

## Live Streaming of Supreme Court Proceedings

### Why in news?

A full court meeting of Supreme Court has decided to live stream all proceedings of its Constitution Benches from September 27 onward, nearly 4 years after a plea was made in the interest of transparency.

### What is the history of the case?

- On August 26 2022, the Supreme Court streamed its proceedings live.
- In 2018, a three-judge Bench agreed to hear a public interest litigation seeking live streaming of judicial proceedings on matters of constitutional and national importance.
- **Need for live proceedings-** The petitioners cited the
  - Principle of transparency
  - Greater access to the justice system.
  - Bring discipline and improve how judges and lawyers conduct the proceedings
- **Recommendations of Attorney General of India**
  - The Attorney General (A-G) recommended introducing live streaming as a pilot project in Court No.1 (the CJI's court) and only in Constitution Bench cases.
  - The A-G cited de-congestion of courts and improving physical access to courts for litigants.

### What is the Supreme Court's view on the matter?

- The Supreme Court approved a set of guidelines suggested by the Attorney General which included
  - Allowing transcripts
  - Archiving the proceedings
- However, the court has the power to withhold broadcasting.
- **Exceptions-** Exception to live streaming is provided for cases involving
  - Matrimonial matters
  - Matters involving interests of juveniles or private life of young offenders
  - Matters of National security
  - To ensure that victims, witnesses or defendants can depose truthfully and without any fear
  - To protect confidential or sensitive information, including all matters relating to sexual assault and rape
  - Matters where publicity would be antithetical to the administration of justice
  - Cases that provoke sentiments and enmity among communities

*Currently, the Gujarat, Jharkhand, Karnataka, Madhya Pradesh, Orissa, and Patna High Courts live stream their proceedings.*

## What about live proceeding in other countries?

- **USA**- While the US Supreme Court has rejected pleas for broadcast of its proceedings, it has allowed audio recording and transcripts of oral arguments.
- **Australia**- Live or delayed broadcasting is allowed but the practices and norms differ across courts.
- **Brazil**- Live video and audio broadcast of court proceedings, including the voting process undertaken by the judges in court, is allowed.
- **Canada**- Proceedings are broadcast live, accompanied by explanations of each case and overall processes and powers of the court.
- **South Africa**- South Africa has allowed the media to broadcast court proceedings in criminal matters as an extension of the right to freedom of expression.
- **United Kingdom**- Proceedings are broadcast live with a one-minute delay on the court's website with certain exemptions.

## What are the concerns around live streaming?

- **Disinformation**- There are fears that irresponsible or motivated use of content could spread disinformation among the public.
- **Individual exposure**- Lessons from the Brazilian Supreme Court concluded that justices behave like politicians when given free television time, they act to maximize their individual exposure.
- **Enhances undesirable speech**- Live streaming has the potential to simultaneously suppress desirable speech and enhance undesirable speech within the courtroom.
- **No unpopular comments**- During hearings, judges may not ask questions or make comments that could be perceived as unpopular.
- **Gendered disruptions**- A study on the audio proceedings of the US Supreme Court showed that judicial interactions at oral argument are highly gendered, with women being interrupted at disproportionate rates.
- **Demonise the judges**- Most propaganda videos, often demonise the professional and are anonymous and avoid any accountability.
- **Propagate oral observations**- Live streaming may accentuate the trend of oral observations of the court rather than the final verdict.

## References

1. <https://indianexpress.com/article/explained/live-streaming-of-sc-proceedings-the-rationale-and-the-concerns-8164955/>
2. <https://indianexpress.com/article/explained/supreme-court-live-streaming-debate-proceedings-explained-8163990/>
3. <https://blog.ipleaders.in/need-know-public-interest-litigation-pil/>

## Quick facts

- **Full court meeting**- A full court meeting is attended by all judges of the court.

- **Public Interest Litigation-** PIL has not been defined in any Indian statute.
- A Public Interest Litigation is a form of litigation that is filed to safeguard or enforce public interest.
- Any individual or organisation can file a PIL either in own standing or on behalf of a section of society who is disadvantaged or oppressed and is not able to enforce their own rights.
- Suo moto cognizance may also be taken by the Court.
- PILs are extensions of writ jurisdiction that may be filed either under Article 32 or under Article 226 of the Indian Constitution.

