

General Studies-2; Topic: Functioning of the judiciary; Important aspects of governance, transparency and accountability,

Live Streaming of Supreme Court's Proceedings

1) Introduction

- A PIL was sought in the Supreme Court for live streaming and/or video recording of Supreme Court cases of national importance that impact the public at large.

2) Present Status

- Indian legal system is built on the concept of open courts, which means the proceedings are open to all members of the public.
- But in reality only a handful of people can be physically present and are allowed in the courtroom.

3) Need for Live Streaming

- Most citizens have no idea how some of the biggest decisions that impact them are taken.
- Judicial process plays a crucial role in our lives.
- Recent controversies surrounding the judiciary have fuelled interest in the common people for live streaming.
- Justice should not only be done, it should also be seen to be done.
- The possible manner to achieve this goal is to live stream the proceedings in important cases.
- International examples show that this exercise is not so difficult.
- Streaming of Parliamentary proceedings has generated awareness amongst the people about the work of their elected representatives, as well as enhanced transparency.
- Now technology is the game changer and India should utilise it to the maximum extent.

4) Merits

- It promotes transparency as live-streaming is allowed for both Lok Sabha and Rajya Sabha proceedings since 2004.
- Right to receive information under Article 19(1)(a) and the principle of open courts and access to justice as protected under Article 21.
- It educates common people on how the judiciary functions.
- We can avoid wrong projections of facts, or the menace of fake news or faulty reporting.
- The Indian legal system can deliver on its promise to empower the masses.
- It helps to build the right perception among the public.
- When people understand how the judiciary functions it gives them more power, it gives them the tools to protect their rights, it gives them more respect and confidence in the judiciary.
- It could be an important educational resource as well.
- It will empower and provide access to citizens who cannot personally come to the court due to socio-economic constraints.

5) Cases which can be Live streamed

- Matters of great public importance such as entry of women to the Sabarimala temple, or the constitutionality of the Aadhaar scheme, or the legality of Section 377 of IPC.
- The apex court may place restrictions in cases where there are countervailing interests of privacy as in family law cases, criminal law cases etc.

6) International Practice

- It is practiced in highest courts in UK, Canada, New Zealand, and Australia, as well as in some international courts, most notably in the International Court of Justice.

7) Arguments against Live Streaming

- The role of Judiciary cannot be equated to the role of executive and legislature.
- Judiciary is not accountable to the general public. They are accountable only to the rule of law and to the constitution.
- Live streaming will make judges subject to popular public opinion.
- The individuality of judges is likely to become a subject of public debate. Whereas the focus should be on judgement delivered and not on judges.
- The objectivity may be lost as the lawyers will now address not only judges but also the public.

8) Concerns / Challenges

- Constitutional debates are technical and ordinary citizens cannot be expected to understand the legal proceedings.
- The Canadian Supreme Court has got lesser workload, whereas in Indian Supreme court there are more than 55,000 pending cases.
- There is lot of pressure on Indian SC when compared to SCs like Canada and South Africa.

9) Way Forward

- If live streaming of top court's proceedings is not possible, then alternately the video recording should be allowed.
- It can be used at the time of review or appeal of a case.
- The judiciary must employ a press officer and issue summaries of its judgements to the media to facilitate greater public understanding.