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### COURT REPORTING; MAKING INDIAN JUDICIAL SYSTEM FAIR

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#### ABSTRACT

Mass media is considered as a guard dog for the Judiciary and other pillars of democracy. Mass media support in the fair trial of court proceeding and give proper atmosphere in the deliverance of justice to all. The present study is descriptive in nature and deals with the survey method. The data is collected with the help of a questionnaire form the journalist and lawyers. The result indicates that almost half of the respondent believes that the media helps to make a case strong and can influence public opinion as well as a judicial opinion.

#### 1.0 Introduction

##### 1.1 Media System and Reporting of Judicial Proceeding

The bridge between Judiciary and public, media plays an important role in the development of society. In a constitutional democracy, the independent judiciary and free press prevalence are extremely essential. As the increase in viewership of media has been increased in the past years, the impact has also been increased. Media has gained an unprecedented role in popular opinion-shaping as well as preferences. It is the free press that creates deepens the democratic institution's functioning by creating an informed citizenry. In a study "Mass Communication: An Introduction; Theory and Practice of Mass Media in Society", Bittner (1977) stated that mass media like magazines, newspaper, TV, radio, and films are work to make aware people.

It is the role of media to provide importance to the cases which might not be taken seriously. Being a bridge, media let the people know about the case and

also provides a platform for people to speak up. The two-way communication that media practice helps in a number of ways.

The coverage of judicial proceeding needs to display respect to the rights of parties and a certain degree of restraint. Since the order or judgment of tribunal, court or other judicial authority is freed from any copyright protection. Unless any publication has been prohibited by the court, anyone can publish them. Media is the only source through which the entire world comes to know about the court proceedings. It ensures that the court is open to the public and transparency in court. In a research work "Journalism and the Law", Crier (2005) stated that journalism is to support the judicial system and tell it's lacking too. Honest criticism is also important for the smooth functioning of a system.

## **1.2 Judicial System in India**

For the welfare of Indian citizens are the rules and law stated in the Judiciary system. It is the courts of India that has the power to enforce laws, solve disputes and make decisions. Judiciary system of India consists of judges as well as other magistrates who form the core or the bench of the judiciary system. The supreme court of India is the final court of appeal having the chief justice of India including 30 judges. There are other charges as well for the advisory jurisdiction in the Supreme Court.

Under Supreme Court comes the high court of India which is present in every state. In India judiciary acts as the protector of the constitution as well as the fundamental rights given to the people. It protects citizens from partial judgment.

The constitution of India ensures the independence of the judiciary. There is a single judicial system for the entire country. It is the Supreme Court that determines the constitutional validity of all the laws and also can reject any law which is unconstitutional. Being the independent body of the constitution, it is open to all the citizens. Also, its decisions are free to be published in media for the entire country to know.

## **1.3 Laws Affecting Court Reporting: Contempt of Court, Defamation and its Remedies**

The 1875 Indian law reports act authorises the media houses of the cases that high courts decide in the official report and provide, "No Court shall be bound to hear cited, or shall receive or treat as an authority binding on it the report of any case decided by any of the said High Courts on or after the said day other than a report published under the authority of the governor-general in council."

Although the law reports act provided authenticity to the reports that were official, it didn't take away the unpublished precedent's authority giving a published decision the higher authority. Not because it is deposited but by itself the Supreme Court and high court decisions are authoritative.

## **2.0 Review of Literature**

Before embarking upon research work, it is essential to review the literature on the same subject. Some review of literature is given below.

In a research work “What determines corporate transparency” Smith, (2004) analyzed the degree of corporate transparency is determined through two main factors: Financial transparency and Governance transparency. Financial transparency for a firm is the quantity of information disclosed and the timelines followed with respect to financial disclosures. It also includes the availability of said info with analysts and the media. Governance transparency for a firm is the type of information that has to be legally shared by outside investors and directors of the firm. Financial transparency is influenced by political economy and governance transparency is influenced by the country's legal/judicial system.

In another study “Is integrated reporting determined by a country's legal system” Aceituno (2013) analyzed 750 international companies for the years 2008-2010. He has found that companies tend to create and publish more integrated reports which reflect both corporate sustainability and the financial aspect in countries where Civil law is followed and there is a strong framework of law and order. Based on these findings, the author recommends that it is necessary to establish national laws and protection mechanisms to promote holistic transparency.

On the other hand “Transparency in international investment law: the good, the bad, and the murky” Maupin (2007) analyzed the transparent, semi-transparent, and non-transparent features of International investment law and suggests the aspects of the regime which can be made more transparent.

