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Supreme Court Restricts Unauthorised Sharing of Court Proceedings While Reassessing Judicial Livestreaming Framework in India

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Recent Developments:

- The **Supreme Court** has passed an **interim order** prohibiting the **extraction, editing, modification, dissemination, reposting, uploading and monetisation** of audio and video recordings of judicial proceedings on social media or other digital platforms without prior permission from the concerned court. The Court clarified that the restriction does **not** affect **fair and accurate news reporting** of judicial proceedings.
- The Court has also directed all **High Courts** to submit reports regarding the adoption of the **Supreme Court Model Rules for Live Streaming and Recording of Court Proceedings** and assess the impact of continuous livestreaming on the administration of justice.

Live Streaming of Court Proceedings in India:

Meaning and Evolution:

- **Live streaming of court proceedings** enables judicial hearings to be broadcast in real time, promoting **transparency, accountability and public access** to the justice delivery system.
- The **Supreme Court** commenced livestreaming of proceedings before **Constitution Benches** in **2022**, marking a significant step towards **open justice** and digital judicial reforms.
- The initiative was based on the **Swapnil Tripathi v. Union of India (2018)** judgment, in which the Supreme Court held that **live telecast of court proceedings** forms part of the **right to access justice under Article 21** of the Constitution and virtually expands the courtroom beyond its physical boundaries.
- The **Supreme Court e-Committee** subsequently framed the **Model Rules for Live Streaming and Recording of Court Proceedings**, providing a uniform framework for High Courts to regulate judicial livestreaming.
- In **2023**, the Supreme Court became the **first court in India** to introduce **Artificial Intelligence-assisted live transcription**, creating authentic digital records and improving accessibility for litigants, researchers and legal professionals.

Constitutional and Legal Basis:

Constitutional Principles:

- **Article 21** guarantees the **right to life and personal liberty**, which has been judicially interpreted to include **meaningful access to justice**.
- **Article 19(1)(a)** protects the **freedom of speech and expression**, including the public's right to receive information about judicial proceedings, subject to reasonable restrictions.
- **Article 145** empowers the **Supreme Court** to frame rules regulating its practice and procedure, including courtroom management and live streaming.

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- The **principle of Open Justice** requires judicial proceedings to remain accessible to the public unless restricted for compelling constitutional reasons such as privacy, national security or protection of vulnerable individuals.

Objectives of Live Streaming:

Promoting Open Justice and Transparency:

- Live streaming enhances **judicial transparency** by allowing citizens to observe court proceedings directly instead of relying solely on secondary reporting.
- Public accessibility strengthens confidence in the judiciary while reinforcing institutional accountability.
- Digital access enables law students, researchers, advocates and citizens from remote regions to observe constitutional litigation without physical presence.

Improving Judicial Accessibility:

- Live streaming democratises access to the justice system by reducing geographical and financial barriers.
- Digital archives and **Artificial Intelligence-assisted transcripts** improve legal research, judicial education and consistency in legal interpretation.
- Technology supports the broader objectives of the **e-Courts Mission Mode Project**, which aims to modernise India's judicial infrastructure through digital transformation.

Reasons Behind the Supreme Court's Interim Order:

Misuse of Judicial Recordings:

- The absence of a comprehensive regulatory framework allowed courtroom recordings to be **selectively edited, clipped and circulated** with misleading captions across social media platforms.
- Short, out-of-context clips frequently distorted judicial observations and created inaccurate public narratives regarding ongoing proceedings.
- Commercial exploitation through monetisation encouraged sensational content instead of objective legal reporting.

Impact on Judicial Independence:

- Selective circulation of edited recordings exposes judges and advocates to **public trolling, misinformation and character assassination**, creating a **chilling effect** on the free functioning of courts.
- Viral dissemination of incomplete courtroom exchanges risks undermining judicial dignity and public confidence in the administration of justice.
- The Court observed that judicial proceedings should not become a source of digital entertainment or sensational content detached from their legal context.

Significance of the Interim Order:

Protecting Judicial Integrity:

- The order seeks to preserve the authenticity and contextual integrity of judicial proceedings while preventing misleading public narratives.
- Restricting unauthorised editing safeguards institutional credibility without curtailing legitimate reporting of court proceedings.
- The clarification protecting fair news reporting balances transparency with responsible dissemination of judicial information.

Encouraging Responsible Digital Governance:

- The order highlights the need for regulatory safeguards governing the use of judicial audiovisual material in the age of **Artificial Intelligence, deepfakes and algorithm-driven content amplification**.
- It reinforces the principle that technological innovation must operate within constitutional values of fairness, accountability and institutional dignity.

Challenges:

Balancing Transparency and Regulation:

- Excessive restrictions may generate concerns regarding openness and public scrutiny of judicial institutions if not supported by transparent regulatory standards.
- A balanced framework must preserve **Open Justice** while preventing manipulation of judicial recordings.
- Uniform implementation across different High Courts remains a significant administrative challenge.

Technological and Institutional Issues:

- Detecting **deepfakes, manipulated recordings and unauthorised digital dissemination** requires advanced technological capabilities and continuous monitoring.
- Expanding live streaming and digital transcription demands robust digital infrastructure, cybersecurity measures and trained judicial personnel.
- Courts must ensure that technological safeguards do not compromise accessibility for genuine educational, academic and journalistic purposes.

Way Forward:

Strengthening the Regulatory Framework:

- A comprehensive legal framework should clearly regulate the **recording, reproduction, dissemination, commercial use and archival management** of livestreamed judicial proceedings.
- Standard operating procedures should specify circumstances where recording restrictions may be relaxed while maintaining judicial integrity.
- All **High Courts** should uniformly adopt and periodically review the **Supreme Court Model Rules for Live Streaming and Recording of Court Proceedings**.

Leveraging Secure Technology:

- Courts should deploy **digital watermarking, cryptographic authentication, content fingerprinting and Artificial Intelligence-based monitoring systems** to identify unauthorised editing and deepfake content.
- Official authenticated archives should remain easily accessible to promote transparency while reducing dependence on unofficial recordings.
- Public awareness campaigns should educate citizens regarding the legal consequences of unauthorised circulation or manipulation of judicial proceedings and encourage responsible digital engagement.

Value Addition for UPSC:

Important Judicial Decisions:

- **Naresh Shridhar Mirajkar v. State of Maharashtra (1966):** Recognised the importance of the **Open Justice** principle while permitting limited restrictions in exceptional circumstances.

- **Swapnil Tripathi v. Union of India (2018):** Declared **live streaming of court proceedings** to be an important component of **access to justice under Article 21** and laid the constitutional foundation for judicial livestreaming in India.

Prelims Facts:

- The **Supreme Court** started **live streaming Constitution Bench proceedings** in 2022.
- The constitutional basis for judicial livestreaming emerged from **Swapnil Tripathi v. Union of India (2018)** under **Article 21**.
- The **Supreme Court e-Committee** issued the **Model Rules for Live Streaming and Recording of Court Proceedings** to guide High Courts.
- The **Supreme Court** became the **first Indian court** to introduce **Artificial Intelligence-assisted live transcription** in 2023.
- The recent interim order prohibits **unauthorised extraction, editing, dissemination, reposting, uploading and monetisation** of judicial recordings while expressly protecting **fair news reporting** of court proceedings