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

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2. https://indianexpress.com/article/explained/supreme-court-live-streaming-debate-proceedings-explained-8163990/
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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.

