
UNIT 1 COURT REPORTING

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1.0 OBJECTIVES

By the end of this unit, you will be able to:

- explain the meaning of court reporting;
- describe the news sources of a court reporter ;
- discuss the main provisions of the Contempt of Court Act, 1971 and of some other statutes affecting court reporting; and
- explain the terms often used in court stories.

1.1 INTRODUCTION

In this block on 'Specialised Reporting', we consider five different areas of reporting. These are Court Reporting in Unit-1, Legislature Reporting in Unit-2, Science and Technology Reporting in Unit-3, Sports Reporting in Unit-4 and Development Reporting in Unit-5. These subjects require specialised skills and competence, which the reporter should have acquired during training and with hands on experience. Exclusive news stories relating to these topics are written by reporters and commentators who specialize in the particular field.

We begin with Court Reporting in Unit-1. We shall discuss the legal aspects a journalist should be aware of, to avoid the pitfalls of Court Reporting. We shall learn the main features of Court stories and see how they take shape stepwise from locating sources to writing news reports. We shall study the important items of information that any Law reporter must be knowledgeable about.

In Unit-2, we shall move on to Legislature Reporting. There we shall study the nature of the work involved in reporting the proceedings of the Legislature i.e. the Parliament and state

Legislative Assembly and council. Again, it is important to know the features that make Legislature Reporting a specialised area of reporting and this will also be discussed in Unit-2.

Activity 1

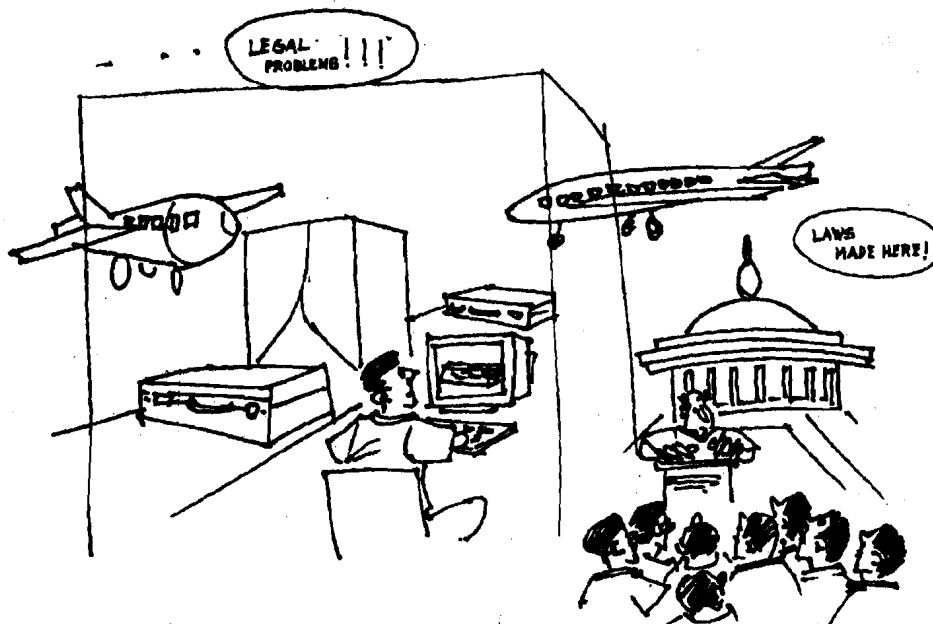
From any leading daily collect the clippings on court stories of the last fifteen days, of course excluding court holidays. After going through the stories:

- Write the names of the courts, that the reports are related to. For instance, Supreme court, State High Court, District Court, Special Court, etc.
- Determine which of the reports are objective, interpretative and investigative. For instance, a straight news report, comment, analysis, etc. Enter your comments in the table given below:

Serial No. of Court News items	Name of Court adjudging the case	Nature of Court Report: Objective, interpretative, etc.
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1.2 MANY COURTS FEW REPORTERS

Let alone all newspapers, even the big newspapers of India do not have the resources to cover all the courts of their main circulation area. Reason: there are too many courts. Newspapers neither have the time nor the space to cover every thing that happens in the courts. Papers cover only those stories in which their readers are interested.



A country governed by laws needs many courts, each with a different jurisdiction. The emphasis of the news media is on Criminal Courts, High Courts and the Supreme Court. The media are less interested in covering Civil Courts. One of the reason for this lack of interest may be that the Civil Courts are jammed with cases, the suits remain pending there

for several years and it is assumed that in the mean time, members of the public would lose whatever interest they may have showed initially.

Nonetheless, you go through the old files of a newspaper, you will find that the volume of Court reporting has increased in recent years. One of the reasons for the increase may be that the courts are now getting more active in the field of social justice. Public interest litigations are also increasing. As the number of petitions increase, one notices a corresponding increase in the coverage of courts and the judgements they deliver.

1.3 WHO ARE COURT REPORTERS

There are only a few big newspapers in India who have full time correspondents exclusively for their court beat. These correspondents generally have adequate legal background. Other newspapers mostly hire stringers to cover court stories. Many of the stringers are professional advocates. Mofussil correspondents, who are mostly part-timers, also cover court stories in their respective areas. These part-timers come from teaching, law and other professions. A newspaper which does not have a full time law reporter may send its regular staff correspondent to cover an important court story.

Check Your Progress 1

Note: i) Answer the following questions in three sentences each.

ii) Compare your answers with the ones given at the end of this unit.

- 1) What do you understand by the phrase 'Court beat?' In a newspaper, who is assigned the court beat?

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- 2) Of late, the column of court reportage in our daily newspapers has increased. What does this indicate?

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1.4 MUST FOR A NEW LAW REPORTER

One would expect the Law reporter to be knowledgeable about legal matters. Let us now discuss the range and nature of information one must have at one's finger tips.

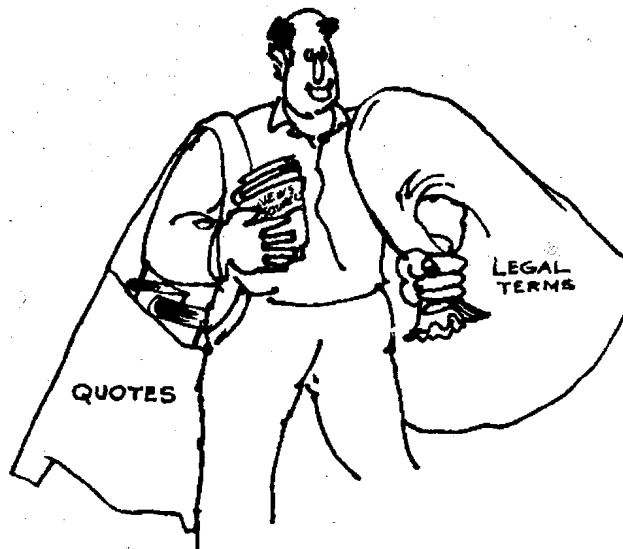
1.4.1 Knowledge of Court Jurisdictions, Procedures and Hierarchy

The first time that one covers the court beat as a Court reporter, one usually feels lost amidst the technicalities and complex language. A trainee journalist aiming to be a future Court Reporter must at first acquire some understanding of the court jurisdiction, its procedures and its hierarchy. At the apex, we have the Supreme Court of India. Then there are High courts, Sessions Courts, Magistrate Courts, etc. Also, there are Tribunals, for example, the Tribunal for Central Government Employees.

If a reporter is acquainted with the jurisdiction of different courts, then one can easily locate the specific court for a particular matter. Similarly if one is familiar with the hierarchy in the courts, one can easily guess where the appeal would be filed.

1.4.2 Some Legal Terms

For a court reporter, some basic knowledge of some of the most frequently used legal terms is a must. The following are some of the legal terms used quite often in the news reports.



Adjournment Application	:	Request for more time for finding witnesses or important evidence or for other reasons.
Attachment Order	:	The court's authorisation to take and hold a person's property.
Bail Bond	:	A Security amount usually furnished to guarantee the appearance of an accused person in the court.
Change of Venue	:	Change of the place of trial.
Certorari	:	Writ from superior to inferior court requiring the records to be sent to the former for review.
Commutation	:	Reduction of sentence.
Concurrent Sentence	:	Court's decision that a convicted person serves only the longest of several jail terms imposed on him.
Contempt of Court	:	An offence against the court, punishable by a fine, or imprisonment or both.
Consent Decree	:	Court order to which the defendant has consented.
Decree Nisi	:	Final judgment to take effect some time in the future.
Double Jeopardy	:	Plea that the defendant has already been tried for the same offence.
Extradition	:	Process of returning a prisoner from one country to another.
Habeas Corpus	:	Judicial procedure requiring production of a detained person in court to inquire into the legality of the detention.
Mandamus	:	Court's command to an inferior court, or ordering a person to perform a public or statutory duty. Requiring someone to perform an act.
Pardon	:	Action of executive relieving criminal from sentence.
Parole	:	Release on promise of reappearance at regular intervals or on call.
Plaintiff	:	Party who initiates litigation.
Reprieve	:	Delay in execution of a sentence.
Proceedings held in Camera	:	Proceedings held privately, i.e. not in public.

