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## SEALED COVER JURISPRUDENCE: A DART ON THE CORE OF NATURAL JUSTICE

### ABSTRACT

*This research article delves into the contentious practice of sealed cover jurisprudence in India. While Sealed Cover Jurisprudence intends to safeguard the confidential information related to national security and public interest during a court proceeding, it has been criticized for lacking transparency, accountability, and for critically impacting principle of natural justice and other constitutional principles.*

*This article undertakes a comparative analysis of sealed cover jurisprudence and its alternative approach of public interest immunity claim. It highlights the latter's potential as a less restrictive means to strike a balance between public interest of national security and fair administration of justice..*

*Further this article critically examines the directions laid down by the Supreme Courts for the cases concerning discloser of sensitive information during a court proceeding. This article also evaluates the effect of such direction and tries to identify existing loopholes and their potential solutions.*

*Ultimately, the article concludes by emphasizing the need for a well-structured legal framework, through which reliance on the practice of sealed cover jurisprudence can be eliminated, which will ensure a fair and transparent judicial system that upholds the principles of natural justice and constitutional values.*

*KEYWORDS: Sealed cover jurisprudence; Natural justice; Public interest immunity claim; National security; Public interest; Constitutional principles.*

## I. INTRODUCTION

Equality, transparency, and accountability are certain vital tools through which the judiciary can develop a sense of justice among people. In their absence, though justice may be delivered however it will hardly appear to be fair. To accord legitimacy to a court's order it is equally important that a perception is created in the mind of the general public that the judiciary is fair, transparent, and can be held accountable for their action.

However, the judiciary has failed to manifest such perception, particularly, while practicing Sealed Cover Jurisprudence in India. The practice of Sealed Cover Jurisprudence (*hereinafter mentioned as SCJ*) has raised several concerns over the procedural fairness of the court proceedings. Sealed cover jurisprudence is alleged to be opaque, arbitrary, and unbalanced.

As a concept, it has been used in India since 2013 to protect information related to National Security and Public Interest. It is a method that is adopted by the court in India to accept confidential or sensitive documents, files, and other evidence in a hidden or protected manner. In this method, the party submitting the confidential or sensitive document or evidences pleads that the content of such documents or evidences, in the public interest should not be disclosed to the corresponding party or parties to the proceeding. Facts and figures emerging out of such material can only be relied upon by the courts & by the party presenting them and not by any other party or parties. Such other party or parties to the proceeding do not have a right to demand a copy of such material which, per se is in contravention of the principle of natural justice.<sup>1</sup>

This type of immunity, more often than not, is claimed by the Government as the information concerning national security or matters of public interest is usually held by the state. The term 'Public Interest' & 'National Security' encapsulates elements such as "*socio-political stability, territorial integrity, economic stability and strength, ecological balance, cultural cohesiveness, and external peace, etc*"<sup>2</sup>. Therefore, information related to these elements is very sensitive and secret and if revealed openly, can have an adverse effect on the security of the state. Hence, the state contends that the principle of natural justice can be jeopardized when it is a matter of public interest and the judiciary must choose the public interest of the country over the private interest of individuals.

On the contrary, it is argued that the practice of sealed cover jurisprudence is widely misused by the state as a tool to defy citizens' rights and to restrict criticism of the government's political and administrative actions.

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<sup>1</sup> *Rathi Ispat Ltd. v. Commissioner of C. Ex.*, 2001 SCC OnLine CEGAT 2275

<sup>2</sup> *Ex-Armymen's Protection Services (P) Ltd. v. Union of India*, (2014) 5 SCC 409

Journalists, activists, advocates, and scholars have raised concerns about the overbroad use of the terms 'public interest' and 'national security' to flout the rights of the citizen. The debate over sealed cover jurisprudence is no longer just an academic discourse as even the Honorable Supreme Court has also red flagged the practice of sealed cover jurisprudence. A division bench presided by Chief Justice of India, DY Chandrachud while hearing a matter on the 'One Rank One Pension Scheme' said that Sealed cover jurisprudence is “ fundamentally contrary to the judicial process and principle of fair trial”. Further, the CJI added that "I am personally averse to sealed covers. The court has to be transparent".<sup>3</sup>

As questions have been raised now and then on the process of Sealed Cover Jurisprudence this article will try to analysis its sanctity on the touchstone of constitutional principles. It will also critically analysis the directions given by the Honorable Supreme Court to cater the issue of sealed cover jurisprudence. Finally, this article will attempt to underline the existing loopholes and their potential solution in terms of handling matters of public interest and national security during the court proceedings in India.

