

Livestreaming Supreme Court proceedings: A step closer to a stronger democracy

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The crisis of legal education in India can only be addressed by a significant enhancement in the quality of teaching and research in law schools. (File Photo)

On September 27, the Supreme Court enabled the live streaming of the hearing of cases. The Court's original decision of September 27, 2018, allowing the live telecast of important proceedings paved the way for this outcome. The bench of the then Chief Justice Dipak Misra, Justice A M Khanwilkar and Justice D Y Chandrachud had held that the live-streaming of court proceedings is in the public interest. The telecast, they pointed out, will enliven judicial labour for the public at large to strengthen constitutional values, democracy, and citizenship. Their vision had the full support of Chief Justices M V Ramana and U U Lalit.

Four years later, on September 20, a full court of all Supreme Court judges under the leadership of Chief Justice U U Lalit took the unanimous decision to live-stream constitutional bench proceedings. Justice Chandrachud, the Chairperson of the Supreme Court's E-committee and the driving force behind the live streaming initiative, began the hearing in his courtroom by announcing, "We are virtual". The Indian Supreme Court has done, in letter and spirit, what the former Master of the Rolls of the Court of Appeals Lord

Denning had said many decades ago: “If we never do anything which has not been done before, we shall never get anywhere. The law will stand still while the rest of the world goes on, and that will be bad for both.”

The chief justices (past and present) and the judges of the Supreme Court deserve to be congratulated for enabling a path-breaking and democratic decision that allows the people of India to be able to watch the live proceedings of the Constitutional Bench. The decision will go down in the annals of Indian legal and constitutional history as one of the most important and influential decisions for the following reasons.

One, enabling the ordinary people of the country to view, without any barrier, the workings of the highest court of the land will go a long way in instilling faith in the judiciary as well as fostering a critical dialogue with judicial functionaries. Transparency and accessibility of the process of justice delivery will strengthen the country’s democracy. Enabling citizens to watch the live proceedings of the Supreme Court is also an important step toward developing an informed citizenry.

Two, the decision will enable people to understand the importance of the rule of law. The move will help people appreciate that the judiciary is firm in protecting the rights of the impoverished, historically marginalised and disempowered sections of society. There is no better way to “speak truth to power” than in a dignified and self-effacing manner. The direct impact of this decision may not be measured immediately, but it has the potential to build a culture of respect for the rule of law.

Three, it will promote transparency in judicial decision-making. The decisions taken by the judges are seldom fully understood by common people. Law and justice are too important to be left to lawyers and judges alone. Access to live court proceedings will enable millions of ordinary Indians, who may not be trained as lawyers, to not only understand the background and context in which judicial decisions are taken but also appreciate the competing values and conflicting rights at stake. By making its proceedings transparent, the SC has shown a deep sense of conviction. It speaks of honesty, integrity, self-reflexivity and rectitude of the institution — characteristics that have been its hallmarks for long.

Four, the decision could raise the quality and standards of the legal profession. Lawyers will be better prepared to appear before the court and they will be mindful of not making irresponsible remarks. An inclusive approach to public scrutiny could nudge and enable lawyers to take the justice delivery mechanisms far more seriously than they may have in the past. It also creates a level playing ground for the younger members of the legal profession as their preparedness and intellectual prowess will be apparent to all.

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The crisis of legal education in India can only be addressed by a significant enhancement in the quality of teaching and research in law schools. The fact that most law graduates are not keen to enter the litigation aspect of the legal profession has been a worrying trend for several years. I believe that the brightest legal minds cannot be pushed into joining the litigating bar, as opposed to the world of corporate transactional lawyering, by diktats or platitudes. Watching courtroom proceedings — actual arguments by lawyers and searching questions by judges — could inspire law students to take up this relatively neglected field. Law faculty members and legal researchers will be motivated to work on new areas of scholarship and research relating to the functioning of the judiciary and legal profession.

Technology is a great instrument for forging solidarity and overcoming the obstacles of distance. Live-streaming of the Court's proceedings will hopefully perform this task and translate the terms of legal justice into public and everyday discourse. The distinguished jurist and judge of the US Supreme Court, Justice Oliver Wendell Holmes, famously observed, "The great thing in the world is not so much where we stand, as in what direction we are moving." The judges of the Supreme Court of India have ensured that we are indeed moving in the right direction.

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