



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2025

Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

This is an Open Access article distributed under the terms of the Creative Commons Attribution- Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

Justice goes Live: A Double- edged Sword in the Indian Legal System

~Ira Dave

The Indian judiciary has historically maintained a certain mystique—confined within the high walls of courtrooms, bound by procedural formalities, and accessible largely to those trained in law. However, the COVID-19 pandemic acted as a catalyst, forcing even the most rigid institutions to adapt. One of the most visible transformations was the shift towards livestreaming court proceedings. While this move promises transparency and accessibility, it simultaneously raises a host of concerns that demand critical scrutiny. In my view, the advent of livestreamed justice is not merely a technological upgrade; it's a profound shift that has the potential to reshape the public's relationship with the legal system. Yet, like most revolutions, it comes with its own share of perils.

The Origins of Livestreaming in Indian Courts

The idea of opening up courtrooms to the public isn't new. Article 145(4) of the Indian Constitution¹ mandates that all judgments of the Supreme Court be delivered in open court. The same principle applies, in varying forms, across the judiciary. But “open court” has long meant physical access—something most citizens never realistically had. Livestreaming changes that completely. It transforms the meaning of "open justice" by allowing any interested person to witness court proceedings from the comfort of their home.

The turning point came in 2018 when the Supreme Court in *Swapnil Tripathi v. Supreme Court of India*² recognized the importance of livestreaming in furthering the right to access justice. The Court stated that this would bring accountability and educate citizens. Still, the actual implementation remained slow until the pandemic struck in 2020. Suddenly, the judiciary had to switch to virtual hearings. With this shift came the opportunity to experiment with livestreaming, starting first with constitutional bench matters. Today, several High Courts have followed suit.

The Benefits: Transparency, Awareness, and Accountability

Let's begin with the positives, which are hard to ignore.

¹ Constitution of India, Art. 145, cl. 4.

² *Swapnil Tripathi v. Supreme Court of India*, (2018) 10 S.C.C. 639.

First and foremost, livestreaming judicial proceedings strengthens **transparency**. By allowing citizens to see what happens in courtrooms, it demystifies the judicial process. The law ceases to be the exclusive language of lawyers and judges and becomes part of everyday discourse. For example, livestreams of hearings in politically significant or socially impactful cases—like those involving electoral bonds, farm laws, or personal liberty—have allowed people to form their own opinions based on actual proceedings, rather than filtered media narratives.

Second, there is an immense **educational value**. Law students, journalists, researchers, and even common citizens gain direct access to legal arguments and courtroom behavior. Previously, this level of exposure was available only to interns or those physically present in courts.

Third, livestreaming promotes **judicial accountability**. Judges are aware that their words and demeanor are being watched and recorded by thousands. This arguably leads to more conscious conduct, fewer arbitrary delays, and heightened sensitivity to procedural fairness.

Lastly, in a diverse country like India, where trust in institutions varies by region and socioeconomic background, livestreaming can be a tool for **institutional trust-building**. When people see the wheels of justice turning—however slowly—they are more likely to believe in the rule of law.

The Darker Side: Spectacle, Sensationalism, and Surveillance

However, no tool is neutral. The very same livestreams that promise transparency can easily descend into voyeurism.

One of the biggest risks is that the courtroom becomes a **stage**. There's a thin line between public scrutiny and public spectacle. Lawyers may play to the gallery, judges may be wary of taking unpopular stances, and media trials can hijack the narrative outside the courtroom. In high-profile cases, this performative aspect becomes even more pronounced. Instead of sober legal reasoning, we might get dramatic rhetoric.

Another troubling concern is the **risk to witness and victim privacy**. Indian courts often deal with sensitive cases—rape trials, child custody disputes, domestic violence, and even matters related to national security. Livestreaming such cases can lead to secondary victimization, public shaming, or misuse of footage. Though the Supreme Court has acknowledged the need to avoid livestreaming certain matters, the boundaries remain blurry and inconsistent across jurisdictions.

There's also the question of **context collapse**. Legal arguments are technical. Watching a courtroom proceeding without understanding the procedural and doctrinal context can be misleading. A judge's question might seem hostile to a layperson, even if it's part of an established method of testing arguments. When such moments are clipped and circulated on social media without nuance, it can distort public perception of the judiciary.

Lastly, there are **surveillance concerns**. Livestreams are often archived or recorded by third parties. In politically sensitive cases, this could lead to profiling of lawyers, activists, or litigants. This is particularly concerning in a country where political dissent is frequently policed.

A Double-edged Sword in Action

To illustrate how livestreaming can be both empowering and problematic, let's take the example of the **Supreme Court's hearing on the revocation of Article 370**. This was a matter of massive national interest. The livestream drew thousands of viewers daily, who watched senior advocates argue over constitutional history and federalism. On the one hand, it educated the public and showcased high-quality legal debate. On the other, the constant glare may have pressured judges and created an emotionally charged environment, blurring the line between legal reasoning and political signaling.

Similarly, in the **same-sex marriage case**³, livestreaming enabled the LGBTQ+ community and its allies to engage with the legal process firsthand. But it also opened the door to hate speech in the comments section, edited clips used for propaganda, and vilification of petitioners. This dichotomy encapsulates the double-edged nature of going live.

The Need for a Robust Framework

If livestreaming is to become a permanent feature of the Indian legal system, we need **clear, enforceable guidelines**. The Supreme Court's 2018 judgment laid down a basic framework, but it's high time for a more comprehensive policy.

Such a framework should include:

1. **Content Moderation and Delay Buffers:** Just like sports broadcasts have delay mechanisms to censor inappropriate content, court livestreams can have short delays to protect privacy and prevent real-time misuse.
2. **Case-wise Discretion:** Not every matter should be livestreamed. Sensitive cases, especially those involving minors, victims of sexual offences, or national security, must be exempted.
3. **Archival Rules:** Not all livestreams need to be permanently stored. Clear rules should determine what gets archived, for how long, and who has access.
4. **Public Education Initiatives:** Livestreaming should be accompanied by efforts to explain proceedings to the public—through summaries, explainers, and court transcripts.
5. **Ethical Guidelines for Lawyers and Media:** The Bar and media must develop protocols to ensure that they do not exploit livestreamed content for sensationalism.
6. **Technology Infrastructure:** Equal access to justice includes digital justice. Many district courts still lack basic infrastructure. Uniform implementation requires investment

³ Supriyo v. Union of India, 2023 SCC OnLine SC 1306

in tech, staff training, and cybersecurity.

Where Do We Go From Here?

The debate on livestreaming court proceedings is, in many ways, a reflection of the broader tension between openness and control in democratic governance. It's about how much light is too much light. As someone who believes in the ideals of democracy and justice, I find the prospect of livestreaming both thrilling and unsettling.

It thrills me because it breaks the ivory tower model of legal elitism. It makes law more participatory. But it unsettles me because law is not a performance; it's a process—deliberate, reasoned, and often quiet. Turning it into a spectacle might serve temporary public curiosity, but it could also damage the very institution it seeks to humanize.

Conclusion

In sum, the rise of livestreaming in the Indian judiciary is not just a technological phenomenon; it's a constitutional moment. It forces us to rethink the relationship between justice and the public, between power and visibility. It invites us to ask—can we trust ourselves with such openness? Can we handle the truth, not just in its final form (the judgment), but in its raw, chaotic evolution (the proceeding)?

'Justice going live' is a double-edged sword. Like all swords, it demands careful wielding. We stand at the edge of that blade—poised between transparency and performance, between empowerment and exploitation. The choice we make now will determine whether this technological shift deepens our faith in justice or merely turns it into another stream of entertainment.