

News

Regarding the report on Justice Atul Sreedharan's roster alteration, the J&K High Court dismisses the contempt charge against Hindu and ETV Bharat.



The Court stated that, as long as it is done in good faith, it welcomes critical and truthful reporting of its rulings and operations.

The J&K High Court's Srinagar Hindu Bench

The editors, correspondents, and publishers of The Hindu and ETV Bharat English were recently found not guilty of contempt of court by the Jammu & Kashmir and Ladakh High Court.

Due to their reporting, the High Court filed a **suo motu** case against them last year, alleging that Justice **Atul Sreedharan**, who is currently assigned to the Madhya Pradesh High Court, had taken a leave of absence after the cases involving the National Investigation Agency (NIA) Act and Habeas Corpus were moved from the bench he chairs.

The report was criticized by a Division Bench led by **Justice Sreedharan**, who requested that the Registrar Judicial bring the case before the Acting Chief Justice at the time.

The bench then declared that the newspaper claim that the roster was altered in the middle was "false, malicious, and contemptuous" and that it amounted to meddling with the administration of justice.

Later, the accused contemnors asked for leniency and expressed regret to the court for the false reporting. Following the court ruling, The Hindu removed a digital version of the news report.

A bench of Justices Sanjeev Kumar and Rahul Bharti concluded in the August 22 ruling that the accused contemnors' remorse and repentance were sincere and that they had acknowledged the gravity of their error.

Nonetheless, the Court also considered that their reportage was unmistakably indicative of a covert attempt to defame the High Court as an organization and foster mistrust that the roster change was intended to prevent a certain bench from hearing NIA and Habeas Corpus cases.

It further stated that since roster changes are frequently posted on the official website, there was no reason or opportunity for any newspaper or news portal to broadcast it and contribute any information.

"We have no reluctance whatsoever to observe that never-ever before the publication of the offending information by the respondents, there was any such like news item carried by any Online or Offline mode of newspaper publication with regard to the fixation of Roster in the High Court by the Hon'ble Chief Justice," the Court continued.

The Court stated that the release of the data "while lacking good faith was lurking with bad faith and definitely counted as an attempt to scandalize the functioning of the High Court

which had inflicted a necessary effect of eroding the faith of General Public in the justice delivery system with respect to the High Court of Jammu & Kashmir and Ladakh."

However, the Court chose not to pursue the contempt of court case in light of the publications' removal and apologies.

However, before ending this matter, we advise the respondents to exercise extra prudence going forward while reporting on the court's operations and proceedings. They will be well advised to remember the due diligence that we have already emphasized here," it said.

The court encourages critical reporting but cautions

The Court stated in the same order that it welcomes critical and accurate reporting of its decisions and operations, so long as it is done in good faith and with the intention of exposing any shortcomings or inefficiencies and helping to advance improvements in the judicial system and its operations.

In this sense, journalists and news reporters serve as a link between the judicial system and society, as courts are always open to public debate and discussion. "In good faith, mining and bringing information about the Courts' operations, including their flaws and disadvantages, into the public domain undoubtedly helps to increase transparency and create accountability," the Court said.

The freedom of press, which is implicit in the right of speech and expression protected by Article 19(1)(a) of the Indian Constitution, is subject to the prohibition against interfering with the administration of justice and the legislation against contempt of court, the Court observed.

"It is, thus, an imperative for the journalists and news reporters engaged and connected with reporting of court matters and affairs therewith to ensure that they do not print and publish inaccurate, false, misleading or self-fancied information and reports," the court stated.

The bench added that it is always best for the media to make sure that information is confirmed from reliable sources and to avoid depending on unreliable ones.

"If the information pertains to the courts' functioning, be it judicial or administrative side, it would be proper and appropriate to seek its verification from the Registrar General of the High Court or from such officer nominated by the High Court for the purpose before venturing to pen, print, publish and publicize it," the court

suggested.

The Court went on to say that it is the media's bounden duty and responsibility to refrain from scandalizing stories and blaming motivations "by innuendoes with respect to judiciary and judges."

"Any news publication in respect of Court/s and its working/ functioning made with a motive and potentiality, latent or patent, of degrading and deriding the judicial institution or lowering its prestige in the eyes and estimation of General Public shakes and erodes the public trust in the courts of law and of law of land as an institution and, therefore, is to be viewed nothing less than an ill-motivated interference in the administration of justice rendering such a publication definitely to fall within the purview of criminal contempt, as defined in Clause (c) of Section 2 of the Contempt of Courts Act, 1971," stated the law.

The media organizations were represented by Senior Advocate ZA Qureshi and Advocate **Salih Peerzada**.