## II. ORIGIN OF SEALED COVER JURISPRUDENCE

In India, Sealed Cover Jurisprudence is a innovation of the Judiciary and not of any legislative body. Article 145 of the Constitution of India empowers the Supreme Court "*to make rules for regulating, practices and procedure of the court.*"<sup>4</sup> The practice of Sealed Cover Jurisprudence has emerged from Order XIII of Supreme Court Rules, 2013.

Rule 1 of Order XIII of Supreme Court Rules, 2013 pronounces that "*a party to a proceeding shall be entitled to receive certified copies of all pleadings, judgments, decrees or orders, documents and deposition of witnesses made or exhibited in the proceeding*"<sup>5</sup> on the contrary as an exception to Rule 1, Rule 7 of the same order state that "*no person shall be entitled to receive copies of a document or an extract which is of confidential nature or which the chief justice or the court directs to keep in sealed cover.*"<sup>6</sup> Thus it is through Rule 7 of the said order, sealed cover jurisprudence gains legitimacy.

Here it would be worth mentioning that there is a polarity between Sealed Cover Jurisprudence and Public Interest Immunity Claim (Under Section 123 & 124 of the Indian Evidence Act) which is often misunderstood as identical. In Sealed Cover Jurisprudence only the court and the party claiming the non-discloser of the document can rely on the matter in sealed cover, on the contrary,

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<sup>3</sup> KRISHNADAS RAJAGOPAL, *SC directs Centre to clear ₹28,000-crore OROP arrears*, The Hindu (March 21, 2023)

<sup>4</sup> Article 145, The Constitution of India, 1950.

<sup>5</sup> Rule 1 of Order XIII of Supreme Court Rules, 2013

<sup>6</sup> Rule 7 of Order XIII of Supreme Court Rules, 2013

in a successful Public Interest Immunity Claim the material is entirely removed from the proceeding i.e. neither the prosecution nor the defendant and even the courts can't rely on such material during a court proceedings.

### **III. SEALED COVER JURISPRUDENCE AND CONSTITUTIONAL PRINCIPLE.**

Constitutional principles are the fundamental ideas and values which serve as a guiding philosophy. They are the bedrock of the constitution and anything which goes against them goes against the spirit of the constitution. While some of these principles were embedded in the Indian Constitution, others gain recognition through judicial precedents. Sealed cover jurisprudence is claimed to be contravening several constitutional principles.

#### *A. PRINCIPLE OF NATURAL JUSTICE*

The principle of natural justice is an essential pillar to ensure impartial decision-making, and it provides every party to the proceeding an opportunity to be heard. It was constitutionalised in *Maneka Gandhi v. Union of India*<sup>7</sup> to promote fairness and equality. It is a well-established fact that the right to a fair hearing and right against bias is an essential element of the Principle of Natural Justice. Sealed cover Jurisprudence neither provides an opportunity for a fair hearing nor does it help the adjudicator to remain unbiased and neutral.

#### 1. Right to Fair Hearing.

A fair hearing is an important ingredient of *audi alteram partem* and embraces almost every facet of fair procedure.<sup>8</sup> Right to fair hearing in the first place provides that an 'opportunity of hearing must be given' and secondly, the opportunity must be a 'reasonable opportunity'.<sup>9</sup> Fair hearing requires that the affected party should be given a reasonable opportunity to establish his innocence; and to deny his guilt. In order to do so the concerned party must be apprised of all the allegations & evidences against him and be allowed to rebut them.<sup>10</sup> Further, an opportunity to produce material evidence in favor of his case should also be given to the affected party.<sup>11</sup>

It is a common practice under sealed cover jurisprudence, that the material evidence produced in sealed cover is though, relied on by the courts to decide the case but is not disclosed to the accused. Further due to such non-disclosure of evidence the concerned party can neither rebut such

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<sup>7</sup> *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248

<sup>8</sup> *Krishna Mohan Medical College and Hospital v. Union of India*, (2017) 15 SCC 719

<sup>9</sup> *Indru Ramchand Bharvani v. Union of India*, (1988) 4 SCC 1

<sup>10</sup> *Dhakeswari Cotton Mills Ltd. v. CIT*, (1955) 1 SCR 941

<sup>11</sup> *Ibid*

evidence nor can they produce counter evidence. Thus Sealed cover jurisprudence fails to provide a reasonable opportunity to hear the other side and therefore violates the principle of natural justice.

