings of the Court including subordinate Courts without the permission of the High Court. If any person takes photograph violating the above procedure that will amount to Contempt of Court.

15. In the light of the above facts, we are of the view that the action on the part of the fifth respondent in taking photograph of the proceedings in the Court is improper. It is made clear that no person whether he is a member of a Press or otherwise or any member of the public is entitled to take photographs of the proceedings of a Court including subordinate Courts without the permission of the High Court. If any person takes photographs violating the above procedure, that will amount to contempt of Court. So far as the facts of this case are concerned, we are satisfied that the fifth respondent was not aware of the prohibition in taking photograph. Further, he says that he took photograph from the Court hall and nobody prevented him from taking the photograph. The proceedings reported are with regard to the framing of charges against the accused and we are of the view that the publication of the photograph has not in any way interfered with or prejudiced the proceedings in the Court. Taking all these facts into consideration, we are of the view that it is not necessary to proceed further with the matter. As observed by Lord Denning M.R. in R. v. Commissioner of Police of the Metropolis, Ex. parte Blackburn, 1968(2) A.E.R. 319, "It is a jurisdiction which undoubtedly belongs to us but which we will most sparingly exercise." In Pratap Singh v. Gurbaksh Singh, AIR 1962 Supreme Court 1172, it is observed thus : "Even if the action of the officers be considered to be improper, that would not justify holding them guilty of contempt of Court when their action in no way prejudiced the trial of the suit. It is when the departmental action directly affects the course of the judicial proceeding that it can amount to interfering with the course of justice and consequently, to contempt of Court. If it does not do so, there can be no case of contempt of Court".

The Hon'ble Division Bench of Kerala High Court observed that a member of the public has no right to take photograph of the proceedings in a Court. The Court hall is a place of sanctity and the proceedings there are under the control of the Presiding Officer. A person may come and watch the proceeding. But further than that he has no right to take photograph or video tape of the proceedings. A reference to the decision in R.v. Gray, 1900 (2) Q.B.36, was made where it was so held:-

"The Court cannot authorise trials by newspapers and cannot endanger the rights of accused persons before the Courts. The power of the Courts to punish any publication calculated to obstruct and pervert the due course of justice and law is not restricted by the constitutional guarantee of liberty of the press, for liberty of the press is subordinate to the independence of the judiciary and the proper administration of justice.

It is the duty of the Courts to maintain the liberty of the press and the usefulness and efficiency of the Courts. A person has full liberty, for example, to twirl his walking stick in any way he pleases, but his liberty ends where his neighbour's nose begins. In the like manner, the liberty of the press ceases where a further exercise thereof would impede, embarrass or obstruct the Court in the discharge of its duties."

The Division Bench also made a reference of the decision in Leo Roy Frey v. R.Prasad, 1958

Crl.LJ 1225 where in C.J., Bhandari held as under:-

“The petitioner complains that the newspapers were not justified in taking or publishing the photographs of the car in which he and his companion happened to be travelling on that fateful day and that the publication of these photographs is likely to prejudice his trial in Court. A trial Court may forbid the taking or publication of photographs of a prisoner on trial and may punish a person for contempt when he takes or publishes photographs of a prisoner in the Court Room or when he is on his way to the Court room.

People cannot be allowed to take his photographs against his will when he is in custody and it is the duty of the Court to protect him against unauthorised invasions of his personal rights”.

Balakrishna Pillai v. Balachandran; 2001(1) R.C.R.(Criminal) 281