Respondent	:	Party against whom an appeal has been taken.
Proceedings Suo Moto	:	Proceedings launched by the court on its own.

Professional journalistic practice requires each technical terms to be briefly explained when it is used in a story for the first time. A legal term, not explained in the story, confuses the reader. Except in professional or academic law journals, a news story must not be cluttered up with too many legal terms.

The English language is predominantly used in the higher courts of India. Therefore, for a reporter of a non-English daily, some knowledge of English language always helps.

1.4.3 News Sources

Much of a reporter's success in the coverage of the courts depends on one's contacts and sources, and one's ability to gain access quickly to records. For a reporter the key person in a court is the clerk of the court. A court clerk prepares and keeps the records. He can make available copies of transcript for a fee. Court reporting involves diligent checking of records. The judge who presides a trial is seldom one's source. But a reporter should, as soon as possible, introduce oneself in person to the judge. A court reporter should also have good contacts with the lawyers working on a case and if possible with the respective parties. Where a case attracts much public attention, reporters may be under pressure from rival lawyers for a more favourable description of their individual positions. The reporter must then ensure impartial portage in all fairness to the proceedings in court.

It is not unusual for the parties and lawyers to approach a scribe and present their case afresh. A young reporter should always try to seek some impartial legal source, usually a friendly lawyer, to learn what moves are likely to be made.

A court reporter should have adequate knowledge of different stages of civil or criminal proceedings. One should also know where an appeal can lie from the court one is reporting. When a reporter is assigned to cover a major trial, the first thing one should make sure of is that one has a seat in the court room. One should also have adequate communication links with one's newspaper or news agency office.

A reporter of a morning newspaper mostly does not face much problems in filing a court story, as one usually files the stories after the court retires for the day. However, for an afternoon paper or for wire services, the stories must be filed during the day, i.e., even sometimes when the court proceedings are on.

1.4.4 Trial Coverage

While taking notes in a trial coverage the reporter needs to have a sixth sense. Guided by this news sense, one could begin to take notes of important dates. When a reporter misses an important testimony, one can always regain lost ground during the recess by consulting one's colleagues in the court, or the court stenographer.



1.4.5 Writing with quotes

In trial proceedings, wherever possible, the reporters must learn to quote the questions and answers or comments and remarks that arise in the course of the court's sittings. A story with quotes makes fascinating reading though sometimes, due to paucity of space, many comments may not be quoted in the news item. In the two examples that follow, we compare clippings taken from various newspapers, where the same story has been treated differently, i.e. with and without quotes.

Example – I: (Story without quotes)

New Delhi, 3 February—A three judge Supreme Court bench comprising Chief Justice M.N. Venkatachaliah and Justices P.B. Sawant and S.N. Singh, today, summoned three police officers of Etah district to appear before them on February 7.

The three police officers including SSP S.N. Singh and SP Jamal Ashraff, have been directed to appear before the court to explain the alleged inaction of the UP police in pursuing prosecution of a man and his family members for selling off his wife into the flesh trade.

The court ordered senior counsel Yogeshwar Prasad, who appeared for the state of Uttar Pradesh to produce tomorrow the records relating to the investigation by the police.

Nasrin, the victim, was allegedly sold off to flesh traders by her in-laws and husband five years ago. Her mother Shakila Bano learnt in November last that her daughter had not vanished mysteriously as claimed by her in-laws, but was actually in the red light district of Kasganj in Etah district...

The same story with quotes, published in **The Hindustan Times**, New Delhi, 4 February 1994.

New Delhi, Feb. 3: The Supreme court today pulled up senior police officers of Etah district of Uttar Pradesh and asked them to appear-in-person before the court on Monday to explain their inaction in implementing the Court's order asking them to produce a 21-year old girl, who was sold off into flesh trade by her husband and his family.

"As a result of police inaction, the girl, Nasrin alias Rani, has been destroyed totally and is a mental wreck and cannot even recognise her own mother", the Chief Justice, Mr. Justice M.N. Venkatachaliah, who was heading a three-judge bench, observed.

The Chief Justice, Mr. Justice Venkatachaliah, warned that if the officers were found guilty for not taking timely action on the Court orders they would be sentenced to substantive prison terms for contempt.

The officer including one Senior Superintendent of Police, Superintendent of Police and one former Superintendent of Police, who has now been transferred to Ghazipur district were summoned to appear before a three judge bench comprising the Chief Justice, Mr. Justice Venkatachaliah, Mr. Justice P.B. Sawant and Mr. Justice S. Mohan.

The UP police was also pulled up for not producing the records today...

The Court rejected all excuses for delay, in producing the records as "red herrings" for their inaction.

Mr. Justice Mohan, another member of the bench, said that the very fact that the records had not been produced, despite the Apex Court orders, was proof of contempt of court. At this stage, Mr. Justice Venkatachaliah observed that the suppression of the records was deliberate...

The Chief Justice, Mr. Justice Venkatachaliah said that if this was the fate of the orders of the highest court one shudders to think of the plight of the public before the police.

When the judges asked the counsel who had the custody of the records, he replied, "Stenographer of the SP". At this stage, the Chief Justice, Mr. Justice Venkatachaliah observed that "this is not the way to treat the highest court of the land. I know the mentality of the police from the way they come to court, enter courtrooms and sit in the court. They are an irresponsible lot".

The counsel, Mr. Yogeshwar Prasad pointed out to the Court that the orders passed by the Court on Dec. 15, 1993 asking the SP to produce the girl had reached his office

on Dec. 21, 1993. Since the SP was on leave since Dec. 20, 1993 another officer was asked to carry out the orders of the court.

As a result, the girl was produced before the Court on Jan. 6, 1994. She was recovered by Rajasthan police from a village in Rajasthan...

Example – II (story without quotes)

New Delhi Thursday. In a case of custody death in Lodhi Colony police station, a Division Bench of the Delhi High Court comprising Mr. Justice Y.K. Sabharwal and Mr. Justice R.L. Gupta today said that they would inspect the lock-up where the incident took place for deciding whether or not to institute a judicial enquiry....

The petition has been filed by the brother of Vikal Kumar, for monetary compensation alleging that the man was wrongfully confined and tortured to death. The petitioner has also called for prosecuting the erring CBI officials.

According to the police, Vikal Kumar had committed suicide by making a rope out of the coir mat in the lock-up. The said articles, the police respondents claim, are lying in Lodhi Colony police station...

The same story with quotes published in **The Hindustan Times**, 14 Jan. 1994.

New Delhi, Jan. 13: Two High Court judges will visit Lodhi Colony police station on Monday to find out whether a Finance Ministry employee committed suicide or was tortured to death inside the lock-up.

This unprecedented decision was taken by Justice Y.K. Sabharwal and Justice R.L. Gupta on a petition filed by the dead man's brother who alleged that Vikal Kumar, 33, was tortured to death by CBI officials on Feb. 23 last year to save some senior Finance Ministry officials.

Vikal Kumar, an assistant in the Finance Ministry, was arrested by Inspector S.K. Paschim of the Anti-Corruption Branch of the Bureau on Feb. 23. The allegation against him was that he was blackmailing businessmen on the basis of forged income-tax raid notices. He was trapped on a specific complaint of the owner of Hotel Rajdeep, Karol Bagh.

Vikal Kumar, as per the police records, was brought to the Lodhi Colony lock-up at 10 p.m. on Feb. 23.

At 3 a.m. the next day, Inspector Rajbir Singh Jakhar, the then SHO of Kotla Mubarakpur, found him hanging by a rope inside the lock-up. They called up the Lodhi Colony SHO who cut the ropes and took Vikal Kumar to the AIIMS where he was declared brought dead.

Vikal's father, Yad Ram, said his son had been tortured to death while the CBI and police officials maintained that he had committed suicide by making a rope out of the mat and hanging himself with it.

The post-mortem report said the death was caused by "asphyxia as a result of antemortem hanging by ligature". The SDM, Mr. Z.U. Siddiqui, who conducted the inquest, concluded that it was a suicide although he noted that there were swellings on the soles of his feet, external injuries on his hands and bluish colour of irregular shapes on several parts of the body.

"It is quite possible that he must be highly depressed and stricken by remorse and that is why he committed suicide by hanging", said Mr. Siddiqui, in his report dated Aug. 18 last.

Justice Y.K. Sabharwal and Justice R.L. Gupta, who heard the petition of Vikal Kumar's brother today, however, tended to disbelieve the claims of the police officers and said it was a case of custody death. "The dispute is whether it was suicide or death on account of torture"....

They said..., "we feel it appropriate to first inspect the lock-up in which Vikal Kumar died and then consider whether to direct an enquiry or not".

The judges then ordered Mr. Ramesh Sharma, a Joint Registrar in the court, to go to the police station and take the coir mat and the rope in his possession.

The judges then said they would like to visit the lock-up on Jan. 17 at 4 p.m.

