



The modernization of the Supreme Court

Anshul Kumaria

Department of Computer Science & Engineering, MIT World Peace University, Pune, Maharashtra, India

Abstract

This article explores the transformative journey of the Supreme Court of India, highlighting key changes that have made it more transparent and accessible. The analysis covers pivotal moments under the leadership of Chief Justices such as Justice DY Chandrachud, UU Lalit, and SA Bobde, focusing on their contributions to modernization, including live-streaming of proceedings, virtual courtrooms, and increased media engagement. The narrative emphasizes the judiciary's shift from a secluded institution to a more open and public-facing entity.

Keywords: Supreme Court of India, judiciary modernization, transparency, dy Chandrachud, virtual courtrooms, live-streaming, Indian Constitution, Collegium System

Introduction

As the Indian Judicial System undergoes drastic changes on a near-daily basis, the genesis of this transformation can be traced back to past decades. Globally, the judiciary has been evolving, embracing technology and greater transparency to align with modern-day expectations. In this article, we examine the Supreme Court of India's metamorphosis from a cloistered institution to a dynamic, accessible entity. Through this exploration, we aim to understand how these changes may shape its future trajectory and impact democratic processes.

Historical context and global comparisons

Much has been written about the American Supreme Court's ideological shift over the years. Since Donald Trump's presidency began in 2016, the Court has veered significantly toward conservatism. At the same time, the Indian Supreme Court was undergoing a transition of its own, characterized by a dramatic shift from opacity to transparency. This transformation, while still in progress, has made the judiciary more accessible to the public and strengthened its role as a cornerstone of democracy.

Before Justice DY Chandrachud, Supreme Court proceedings were shrouded in secrecy. They were accessible only to a select few, making the institution appear esoteric and detached from public life. However, Justice Chandrachud's tenure marked a paradigm shift. Court proceedings became accessible to the public through live broadcasts, enabling citizens to witness firsthand how decisions impacting their lives were made. This move was part of a larger trend to align the judiciary's functioning with democratic values, ensuring accountability and fostering public trust.

Key milestones in modernization

Justice Dipak Misra's Tenure: Setting the Stage

Under Chief Justice Dipak Misra, the seeds of modernization were sown. On June 25, 2018, a significant circular issued by the Supreme Court Administration allowed accredited journalists to carry mobile phones inside courtrooms. This seemingly small decision had a profound impact, enabling accurate and timely reporting of judicial proceedings. This measure helped curb misinformation, a

critical issue highlighted by incidents such as the controversies surrounding the Triple Talaq judgement and the Judges' Meeting episode. Furthermore, this decision set the tone for subsequent reforms that prioritized openness and transparency.

Justice SA Bobde: The COVID-19 Pivot

Justice SA Bobde's tenure coincided with the COVID-19 pandemic, a period that necessitated rapid adaptation. Virtual courtrooms became the norm, as physical hearings were no longer feasible. This digital shift was unprecedented and laid the groundwork for a more technologically integrated judiciary. Justice DY Chandrachud, then chair of the Supreme Court's E-Committee, played a pivotal role in implementing these changes, which continue to benefit legal practitioners and litigants alike. The move towards digital hearings also highlighted the importance of bridging the digital divide, as access to technology became integral to the delivery of justice.

Justice UU Lalit: Transparency through Live-streaming

Justice UU Lalit's brief tenure as Chief Justice, spanning only 73 days, left a lasting legacy. On September 20, 2022, a full court meeting chaired by him resulted in the live-streaming of all Constitution Bench proceedings. This decision was a monumental step toward transparency, allowing the public to directly observe the judicial process.

The first live-streamed cases included:

1. The Economically Weaker Section (EWS) quota case challenging the 103rd Constitution Amendment.
2. The Shiv Sena rift case.
3. The All India Bar Examination validity case.

This move not only increased public awareness but also underscored the judiciary's commitment to transparency as a cornerstone of democratic accountability.