## 2. Right against bias.

Right against bias is one of the fundamental tenets of natural justice. It states that the adjudicator must be neutral and unbiased. Biasness need not be actual and even the likelihood of biasness is sufficient to violate the principle of natural justice.<sup>12</sup> There is always a possibility of unconscious biasness, on the part of the adjudicator, when material evidence in a sealed cover, is relied on by the courts without allowing the other party to respond and challenge its content. The adjudicator will always be inclined towards the party presenting evidence in a sealed cover as the other party can't rebut such evidence. Further sealed cover jurisprudence often leads to ex-part communication between the adjudicator and the party presenting the material in a sealed cover. This ex-part communication can also confront the neutrality of the adjudicator. Therefore it can be expressed that sealed cover jurisprudence does not assist the adjudicator to remain unbiased and neutral.

## 3. Reasonable Order

After '*Audi alterem partem*' and '*Nemo debet esse iudex in propria causa*' a 'reasoned order' is recognized as the third pillar of the principle of natural justice.<sup>13</sup> It is often referred to as 'speaking order' as the order speaks for itself. A reasoned order provides a detailed explanation of a court's decision which helps to justify the outcome. It gives a sense of satisfaction to the parties, especially against whom a verdict has been pronounced. Parties involved in the case by a mere perusal of the judgment, can understand that the decision is not arbitrary and biased; rather it is a fair application of law. Therefore a reasoned order is an essential element of natural justice as it ensures transparency in the court proceeding, built public trust, and enhances the legitimacy of the judicial system.

Under the jurisprudence of sealed covers, it has become a common practice that courts do not provide a well-reasoned order, which obfuscates the rationality behind their decisions. This is done to protect the publication of the content of sealed cover through a reasoned order. It not just violates the principle of natural justice but also restricts the scope of appellate review. The party against whom the judgment has been pronounced can't effectively challenge the rationality of the order in

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<sup>12</sup> Rattan Lal Sharma v. Managing Committee, Dr. Hari Ram (Co-Education) Higher Secondary School, (1993) 4 SCC 10

<sup>13</sup> Sant Lal Gupta v. Modern Coop. Group Housing Society Ltd., (2010) 13 SCC 336

the appellate court. Thus it becomes almost an impossible task to correct the decision of the subordinate courts and administer justice.

### *B. THE GOLDEN TRINGLE*

The golden triangle plays a crucial role in binding the democratic fabric of India. It is often said that it is the golden triangle that stands between the heaven of freedom and the hell of fire. It constitutes of Article 14, Article 19, and Article 21 which ensure equality, freedom, and liberty in India. These three Articles are read independently as well as interdependently in our Indian constitution. The golden triangle also forms part of the basic structure of the constitution<sup>14</sup> and abrogation of any vertices of the triangle will be a grave violation of constitutional principles.

It is not that, Rule 7 of Order XIII<sup>15</sup>, which legitimizes the sealed cover jurisprudence, is unconstitutional or the objective behind it is unconstitutional however, the procedure adopted by the courts i.e. not giving adequate opportunity to present one's case is against the spirit of the Constitution. Instead, the courts could have adopted a less restrictive measure. Further, the rule-making power of the Supreme Court under Article 145 is subjected to the fundamental right<sup>16</sup> thus making it crucial to analysis the concept of the Golden Triangle with respect to the SCJ.

#### 1. Article 14

Article 14 of the Indian constitution provides to every person within the territory of India equality before the law and equal protection of law.<sup>17</sup> Even the preamble asks to secure "equality of status and of opportunity among its citizens".<sup>18</sup> Sealed cover jurisprudence fails to provide an equal opportunity to the parties to present their case.

