

IN THE SUPREME COURT OF INDIA
(CIVIL ORIGINAL JURISDICTION)
PUBLIC INTEREST LITIGATION
WRIT PETITION (C) NO. 66 OF 2016

IN THE MATTER OF:

INDIRA JAISINGH

...PETITIONER

VS.

SECRETARY GENERAL & ORS.

...RESPONDENTS

Comprehensive Guidelines for Live streaming of Court proceedings in Supreme Court

Brief Background

1. That the Petitioner in the present Writ Petition seeks a declaration for permitting live streaming of Supreme Court case proceedings of constitutional and national importance having an impact on the public at large and a direction to make available the necessary infrastructure for live streaming and to frame guidelines for the determination of such cases which are of constitutional and national importance.
2. That, in this regard, it is submitted that Courts in India are open to all members of the public who wish to attend the court proceedings. However, in practise, many interested persons are unable to witness the hearings on account of constraints of time, resources, or the ability to travel long distances to attend hearing on every single date. This is especially true in the case of litigants who have to travel long distances from far off States such as Kerala and States in the North- East and therefore run the risk of being excluded from attending court hearings involving cases filed by them.
3. Furthermore, on miscellaneous days of hearing, the Apex Courts is highly congested, with practically no space available in the Courtrooms and in the public gallery to accommodate litigants, lawyers and law students and interns.

4. On account of such shortcomings, it may be advantageous to build an appropriate infrastructure for live-streaming or audio/video recording of court proceedings to enable the court proceedings to be viewed without the constraints of time or place. It would be ideal if a separate space is allocated by building a hall in the Court for lawyers, clients and interns to watch the live proceedings, so that, the crowds in the Court will be decongested. This will obviate the need for clients coming from far away distances and reduce their inconvenience in witnessing their case. This may also be one of the relevant factors for the Court to consider. Such a system would also enable the lawyers, law students and anyone interested in the workings of the highest court in the country to supplement their learning with practical study of cases of national importance, while ensuring that litigants have a true account of how decisions were made in their respective case. Such a system is in aid of the well accepted and respected tradition of 'Open justice' i.e. justice should be administered in an open court.

Recommendations:

This Hon'ble court may lay down the following guidelines to administer live streaming of Court proceedings:

5. At the outset, it is submitted that Live Streaming of Court proceedings should be introduced as a pilot project in Court No. 1 and only in Constitution bench references. The success of this project will determine whether or not live streaming should be introduced in all courts in the Supreme Court and in Courts pan India.
6. To ensure that all persons including litigants, journalists, interns, visitors and lawyers are able to view the live streaming of the proceedings, a media room should be designated in the premises of the court with necessary infrastructural facilities. This will also ensure that courts are decongested. Provisions may also be made available for the benefit of differently abled persons.
7. Apart from live streaming, the Supreme Court may, in the future, also provide for transcribing facilities and archive the audio-visual record of the proceedings to

make the webcast accessible to litigants and other interested persons who are unable to witness the hearings on account of constraints of time, resources, or the ability to travel long distances to attend hearing on every single date. Such webcasts will also allow students of law to supplement their academic knowledge and gain practical insights into cases of national importance.

8. It is pertinent that this Hon'ble Court lay down guidelines to safeguard and limit the broadcasting and recording of its proceedings to ensure better access to justice. Some of the recommendations are:
 - a. The Court must have the power to limit, temporarily suspend or disallow filming or broadcasting, if in its opinion, such measures are likely to interfere with the rights of the parties to a fair trial or otherwise interfere with the proper administration of justice.
 - b. The Court may lay down guidelines/criterion to determine what cases constitute proceedings of constitutional and national importance to seek permission for broadcasting.
 - c. As held famously in the case of *Scott vs. Scott, (1913) AC 417*, “*While the broad principle is that the Courts must administer justice in public, the chief object of Courts of justice must be to secure that justice is done*”, broadcasting must not be permitted in the cases involving:
 - i. Matrimonial matters,
 - ii. Matters involving interests of juveniles or the protection and safety of the private life of the young offenders,
 - iii. Matters of National security,
 - iv. 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,

- v. To protect confidential or sensitive information, including all matters relating to sexual assault and rape, and
 - vi. Matters where publicity would be antithetical to the administration of justice.
 - vii. Cases which may provoke sentiments and arouse passion and provoke enmity among communities.
- d. Use of the footage would be restricted for the purpose of news, current affairs and educational purposes and should not be used for commercial, promotion, light entertainment, satirical programs or advertising.
- e. Without prior written authorization of the Supreme Court of India, live streaming or the webcast of the proceedings from the Supreme Court should not be reproduced, transmitted, uploaded, posted, modified, published or re-published to the public.
- f. Any unauthorized usage of the live streaming and/or webcasts will be punishable as an offence under the Indian Copyright Act, 1957 and the Information Technology Act, 2000 and any other provisions of the law in force. The law of contempt should apply to such proceedings. Prohibitions, fines and penalties may be provided for.
- g. The Courts may also lay down rules of coverage to provide for the manner in which the filming may be done and the equipment that will be allowed in court.
- h. Case management techniques should be introduced to ensure that matters are decided in a speedy manner and lawyers abide by time limits fixed prior to the hearing. A skeleton of arguments/Written submissions should be prepared and submitted to the Court by the lawyers prior to their arguments.
- i. The Court of Appeal in England, in November 2013, introduced streaming its proceedings on YouTube. The telecast is deferred by 70 seconds with

the Judge having the power to mute something said in the proceedings if he feels they are inappropriate for public consumption.

- j. Like the Court of Appeal in England, the Supreme Court should also lay guidelines for having only two camera angles, one facing the judge and the other- the lawyer. The camera should not focus on the papers of the lawyer.