



Draft Rules for Live-Streaming Court Proceedings

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Why in News

Recently, the **Supreme Court** has released the **Draft Model Rules for Live-Streaming and Recording of Court Proceedings**.

- The Rules are **part of the National Policy and Action Plan for implementation of Information and Communication Technology (ICT)** in the judiciary.
- The Rules would cover live-streaming and recording of proceedings in **High Courts, lower courts and tribunals**.
- Earlier, the Chief Justice of India (CJI) launched an Artificial Intelligence (AI) based portal '**SUPACE**' in the judicial system aimed at assisting judges with legal research.

Key Points

- **Background:**
 - The Supreme Court in ***Swapnil Tripathi v 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.

- **Draft Rules:**

- **Telecast of Proceedings:** All proceedings in high courts can be telecast except for cases relating to **matrimonial disputes, gender-based violence**, those **involving minors** and “**cases, which** in the opinion of the Bench, may provoke **enmity amongst communities** likely to result in a breach of law and order”.
- **Deciding Authority:** The **final decision** as to **whether or not to allow the Live-streaming** of the Proceedings or any portion thereof **will be of the Bench**, however, the decision of the Bench will be guided by the principle of an open and transparent judicial process.

The **decision of the Bench shall not be justiciable.**

- **Allow Objections:** The rules allow for **objections to be filed against live streaming** in specific cases at the stage of filing of the case or at a later stage.
- **Record of Proceedings:** The draft rules allow for **archiving of court proceedings for six months.**

The **use of authorised recordings** in their original form **may be permitted by the court**, inter-alia **to disseminate news and for training, academic and educational purposes.**

- **Restrictions:**
 - **Discussion amongst judges**, notes made by judges during hearings or **communication between the advocate and her client** will neither be telecast live nor archived.
 - The rules also **prohibit recording or sharing the telecast on media platforms**, including social media and messaging platforms, unless authorised by the court.
 - Recordings will **not be used for commercial, promotional purposes or advertising** in any form.

- **Possible Benefits:**

- It can make the **justice delivery system affordable, transparent, speedy and accountable** by limiting the paper filings.
- It can be **time saving** and hence can **reduce the backlog of pending cases** and reduce the number of unscrupulous activities.

- **Concerns:**

- **Lack of technical manpower in courts** and awareness amongst litigants, advocates and their acceptance to the system change.
- A huge concern will be the **cyber security threat.**
- The live streaming of the Courts are **susceptible to abuses.** Thus, **issues of privacy** may arise.
- **Infrastructure**, especially the **internet connectivity is also a big challenge** in implementing the live proceedings of Courts.

e-Courts Project

- The e-Courts project was conceptualized on the basis of the “**National Policy and Action Plan for Implementation of Information and Communication Technology (ICT) in the Indian Judiciary – 2005**” submitted by **e-Committee, Supreme Court** of India with a vision to transform the Indian Judiciary by ICT enablement of Courts.
- The e-Courts Mission Mode Project, **is a Pan-India Project**, monitored and funded by the Ministry of Law and Justice for the District Courts across the country.
- **The project envisages:**
 - To provide efficient & time-bound citizen-centric services delivery as detailed in e-Court Project Litigant's Charter.
 - To develop, install & implement decision support systems in courts.
 - To automate the processes to provide transparency in the accessibility of information to its stakeholders.
 - To enhance judicial productivity, both qualitatively & quantitatively, to make the justice delivery system affordable, accessible, cost-effective, predictable, reliable and transparent.

Way Forward

- There is a need for the **deployment of a robust security system** that provides secure access to case information for appropriate parties.
- Further, the government **needs to identify and develop the infrastructure** that would be required to support the e-court project.
- Solutions that will address the challenges such as inordinate delays in disposal of cases in courts, facilitating access to speedy resolution of commercial disputes by economic operators, making the justice system user friendly and affordable to all and improving the quality of legal aid services in the country would be imperative to drive the functioning of e-courts.

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