In *Union of India v. Tulsiram Patel*<sup>19</sup>, it was held that violation of the rule of natural justice results in arbitrariness, which is the same as discrimination, thus a violation of natural justice is a violation of Article 14. However, it can still be successfully argued that compliance with the principles of natural justice can be excluded if there is a necessity.<sup>20</sup> But the doctrine of necessity shall only apply in cases where no substitute option is possible and violation of rights is the only

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<sup>14</sup> I.R. Coelho v. State of T.N., (2007) 2 SCC 1

<sup>15</sup> Supra

<sup>16</sup> Prem Chand Garg v. Excise Commr., 1963 Supp (1) SCR 885

<sup>17</sup> Article 14, The Constitution of India, 1950.

<sup>18</sup> Preamble, The Constitution of India, 1950.

<sup>19</sup> *Union of India v. Tulsiram Patel*, (1985) 3 SCC 398

<sup>20</sup> *State of U.P. v. Sheo Shanker Lal Srivastava*, (2006) 3 SCC 276

mean to achieve a higher end. In the case of sealed cover jurisprudence, the judiciary has failed to explore other options that are less restrictive in nature.

## 2. Article 19

'Right to know' or 'Right to information' is recognized under Article 19(1) (a) as a fundamental right.<sup>21</sup> The absence of information restricts freedom of speech and expression. Without the free flow of information within the democracy, the citizens and other stakeholders can't criticize and analysis the functioning of the government.

A reasoned order of a court or an administrative body is in furtherance of the objective of right to information. An unreasoned order might be correct but may not appear so to the person affected. Reasons, if recorded, indicates whether the adjudicator or administrative authority has acted bona fide or otherwise.<sup>22</sup> On the contrary, transparency should not compromise the security of the state or the public interest; therefore restrictions can be imposed on the right to information. But these restrictions should be reasonable. The phrase "reasonable restriction" means that any constraint placed on the enjoyment of rights must not be unreasonable and excessive in nature or more than what is required in the interest of the public.<sup>23</sup>

Under sealed cover jurisprudence, the courts do not pass a reasoned judgment. It is done so in the name of security of the state or public interest which are recognized restrictions under Article 19(2). However, the mean applied i.e. not providing a reasoned judgment is excessive in nature and a less restrictive mean could have been applied. The process of SCJ is beyond what is required and thus arbitrary and unreasonable.

## 3. Article 21

Article 21 of the Constitution of India encompasses two essential principles: "Procedure established by law" and "due process of law." While the former is explicitly mentioned in the constitution, the latter derives its legitimacy through judicial interpretation and precedent. "Procedure established by law" ensures that the life and liberty of individuals can only be restricted according to a procedure laid down by law and not through any other means. On the other hand, "due process of law" guarantees that any procedure established by law must be just, fair, and non-arbitrary.

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<sup>21</sup> Supreme Court of India v. Subhash Chandra Agarwal, (2020) 5 SCC 481

<sup>22</sup> Lord Denning v. Amalgamated Engineering Union (1971) 1 All ER 1148

<sup>23</sup> Bishambhar Dayal Chandra Mohan v. State of U.P., (1982) 1 SCC 39

The practice of sealed cover jurisprudence is a 'procedure established by law' which lacks in providing equal opportunity of representation, makes the process of adjudication unjust, unfair and unreasonable. It restricts life and liberty of persons without affording them a reasonable opportunity to be heard, which, in turn, infringes upon the principles of due process of law.

#### **IV. COMPARISON BETWEEN PII CLAIM AND SEALED COVER JURISPRUDENCE**

Both the Public Interest Immunity Claim (PII Claim) and Sealed Cover Jurisprudence share a common objective of protecting the state's confidential information, during a court proceeding. In both proceedings documents are withheld and are not disclosed to the applicant. However, there is a crucial distinction between the two approaches.

In sealed cover jurisprudence, the party claiming the non-discloser and the judges, can rely on the confidential material that is to be withheld from the applicant, and on the contrary in PII claim, if it is successfully made before a judge, the confidential document is totally removed from the proceeding and neither the judge nor the party claiming the immunity can rely on the material during a court proceeding.

While both proceedings fail to recognize the interest of the applicant, the PII claim is less restrictive when compared to the sealed cover jurisprudence. In the PII claim, if the confidential document is disclosed it is disclosed to both the parties, and if it is restricted, it is restricted to be used by both the parties, which per se promotes a more balanced approach. However, one drawback of the PII claim is that the complete removal of the relevant confidential material, in a court proceeding can make certain disputes non-justiciable.

