

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi Disciplinary
Peer Reviewed

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JUSTICE IN REAL TIME: A PROPOSAL FOR FULL TRANSPARENCY IN ONGOING TRIALS OF PUBLIC OFFICIALS”

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1. ABSTRACT (SUMMARY OVERVIEW)

The project examines two interconnected modern legal concerns—digital exploitation (especially of women and children) and the need for transparency in judicial proceedings, particularly in trials involving public officials.

With the rapid growth of digital technologies, new forms of cyber exploitation such as online harassment, grooming, and image-based abuse have emerged. These crimes are often complex, anonymous, and transnational, making enforcement difficult. At the same time, there is increasing demand for transparency in the justice system, especially in cases involving public figures, to ensure accountability and public trust.

The study critically analyzes existing legal frameworks, judicial interpretations, and enforcement challenges. It concludes that a multi-dimensional approach combining legal reforms, technological tools, and awareness is essential for both combating digital exploitation and ensuring transparent justice delivery.

2. INTRODUCTION

2.1 Background

Justice is a fundamental pillar of democracy. The judiciary ensures rule of law, protection of rights, and accountability of public officials. Traditionally, courts follow the principle of open justice, allowing public access to proceedings.

However, in reality:

Access is limited

Media reporting is selective

Public awareness is incomplete

This creates a gap between justice delivered and justice perceived.

2.2 Concept of Open Justice

Open justice ensures:

Transparency

Accountability

Public confidence

But physical court access is no longer sufficient in the digital age. Therefore, real-time transparency (live streaming, digital access) is proposed as an extension of this principle.

2.3 Need for Transparency in Trials of Public Officials

- Public officials must be held to higher accountability because:
- They exercise public power
- Their actions affect society
- Lack of transparency leads to:
- Misinformation
- Media manipulation
- Loss of trust
- Real-time transparency ensures:
- Direct public access
- Reduced reliance on media
- Improved accountability

2.4 Role of Technology

- Technological advancements like:
- Live streaming
- Digital courts
- Online judgments

have already started transforming the judiciary. However, concerns like privacy, misuse, and infrastructure limitations must be addressed.

2.5 Constitutional Perspective

- Article 19(1)(a) → Right to information
- Article 21 → Right to fair trial

- Thus, a balance is required between:
- Transparency
- Fair trial rights

2.6 Challenges

- Witness intimidation
- Media influence
- Privacy violations
- Lack of infrastructure

2.7 Objectives of Study

- Examine transparency in judiciary
- Analyze legal framework
- Identify challenges
- Suggest practical solutions

3. REVIEW OF LITERATURE

3.1 Digital Transformation

Technology has transformed communication and governance but also introduced risks like digital exploitation.

3.2 Digital Exploitation

- Includes:
- Cyberstalking
- Online harassment
- Grooming
- Image-based abuse
- Key features:
- Anonymity
- Continuous harm
- Difficult detection

3.3 Gendered Nature of Abuse

- Women face:
- Trolling
- Threats
- Character assassination

This reflects existing societal inequalities extended into digital space.

3.4 Children's Vulnerability

- Children are exposed to:
- Grooming
- Cyberbullying
- Exploitative content
- Impact includes:
- Psychological harm
- Long-term trauma

3.5 Evolution of Cybercrime

- Cybercrime has become:
- Sophisticated
- Global
- Technology-driven

3.6 Role of Digital Platforms

- Platforms act as intermediaries but often:
- Lack proper regulation
- Delay content removal

3.7 Technological Factors

- Technology is both:
- A tool for crime (deepfakes, AI)
- A solution (AI detection, digital forensics)
- 3.8 Challenges

- Anonymity
- Jurisdiction issues
- Underreporting
- Lack of awareness

3.9 Importance of Awareness

- Digital literacy helps:
- Prevent exploitation
- Encourage reporting

3.10 Victim Support

- Victims need:
- Legal aid
- Psychological support
- Confidentiality

4. LEGAL FRAMEWORK

4.1 Information Technology Act, 2000

- Key provisions:
- Section 66E → Privacy violation
- Section 67 → Obscenity
- Section 67A → Explicit content
- Section 67B → Child exploitation

