



## Live-Streaming of the Supreme Court's Proceedings

**For Prelims:** Supreme Court, High Court, Live Streaming of Proceedings, Chief justice of India, Attorney General of India

**For Mains:** Live Streaming of Supreme Court's Proceedings, Concerns and the Way Forward

### Why in News?

Recently, the [Supreme Court \(SC\)](#) decided to [live stream its proceedings](#) in crucial **Constitution Bench cases that will be heard from 27<sup>th</sup> September, 2022.**

- **Positive systemic corrections have been made possible** due to the broadcast of court proceedings.

### What is the Background?

- The Supreme Court in *Swapnil Tripathi vs Supreme Court of India* (2018) had **ruled in favour of opening up the apex court through live-streaming.**
- It held that the **live streaming proceedings are part of the right to access justice under [Article 21](#)** (Protection of Life and Personal Liberty) of the Constitution
- **Gujarat High Court was the first [high court](#) to livestream court proceedings** followed by Karnataka high court.
- Currently, the **Jharkhand, Karnataka, Madhya Pradesh, Orissa, and Patna High Courts** live stream their proceedings.
  - Allahabad High Court is considering **power** doing the same.

### What were the Recommendations by the Attorney-General of India?

- **Live-streaming** must be introduced as a **pilot project in [Chief-Justice of India's \(CJI's\)](#) court, and only in [Constitution Bench](#) cases.**
- The success of this project will **determine whether or not live streaming should be introduced in all courts** i.e., the Supreme Court and in courts pan-India.
- **De-congestion of courts and improved physical access to courts** for litigants who have to otherwise travel long distances to come to the SC were **cited by the [Attorney general \(AG\)](#) in support of his recommendation.**
- A **set of guidelines suggested by the A-G was approved by the SC.** However, the A-G suggested that the **court must retain the to withhold broadcasting**, and also **not permit it in cases involving:**
  - **Matrimonial matters**
  - **Matters involving interests of juveniles** or the protection and safety of the private life of the young offenders
  - **Matters of National security**
  - To **ensure that victims, witnesses or defendants can depose truthfully** and without any fear.

- **Special protection** must be given to vulnerable or intimidated witnesses.
- It may provide for **face distortion of the witness** if she/he consents to the broadcast anonymously.
- **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, and
- **Cases which may provoke sentiments** and arouse passion and provoke enmity among communities.

## What is the Scenario in Other Countries?

- **United States:** Since 1955, **audio recording and transcripts of oral arguments has been allowed.**
- **Australia:** **Live or delayed broadcasting is allowed** but the practices and norms differ across courts.
- **Brazil:** Since 2002, **live video and audio broadcast of court proceedings**, including the deliberations and voting process undertaken by the judges in court, is allowed.
- **Canada:** **Proceedings are broadcast live** on Cable Parliamentary Affairs Channel, accompanied by explanations of each case and the overall processes and powers of the court.
- **South Africa:** Since 2017, the Supreme Court of 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:** After 2005, **proceedings are broadcast live with a one-minute delay** on the court's website, but coverage can be withdrawn in sensitive appeals.

## What are Associated Concerns and the Way Forward?

- **Concerns:**
  - **Video clips of proceedings from Indian courts** that are already there on YouTube and other social media platforms with **sensational titles and little context** are leading to the **spread of misinformation** among the public, as prevalent from the recent past.
  - Also, the **commercial agreements with broadcasters** are also concerning.
  - The **unauthorised reproduction of live streaming videos** is another cause for concern as its regulation will be very difficult at the government's end.
- **Way Forward:**
  - Broadcasting court proceedings is a **step in the direction of transparency and greater access to the justice system.** Citizens have the right to information and technology exists to make matters of constitutional and national importance available for public viewership.
    - If a live stream of the top court's proceedings is not possible, **alternatively video recording of the proceedings should be allowed.**
  - The **agreements with broadcasters should be on a non-commercial basis.** No one should profit from the arrangement.
  - **A set of guidelines** must be framed to ensure that the **video titles and description** are not misleading and convey **accurate information, only.**
  - **Strict punishment/penalty** must be attached with the unauthorised reproduction of live-streaming of videos.

### UPSC Civil Services Examination Previous Year Question (PYQ)

**Q. Right to Privacy is protected as an intrinsic part of Right to Life and Personal Liberty. Which of the following in the Constitution of India correctly and appropriately imply the above statement? (2018)**

**(a)** Article 14 and the provisions under the 42<sup>nd</sup> Amendment to the Constitution.

**(b)** Article 17 and the Directive Principles of State Policy in Part IV.

(c) Article 21 and the freedoms guaranteed in Part III.

(d) Article 24 and the provisions under the 44<sup>th</sup> Amendment to the Constitution.

**Ans: (c)**

**Exp:**

- In 2017, a nine-judge bench of the Supreme Court (SC) in its verdict in Justice K.S. Puttaswamy v. Union of India case unanimously affirmed that the Right to Privacy is a Fundamental Right under the Indian Constitution.
- The SC bench held that the privacy is a Fundamental Right as it is intrinsic to guarantee of life and personal liberty as provided under **Article 21 of the Constitution**.
- The bench also stated that the elements of privacy also arise in varying contexts from the other facets of freedom and dignity recognised and guaranteed by **the Fundamental Rights contained in Part III of the Constitution**.
- **Therefore, option (c) is the correct answer.**

**Source: IE**

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