Check Your Progress 2

- Note:** i) Answer the following questions in three sentences each.
ii) Compare your answers with the ones given at the end of this unit.

- 1) List the areas in which the court reporter must have at least the minimum knowledge and information.

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- 2) What information must one take note about during trial proceedings?

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- 3) State two peculiarities of writing style that the court reporter usually has to adopt.

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Activity 2

It may at first appear as an expedition, but take time off to attend any court hearing on a working day. Sit through the day's proceedings and observe details about the particular case which you witnessed. Note your observations in the space provided below.

- a) The case is referred to as versus
b) The year of the court case is
c) The defendants had a lawyer to argue the case for the defence:
() Yes () No
d) The number of judges on the bench
e) The case had been filed in the court on (date).
f) Main Points agreed and discussed.

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1.5 PRECAUTIONS IN WRITING COURT STORIES

While writing stories one must be cautious in avoiding any contempt of court. Sometimes, a reporter files the court story without comments and sometimes with one's own or someone else's comments.

We now give some illustrations of newspaper coverage of the courts:

Story without comments published in **The Hindu**, New Delhi, 19 January 1994:

New Delhi, Jan. 18.

The Supreme Court today, by its interim orders, stayed the execution of sentence of death imposed on Amrutlal Someshwar Joshi (accused petitioner) on charge of triple "murder"...

The Chief Justice, Mr. M.N. Venkatachaliah, Mr. Justice S.C. Agarwal and Mr. Justice S.P. Bharucha, were on the Bench.

The Bench made these orders during "mention time" on a request by Mr. K.K. Viswanathan, counsel for the accused petitioner for urgent orders of "stay" of execution of sentence of death of the accused pending the disposal of his Special Leave Petition (SLP) against his conviction and sentences of death by courts below.

Story with comments published in **The Hindustan Times**, New Delhi, 14 January 1994.

New Delhi, Jan. 13.

There was a mixed reaction by leaders of the three major political parties—the Congress, BJP and the Janata Dal—to the Delhi High Court order quashing the Delhi Government notification on holding elections for the Municipal Corporation of Delhi at present...

Story with comments published in **The Pioneer**, New Delhi of 20 February 1994.

Even as one policeman after another presents himself before the apex court to receive what may be described as the harshest reprimand in recent history, serving and retired police officers feel that angry outbursts of judges and chief justices, however justified, will not ensure more efficient law enforcement...

Former Director General of the Border Security Force, K.F. Rustamji, believes the kind of language used by the court could have an adverse impact on the way in which the police will respond to situations in future...

Story with comments published in **The Hindustan Times**, New Delhi, 14 January 1994.

New Delhi, Jan. 13 (HTC)

The High Court lawyers will strike work tomorrow to protest against what they call, violation of code of conduct by a high Court judge, Justice Sagar Chand Jain.

Justice S.C. Jain vehemently denies all the allegations against him.

The Bar's allegation is that Justice Jain was hearing a company case in which his son was a counsel and this was violative of a code of conduct for judges whereby a judge cannot and should not hear a case represented by his or her kith and kin.

The case in question was, in fact, represented by Mr. Huzefa Ahmadi, son of Justice Aziz Ahmadi of the Supreme Court. The Bar Association alleges that Mr. Ahmadi (Junior) was an associate of Mr. Pradeep Jain, Justice S.C. Jain's son.

The Delhi High Court Bar Association, at an executive committee meeting this evening, decided to go on a day's strike to protest against this alleged violation of code of conduct for judges.

Justice Jain, however, says he was not aware of the fact that his son's name was also in the **vakalatnama** filed by Mr. Muzefa Ahmadi. He said his son has never appeared in his court for this case.

Justice Jain said as soon as he came to know about the fact that his son's name appeared in the **vakalatnama**, he ordered the case to be listed before another judge...

"It is blackmail", the judge said.

1.5.1 Contempt of Court

The law relating to contempt of court can be traced from the Contempt of Court Act, 1971 and from various case laws. A contempt can be civil or criminal offence.

1.5.2 Civil Contempt

Civil Contempt means wilful disobedience to any judgment, decree, direction, order or other process of a court, or wilful breach of an undertaking given by a person to a court. There will be no civil contempt where there is ignorance of the order of a court leading to unintentional breach.



1.5.3 Criminal Contempt

Criminal contempt mainly means publication of any matter, or the doing of any other act, which (i) scandalises or lowers the authority of any court; or (ii) prejudices or interferes with the due course of judicial proceedings.

1.5.4 Scandalising The Court

Under the law, publication of matter which creates doubts about the ability or fairness of a judge of a court is prohibited. A newspaper should not impute of improper motives to a judge. In 1971, in the case of *Daphtary vs. Gupta*, the Supreme Court decided that to express an opinion that a judge "toes the line" of another is contempt. Similarly, the expression that a judge pronounces his judgement under the influence of liquor or lure of wealth is also contempt. Casting defamatory allegations against a judge or judges, with or without reference to particular cases, is contempt because it creates distrust in the popular mind and shatters confidence of the general public in the judiciary. However, it should be made clear that the Contempt of Court Act, 1971, is basically designed to protect the judiciary from unwarranted allegations, and not to safeguard corrupt judges.

1.5.5 Prejudicing Fair Trial

Court reporting prejudicing fair trial may be of various forms. It is contempt (i) if a newspaper report deters a person from giving witness in a court; (ii) if the report offers threats or is written in abusive language compelling a party to discontinue the court proceedings; and (iii) if the report discusses the merits of a case pending in court.

In the United States, in the famous *Sheppard Case* (1966) the judgement pronounced by a court was reversed 12 years later on the ground of prejudicial publicity.

Facts of the case were that Dr. Samuel Sheppard had served nearly ten years on his 1954 conviction of a charge of murdering his wife. Later in 1966 the court held that due to virulent publicity and a "carnival atmosphere" a fair trial was not possible. The U.S. media persons were warned that trials were not like elections, to be won through public meetings, radio, and newspapers. The media was also asked to show the increasingly prevalent habit of making unfair and prejudicial comments on pending trials.

The Dr. Samuel Sheppard case, as reported in **Plain Dealer**, Cleveland, U.S.A. (17 November 1966) gives an account of the reporter's experience of the proceedings in the court room:

Samuel H. Sheppard was found not guilty last night, in the 1954 slaying of his first wife Marilyn.

Sheppard gleefully slammed his hand down on the trial table after Common Pleas Judge Francis J. Talty read the verdict.

Sheppard had to be restrained in his joy by Defence Counsel F. Lee Bailey and co-Defence counsel Russel A. Serman.

"Sit down!" ordered Bailey, Sheppard sat down and burst into tears. A woman in the back row screamed, "Thank God"!

Other women could be heard screaming in the corridor outside the second-floor courtroom in the Cuyahoga County Criminal Courts Building.

Sheppard's second wife, Aiane, covered her face and sobbed softly. She was sitting in the second row of the seats in the small courtroom jammed with nearly 60 spectators, 27 of them reporters.

As the jury was dismissed, Sheppard broke for the rear of the courtroom, thrusting a sheriff's deputy aside. "I'm going to see my wife", he said.

He leaned off the bar rail and embraced his wife, she threw her arms around him. "Oh, baby", he sobbed. "Oh, baby".

Leaping and pushing his way through the crowd that had amassed in the corridor, the former osteopathic neurosurgeon shouted, "He's my man!" and clasped the stocky Bailey around the neck.

Bailey, who had worked to have Sheppard freed in 1964 on a writ of habeas corpus, looked on and beamed. This was the moment he had waited for — for 1,827 days, he had told the jury, ever since he became interested in the celebrated Sheppard case in 1961...

Marilyn Sheppard, 31, died with more than 25 bonedeeep wounds in her head. She was four months pregnant with her second child.

Asleep in the next room was the Sheppards' 7-year-old son, Chip, now a 19-year old freshman at Boston University. He testified in the current trial that he never awakened the night or morning of the murder.

Sheppard told authorities in 1954 that he was attacked and knocked out twice by one or more unknown assailants when he rushed to the rescue of his wife and later when he pursued a shadowy form to the beach behind the Lake Road home.

Sheppard was found guilty of second degree murder in 1954 after a 65-days trial, Sheppard served nearly ten years before he was released from prison on \$10,000 bail by a U.S. district court in 1964...

The United States Supreme Court's attack on prejudicial publicity has had its effect on the coverage of the mass media in most cases since.

In Britain in the Michael Fagan case (1983), **The Sunday Times** was fined by the court because the paper published certain particulars about the accused when the trial was pending. The case was related to Michael Fagan who was alleged to have intruded into the Queen's bedroom.

In another English case, *R.V.S. Thomson Newspapers* (1968) it was held that to publish a criminals antecedents, during the pendency court proceedings against him, is contempt. There are definite reasons why trial by newspaper is prohibited. A trial by newspapers may influence the minds of witnesses. It may also compel a party to withdraw the suit. It may

prejudice public mind against the administration of justice. It may also deter other people from filing suits in the court of law.

