

**Topic: Freedom of speech covers freedom to cover court proceedings.**

Today the Supreme Court of India dismissed a plea filed by the Election Commission of India against the Madras High Court in the case Election Commission of India v. High Court of Madras & Ors. The plea was to question the oral observations made by the Madras High Court that the poll was solely responsible to the spike in COVID-19 cases in India and it must be charged for murder for not abiding by the COVID-19 protocol during the election campaigns.

The Bench held that the right to open and unrestricted access to the courts is a pillar of individual liberty and Article 19(1)(a) protects Freedom of speech and expression extends to legal cases and court proceedings as well. With regards to digital media the Court held that, as people are becoming more digitally focused, they increasingly rely on the internet for knowledge. As a result, preventing a digital forum for reporting trials will be futile. We are seeing real-time news as part of the freedom of speech and press. It can be considered as a continuation of the open court. Regarding the observations made by the Madras High Court, the Supreme Court said that the remarks were inappropriate, and the metaphor was incorrect. But the ECI was not held responsible for the spread of COVID-19, according to the High Court. As a result, Justice Chandrachud has called for judicial discipline while making comments that may be misinterpreted. The order said that the High Court should have handled these cases with more care and patience and as oral comments are not part of the decree, there is no possibility of expungement. As a result, the Court found no merit in ECI's request that the media refrain from covering court proceedings. The court found it important to keep the judiciary responsible.

The High Court made the remark while hearing a petition filed by R Vijayabhaskar of the AIADMK, who was concerned about whether appropriate facilities were in place to ensure COVID-19 procedure during vote counting in the Karur constituency. The ECI had first filed a complaint with the High Court, objecting to the comment. The poll body had asked the Madras High Court to give directions to media houses to limit their reports to findings reported in orders or judgments and to refrain from commenting on oral observations made during the case's court proceedings. The High Court, however, refused to hear the case, triggering an appeal to the Supreme Court. When the appeal was heard, the Supreme Court stated that it could not intervene with the oral judgments rendered by the High Courts, stating that such interaction between the Bar and the Bench during the hearing of cases is an important aspect of the judicial procedure.

The top court stated that such dialogues and media reports of such dialogues foster transparency, while emphasising that anything to the contrary may jeopardise the independence of the High Courts. The supreme court added that any order in favour of the ECI may have a negative impact on the confidence of the High Courts.