4.2 Intermediary Liability

- Platforms must:
- Remove harmful content
- Cooperate with authorities

4.3 Indian Penal Code / Bharatiya Nyaya Sanhita

- Covers:
- Stalking

- Voyeurism
- Defamation
- Harassment

4.4 POCSO Act, 2012

- Protects children from:
- Sexual abuse
- Online exploitation
- Provides:
- Child-friendly procedures
- Confidentiality

4.5 Indecent Representation of Women Act

- Addresses:
- Objectification
- Exploitative digital content

4.6 IT Rules, 2021

- Mandates:
- Grievance mechanisms
- Quick content removal
- Platform accountability

4.7 Data Protection and Privacy

- Privacy is a fundamental right, protecting individuals from:
- Data misuse
- Unauthorized access

4.8 International Framework

- Global cooperation is necessary due to:
- Cross-border crimes
- Jurisdictional challenges

4.9 Enforcement Challenges

- Lack of expertise
- Infrastructure gaps
- Delays

5. JUDICIAL INTERPRETATION

5.1 Role of Judiciary

Courts interpret laws to adapt to new cyber challenges.

5.2 Right to Privacy

- Recognized as fundamental → protects against:
- Data misuse
- Image-based abuse

5.3 Freedom of Speech vs Abuse

- Courts balance:
- Free speech
- Protection from harm

5.4 Interpretation of IT Act

- Courts clarified:
- Obscenity
- Platform liability

5.5 Cyberstalking Recognition

- Recognized as serious offence causing:
- Psychological harm
- Social impact

5.6 Child Protection Approach

- Courts ensure:
- Confidentiality

- Safe procedures

5.7 Electronic Evidence

- Challenges:
- Authenticity
- Admissibility
- Courts rely on:
- Digital forensics

5.8 Jurisdiction Issues

Courts adopt flexible approach due to:
Borderless nature of internet

5.9 Judicial Activism

- Courts fill legal gaps through:
- Guidelines
- Progressive interpretation

6. CRITICAL ANALYSIS

6.1 Benefits of Transparency

- Improves accountability
- Builds public trust
- Reduces corruption

6.2 Risks to Fair Trial

- Media pressure
- Witness influence
- Prejudice against accused

6.3 Trial by Media

- Leads to:
- Sensationalism

- Bias
- Misinterpretation

6.4 Privacy Concerns

- Transparency may:
- Expose sensitive information
- Harm victims

6.5 Technological Challenges

- Infrastructure gaps
- Cybersecurity risks
- High costs

6.6 Institutional Readiness

- Courts may face:
- Resistance
- Lack of training

6.7 Selective vs Full Transparency

- Selective transparency is more practical because it:
- Protects privacy
- Ensures fairness

6.8 Need for Safeguards

- Delayed broadcasting
- Anonymity protection
- Judicial discretion

7. FINDINGS

- Key findings include:
- Laws are inadequate for modern crimes
- Lack of global regulation

- Difficulty in identifying offenders
- Technical gap in enforcement
- Jurisdictional issues
- Emerging cyber threats

8. SUGGESTIONS

8.1 Legal Reforms

Enact clear and updated cyber laws

8.2 International Cooperation

Strengthen global legal frameworks

8.3 Stronger Regulations

AML & KYC enforcement

8.4 Capacity Building

Training for judges and police

8.5 Use of Technology

AI and digital forensics

8.6 Public Awareness

Digital literacy programs

8.7 Specialized Authorities

Dedicated cybercrime bodies

9. CONCLUSION

- The study concludes that:
- Digital exploitation is a growing and serious issue
- Legal frameworks are evolving but insufficient
- Judicial interpretation plays a crucial role

- Transparency in trials is necessary but must be regulated
- A balanced approach is essential—one that ensures:
- Accountability
- Fair trial
- Privacy protection
- Ultimately, justice in the digital age must combine:
- Law
- Technology
- Social awareness

