

Workshop on Reporting Court Proceedings by Media  
and Administration of Justice for  
Legal Correspondents / Journalists

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SPEECH

These workshops on reporting court proceedings by Media is a unique experiment by which we wanted to inculcate some ideas to some of our young talented representatives of the Print and Electronic Media. About 10 or 15 years back, the Media was not paying much attention to the court proceedings though the decisions given by the courts had far reaching effect on the life, liberty and rights of the people. The role of the Media, as regards, courts proceedings has radically changed and it greatly helped the common man to understand the nature and contents of our judicial proceedings.

Freedom of speech and expression is a very valuable fundamental right. We require this freedom not because we want to express our

opinion but we also require to receive the opinion of others. In that sense, free speech is an exchange of ideas. An expression of thoughts and ideas is an integral part of development and personality of a human being and suppression of the same is an affront to the dignity of that personality.

**Aristotle** said long ago that the object of State and society is to make it possible for individual to lead the highest life, that State and society are not ends in themselves and that they are to serve the individual and any decision which the State takes will affect the individual, and every individual, therefore, is entitled to an equal opportunity to share in the making of the common decision which will ultimately affect him. The social interest in free expression is simply that, without expression, there is no society at all, because, communication is the very essence of social life. If a society were to determine what shall be said, it has no criterion except the old stock of ideas already in hand to recognize what is useful in the new product. Any process of control which puts a spoke upon the spontaneity of expression endangers future social vitality.

The original proponents of freedom of expression thought that if there is a freedom of trade in the market of ideas, truth will grapple with falsehood and truth will prevail ultimately. Truth was always considered to be on encounter with error and became victorious in that encounter. It was assumed that freedom of expression may be relied on to supply true facts to people because false facts will soon be discovered and discredited. **Justice Holmes** in *Abrams v. U.S.* said :-

“..... that the best test of truth is the power of the thought to get itself accepted in the competition of the market, and that truth is the only ground upon which their wishes safely can be carried out.”

Though the freedom of expression is essential to democratic society, it is not a sole aim of society. In the social and political aspect freedom of expression is primarily a process or a method for reaching other goals. It is a basic element in a democratic way of life and as a vital process it shapes and determines ends of democratic society. Any theory of freedom of expression must, therefore, take into account other

values such as public order, justice, equality and other moral progress of the society as a whole and there is a need to promote these ideas.

It is through the media that the citizens are reassured that the various arms of the State are performing their roles as per their Constitutional obligations. It is also the media that often helps in conveying the expectations of the citizens. Perhaps it would not be an exaggeration to say that in India, a substantially large percentage of news content today is related to the functioning of the Indian legal machinery and its implications. Therefore the importance of this workshop cannot be understated.

Although, in general, the media has been very efficient, factual and yet searching in portraying the role of the judiciary and the status of administration of justice, there have been some inadvertent errors that seem to seep in periodically perhaps due to systemic difficulties. I am certain that even the media appreciates that such errors may inadvertently impede the functioning of the judiciary as they often tend to lead to unnecessary confusion amongst the public.

I am sure that the media also appreciates the dilemma of the judiciary, which is in a unique position compared to the other arms of the State. It is an established practice that a judge must only speak through her or his judgments. However, in a democratic system all of us are committed to and zealously guard the citizen's right to information which is also at the root of effective administration of justice. I would like to utilize this occasion to once again restate the judiciary's commitment to bringing all aspects of the administration of justice closer to each and every citizen. Undoubtedly, such a task cannot be accomplished without cooperation and synergy with the media. I am hopeful that this workshop will be able to lead us in bridging that gap.

I thank my esteemed colleague Dr. Justice Arijit Pasayat for his efforts and guidance organizing this workshop on such a crucial issue. I would like to place on record my appreciation for the Indian Law Institute (ILI) as well as the National Legal Services Authority for helping in the organization of this workshop. I would like to

particularly thank the Press Council of India and the Editors' Guild for coming forward enthusiastically to support this initiative when the idea was mooted to them. This is reflective of their commitment to justice and good governance. The active role that representatives of the media present here today have played in setting many a developmental agenda and in turn improving governance needs no introduction.

In pursuance of their commitment to provide easy and free access to legal information, the Supreme Court as well as the High Courts have placed their judgments and Orders on their respective websites. Other useful information such as the guidelines based on which Public Interest Litigation (PIL) may be entertained by the Supreme Court are also placed on the web site.

The Supreme Court has also recognized the importance of being able to make such information easily searchable and user friendly. And one of the crucial components of the National Policy and Action Plan for Implementation of Information and Communication Technology in the Indian Judiciary as framed by the e-committee, *is the creation of*

*well structured database for all the stakeholders, Courts, with user-friendly retrievable facilities.*

I hope that at the end of this workshop the esteemed participants will be able to come out with guidelines that would be most valuable to journalists while reporting, as well as for the citizens as I believe that it would enhance information access on the Indian justice system.

With the active co-operation of the leaders of the media, not only legal institutions such as the Indian Law Institute (ILI) but also the National Judicial Academy and the State Judicial Academies can play a valuable role by conducting regular workshops on legal reporting for journalists across the country.

We also look forward to valuable suggestions from the participants on what role the judiciary can play in further improving reporting of court proceedings by the media. I further hope that this will become a regular academic forum that would enable discussion on matters relating to administration of justice.