Despite the potential drawback, there is no inequality of arms in the PII claim unlike in the sealed cover jurisprudence where the party seeking non-disclosure and the judges, can rely on the confidential document in the court proceeding but not the applicant.

Thus, we can say despite whatever loopholes PII Claim has, when compared to sealed cover jurisprudence it is found to be less restrictive in nature.

#### **V. LANDMARK JUDGMENT OF MEDIA ONE CASE**

In *Madhyamam Broadcasting Ltd. v. Union of India*<sup>24</sup> (also known as media one case) the Honorable Supreme Court suggested a fairer alternative to sealed cover jurisprudence. In this judgment, the Honorable Court tried to balance the public interest of administering justice and the public interest of security of the state. The court directed to use public interest immunity claim with an expanded scope instead of sealed cover jurisprudence. This precedent recognized the

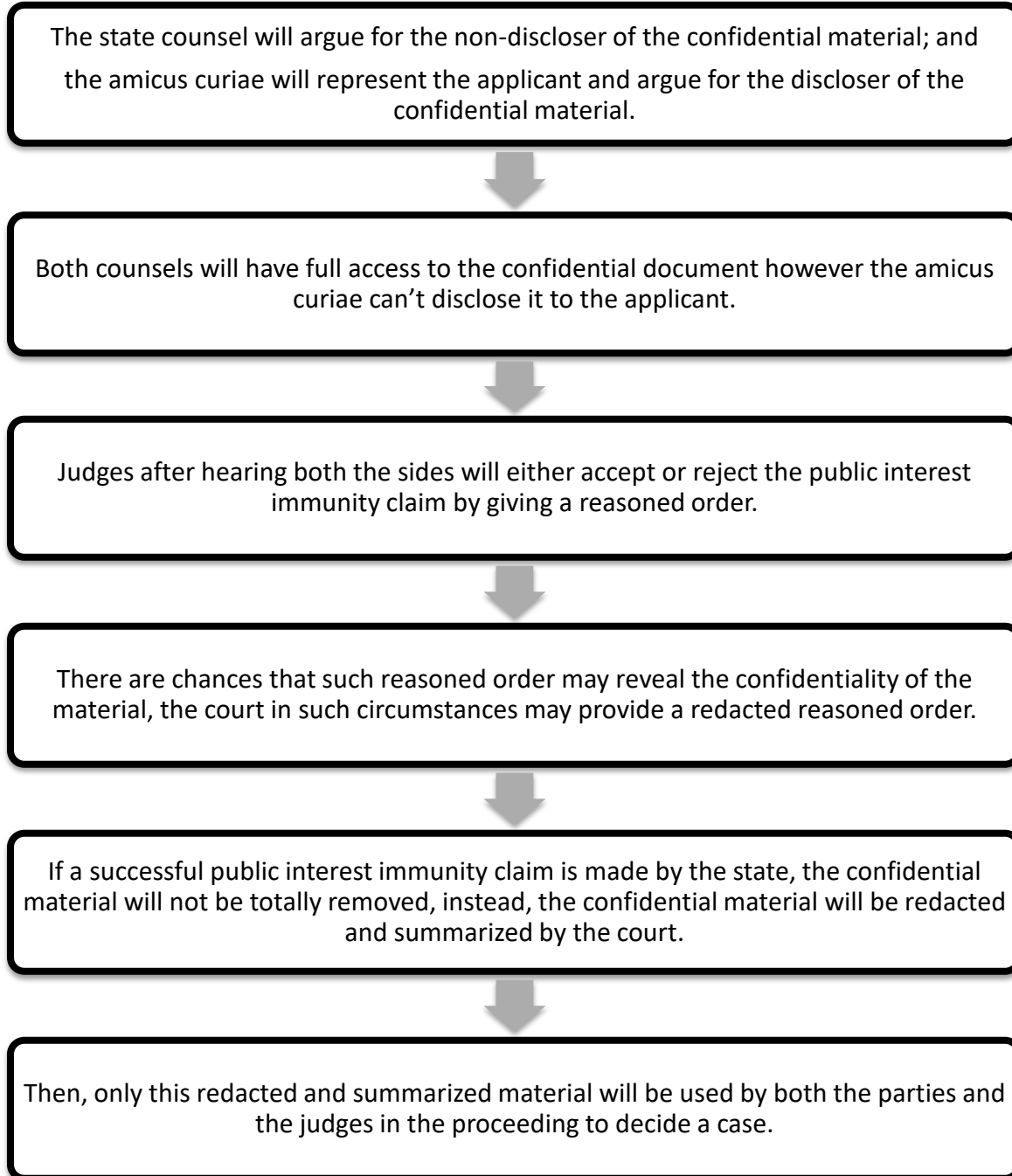
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<sup>24</sup>*Madhyamam Broadcasting Ltd. v. Union of India*, 2023 SCC OnLine SC 366