Check Your Progress 3

- Note:** i) Answer the following questions in one sentence each.
ii) Compare your answers with those given at the end of this unit.

- 1) Give one example of an eventuality that could be considered as civil contempt of court.

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- 2) Give one example of an eventuality that could be considered as criminal contempt of court.

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- 3) In which year was the contempt of court Act enacted?

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- 4) State the meaning of the phrase 'prejudicing fair trial'.

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1.6 JOURNALISTIC DEFENCES

According to Sec. 5 of the Contempt of Court Act, 1971 a person shall not be guilty of contempt of court for publishing any "fair comment" on the merits of any case which has been "heard and finally decided".

Now two questions arise. What is "fair comment" and what is meant by "heard and finally decided?"

1.6.1 Fair Comment

There is no single formula to decide the fairness of a comment. The matter depends on the facts and circumstances of each case. To comment on the correctness of a judicial decision, whether on law or facts, is not contempt. Similarly, to point out inequality of sentences in two different cases of the same nature, is also not contempt. However, while commenting on the merits of a case if improper motives are imputed to the judge, then the comment ceases to be fair. Similarly, to express that the judgement was arbitrary or the judge was incompetent is also contempt.

1.6.2 Heard and Finally Decided

A fair comment on the merits of a case can be made when it is heard and finally decided. A case cannot be said to have been finally decided until the period of limitation for filing

appear has expired. Where an appeal or revision has been filed the comments on the merits of the case should not be published until the appeal is finally decided. P.M. Bakshi states in his book **Press Law** that in practice no one waits for the expiry of the limitation period.

1.6.3 Ignorance of Pendency

If a court story interferes with the course of justice, but its reporter had no reasonable ground to assume that the proceedings were pending, then one will not be guilty of contempt of court. Prior to the enactment of Contempt of Court Act, 1971, ignorance of pendency was not a defence or excuse.

1.6.4 Fair and Accurate Report

According to Section 4 of the Contempt of Court Act, 1971, fair and accurate report of the court proceedings is lawful.

However, a report will be contemptuous if it has been prohibited by the court or is forbidden by any law.

1.6.5 Truth No Defence

In case of *Perspective Publications vs. State of Maharashtra* (1971), the Supreme Court has held that though truthfulness of a statement is a good defence in an action for libel, it is no defence when it comes to contempt of court.

1.6.6 Academic Writings

Academic writings or a report written academically on a point of law is not a contempt of court, just on the ground that the law discussed is at issue in a court.

Check Your Progress 4

Note: i) Answer the following questions in three to four sentences each.

ii) Compare your answers with the ones given at the end of this unit.

1) List any three instances when a comment cannot be deemed a 'fair comment'.

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2) When is a case 'finally decided'?

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3) Why is truth not a good enough defence in the case of contempt of Court?

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1.7 PUNISHMENT

The maximum punishment for contempt of court is simple imprisonment of six months, or fine of two thousand rupees or both. If the accused apologises, the person may be discharged by the court without punishment. It is for the court to decide whether the apology is

acceptable. Generally, an apology, to be acceptable by the court, should be sincere, unconditional and without delay. An apology should be made in a manner that substantially wipes out the mischief.

In the case of *L.D. Jaikwal vs. State of UP* (1984) the Supreme Court refused to accept an apology. The court imposed on the accused a sentence of one week simple imprisonment and a fine of five hundred rupees. The court ordered that in the event of failure to pay the fine he would undergo a further term of simple imprisonment of one week.

In the *Suo Moto* contempt proceedings against the newspaper **Marathwada**, Aurangabad Bench of Bombay High Court, comprising Justice V.V. Kamat and Justice Halbe accepted the apology tendered by the paper. The court observed that the contempt notice against the newspaper was being withdrawn, after the purpose of getting an apology was served.

1.8 OTHER STATUTES RESTRICTING PUBLICATIONS

Apart from the Contempt of Court Act, 1971, there are some other statutes which prohibit publication of court proceedings or any part thereof. For example:

- i) Section 228-A of the Indian Penal Code prohibits publications of names of victims of certain sexual crimes. The section also prohibits any other matter by which the identity of the victim could be known to the reader. Section 228-A was inserted in the IPC by an amendment made in 1983.
- ii) Section 33 of the Special Marriage Act, 1954, requires that the proceedings under the Act should be held **in camera** if either party to the case wishes so, or if the court so directs.
- iii) Similarly section 22(1) of the Hindu Marriage Act, 1955, requires that the proceedings under the Act should be held **in camera** if either party to the suit wishes so, or of the court thinks fit to do so. Section 22(2) of the Act prescribes punishment to be imposed on the person who prints or publishes proceedings without previous permission of the court.
- iv) In the interest of the security of the State, Section 14 of the Official Secrets Act, 1923, empowers the court to hold the proceedings of a case or any part thereof **in camera**.
- v) Under the Monopolies and Restrictive Trade Practices Act, 1969, the commission may hear a case or any part thereof **in camera**.

Check Your Progress 5

Note: i) Answer the following questions in four sentences each.

ii) Compare your answers with the ones given at the end of this unit.

- 1) Mention two statutes by which publication of court proceedings are restricted.

.....

- 2) State which law provides concealment of the identity of a victim of sexual harassment.

.....

1.9 LET US SUM UP

The volume of court reporting in Indian newspapers has increased in comparison with what it was, twenty to thirty years ago. There are many courts and few reporters. Newspapers are mostly interested in criminal proceedings, and not that much in civil suits.

A court reporter must have a knowledge of the jurisdiction of different courts, court hierarchies and their trial procedures. The reporter should also know the frequently-used legal terms. Professional journalistic practice requires that each legal term, which is not in common use, be explained to the reader when it is used in the story for the first time. As far as possible the story must be written in simple language and not be cluttered with loads of legal term. Knowledge of the law and also the English language, is always helpful for a court reporter in India.

Court clerks and lawyers are the best news sources for a court reporter. The reporting requires diligent checking of facts and records. In any major trial, the court reporter must make sure that one attends the proceedings in the court room regularly.

A reporter should not write the court proceedings held in camera. While writing stories, one must be cautious that there is no contempt of court.

A newspaper should not impute improper motives to a judge. One should not write a report in a manner that deters a person from giving witness in a court, or that offers threats compelling a party to discontinue the court proceedings. A report should not discuss merits of a case pending in a court of law. Trial by newspapers is prohibited, because it may influence the minds of witnesses; it may also compel a party to withdraw the suit; and it may prejudice public mind against the administration of justice.

Truth is no defence in a case filed against a newspaper under the Contempt of Court Act, 1971. If the accused makes an apology, the court may pardon that person. An apology should be sincere, unconditional, without delay and be made in a manner that substantially wipes out the mischief.

In this unit we discussed court reporting. In the next unit, which is also a part of our Block on specialised reporting, we will discuss legislature reporting.

1.10 FURTHER READING

Basu, Durga Das, *Law of the Press in India* (1990 Second edition) New Delhi : Prentice Hall of India Pvt. Ltd.

Bakshi, P.M. *Press Law* (1986) New Delhi: TRF Institute for Social Sciences Research and Education.

1.11 CHECK YOUR PROGRESS : MODEL ANSWERS

Check Your Progress 1

- 1) The court beat refers to all news stories and news items originating from and about legal matters as decided by the courts. In a newspaper, a court reporter is assigned the court beat. Sometimes a special correspondent or a hired stringer may collect the necessary information from the lower courts or courts functioning from far-flung rural areas.
- 2) The volume increase in court reportage in our daily newspapers indicates two things. One, the increasing public need for information on social justice. Two, the magnitude of publication interest litigations, being filed in the various courts.

Check Your Progress 2

- 1) As a court reporter, one must be familiar with court jurisdictions, legal procedures and the jargon. One must also be adept at procuring newsworthy information from various kinds of sources in and around the court. It is also important to know what constitutes contempt of court.
- 2) There is no need to note down every word that is uttered in the course of the court's sitting. That is for the court stenographer to do. However, major decisions, points of issue and comments need to be recorded in one's notes.

- 3) The comments and statements made in the court must be placed within quotes. The defendant must never be addressed as the guilty one. One must resort to the use of the term "alleged" when referring to the person facing trial.

Check Your Progress 3

- 1) Failure of a defendant to comply with a court's order to pay a punitive sum of money toward a fine.
- 2) A news items casting aspersions by implication, on the character of a sitting judge of the court.
- 3) In the year 1971.
- 4) Prejudgement which is detrimental to the rights and interests of either party to a legal case.

Check Your Progress 4

- 1) In all the following instances, the comment is not a 'fair comment'.
 - When improper motives are attributed to the judge of a case.
 - When a judgement on a case is stated to be arbitrary.
 - When a judge is described as being incompetent.
- 2) A case is finally decided only upon the expiry of the period of limitation for filing appeal. If an appeal against the court's judgement is filed and accepted by the same or higher court, then, until the appeal is finally decided, the case remains undecided. Comments in the press and elsewhere, on the merits of the case should be withheld until then. This particular rule of law is, however, implemented but rarely.
- 3) Under the rule of Law, while the Truth may be a good defence to demolish any case of libel or defamation, the truth is never reason enough to lower the authority of any court. Contempt of Court is, therefore, to be avoided. The Law of the land does not permit anyone to put the country's courts in poor light.