In the research “Does transparency strengthen legitimacy” Curtin (2006) uses the EU as an example to investigate whether an increase in transparency necessarily leads to an increase in legitimacy. The paper finds that assumptions between transparency and legitimacy should be avoided and warns that even a transparent internet website might not create legitimacy.

In "Financial reporting incentives for conservative accounting: The influence of legal and political institutions." Piotroski (2006) analyzed the impact of the country's legal/ judicial/ economic/political system on financial reporting practices by corporate entities. Countries may provide incentives to companies to report accounting numbers which may cause the company to drop conservatism towards reporting.

In a study “Tweet, Truth and Fake News: A Study of BJP’s Official Tweeter Handle” Sharma & Goyal (2018) analysed the use of Twitter as the medium of political communication. This study deals with the agenda, propadenda and other media effects theories involved with the BJP’s official Tweets. Result indicates that tweets which are shared on BJP’s official Twitter handle have positive agenda. Most of the BJP’s official tweets are primed by the media. When we focus on “Media Trial in India with Special Reference to Social and Legal Issues” Dixit (2020) said that there is an impact of interpretation, articulation and manipulation by media, by government, by people etc. on the concept of reality.

In the research “Improving Court Efficiency Through ICT Integration: Identifying Essential Areas of Improvement” Draheim (2020) focused on the impact of digitization on the efficiency, quality and transparency of court systems, using the example of the e-court system in Sulaimaniyah Appellate Court in Kurdistan, Iraq. With the exercise of a review of related literature, the present research reflects an image of a concerted study undertaken for making the Indian Judicial System more Transparent.

### **3.0 Methodology**

This part describes the research questions of the present study followed by research objectives and hypothesis. It also includes research methodology employed, research design used, sampling technique.

#### **3.1 Research questions**

The research questions of the present study given below.

1. Is there any relationship between the education of respondents and their perception that media reports the legal events and judicial proceeding unbiased and correct manner?
2. Is there any relationship between the education of the respondents and their perception that media reporting of different legal cases helps in making the judicial system more transparent?
3. Is there any relationship between the education of the respondents and their perception that media plays an important role in making the case strong.
4. Is there any relationship between the education of the respondents and the perception media is a true agent for the deliverance of justice.

To find out the answer of the above questions, a quantitative approach has applied by conducting a structured questionnaire-based survey of Journalists and lawyers.

#### **3.2 Objectives of the Study**

The specific objectives of the study are given below-

1. **RO<sub>1</sub>:** To find out the relationship between the education of respondents and their perception that media reports the legal events and judicial proceeding unbiased and correct manner.
2. **RO<sub>2</sub>:** To find out the relationship between the education level of the respondents and their perception that media reporting of different legal cases helps in making the judicial system more transparent.
3. **RO<sub>3</sub>:** To find out the relationship between the education level of the respondents and their perception that media plays an important role in making the case strong.
4. **RO<sub>4</sub>:** To analyze the relationship between the education level of the respondents and their perception that media is a true agent for the deliverance of justice.

#### **3.3 Hypothesis of the Study**

The hypothesis of the study is given below-

1. **Ha<sub>1</sub>.** There is an association between the education of respondents and their perception that media reports the legal events and judicial proceeding unbiased and correct manner.

2. Ha<sub>2</sub>. There is an association between the education of respondents and their perception that media reporting of different legal cases helps in making the judicial system more transparent.
3. Ha<sub>3</sub>. There is an association between the education of respondents and their perception that media plays an important role in making the case strong.
4. Ha<sub>4</sub>. There is an association between the education of respondents and their perception that media is a true agent for the deliverance of justice.

### 3.4 Nature of the Research

The research design of the present study is descriptive in nature. For the study, the opinion of journalists and advocates have been collected with the help of a closed-ended questionnaire. Survey method has been adopted to meet the objectives.

### 3.5 Sample Design

All journalists and lawyers constitute the universe of the present study. Journalist of Print, Radio, TV and web has been selected as an element of design. Advocates of the various court from lower to higher have been selected as the sampling element. Judgment sampling technique has been used to fill the questionnaire from the respondents.

### 3.6 Research Design

Cross-sectional research design has been applied for data collection. Questionnaires have been filled in the five-month period from June 2018 to November 2018. Total of 439 questionnaires has been collected via judgment sampling technique from Delhi-NCR.

## 4.0 Analysis, data presentation and results

### 4.1 Education of respondent and the perception that the media reports the legal events and judicial proceeding unbiased and correct manner.

