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Supreme Court Proceedings Live Streaming: Everything You Need to Know

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Introduction

“Our legal system subscribes to the principle of open justice.”

-Justice DY Chandrachud

THE PRINCIPLE

Open justice is not only the principle in India, but in most common law systems.

In the case of *Swapnil Tripathi* v. *Supreme Court of India****[i]***, the Court had noted the following:

“Publication of court proceedings of the Supreme Court is a facet of the status of this Court as a Court of Record by virtue of Article 129 of the Constitution, whose acts and proceedings are enrolled for perpetual memory and testimony. Further, live streaming of court proceedings in the prescribed digital format would be an affirmation of the constitutional rights bestowed upon the public and the litigants in particular. While doing so, regard must be had to the fact that just as the dignity and majesty of the Court is inviolable…”

The original petition in this case was the demand of a declaration that “Supreme Court case proceedings of “constitutional importance having an impact on the public at large or a large number of people” should be live streamed in a manner that is easily accessible for public viewing”[ii].

The Bench took the instance of several adjudicatory bodies (different countries as well as international/world courts) to conclude that the “cause of the petitioners” deserved acceptance to uphold the constitutional rights of the public and litigants.

THE LIMITATIONS

This right of the public was emphasized but it was also reiterated that this right is subject to limitations. For instance, the following observations of the Court may be noted:

1. Issues regarding privacy rights of the litigants or witnesses must be kept in mind.
2. The Court emphasized that in cases of conflict between competing Constitutional rights, efforts must be made “to harmonize such conflict in order to give maximum expression to each right while minimizing the encroachment on the other rights”.
3. Guidelines enunciated by Justice Chandrachud: In addition to Khanwilkar, J.’s judgment, Chandrachud, J. wrote a separate judgment in which he provided “Model guidelines for broadcasting of the proceedings and other judicial events of the Supreme Court of India”. This also took into account the limitations of such publication.
4. The Supreme Court reserved the right to the following:

“1. The Supreme Court shall hold exclusive copyright over videos streamed online and archived with the Registry; and

1. Re-use, capture, re-editing or redistribution, or creating derivative works or compiling of the broadcast or video footage, in any form, shall not be permitted except as may be notified in the terms and conditions of use and without the written permission of the Registry.”[iii]

Bench: A.M. Khanwilkar, Dipak Misra, D.Y.Chandrachud, JJ.

Recent Updates

According to latest updates, the Supreme Court has now gone live! All Constitution Bench hearings of the Supreme Court will now be telecasted live (live-streamed). This decision has elevated the importance of this decision and related legal principles of open Courts and publication of Court proceedings.

The relevant website is webcast.gov.in/scandia/.

Conclusion

This decision to live-stream and the former 2018 judgment are based on the principle of open Courts and right of access to justice. In this context, aspirants for law related examinations must study the statutory provisions of laws that call for open Courts, and the limitations thereof.[iv]

Also Read: *Naresh Shridhar Mirajkar and Ors*. v. *State of Maharashtra and Ors*.[v]

[i] Writ Petition (Civil) No. 1232 of 2017, decided on 26 September 2018

[ii] Judgment, p.1 (Khanwilkar, J.)

[iii] Judgment, p.50 (Chandrachud, J.)

[iv] Also see, Section 327 of CrPC and Section 153-B of CPC.

[v] (1966) 3 SCR 744

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