Check Your Progress 5

- 1) Section 33 of the special marriage Act, 1954, provides for **in camera** case hearings if one or both parties to the case pray for it or the court directs it.

Section 14 of the Official Secrets Act, 1923, empowers the **in camera** hearing of a case.
- 2) Section 228-A of the Indian Penal Code. It prohibits the publication of names of victims of sexual assault. Other details too are not to be published. This is to ensure that the victim does not suffer from the unkind glare of publicity.

UNIT 2 LEGISLATURE REPORTING

Structure

- 2.0 Objectives
- 2.1 Introduction
- 2.2 Importance of Legislature Reporting
- 2.3 Basic Structure of the Parliament and the State Legislatures
- 2.4 Essentials of Parliamentary Proceedings
- 2.5 Question Hour
 - 2.5.1 Starred Questions
 - 2.5.2 Unstarred Questions
 - 2.5.3 Short Notice Questions
- 2.6 Papers Laid on Table
- 2.7 Zero Hour
- 2.8 Legislative Business
 - 2.8.1 Introduction of the Bill
 - 2.8.2 General Discussion
 - 2.8.3 Voting
- 2.9 Call Attention Motion
- 2.10 Raising of Issues under Rule 377
- 2.11 Adjournment Motion
- 2.12 No-Confidence Motion
- 2.13 Special Debates
- 2.14 Budget
- 2.15 Breach of Privilege
- 2.16 Committees of the House
- 2.17 Composition and Functions of the Committees
- 2.18 Let Us Sum Up
- 2.19 Further Reading
- 2.20 Check Your Progress : Model Answers

2.0 OBJECTIVES

After reading this Unit, you will be able to:

- explain the different procedures of a House which a Court reporter covering its proceedings must know;
- discuss the significance of the privileges of Parliament;
- state the importance of the question hour and the zero hour for a reporter;
- discuss the functions of the important committees of legislatures; and
- describe the meaning of call attention, adjournment and no confidence motions.

2.1 INTRODUCTION

This is Unit 2 of Block 2. This block deals with specialised reporting. In the previous Unit, i.e. Unit 1, we have discussed Court Reporting. In this Unit 2, we will deal with legislative reporting. In the next unit, i.e. Unit 3, we will discuss reporting on science and technology.

Activity 1

When Parliament is in session, collect clippings of a week of Parliament reports from the newspaper you subscribe to and then evaluate them as per the following points:

- Objective
- Balance

2.2 IMPORTANCE OF LEGISLATURE REPORTING

Legislature Reporting, an essential part of mass media function, is a significant feature of Parliamentary democracy. Both people and the government are benefited by legislature reporting. Parliament or a State Legislature, Vidhan Sabha and Vidhan Parishad, is called "legislature". "Legislature" literally means — that which legislates or makes laws.

Legislature reporting involves reporting day-to-day proceedings of these bodies. This task of reporting involves multifarious activities of legislatures, including the complex process of legislature, and debates on subjects of public importance. Besides, the job also includes writing for the media about several other features that go to make Parliamentary proceedings. In this Unit, we shall look at every feature of legislative proceedings, which the media report day in and day out.

Reporting the proceedings of a legislature is a highly responsible job. Normally, an experienced reporter is sent to cover parliamentary proceedings. This is to ensure that the reporter has the requisite ability as well as the maturity to take on the task.

It is perhaps pertinent here to mention that the knowledge of shorthand is advantageous for reporting parliament proceedings. Legislature reporting often involves taking copious notes of speeches made by ministers and members in both the Houses of Legislature. The exact quotes from what the Prime Minister or a Chief Minister or ministers or members, say in the legislatures are of crucial importance for the quality and credibility of a reporter's dispatch. The reporter who knows shorthand has a clear advantage. However, you should know that a tape-recorder cannot be taken in the press gallery of a legislature.

2.3 BASIC STRUCTURE OF THE PARLIAMENT AND THE STATE LEGISLATURES

To be able to report parliament proceedings competently, it will help you to have an understanding of the basic structure of parliament or a state legislature.

The Constitution of India provides for a bicameral Parliament consisting of the President and the two Houses — Lok Sabha (the House of the People) and Rajya Sabha (the Council of States). The Lok Sabha is composed of representatives of the people chosen by direct election. The maximum strength of this House now envisaged by the Constitution is 547. Out of these, up to 525 members come from the states, up to 20 members from the Union territories and not more than two members of the Anglo-Indian community to be nominated by the President of India if in his opinion that community is not adequately represented in the House.

Lok Sabha, unless sooner dissolved, continues for five years from the date of its first meeting. However, during the operation of an Emergency, the term may be extended for a period not exceeding one year at a time by a parliamentary legislation.

Rajya Sabha consists of about 250 members. Of these, twelve are nominated by the President for their special knowledge or practical experience in such matters as literature, science, law, education, art and social service. The remaining seats are allocated to the various states and Union territories, roughly in proportion to their population. Each state is, however, represented by at least one member. The representatives of each state are elected by the members of the legislative assemblies of states in accordance with the system of proportional representation.

Parliament and state legislatures become great sources of news when in session. The Government makes all the major announcements in Parliament. Political news also comes from in and around the House in session as political parties express their views on various issues. The relative strength of the political parties is also tested on the floor of the House. There are moves and counter-moves by ruling and opposition parties which are grist to the newsperson's mill.

As a reporter covering Parliament, you should know the rules and procedures of legislatures. By and large, these are the same for both the parliament and the state legislatures.

Like parliament, there are some states which have a bicameral legislature — assembly and the council, i.e. Vidhan Sabha and Vidhan Parishad. The assembly in the state is the equivalent of the Lok Sabha, and the Council is the equivalent of the Rajya Sabha. There are states which have only the Vidhan Sabha and no Vidhan Parishad.

Here it is also essential to know the rights, privileges, immunities and amenities bestowed on members of both the Houses of Parliament.

Check Your Progress 1

Note: a) Use the space provided below for your answers.

b) Wherever required, tick the right answer.

c) Check your answers with the ones given at the end of this unit.

1) Why is legislature reporting important in a democratic country?

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2) For a legislature reporter, why is it important to know the relative strength of political parties in the House?

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3) The states, which have unicameral legislatures, have only Vidhan Parishads.

☐ Correct

☐ Incorrect

4) Is the President of India an essential part of our Parliament?

☐ Yes

☐ No

5) Are all the members of Rajya Sabha elected ones?

☐ Yes

☐ No

2.4 ESSENTIALS OF PARLIAMENTARY PROCEEDINGS

Now, let us look at the various features essential for the parliamentary proceedings. These can be roughly listed, on a normal day of proceedings, as under :

I Question Hour

II Papers to be laid on the Table of the House

III Zero Hour

IV Legislative Business

Both houses of parliament have a properly planned procedure of functioning. Normally, the first hour of every sitting of the house is the Question Hour. Afterwards, the House takes up miscellaneous times of work before proceeding to the main business of the day. They may consist of one or more of the following: adjournment motions, questions involving breaches of privileges, papers to be laid on the Table of the House, communication of any message from the upper or lower house, intimation regarding President's assent to Bills, calling attention notices, presentation of reports of parliamentary committees, presentation of petitions — miscellaneous statements by ministries, motions regarding elections to committee, bills to be withdrawn or introduced.



2.5 QUESTION HOUR

The first hour of every legislature sitting is normally devoted to questions. Questions are of three types : 1. starred question 2. unstarred question 3. short notice question.

2.5.1 Starred Questions

A starred question is the one to which a member desires an oral answer in the House. Other members can ask supplementary questions which are relevant to the main question. For this, a member will have to attract the attention of the presiding officer by raising his hand. Generally, the answer to the main question which is listed, is in written form with explanatory statement, wherever necessary. But supplementaries will have to be answered orally by the minister concerned.

2.5.2 Unstarred Questions

An "unstarred question" is one to which an oral answer is not called for in the House and on which no supplementary questions can be asked. To such a question, a written answer is deemed to have been laid on the "Table of the House" after the question hour by the minister to whom it is addressed. It is printed in the official report of the sitting of the House for which it is put down.

2.5.3 Short Notice Questions

A short notice question is one which relates to a matter of urgent public importance, and can be asked with the consent of the Minister concerned, at a shorter notice than the period of notice prescribed for an ordinary questions.

While 20 questions can be listed for oral answer on a day, as many as 230 questions can be listed for written answers.

Written answers thereof yield a great deal of information concerning various states and other Central government departments/ministries as the questions are asked by members belonging to each region of the country. The reporter who does the written questions has to carefully scan through all the answers to sift really newsy matter out of them.

It is through questions in Parliament, that the government remains in touch with the people in as much as members are enabled to ventilate the grievances of the public in matters concerning the administration. Questions bring to the notice of the ministers many an abuse which otherwise would have gone unnoticed. Sometimes questions may lead to the appointment of a commission, a court of enquiry or even legislation when matters raised are grave enough to agitate the public mind and are of ample public importance.