Justice DY Chandrachud: Consolidating progress

Justice DY Chandrachud's tenure as Chief Justice was marked by a commitment to transparency and accessibility. Beyond live-streaming, he introduced several reforms:

- **Public disclosure by the collegium:** Traditionally, the Collegium's deliberations were confidential. Under Chandrachud's leadership, the Collegium began publicly disclosing the rationale behind its recommendations, fostering accountability.
- **Media engagement:** His willingness to engage with the media and deliver public speeches helped demystify the judiciary's workings, making it more relatable to the common citizen.
- **Expansion of digital infrastructure:** Building on Justice Bobde's initiatives, Chandrachud institutionalized virtual courtrooms, reducing geographical barriers and enhancing access to justice.

In addition to these reforms, Justice Chandrachud emphasized the importance of judicial empathy, often highlighting the human aspect of legal processes in his speeches. By doing so, he not only modernized the judiciary but also made it more inclusive and people-centric.

Implications and challenges

The modernization of the Supreme Court has far-reaching implications. By increasing transparency, the judiciary has fostered greater public trust and democratized access to justice. Live-streaming proceedings and making court records available to the public have enhanced citizens' understanding of judicial processes. This shift has also strengthened the judiciary's accountability, as decisions are now subject to public scrutiny in real time.

However, these advancements are not without challenges. The increased visibility of court proceedings has led to heightened scrutiny, sometimes resulting in misinterpretation or sensationalism by media outlets and on social media platforms. Such misrepresentations can undermine public trust rather than bolster it. Additionally, transparency must be balanced with judicial independence. The fear of public opinion influencing judicial decisions poses a potential threat to the impartiality of judges.

Technological barriers also remain a significant hurdle. Despite the move towards digital courts, the digital divide persists, leaving many litigants and lawyers without adequate resources to participate fully in virtual proceedings. Ensuring equitable access to technology is crucial to prevent marginalization of underprivileged communities.

Finally, the shift towards a more open judiciary places additional pressure on judges to articulate their decisions clearly and defend them against public and media scrutiny. This might impact judicial efficiency and decision-making processes. Addressing these challenges will be key to ensuring that modernization efforts do not compromise the judiciary's core principles of impartiality and fairness.

Conclusion

The new Chief Justice, Justice Sanjiv Khanna, inherits a judiciary that has undergone significant transformation. As history writes a new chapter for the Supreme Court, his tenure will determine whether these reforms become enduring legacies or fleeting milestones. The modernization of the Supreme Court of India is not merely about technological upgrades; it symbolizes a broader commitment to upholding the ideals of democracy,

transparency, and accessibility. His approach to addressing challenges such as the digital divide, balancing judicial independence with public accountability, and ensuring equitable access to justice will shape the institution's future trajectory.

Justice Khanna has the opportunity to build upon the foundation laid by his predecessors, advancing a judiciary that is both robust and people-centric. As the country faces complex legal and constitutional challenges, his leadership will play a pivotal role in reinforcing the public's trust in the judiciary. The journey of modernization is far from complete, but it is a testament to the evolving nature of Indian democracy, where institutions adapt to meet the aspirations of its citizens.

References

1. Supreme Court of India. Circular on media access to courtrooms, 2018. Retrieved from <https://main.sci.gov.in/>
2. Chandrachud DY. Public remarks on judicial transparency, 2023. Speech retrieved from <https://www.thehindu.com/>
3. Bobde SA. Virtual Courtroom Implementation Report, 2020. Retrieved from <https://www.barandbench.com/>
4. Lalit UU. Full Court Meeting Minutes, 2022. Retrieved from <https://www.livelaw.in/>
5. Constitution of India. Articles relevant to judiciary modernization. Retrieved from <https://legislative.gov.in/>
6. Media articles covering live-streaming initiatives. The Hindu, Indian Express. Retrieved from <https://www.indianexpress.com/>
7. Reports on Collegium transparency. Bar and Bench, Live Law. Retrieved from <https://www.livelaw.in/>