powers in courts to appoint amicus curiae (which means a friend of the court) who will represent the interest of the applicant.

In this case the court gave the following directions; whenever a public interest immunity claim is made by the state:



Further, the amicus curia can't interact with the applicant after the commencement of the Public interest immunity claim procedure. Moreover, while deciding whether the sealed cover

jurisprudence can be used at all, the court stated that *"if the purpose could be realised effectively by public interest immunity proceedings or any other less restrictive means, then the sealed cover procedure should not be adopted"*<sup>25</sup>.

#### A. GREY AREAS OF THE JUDGMENT.

While this landmark judgment made commendable efforts to strike a balance between the public interest of administering justice with that of safeguarding national security concerns, it is essential to acknowledge the existence of certain technical and procedural loopholes that need to be addressed.

Firstly in this landmark judgment, the court has recognized the power to appoint an amicus curia who will be granted unrestricted access to the state's confidential documents. However, the precedent does not address the crucial aspect of providing security clearance to such amicus curiae. As state's secrets are highly sensitive, it must not be disclosed to anyone, without due diligence. Any kind of leniency in handling amicus curiae's appointments can have far-reaching consequences. Apart from other things, it could also affect our foreign relations with other nation states. Doubts about the trustworthiness of the individuals granted access to sensitive materials, may result in a loss of cooperation from foreign security agencies. Foreign countries may become reluctant to share confidential information, fearing that it could be mishandled or compromised. Thus it is crucial to establish a well-defined procedure for the appointing of amicus curiae in cases involving Public Interest Immunity claims. Failure to do so could potentially jeopardize the security, integrity, and foreign relations of the nation.

Secondly, the judgment includes the provision of redaction and summarization of the sensitive material when a successful PII Claim is made by the state. However, the judgment failed to acknowledge that not all highly confidential and sensitive documents can be redacted and summarised as it may have two devastating consequences:

- i. First, it might compromise the source of the information or jeopardize the safety and liberty of informant who have given such classified information to the security agencies. There is always a risk of revealing, patterns or clues that adversaries or foreign entities could exploit through reverse engineering in the redacted document. Such action may lead them to identify the source of breach in their system which will ultimately put the safety of the informant in danger and also compromise future intelligence gathering.

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<sup>25</sup> Ibid

- ii. Further, if the courts redact more than what is required, doubts may arise regarding the authenticity and accuracy of such material, as ultimately the parties and the court have to rely on such redacted material in the proceeding.

Therefore it can be said that PII Claim has not completely replaced the practice of sealed cover jurisprudence but only reduced our dependence on it.

Thirdly, the judgment failed to consider the existing burden on judges due to the high number of pendency of cases. Engaging judges in redaction and summarization of confidential documents, which sometimes could run into hundreds of pages, will further overburden the courts in India. It will be time-consuming in nature as thoughtful deliberation will be required to decide the extend of discloser of the confidential document in summarised form. It will restrict the speedy resolution of cases. Thus, it becomes crucial to find a more effective way to handle such document.

Lastly, the judgment rightly restricts any kind of interaction between the amicus curia and the appellant after the commencement of PII Claim proceeding. However, this could potentially hinder the ability of amicus curia to adequately represent the appellant's interest. There might be a communication gap in understanding the appellant's perspective, needs and concerns related to the cases. Thus it could potentially affect the amicus curia role of representing the appellant and providing due assistance to the court. Finding a balanced approach that allows some form of communication, under strict supervision while maintaining the integrity of the PII claim is crucial for the appellant's well representation.