No wonder, therefore, seasoned parliamentary correspondents are generally entrusted with the task of covering the "question hour".

The government is put on trial, as it were, during the "question hour". Every minister, whose turn it is to answer questions has to stand up and explain his ministry/department/administration's acts of commission and omission. The reporter should remain alert when the minister answers or tries to answer probing questions by members on matters of national importance. This is where shorthand comes into play. A reporter with the knowledge of shorthand is able to take down what the minister replies quickly. He can file his report straight away once the Question Hour is over. But others may have to consult the official reporter's notes before filing their stories. This will be a time-consuming affair and will greatly affect the quality of one's report.

Sometimes, important decisions by the government may be found in written answers which might escape the attention of the reporter if he is not alert.

For example, a few years ago, the government's signing of an agreement with Britain for the purchase of the aircraft carrier *Hermes* at a cost of 63 million was revealed in a written answer. With proper background, a lengthy, informative news story can be weaved out of this by an experienced reporter. Here is an example:

Hermes Sailed in — Unstarred

Express News Services

New Delhi, April 24. The Government confirmed today that it had signed an agreement with Britain for the purchase of the aircraft carrier *Hermes* at a cost of 603 million pounds.

The announcement was sneaked into unstarred questions in the Rajya Sabha in a style characteristic of the defence ministry on Wednesday. The defence ministry would not confirm or deny news reports from London that such a deal had been signed on April 19. The Indian people learnt of a major agreement to acquire a second aircraft carrier from British government officials.

The minister of state of defence, Mr. Arun Singh, told Mr. Kalpnath Rai, Mr. L.K. Advani, Mr. K.K. Birla, Mr. Suresh Kalmadi and Mr. D.G. Prashant in written replies on Thursday that a memorandum of understanding was concluded on March 12 this year for the purchase of *Hermes*. The cost of the package was likely to be about 603 million inclusive of docking and refit, spares, stores and services.

Mr. Singh said that a second aircraft carrier was considered desirable in the light of the threat perceived. *Hermes* has the facilities for operating Sea Harrier aircraft and Sea King helicopter which are already part of the Indian Navy's air arm. *Hermes* will be fully operational when it joins the Indian Navy and is expected to serve till the end of the century.

This is not the first time that the defence ministry has sneaked a major announcement through the unstarred question in Parliament. It did this in the case of the purchase of eleven Sea Harriers last year at a cost of 150 million.

Several weeks ago news reports appeared that the government had signed an agreement to buy Swedish 155 mm guns for the army. In this case also, news of the agreement was provided by the Swedish company concerned to a news agency.

Asked about it, the defence ministry spokesman would only say: 'I have not been asked to deny it.' No official announcement has been made on this so far.

The way the Hermes announcement was made—five days after agreement was actually signed—goes against the assurance the Prime Minister gave during his reply to the defence debate in the Lok Sabha.

Mr. Rajiv Gandhi said much had been made about the secrecy of defence contracts dealings and assessments. He said he had a feeling that documents were being over classified. "There is no intention at any time to keep the Parliament or the country in the dark about any details," he said but added that performance limitations and evaluation reports of equipment could not be revealed.

Members of Parliament have expressed concern about the secrecy surrounding such deals because they involve hundreds of crores of the tax payer's money and there have been a number of instances in the past of the defence ministry bungling these deals.

Thus, parliament questions cover all the ministries and give authentic information. They should be kept by the correspondent for future use as they may provide leads to other stories. The questions provide basic data on almost all subjects that deal with the nation or state's economy and development and various other projects. This information can be analysed to yield many good stories.

Activity 2

- From the following written questions and answers, prepare properly structured news items:
- Make a good background story out of one of them.

Rajya Sabha

Starred Question No. *387

To be Answered on the 4th August 1992/13th Sravana, 1914 (Saka)

Proposal to Set Up Independent Authority for Auditing Nationalised Banks

QUESTION

*387. SHRI SURESH KALMADI:

Will the Minister of Finance be pleased to state:

- a) whether there is any proposal under Government's consideration to set up an independent authority to audit and monitor the operations of nationalized banks;
- b) if so, what are the details thereof; and
- c) what exactly will be the powers and functions of the new audit authority?

ANSWER

Minister of State in the Ministry of Finance (Shri Dalbir Singh)

(a), (b) and (c): There is no proposal to set up an Independent authority for audit of nationalised banks. However, in the light of the recommendations of the Narasimham Committee, it is proposed to set up, under the aegis of Reserve Bank of India, an independent agency for the supervision and control of the financial system, including the banking sector.

Rajya Sabha

Unstarred Question No. 3733

To be Answered on the 11th August, 1992/20 Sravana 1914 (Saka)

Bank Officials Reaction over RBIs Supervision Over Bank Functioning

3733. SHRI KRISHNA KUMAR BIRLA:

Will the Minister of Finance be pleased to state:

- a) whether the Government attention has been drawn to a news-item captioned 'Bankers sore over attempts to shield RBI officials' as reported in the Economic Times dated 10th June 1992;

- b) if so, whether the senior officials of a few Nationalised Banks have criticised RBI for its failure to supervise the functioning of banks;
- c) what further steps does the Government propose to take to make RBI effective in supervising functioning of other banks?

ANSWER**Minister of State in the Ministry of Finance (Shri Dalbir Singh)**

- a) Yes, Sir.
- b) Indian Bank' Association (IBA) have reported that they are not aware of any such reaction from Senior Bankers.
- c) The Government is considering the establishment of a high power supervisory Board consisting of 4 to 5 full time members, with the Governor, Reserve Bank of India as the Chairman. The Board will coordinate the work of supervision of banks, financial institutions and other financial agencies in the country. It will lay down operating guidelines, look after supervision and enforce compliance.

Check Your Progress 2

Note: a) Use the space provided below for writing your answers.

b) Wherever required tick the right answer.

c) Check your answers with the ones given at the end of this unit.

- 1) a) The first hour after lunch period is question hour.

[] Correct

[] Incorrect

- b) Supplementary questions can be asked in respect of starred questions.

[] Correct

[] Incorrect

- 2) What is a Short Notice Question?

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- 3) The story regarding purchase of the aircraft carrier 'Hermes' did come to light through an Unstarred question.

[] Correct

[] Incorrect

- 4) Approximately how many questions can be listed for oral answers in a day?

[] 20

[] 40

[] 60

2.6 PAPERS LAID ON TABLE

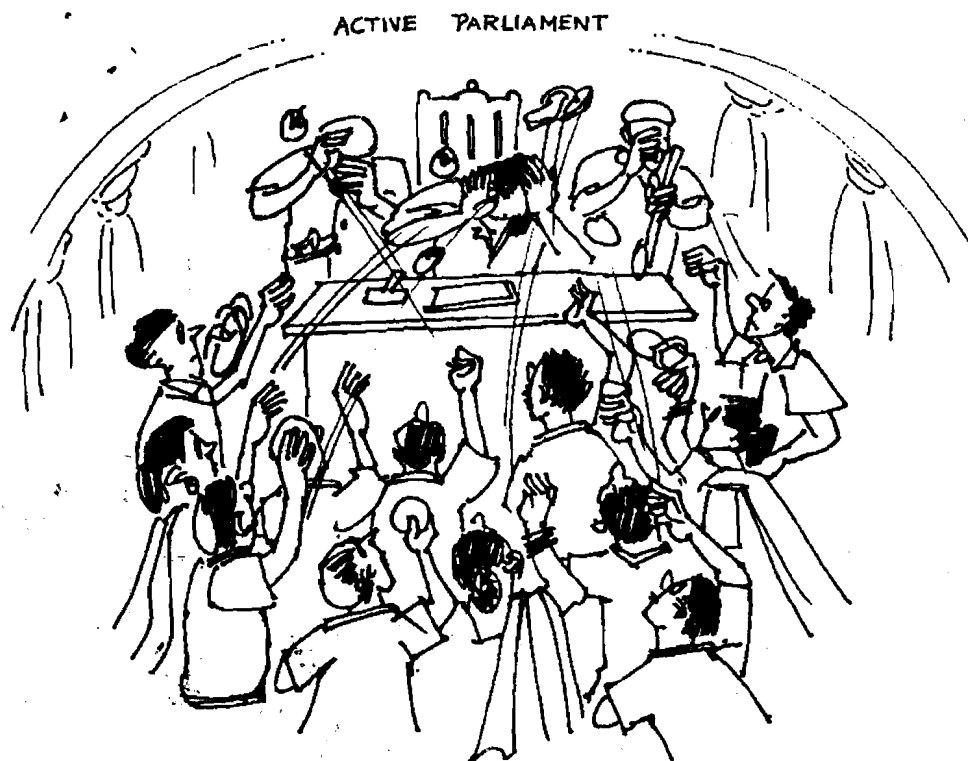
After the Question Hour is over, which is of one hour duration, the House will take up papers to be laid on the Table. These are official documents relating to various ministries and departments and are tabled by the ministers concerned. These papers often yield good stories. The documents may be annual reports of important government organisations, institutions of science and technology and other bodies which have come into being by an act of parliament.

