

**Media Reporting in Courts – Balancing Free Press, Fair Trial and
Integrity of Judicial Proceedings**

1. Media is regarded as public's surrogate and the fourth pillar of democracy under the Indian law. It performs the essential function of information delivery, a function beyond an individual's capacity, and lays foundations for public opinions. By the virtue of its intermediary action between the state and the citizens, and technological developments increasing its reachability, it has assumed significant powers through which it now holds the capacity of leading public opinions.
2. In the recent past, unfortunately media trials have emerged as an alarming consequence of such power. This parallel trial has led to formation of populist views which in turn have threatened to prejudice the process of justice delivery, by influencing the judgments of the stakeholders (police officers, judges) involved, by putting the onus of fulfilling public expectation on them.
3. Media reports on court proceedings have actually exhibited a disproportionate influence on public opinion. News reports in the print and electronic media have become a medium through which ordinary people learn of judicial cases and orders. This may be consistent with the principle of 'open justice' that justice must not only be done, but be seen to be done. With this power, the responsibility to report on courts accurately and fairly, respecting the integrity of judicial proceedings, becomes onerous.
4. The current state of news reporting in India is such that often several news organizations succumb to the pressures to report in a manner that sensationalise news. There is a growing tendency to selectively report isolated court observations without reference

to context. With court cases in particular, even slightly erroneous reporting can seriously affect the fairness of court proceedings and the lives of those involved, disproportionately influencing the opinion of the public. It can have disastrous outcomes particularly true of criminal trials. It may be equally true of other cases where lawyers and judges together seek to serve the ends of justice.

5. While there are some remedies against inaccurate or prejudicial coverage, such as contempt of court, these are measures of last resort available to the judiciary. Further, they become available only after the media has already erred, and often, irreversible damage to the case done. Best practices from foreign jurisdictions reveal diverse measures to ensure ex ante that media coverage is responsible and accurate. In this regard, a communication dated 22nd of June, 2017 has been received from Mr. Arghya Sengupta, Research Director, Vidhi Centre for Legal Policy flagging some important points.
6. The time has, therefore, arrived to carefully introspect on how court proceedings ought to be covered in the media in Delhi. It must be clarified that this exercise is not one to regulate or control the media. On the contrary, it is a participatory endeavour by which certain principles can be evolved which ought to guide media organisations in their coverage of court proceedings and cases.
7. Therefore, the following Committee is constituted to examine the issues raised and make recommendations with regard to the above for implementation :
 - i) Justice Ruma Pal (Retired), Supreme Court of India - Chairperson
 - ii) Justice Manmohan, Delhi High Court, New Delhi - Convenor
 - iii) Justice G. Raghuram (Retired), Director, National Judicial Academy, Bhopal.

- iv) Mr. S. C. Panda (Retd. IAS).
- v) Mr. Arghya Sengupta, Research Director, Vidhi Centre for Legal Policy.
- vi) Mr. Dayan Krishnan, Sr. Advocate,
- vii) Mr. Bharat Chugh, Advocate

8. Mr. Reetesh Singh, Joint Registrar (Rules) would be the Coordinator for the Committee.

Terms of Reference

9. The Committee would examine all relevant material and submit recommendations regarding the following :

- (I) Studying international best practices on media guidelines for court reporting and recommending guidelines for media personnel and organizations to follow while reporting on court cases and proceedings.
- (II) Recommending methods of balancing a free press with the need for fair trial and ensuring integrity of judicial proceedings.
- (III) Suggesting methodology for accreditation of court reporters through an independent process.
- (IV) Recommending appropriate training modules for court reporters

(V) Suggesting methods of implementation of Points I, III & IV above.

(VI) Any other matter relevant to the subject, as the Committee may deem fit.

10. The Committee shall submit a report in a period of three months from the date of appointment.

11. The Delhi High Court shall bear the air fare, provide local transportation for the travel as well as the stay of the outstation members of the Committee in the Delhi High Court Guest House on the same terms as stand approved for resource persons by the National Judicial Academy.

June 23, 2017

✓
Sd/-
(Gita Mittal)
Acting Chief Justice