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Live Streaming of Court Proceedings

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Why in News

Recently, the Gujarat High Court has become the first Court to live stream judicial proceedings on YouTube channel.

Key Points

- The High Court allowed the open court proceedings through the video conferencing, except the proceedings to be conducted **in camera**.
In camera means in **private chambers of a judge**, with the press and public excluded.
- It observed that the initiative of live telecast is on an **experimental basis** and the aspect of continuing with or adapting the modality of live court proceedings **will be decided based on the outcome of this trial**.
- The move has been welcomed by lawyers, law students and the public at large besides litigants, being seen as a major measure towards transparency in judicial proceedings.

Background

- All the Courts have been functioning through video conferencing throughout the **Covid-19 lockdown** and even after that.
Advocates, the parties, victims, corpses etc. all are participating in the court proceedings during the course of the hearing through video conferencing.
- Also, in the **model video conferencing rules** as prescribed by the **e-Committee of the Supreme Court**, it has been provided that the public will be allowed to view the hearing conducted through video conferencing.
- The Supreme Court in **Swapnil Tripathi v Supreme Court of India** (2018) has ruled in favour of **opening up** the apex court through live-streaming.
 - It held that the live streaming proceedings **is part of the right to access justice under Article 21 of the Constitution**.
 - However, the judgment has remained unimplemented.

- The **e-Court Mission Mode Project** was conceptualized with a vision to transform the Indian Judiciary by ICT enablement of Courts.

Benefits

- A live stream **would help litigants follow the proceedings in their case** and also **assess their lawyers' performance**. People from far-flung States such as Tamil Nadu and Kerala do not have to travel all the way to the national capital for a day's hearing.
- It would keep a **check on lawyers' conduct** inside the courtrooms. With the entire country watching them, there would be fewer interruptions, raised voices and adjournments from the lawyers.
- Live-streaming will **bring transparency and access to justice**.

Issues Involved

- The live streaming of the Courts are **susceptible to abuses**.
 - It can involve **national security concerns** and can amount to a **violation of the fundamental right to privacy** in matrimonial disputes and rape cases.
 - The unauthorised reproduction of the live streaming videos is another cause for concern as its regulation will be very difficult at the government's end.
 - Concerns have also been raised about the **commercial aspect of the whole issue**. The agreements with broadcasters should be on a non-commercial basis. No one should profit from the arrangement.
- **Infrastructure**, specially internet connectivity is also the biggest challenge in implementing the live proceedings of Courts.

Way Forward

- The public has a right to know about court proceedings in constitutional courts as well as trial and appellate courts. Openness and transparency reinforce the public's faith in the judicial system.
- Over the last few years, the Courts have taken steps to make justice more accessible. If the technology is available, it could be extended to members of the public, who can view court proceedings themselves.

Source: TH