The papers may also include reports of the Public Accounts Committee (PAC), the committee on public undertaking, action taken reports of various ministries, and so on. You, as a reporter in charge of papers laid on the Table, should carefully read the agenda paper of the House. It lists all the official papers to be laid on the Table. As soon as they are tabled, the documents are made available to journalists by the secretariat of the Lok Sabha or the Raiva Sabha, depending on which House the papers are tabled.

A recent example of such a document yielding good news story was the report of the Joint Parliamentary Committee (JPC) on the Bofors gun deal. You may have seen many news stories in newspapers made from this report.

2.7 ZERO HOUR

The Zero Hour which follows immediately is the most challenging for a young reporter. For, this is the time when members belonging to various parties spring on their feet and try to draw the attention of the Chair to the issues they think important and need the Government's response. It becomes very difficult to pick up the works of the members as many speak at the same time. All your attention should be centred on what is happening and you must note down as quickly as possible what the members say. If they are really important, you can make a story out of them or else you can ignore them.



The presiding officer, however, would restore order and allow members to speak one after another. Normally, he succeeds, but there are times when he is unable to control the members as they raise the issues of some scandal or the other on which the entire Opposition may be united to put the government on the mat. Many such instances can be cited from recent history — the Bofors gun deal, the Ayodhya issue and the securities scam. You may have seen several reports speaking of "pandemonium" or "bedlam" in the House over these issues. The reporter, with his notes and a fair background knowledge of the issues raised, will be able to write a good copy. It is also important for the reporter to be thorough with the morning newspapers, at least with the stories likely to figure in Parliament later in the day.

Activity 3

You may be aware of the regular morning telecast of the proceedings of both houses of Parliament. You must have watched some of these telecasts. One gets a lot of ideas about the procedure and proceeding of the Parliament by watching these telecasts. One also gets an idea on what type of people we send to the Parliament to represent us.

Now, before you proceed further with this unit, engage yourself in an activity which will require watching of a day's question hour on TV. Therefore:

- Watch the morning telecast of Doordarshan on the Parliament proceeding

- While watching, write in your note book the main points being discussed by the members of the Parliament
- Take note of the behaviour of the members

Having watched the telecast, write a report on it as if you are writing for a newspaper.

2.8 LEGISLATIVE BUSINESS

The general nature of the business of the legislature include the following: Besides, the main legislative business of the house, which is introduction and passage of bills into laws, it also deals with the: financial business presentation, discussion and passage of the general and railway budgets. Voting on the various demands for grants followed by passing of Appropriation and Finance Bills; motions and resolutions brought forward by the government and private members; discussion on matters of urgent public importance; debate in the house on matters requiring decisions of the house; and publication of debates of the houses.

As stated above, legislative business consists of introduction, consideration and passing of government bills. After a bill is passed by both Houses, it goes for the Presidential assent, following which it becomes an act of parliament.

A bill, which is a legislative proposal, has to pass through the following stages before it becomes an act.

2.8.1 Introduction of the Bill

The bill can be introduced in either House by a minister in charge of the subject of the Bill. While introducing the Bill, the minister explains the purpose and background of the Bill. Once the House, that is the majority of members, gives leave to the minister for introduction, the Bill is deemed to have been introduced.

2.8.2 General Discussion

At the second stage, a general discussion takes place on the bill as a whole followed by a clause by clause consideration of the bill. At this stage it is open to the House to decide to refer the bill to a select committee of the House or a joint committee of the two Houses. The committee then gives a close and detailed scrutiny clause-by-clause and makes such amendments therein as it deems necessary.

2.8.3 Voting

When all the clauses and schedules of the bill have been considered and voted upon by the House, the minister in charge moves that the bill be passed. Generally, a bill is passed by a voice vote. But on other occasions, a division may take place and the bill may be passed or rejected by a majority of the members present and voting.

Constitution Amendment Bill

A constitution amendment bill, at times, requires the support of the majority of the total membership of the House and two-thirds of the members actually present and voting.

Check Your Progress 3

Note: a) Use the space provided below for writing your answers.

b) Wherever required, tick the right answers.

c) Check your answers with the ones given at the end of this unit.

1) What is meant by papers laid on the Table of the House?

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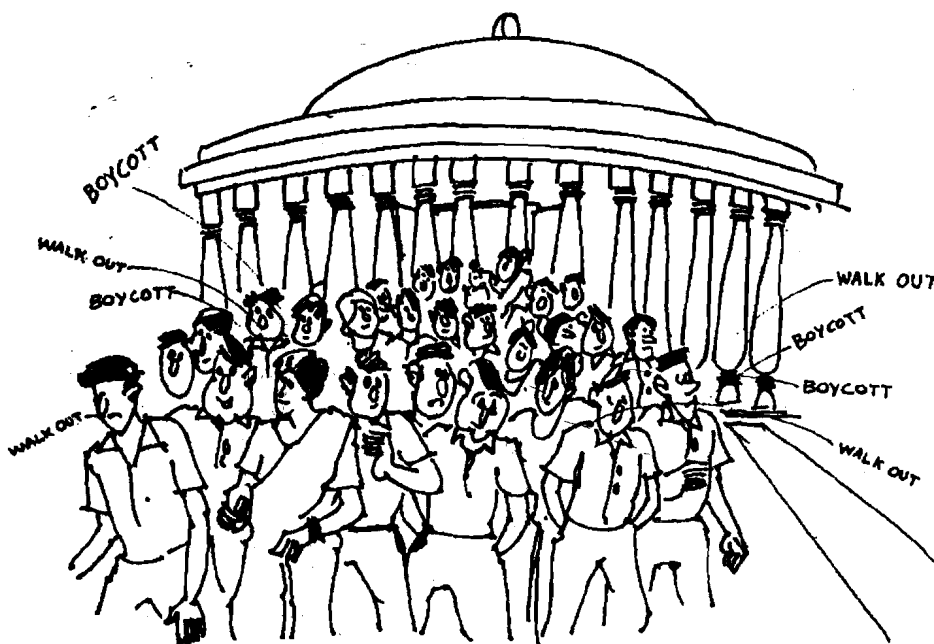
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- 2) i) Is the House informed before a paper is laid on its table?
☐ Yes ☐ No
- ii) Are the papers laid on the table of the House made available to legislature reporter?
☐ Yes ☐ No
- 3) i) A government bill can be initiated only in Lok Sabha.
☐ Correct ☐ Incorrect
- ii) In extraordinary circumstances, can a Bill be passed by a House, without putting it to voting?
☐ Yes ☐ No
- 4) Does all Constitution Amendment Bills require the support of two-third of the members of Lok Sabha actually present and voting?
☐ Yes ☐ No

2.9 CALL ATTENTION MOTION

Call attention notice, essentially an Indian procedural innovation, enables a member to draw the attention of the government to development of public importance and to elicit government views thereon.



2.10 RAISING OF ISSUES UNDER RULE 377

Under this rule, a member can raise any issue which he thinks is of public interest. The member is allowed to make a brief speech.

2.11 ADJOURNMENT MOTION

This is a motion by any member to demand the adjournment of all other business in the House to discuss the issue he may raise. To raise a discussion on the issue, the member must ensure that his motion is supported by the majority of members present.

2.12 NO-CONFIDENCE MOTION

The motion is at times brought by the Opposition to express its lack of confidence in the government. After the motion is allowed, a detailed discussion takes place. After the discussion, voting may take place. Generally, the motion is defeated because the government has greater strength in the House. In extraordinary situations, a no-confidence motion may be carried through and in which case the government stands defeated and has to resign.

2.13 SPECIAL DEBATES

Special debate on a subject of national importance is allowed by the Speaker at times. Almost each member of the House is given a chance to speak in the debate.

2.14 BUDGET

It is the annual financial statement laid before both the Houses and embodies the estimated receipts and expenditure of the government in respect of the forthcoming financial year. The finance bill is that which seeks to give effect to the government's taxation proposals and is introduced in the Lok Sabha immediately after the presentation of the budget.

2.15 BREACH OF PRIVILEGE

Privileges of Parliament and that of the State legislatures have already been discussed in Block V of our Course II. The Block V dealt with media ethics and law. However, a legislature reporter needs to know more about these privileges.

Article 361-A of the Constitution of India protects publication of proceedings of Parliament and state legislatures from any civil and criminal action. No person commits any civil or criminal offence, if he publishes substantially true reports of the proceedings of a House. However, if the publication has been done with malice, the protection conferred by Article 361-A does not apply. Publication of the expurgated portion of the proceedings of a House, is breach of its privilege. Similarly, publication of those proceedings is disallowed which are held in camera. Article 361-A was inserted in the Constitution in 1977. Before this, a substantial and true report of the proceedings of either House of Parliament was protected by Parliamentary Proceedings (Protection of Publication) Act 1956, popularly known as Firoze Gandhi Act. However, during the period of internal emergency, the Act was repealed. Later the emergency Article 361-A was inserted through a Constitution Amendment bill. Article 361-A has wider scope than what the Firoze Gandhi Act had. Article 361-A covers publication of proceedings of Parliament as well as that of the state legislature, whereas Firoze Gandhi Act covered only the House of Parliament.