Further, it is concerning that the precedent does not establish an effective mechanism to keep a check on the enforcement of the non-interaction clause. Moreover, the judgment also falls short in fixing accountability in case the amicus curia breaches the non-interaction clause. Thus raising doubts about the practicality of such restriction which in the long run may lead to major national security concerns.

#### *B. POTENTIAL SOLUTION*

While these problems need thoughtful deliberation to reach on a potential solution, here are a few suggestions that can be incorporated to make PII claim more viable.

1. Security Cleared Special Advocates: Instead of randomly appointing an amicus curia in a PII claim matters, the court must recruit security-cleared special advocates. These advocates would be specifically handling matters of public interest immunity claim and could be entrusted with state's secrets. Further, their expertise of handling PII Claims matters could also be used for redaction and summarization of confidential documents, under the supervision of concerned judges, thereby alleviating the burden on the courts.

2. Pre-Approved Line of Questioning: To minimize any kind of communication gap in the PII claim, a pre-approved line of questioning between the special advocate and the appellant could be allowed. This process would occur in a closed court under the strict supervision of a judge while maintaining the integrity of the PII claim.
3. Internal Committee of Special Advocates: Apart from a free hand to security agencies to do a background and routine check of these special advocates. An internal committee of special advocates can also be formed to keep a double check on the special advocates that they do not interact with the appellant, except in the case of a pre-approved line of questioning.

Moreover, legislation could be introduced to regulate the conduct of special advocates across different courts in India. This legislation could set forth clear guidelines for regulating PII claims by maintaining a balanced approach between National security and public interest. By incorporating these suggestions, the PII claim procedure could be made more efficient while safeguarding the interest of all parties involved.

## **VI. FUTURE OF SEALED COVER JURISPRUDENCE**

While the Supreme Court in *Madhyamam Broadcasting Ltd. v. Union of India*<sup>26</sup> provided a fairer alternative to sealed cover jurisprudence, it does not completely ban the use of sealed cover jurisprudence. The precedent stated that it would not be within the scope of the judgment to pen down particular situations in which the sealed cover jurisprudence should be used however it would be enough to state that until and unless the objective could be achieved by less restrictive mean, sealed cover jurisprudence should not be used.

Though in general situation PII claim would be sufficient to fulfill the objective of securing documents, in the least restrictive manner however there would be situations involving highly classified information that could not be redacted and summarised due to its complexity and serious nature. In such instances, redacted and summarisation of such highly classified or complex information might reveal the source of the information or jeopardize the life and liberty of the informant. Revealing clues in the summarised material might give some advantages to our adversaries. On the other hand, too much redaction of such documents might raise the question on the authenticity of such documents. Therefore, in the absence of any other specific approach, the courts have to use the perilous method of sealed cover jurisprudence which is not suitable for our constitutional democracy.

Given the complexity and sensitivity of the case, various permutations and combinations can be used in different situations to secure the confidential document. The need of the hour is a well-structured legal framework that contains a potential approach for securing various kinds of

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<sup>26</sup> Supra

confidential information during a court proceeding. This will allow fair handling of such cases, thereby reducing reliance on sealed cover jurisprudence.

## **VII. CONCLUSION**

The practice of sealed cover jurisprudence in India has raised significant concerns over its adherence to constitutional principles, such as the principle of natural justice and the principle of equality, freedom, liberty, etc. While its intent to protect sensitive information related to national security and public interest is understandable, its implementation has been criticized for being opaque, arbitrary, and potentially biased. While the landmark judgment of the Media One Case is a commendable step toward a fairer alternative, however, still there are certain procedural and technical loopholes that need to be addressed to ensure the effectiveness and integrity of the process.

Though the potential solution to the loopholes has been discussed above however this research paper finds a need for codified legislation to ensure transparency, accountability, and fairness in handling classified information during a court proceeding. A thoughtful deliberation is required to create legislation that provides a less restrictive mean for protecting a lower grade of confidential information and comparatively higher restrictive mean to govern a highly confidential material. This approach will help in balancing the conflicting interest of national security and public interest. Ultimately this type of reformed approach will eliminate our dependence on the sealed cover jurisprudence and will contribute to a strong and more equitable judicial system.

