

Sealed Cover Jurisprudence [UPSC Notes]

Sealed cover jurisprudence is a term often in news in relation to the judiciary and the larger polity of the country. In this context, it is vital to understand what sealed cover jurisprudence means, its pros and cons, its usage in India and its constitutionality. This is relevant for the [IAS exam](#) polity and governance segments.

What is Sealed Cover Jurisprudence?

Sealed cover jurisprudence is seeking or accepting information from government agencies in sealed envelopes accessible only by judges.

- The [Supreme Court](#), as well as several lesser courts, can adopt this practice when the information is required in confidence or secrecy.
- No party would be granted access to the contents of such information if the Chief Justice or a court orders it to be kept under seal or finds it to be of a confidential nature.
- It is normally used in only one of two situations:
 - ongoing investigations that are part of the police journal, and
 - disclosure of confidential or private information.
- In both of these cases, the premise is clear: the court process must not jeopardize the investigation or cause injury to a party by releasing information.

Legality of Sealed Cover Jurisprudence

The doctrine of sealed cover is not defined by any specific law.

- Rule 7 of Order XIII of the Supreme Court Rules and Section 123 of the Indian Evidence Act of 1872 give the Supreme Court the authority to employ it.
- Official unpublished documents relating to state matters are protected under the Evidence Act, and a public officer cannot be forced to disclose such materials.

Use of Sealed cover jurisprudence by Courts in India

In this section, we list a few prominent cases where sealed over jurisprudence was employed.

- **2014 BCCI reforms case:** In this case, the cricket body's probe committee filed its report to the Supreme Court in a sealed envelope, requesting that the names of nine cricketers suspected of match and spot-fixing not be made public.
- **Bhima Koregaon case:** In this case, activists were arrested under the [Unlawful Activities Prevention Act](#). The Supreme Court had relied on information submitted by the Maharashtra police in a sealed cover.

- **Rafale fighter jet deal:** In this case, the Supreme Court had asked the Centre to submit details in a sealed cover as the Centre had contended that the details related to the Rafale deal were subject to the Official Secrets Act and secrecy clauses in the deal.
- **National Register of Citizens (NRC) in Assam:** The Supreme Court mandated the coordinator of the NRC to submit periodic reports in a sealed cover, which could neither be accessed by the government nor the petitioners.

Critical Analysis of Sealed Cover Jurisprudence

Arguments in favour

- Our Supreme Court's jurisdiction has been enlarged to include the ability to receive case information in sealed envelopes.
- This is done in highly sensitive instances like defence deals or policy-related cases that will have a significant impact on the country's economy.
- In these situations, sealed envelopes become critical, and their use is unavoidable as a matter of national security.
- Courts have in-camera procedures even in private cases. This is because even situations involving people's personal lives are not admissible in court records.
- This is why the sealed cover doctrine is necessary in some instances.

Arguments Against

- **Against the principle of an open court:** The sealed cover orders fundamentally go against the cardinal principle of an open court and militate against the Supreme Court's function of public reasoning.
- **Against principles of natural justice:** They violate the principles of natural justice as well, preventing parties from having a full appreciation of the facts of the case. It is not favourable to the principles of transparency and accountability of the Indian justice system.
- **Against Right to Know:** The doctrine of sealed cover definitely goes against the citizens' "right to know". It excludes the public from crucial issues that impact their lives directly or indirectly.
- **Reasoning not given by Supreme Court:** The court orders provide no justifications for using sealed cover practice. There isn't even a verbal commitment to assess if the public interest is better served by disclosure of truth.
- **It manipulates the final decision:** It vitiates the decision-making process and affects the outcome. Sealed covers have been allowed in cases where facts presented by the state needed to be debated and examined to settle the question of law.
- **Violation of SC judgment:** It is argued that not providing access to such documents to the accused parties obstructs their passage to a fair trial and adjudication. In the 2019 judgment in the case of P Gopalakrishnan V. The State of Kerala, the Supreme Court had said that disclosure of documents to the accused is constitutionally mandated.

Read other [important Supreme Court judgements](#) in the linked article.

Conclusion:

- The jurisprudence concerning sealed covers is currently in a grey area.
- While confidentiality is required in some circumstances, it must be justified beyond a reasonable doubt.
- This would provide sealed cover jurisprudence with constitutional support while maintaining public trust in the court's judgment and putting checks and balances on the court's power.

