

What are in-camera proceedings and when are they conducted?

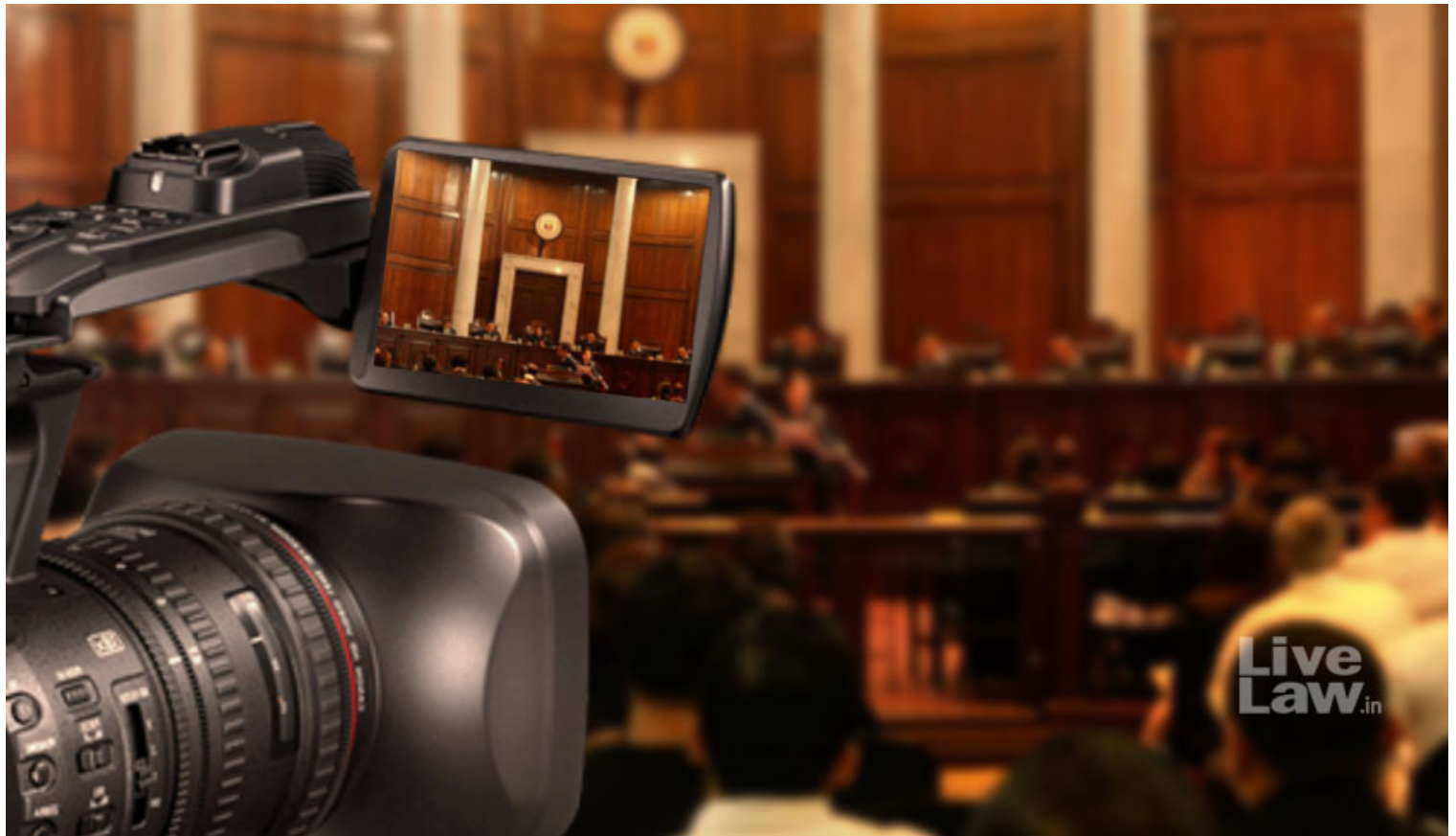
By IASToppers | 2022-11-30 17:05:00



What are in-camera proceedings and when are they conducted?

Recently, Supreme Court has rejected a plea by a former editor of Tehelka magazine for in-camera hearing of a rape case against him.

In-camera proceedings



[ref-live law]

- In-camera proceedings are **private** and **does not have open court proceedings**.
- It is conducted as per the court's discretion in **sensitive matters**.
- It aims to ensure protection and privacy of the parties involved.
- Proceedings are held through **video conferencing** or in **closed chambers**.
 - **Public** and **press** are **excluded** from witnessing the proceedings.
 - In an **open** court system **press** is allowed to report on the matter being heard.

Section 327 of the **Code of Criminal Procedure (CrPC)**

- It decides the types of cases that should be recorded on **camera**.
- It includes **inquiry** and **trial** in rape cases.
- It states that if the **presiding judge** or a magistrate thinks fit, she can order at any stage of the proceedings that the **public** generally, or any particular person, shall **not remain present** in the courtroom or the court building.
- Trial should be conducted as far as possible by a **woman** judge or a **magistrate**.
- **Trials** should be held for-
 - Offences punishable under **section 376** (rape) of the **Indian Penal Code**.
 - **Offences** including rape that could lead the victim to be in a **vegetative** state or **death**.
 - Rape of woman **under 12 years** of age.
 - Intercourse by person in **authority**.
 - Intercourse by **public servant** with **woman** in **custody**.

- Gang rapes on adult and minor women.
- It states that it will **not** be lawful to **publish** any matter in relation to in-camera proceedings **except** with the previous **permission** of the court.
 - Ban on **publishing** of trial proceedings for offence of rape may be lifted subject to maintaining **confidentiality** of name and address of the parties.

Other cases where in-camera proceedings are allowed

- In **family courts** in cases of-
 - Matrimonial disputes.
 - Judicial separation.
 - Divorce proceedings.
 - Impotence, and more.
- Witnesses of **terrorist activities** to **protect** them and maintain **national security**.