The House is the custodian of its own privilege and is empowered to take action against a reporter, if his conduct or writing is in breach of its privileges. Since the scope of parliamentary privilege has not been codified, the reporter has to use abundant caution in reporting the proceedings. Minor lapses may be overlooked by the legislature but it is bound to take note of serious transgressions.

Deliberate distortion of speeches, aspersions cast on a member's behaviour in the House, and imputation of motives to him for his speech or behaviour in the House are serious transgression of the privileges of the members.

It is one of the privileges of Parliament and state legislatures to exclude any stranger, including press reporters, from the sittings of the House and from the press gallery.

Reporting the legislature's proceedings by the media is extremely useful for the common people in a democratic set-up. For, it is through the day-to-day reporting of the legislature's activities that electorates perceive as to what these elected representatives are doing in Parliament and other legislatures. Journalists, therefore, have to be on the constant look out for publishing important decisions taken or not taken in these Houses. In doing so,

journalists are sometimes likely to err on the wrong side of the law. As stated earlier, members of the legislatures have a large number of rights, privileges and immunities which protect them against attacks by people and organisations including the media. Thus, with a view to ensuring that media do not cast aspersions on their conduct or adversely comment on their report in a House, a number of common laws have been provided. These laws govern the powers and privileges of legislatures in so far as these common journalists' work may interfere with the right to the freedom of the press or reporters. Though Indian parliament or legislatures have so far not fully codified their rights and privileges, they generally follow the conventions and traditions of the British House of Commons. Many of these Parliamentary practices are described in the "Parliamentary Practice" by May.

According to Durga Das Basu, a journalist may encounter privileges of parliament in a number of ways:

- by violating any of the privileges of Parliament, e.g., relating to publication of proceedings;
- by violating any of the rules of procedure made by a house of legislature in exercise of the power conferred by Articles 118 and 208 of the Constitution of India, e.g., relating to admission and withdrawal of strangers;
- by publishing comments or any other statements which undermine the dignity of the house or the confidence of the public in the legislature, and are, accordingly punishable by parliament as contempt of parliament, which is analogous to the power of a court of record, to punish for "Contempt of Court".

The representative of the press are generally provided facilities to cover the proceedings of legislature from the press gallery by issuing an accreditation card to press persons. The accreditation card can be withdrawn by the Speaker without assigning any reason. Normally, a card is withdrawn, if a journalist is found to be "misrepresenting proceedings of the house in the press, or publication or of any matter not intended for the public, or casting aspersions against the Speaker."

The reporters should however study parliamentary privileges and Article 361-A of the Constitution of India to safeguard themselves against any default that may occur in reporting proceedings of a legislature.

It must be stated here that though by and large press persons are quite careful in reporting the proceedings of the legislatures in India, at times newspapers and legislatures have been at loggerhead over the matter of parliamentary privileges vis-a-vis freedom of the press. In the Blitz case (1961), its editor R.K. Karanjia was reprimanded by the House for his derogatory criticism of Lok Sabha member J.B. Kripalani. This was the first time after the independence that a well known editor was called to the Bar of the House and reprimanded.

Before appealing before the House, Karanjia tried to seek Supreme Court help, but failed.

Also, some cases occurred against journalists and newspapers in some state legislatures including those of Bihar, Andhra Pradesh, Maharashtra, and Tamil Nadu.

Check Your Progress 4

- Note:**
- a) Use the space provided below for writing your answers.
 - b) Wherever required, tick the correct answers.
 - c) Check your answers with the ones given at the end of this unit.

1) What is meant by adjournment motion?

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- 2) Which Article of Our Constitution protects the publication of substantial true reports of the proceedings of the Parliament and that of the state legislature?

[] Article 352 A
 [] Article 361 A
 [] Article 368 A
 [] Article 372

- 3) The Parliament has its privileges. Does the press also have privileges vis-a-vis Parliament.

[] Yes [] No

- 4) Can the Lok Sabha Speaker withdraw the pass issued to a press reporter to sit in the press gallery?

[] Yes [] No

- 5) Briefly describe any case when a reporter or editor has been reprimanded by the Lok Sabha.

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2.16 COMMITTEES OF THE HOUSE

A mention was made earlier about the various committees of the House. As you would know by now, the legislatures have to handle a lot of work of a varied nature and the time at its disposal is normally short. Therefore, it is not in a position to allot adequate time for its consideration on all the legislative and other matters that come up before it. A good deal of legislative business is thus transacted by what are called parliamentary committees.

A legislature, particularly the Parliament, has two kinds of committees. Ad hoc committees and parliamentary committees. Ad hoc committees are appointed for a particular purpose; they cease to exist after executing the task assigned to them. The principal ad hoc committees are: the select committee, and joint committee on bills. The Parliament, in the past, has appointed for specific purposes, committees such as the railway convention committee, committee on draft five-year plans, etc.

In addition, legislatures have regular committees which are permanently there, but are reconstituted from time to time. These are: business advisory committee, committee on petitions, privileges committee, committee on welfare of scheduled castes and scheduled tribes, rules committee, etc.

However, there are yet other kinds of committees which function as parliament's "Watch Dogs" over the executive. These are: committee on subordinate legislation, the committee on government assurances, the estimates committee, the public account committee, and the committee on public undertakings.

2.17 COMPOSITION AND FUNCTIONS OF THE COMMITTEES

Most of these committees appointed by the legislature play an important part in exercising a check over governmental expenditure and in the general discharge of the public functions. It is, therefore, necessary for those reporting legislative proceedings to keep track of the

reports these committee submit, on the task they are entrusted with, by the house. The reports and the functioning of these committees, also make good news. It is useful for reporters to know the composition and the discussions among the members of these committees, for they also make good news quite often. Moreover, often the business transacted by these committees adds up to the overall legislature reporting by a correspondent.

Check Your Progress 5

Note: a) Use the space provided below for writing your answer.

b) Wherever required, tick the right answer.

c) Check your answers with the ones given at the end of this unit.

1) Name any four Committees of parliament.

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2) Is reporting of the work done by these committees necessary? If yes, why?

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2.18 LET US SUM UP

A reporter covering any legislature in India should have a knowledge of the privileges and functioning of the House and its different committees. He should report the proceedings without malice and the report should be true.

A reporter should know the significance of the question hour and the zero hour. He should also have a fairly good idea of how different bills and motions are processed in the Parliament or State Legislatures. The more a reporter knows about the procedures of the House, the easier it is for him to cover the House for his newspaper or news agency. He should also keep an eye on all the papers laid on the table of the House. Replies to starred and unstarred questions may also give a clue to some big story of national importance. In fact, almost every day a reporter may get loads of official documents from the secretariat of the House he is covering. These documents may be the source of various stories.

A large part of the legislature's business is done by its various committees. For a reporter, it is always advisable to know the functions and composition of these committees. These committees and their reports are also a source of various sorts of information, necessary for newspapers.

In this unit, we discussed only legislature reporting. In the next unit, i.e. Unit 3 of this Block, we will discuss science and technology reporting.

2.19 FURTHER READING

Basu, Durga Das *Law of the Press in India* (1990, Second edition) New Delhi: Printice-Hall of India Pvt. Ltd.

Bakshi, P.M. *Press Law* (1986) New Delhi: T R F Institute for Social Research and Education.

2.20 CHECK YOUR PROGRESS : MODEL ANSWERS

Check Your Progress 1

- 1) Through legislature reports, people as well as government officials obtain a lot of information on the functioning of the government and the Parliament.
- 2) It helps in analysing the voting patterns in the House.
- 3) Incorrect
- 4) Yes
- 5) No.

Check Your Progress 2

- 1) a) Incorrect
b) Correct
- 2) A short notice question, relates to a matter of urgent public importance and can be asked at a shorter notice than prescribed for an ordinary question.
- 3) Correct
- 4) 20

Check Your Progress 3

- 1) Papers laid on the table of the House are official documents presented by the government to the members of the House with a view to inform them about their subject matter.
- 2) (i) Yes (ii) Yes
- 3) (i) Incorrect (ii) No.
- 4) No.

Check Your Progress 4

- 1) An adjournment motion can be taken up by the House adjourning all other business, if it is supported by a majority of the members present.
- 2) Article 368 A
- 3) No
- 4) Yes
- 5) In 1961, R.K. Karanjia, editor of Blitz, Bombay, was reprimanded by Lok Sabha for breaching privileges of the House through the columns of his newspapers.

Check Your Progress 5

- 1) a) Select Committee
b) Business Advisory Committee
c) Public Accounts Committee
d) Committee on Public Undertakings.
- 2) Reporting of these committee's work is necessary because the Parliament is short of time. A lot of work, which the Parliament should do, is done by these committees.