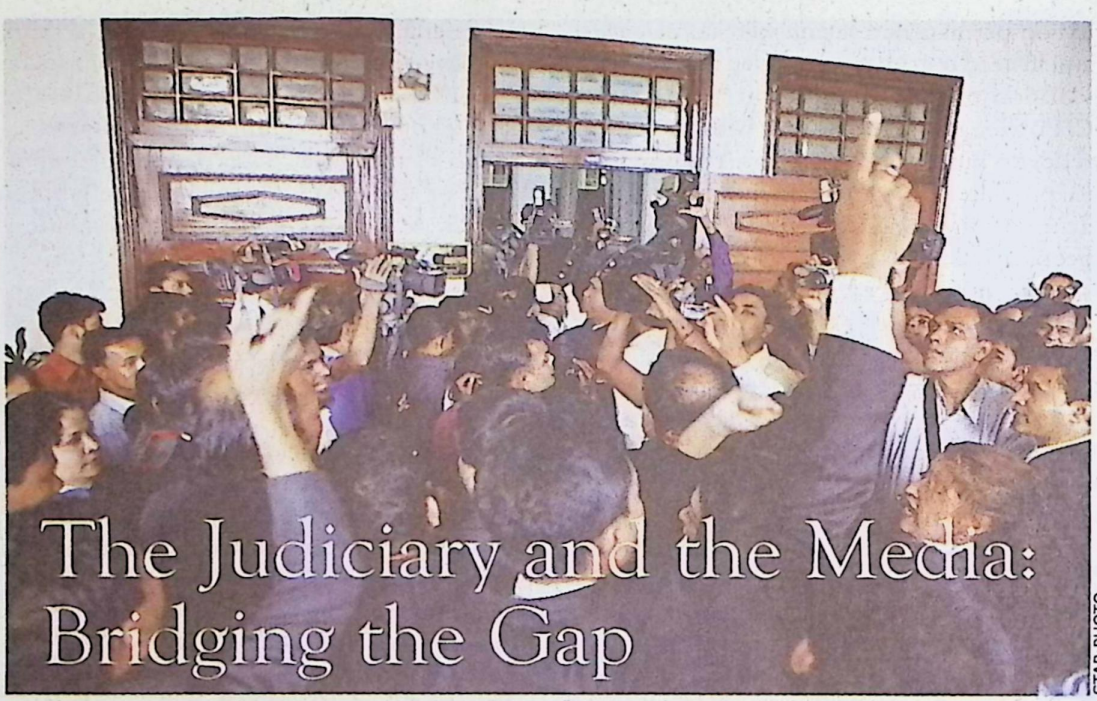


The Judiciary and the Media: Bridging the Gap

STAR PHOTO

MIZANUR RAHMAN KHAN recommends building links between the courts, the press and the people.

THE ties between media and the judiciary remain unexplored in our democratic polity. It is often said that the main challenge is the maintenance of public confidence in the courts.

As US Supreme Court Justice Felix Frankfurter once said: "The court's authority -- possessed of neither the purse nor the sword -- ultimately rests on sustained public confidence in its moral sanction."

It is the press that works to build the mosaic of that public confidence. When proceedings take place in the presence of the media, the probability of the abuse of the process is considerably minimised. But there is a difficult distance between the courts and the press in our country. Many US state-level superior courts have appointed Public Relation Officers (PRO) to facilitate interaction between judges and journalists. The judges are allowed to answer the queries of the journalists. Our code of conduct for the judges prohibits only formal interviews with the press.

The immediate past Chief Justice of India, K.G. Balakrishnan, made remarkable progress in fostering ties with the media and enhancing the concept of openness and transparency. Initially, he opposed the idea that the SC fell within the ambit of RTI. But he accepted defeat following a Delhi High Court ruling. For the first time in Indian history, he appointed a PRO to interact with the press. Subsequently all the superior courts of India devised mechanisms under the Right to Information (RTI) Act. Balakrishnan broke the "traditional unseen barriers" between the judiciary and media by organising a first-ever workshop titled "The Workshop on Reporting Court Proceedings by Media and Administration of Justice" in March 2008. One hundred court reporters and 15 apex court judges apart from eminent journalists were present. The issues that cropped up for discussion ranged from "bad acoustic in court rooms, forcing reporters to resort to the lip reading of judges to decipher what they said in their orders" to grave issues such as "the courts' awesome power under contempt laws, often coming in conflict with the media's right of free speech and expression".

In South Africa, the media and the judiciary are partners for "open justice", said Chief Justice Sandile Ngcobo. The Western educated Chief Justice, who was first chosen by Mandela in 1999, gave a landmark address at a gathering of the South African National Editor's Forum (Sanef) in Cape Town in February this year. He said: "The rights of the media to observe and report on the administration of justice, and to