Education of respondent	Media reports the legal events and judicial proceeding unbiased and correct manner				
	Agree	Disagree	Neutral	Strongly Agree	Strongly Disagree
Doctorate	38.1%	42.9%	9.5%	9.5%	0.0%
Master's degree	19.8%	28.6%	36.3%	11.0%	4.4%
Bachelor's degree	29.0%	21.8%	34.1%	10.7%	4.4%
High school or equivalent	21.9%	19.2%	27.4%	20.5%	11.0%
Less than high school	100.0%	0.0%	0.0%	0.0%	0.0%

38.1% people with Doctorate degree believe that media show the judicial proceedings in an unbiased manner, 42.9% disagree on it. 9.5% people are neutral and 9.5% strongly agree with the statement. 19.8%, people with a master's degree believe that media reports the legal events and judicial

proceeding unbiased and correct manner, on the other hand, 28.6% disagree with it. 36.3% people are neutral on the statement whereas 11% of the people strongly agree with the statement and even 4.4% of the people strongly disagree with it.

29%, people with the Bachelor's degree believe media reports judicial proceeding correct manner while 21.8% shown disagreement with the statement. Another 34.1%, people are neutral with the statement. Statement to be true are 10.7% and people on the other hand who strongly disagree with the statement are 4.4%. 21.9% High school or equivalent educated people think that media reports judicial proceeding in an unbiased manner. 19.2% respondent is disagree with the statement. 27.4% respondents are neutral with the statement. 20.5% respondents strongly disagree with the statement. 100% respondents having less than High school education believe that media reports legal events and judicial proceeding unbiased manner.

#### **4.2 Education of the respondent and the perception that Media reporting of different legal cases helps in making the judicial system more transparent.**

Education of respondent	Media reporting of different legal cases helps in making the judicial system more transparent.				
	Agree	Disagree	Neutral	Strongly Agree	Strongly Disagree
Doctorate	76.2%	0.0%	9.5%	14.3%	0.0%
Master's degree	53.8%	11.0%	11.0%	24.2%	0.0%
Bachelor's degree	54.4%	4.4%	19.4%	21.4%	0.4%
High school or equivalent	46.6%	0.0%	34.2%	12.3%	6.8%
Less than high school	0.0%	0.0%	0.0%	100.0%	0.0%

76.2% respondents with the doctorate degree agree that the media helps in creating transparency of the judicial system on different legal cases. Another 9.5% are neutral with this statement. While 14.3% of total respondents strongly agrees with the statement.

53.8% respondents having master's degree agrees with the statement that media reporting of different legal cases helps in making the judicial system more transparent, while 24.2% strongly agrees with the statement. Another 11% respondents disagree with the statement. 54.4 people with the Bachelor's degree believe that the media helps in creating transparency of the judicial system on different legal cases while 21.4% of total respondents strongly agrees with the statement. Only 4.4% respondent shown disagreement with the statement and rest are neutral in nature.

46.6% of total respondents agrees with the respondent that media reporting of different legal cases helps in making the judicial system more transparent while 12.3% strongly agrees with the statement. Another 6.8% of total

respondents strongly disagrees with the statement while the rest 34.2% respondents are neutral with the statement. Less than high school-educated all respondent are strongly agree with the statement.

#### 4.3 Education of the respondent and the perception that the media plays an important role in making the case strong.

Education of respondent	Media plays an important role in making the case strong.				
	Agree	Disagree	Neutral	Strongly Agree	Strongly Disagree
Doctorate	52.4%	4.8%	19.0%	23.8%	0.0%
Master's degree	39.6%	8.8%	16.5%	35.2%	0.0%
Bachelor's degree	44.8%	2.8%	14.3%	37.3%	0.8%
High school or equivalent	47.9%	11.0%	13.7%	26.0%	1.4%
Less than high school	0.0%	0.0%	0.0%	100.0%	0.0%

52.4% doctorate degree holder respondents believe that media plays an important role in making the case strong and 23.8 are strongly agreed with the statement. Only 4.8% of total doctorate respondents disagree and rest are neutral with the statement.

39.6% of Master's Degree holder respondents agree with the statement that media plays an important role in making the case strong while another 35.2% respondents strongly agree. Only 8.8% respondents disagree with the statement and rest 16.5% are neutral in nature.

Respondents having Bachelor's degree agrees with the statement by 44.8%, disagrees with the statement by 2.8%, people who are neutral towards the statement are 14.3%, among them the people who strongly agree with the statement are 37.3% and on the other hand the people who strongly disagree with the statement are 0.8%. The respondents who are in high school or equivalent agrees with the statement by 47.95, disagree with the statement by 11%, among them, the people who are neutral towards the statement are 13.7%, The people who strongly believe the statement to be true are 26%, on the other hand, the people who strongly disagree with the statement are 1.4%. The people who are in less than high school educated strongly agree with the statement by 100%.

