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LIVE STREAMING OF SUPREME COURT PROCEEDINGS



The Supreme Court began broadcasting its Constitution Bench proceedings on September 27, 2022, for the first time. These proceedings involved the hearing of appeals against the reservation for the Economically Weaker Sections (EWS) and a dispute over control of services between the Centre and the Delhi government. The action was taken almost four years after the Supreme Court declared that live streaming its proceedings was urgently necessary and ruled in favor of it.

The Supreme Court's decision in the case *Centre for Accountability and Systemic Change (CASC) v. Secretary General & Ors.*, (2018) 10 SCC 639, held that the copyright over all material recorded and broadcast in the court shall vest with the court only, according to the argument put forth by Govindacharya, a former RSS ideologue.

The idea of live-streaming cases of public importance was adopted by the Supreme Court in the *Swapnil Tripathi case* four years prior, on September 26, 2018. The Supreme Court will soon have its own platform for live streaming, as said by Chief Justice of India UU Lalit. When hearing the case of Govindacharya, a Bench led by Chief Justice noted that the Indian legal system has been advanced since live broadcasting had begun and that if this step had not been taken, they would have never broken the ice.

Govindacharya's attorney, Virag Gupta, argued before the bench that the regulations needed to be modified and that the copyright could not be given up. The private platform also receives the copyright of the court proceedings if the sessions are webcast on it, according to Gupta, citing the rules of use of YouTube. The Bench responded by stating that if the court had given any consideration to rule-thinking, they would not have been allowed to take the action we see today.

The bench also noted that, having learned from this experience, the court has taken steps to enable live broadcasting of the proceedings of its Constitution benches and has also concluded that its scope can be broadened.

Gupta's primary points of contention were that the data from the Supreme Court cannot be monetized or utilized for commercial purposes and that the copyright for the live-streamed proceedings cannot be relinquished. The bench agreed that these were just the beginning and that soon there would undoubtedly be a separate platform for this purpose, as well as a resolution of the copyright issue.

The Supreme Court Secretary General, the Union Ministries of Law and Justice, and Information and Broadcasting were served with a notice from the Court requesting their positions on the narrow scope of protecting the content's copyright.