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Subject: Letter to the Chief Justice of India and His Brother and Sister Judges
To: <supremecourt@nic.in>

To the Chief Justice of India
and His Companion Judges,
The Supreme Court of India, New Delhi.

14th September 2022

We are passing through times when issues of great national importance are being discussed, debated, and decided upon in the Supreme Court of India. A few examples will suffice: the Constitutional validity of the 103rd amendment is currently being challenged before the Constitution Bench in Court No. 1. The arguments revolve around issues of social and political justice for discriminated castes and whether reservations in public employment and education can be made purely on economic grounds. Also in the field of reservations are two other cases relating to sub-categorising within castes and the issue of extending reservations to Muslims and Christians.

Another constitution bench is seized of matters relating to the validity of S.6A of the Citizenship Act, 1955. Very shortly, the Constitutional Amendment of 2019 enabling the conferment of citizenship on a certain category of persons, while depriving others belonging to a minority religion from gaining similar benefits of fast track citizenship will also soon be heard. Here, the primary arguments will be related to an understanding of secularism in the Indian Constitution and in that sense the idea of India itself .

There is also the issue of marital rape which is due to be considered by the Supreme Court of India, and so is the validity of the restitution of conjugal rights, both of which challenge statutes on the ground that they discriminate based on sex violating Article 15(1) and Article 21.

It is noteworthy that almost all cases now being argued in the Supreme Court of India relate to challenges on the ground that the impugned provisions discriminate against citizens either on the basis of *caste, or sex or religion* or any of them together, or separately. In that understanding of the matter, every single citizen of India is interested in the outcome of these cases.

Significant issues about what constitutes equality, substantive equality, discrimination based on caste, sex, religion, and what is secularism will be addressed and decisions which concern the interpretation of the Constitution will be taken by this Hon'ble Court.

As such, the country as a whole has a deep-rooted interest in the arguments presented in court and the exchange between counsel and judges. It forms a part of the right to be well informed, to be educated by the process, and to contribute if we have anything significant to say. In particular certain constitution it's such as lawyers, students and the press will be deeply interesting in the intricacies of the arguments and will want to report and revisit the arguments .

It is for this reason, I had filed a petition being Writ Petition (Civil) No. 66 of 2018 – Indira Jaising versus Secretary General of Supreme Court & Others, requesting this Hon'ble Court to declare live streaming as part of the right to freedom of information and the right of access to justice for every citizen.

The current Attorney General for India had appeared and supported the propositions advanced by me and had placed his guidelines before the court. The combined guidelines found a place in the judgement of this court in reported in Swapnil Tripathi v. Supreme Court of India, (2018) 10 SCC 639. (It may be noted the name of the case is on account of the fact that the petition filed by me was tagged with the petition filed by Swapnil Tripathi, though the latter did not contain any such prayer for live streaming and was confined to a prayer to allow interns to enter the court)

As a senior practising lawyer and given my own interest in arguments advanced in court in cases of constitutional law, I have a deep interest in observing proceedings in court in real time and when necessary to write about them. There is no substitute for first hand knowledge, especially in the era of what has come to be known as “*fake news*” and hence, there is an urgent need for real time information. Since the judgement was pronounced, I have made repeated requests to the Hon’ble court to commence live streaming cases of national importance. The cases which I have mentioned above raise issues are of undoubted national importance. It is pertinent to note that in accordance with Article 129 of the Constitution of India, the Supreme Court is a court of record. I, therefore, request you to start live streaming these proceedings as also to keep a permanent record of the arguments by counsel on all sides to be part of the record that is preserved along with the proceedings of the court. The Court should have its own channel. In the meantime, the court can start streaming its proceedings on its own website, as well as on YouTube.

I may mention that there is adequate infrastructure and precedent in this court for live streaming as was evident on 24.08.2022 when the ceremonial proceedings were live streamed on the date of retirement of a former Chief Justice of this Court, Justice N. V. Ramanna.

I, therefore, respectfully approach you with a request to immediately commence live streaming as a part of the fundamental right of every citizen to freedom of information namely the right to receive information as also the right of access to justice.

Thanking you in anticipation,

Indira Jaising,
Senior Advocate