

**Yahya Afridi, J.:-** The learned petitioner, Justice Qazi Faez Isa, during the proceedings of his Review Petition (CRP 296/2020), moved an application (CMA 1243/2021) seeking directions of this court, in terms:

“(a) direct the State-owned Pakistan Television Corporation (PTV) to broadcast live the proceedings of the petitioner’s case, (b) to direct the Pakistan Electronic Media Regulatory Authority (PEMRA) to issue written instructions to all private channels that they cannot be restrained in any manner whatsoever from broadcasting the proceedings and (c) to order live streaming of court proceedings.”

After extensive hearing of the submissions of the parties, this Court dismissed the application by a majority of 6:4 *vide* three separate short orders, all dated 13.04.2020. I dismissed the application *vide* my short order in terms:

“For the reasons already recorded in my judgment delivered in Constitution Petition No.17 of 2019, the present Civil Miscellaneous Application No.1243 of 2021 is dismissed, as the relief sought by the petitioner would “negate the very spirit of the oath taken by the petitioning Judge”.

2. However, for the reasons to be recorded later, I find the right of the public to have access to live-streaming or audio- video recording, written transcript or any other medium, of the court hearings in the proceedings of public importance, including those under Articles 184(3) and 186 of the Constitution, is their fundamental right under Article 19A of the Constitution. The Registrar of this Court is, therefore, directed to place the matter before the Full Court for appropriate steps as it deems fit, under Article 191 of the Constitution, to effectuate this fundamental right of the public.”

2. At the very outset, and that too without much ado, I am clear and firm in my view that, to allow the relief the applicant seeks in the application would, for the reasons already recorded in detail in my judgment delivered in Constitution Petition No.17 of 2019, “negate the very spirit of the oath taken” by him as a Judge of the superior judiciary, that mandates him to avoid “publicity”, which in itself warrants dismissal of the application.

3. As for the reasons stated, to declare the right of the public to have access to the court-hearings through live-streaming, audio-video recording, written transcript or any other medium, in the proceedings of public importance including those under Articles 184(3) and 186 of the Constitution, to be their fundamental right under Article 19A of the Constitution, I adopt the weighty reasons stated in paragraphs 13 - 25 of

the detailed order rendered by my learned brothers, Maqbool Baqar, Mazhar Alam Khan Miankhel, and Syed Mansoor Ali Shah, JJ.

4. This right, however, cannot be left to reign absolute, lest it be abused and, thus, requires to be regulated, as Article 19A of the Constitution mandates the same to be "subject to regulation and reasonable restrictions imposed by law". Therefore, for the safe and proper implementation of this fundamental right, the appropriate means would be to frame rules under Article 191 of the Constitution. As to the perils of immediately allowing such access to the public, and the matters that require consideration before allowing such access, I concur with the reasoning recorded by my learned brother, Munib Akhtar J., in paragraphs 16 - 18 of his detailed order.

5. I am of the considered view that once this Court has adjudged and declared on the judicial side that the public has a right to have access to information of the court-proceedings in cases of public importance, the process of effectuating the said right should best be left for the Court to be dealt with on the administrative side. The full court comprising all Judges of this Court, with the deliberation and input of all of them, would be better poised than any Bench of this Court to balance the interests of all stakeholders, in giving the public access to court-proceedings, by making well considered rules to regulate its practice and procedure on this subject, and obviating the possibility of causing affront to the proceedings of this Court, which should in all eventualities be vehemently avoided to preserve the majesty of the Court.

6. Accordingly, the worthy Registrar of this Court is directed to place the matter before the Full Court, on the administrative side, for appropriate steps as it deems fit, under Article 191 of the Constitution.

**Judge**