#### 4.4 Education of the respondent and the perception that media is a true agent for the deliverance of justice.

Education of respondent	Media is a true agent for the deliverance of justice				
	Agree	Disagree	Neutral	Strongly Agree	Strongly Disagree
Doctorate	52.4%	14.3%	19.0%	9.5%	4.8%

Master's degree	28.6%	18.7%	15.4%	28.6%	8.8%
Bachelor's degree	40.5%	9.5%	23.0%	23.8%	3.2%
High school or equivalent	49.3%	6.8%	16.4%	17.8%	9.6%
Less than high school	100.0%	0.0%	0.0%	0.0%	0.0%

52.4 people with the doctorate degree believe that media is a true agent for the deliverance of justice and another 9.5% respondents strongly agree with the statement. The people who disagree with the statement are 14.3%, among them the people that believe the statement to be neutral is 19%. 28.6% of master's degree holder respondent agrees as well as strongly agree with the statement that media is a true agent for the deliverance of justice. 18.7% respondents disagree with the statement followed by 8.8% respondents strongly disagree. Remaining 15.4% respondents are neutral in nature.

40.5% respondents having Bachelor's degree believe that media is a true agent for the deliverance of justice with 23.8% strongly agree with the statement. Another 9.5% respondents disagree with the statement while 23% people have neutral opinion on the issues. 49.3% of high school-educated respondents agree with the statement that media is a true agent for the deliverance of justice followed by 17.8% respondents strongly agree. 9.6% of total respondents strongly disagree with the statement while 16.4% respondents are neutral in nature. 100% respondents who are less than high school educated are agreed with the statement.

#### 4.5 Test of significance

**Ho<sub>1</sub>. There is no association between the education of respondents and their perception that media reports the legal events and judicial proceeding unbiased and correct manner.**

Pearson Chi-Square Test		
Value	Df	Asymp. Sig. (2-sided)
30.047 <sup>a</sup>	16	.018

There is an association between the education of respondents and their perception that media reports the legal events and judicial proceeding unbiased and correct manner because p-value 0.018 is less than the level of significance i.e. 0.05. So, null hypothesis "there is not any association between the education of respondents and their perception that media reports the legal events and judicial proceeding unbiased and correct manner" is rejected.

**Ho<sub>2</sub>. There is no association between the education of respondents and their perception that media reporting of different legal cases helps in making the judicial system more transparent.**

Pearson Chi-Square Test		
Value	Df	Asymp. Sig. (2-sided)



57.683 <sup>a</sup>	16	.000
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There is an association between the education of respondents and their perception that media reporting of different legal cases helps in making the judicial system more transparent because p-value 0.000 is less than the level of significance i.e. 0.05. So, null hypothesis “there is not any association between the education of respondents and their perception that media reporting of different legal cases helps in making the judicial system more transparent” is rejected.

**Ho3. There is no association between the education of respondents and their perception that media plays an important role in making the case strong.**

Pearson Chi-Square Test		
Value	Df	Asymp. Sig. (2-sided)
18.639 <sup>a</sup>	16	.288

There is no association between the education of respondents and their perception that media plays an important role in making the case strong because p-value 0.288 is more than the level of significance i.e. 0.05. So, null hypothesis “there is not any association between the education of respondents and their perception that media plays an important role in making the case strong” fails to reject.

**Ho4. There is no association between the education of respondents and their perception that media is a true agent for the deliverance of justice.**

Pearson Chi-Square Test		
Value	Df	Asymp. Sig. (2-sided)
27.857 <sup>a</sup>	16	.033

There is an association between the education of respondents and their perception that media is a true agent for the deliverance of justice because p-value 0.033 is less than the level of significance i.e. 0.05. So, null hypothesis “there is not any association between the education of respondents and their perception that media is a true agent for the deliverance of justice” is rejected.

## 5.0 Results

1. People are not satisfied enough with media in terms of neutrality of news media and it's unbiased nature of reporting on judicial proceedings.
2. The number of satisfactory people believes that the reporting done by reporters and news channels show proper transparent news without much adulteration. Proper conclusion and clear message about judicial proceedings have been translated.
3. Study shows that almost half of the respondents believe that a case to be strong media involvement makes it even stronger and even viable to a case which can deliver justice faster. Due to many breakthrough reporting by a journalist it clearly shows that media helps to make a case strong and can influence public opinion as well as a judicial opinion.

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