

# CANNOT STOP REPORTS ON COURT OBSERVATIONS: SC

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“We cannot expect the media not to report dialogues. Oral observations are as important as orders... Unfolding of process of judicial thinking is equally of interest to the public,” Justice D.Y. Chandrachud addressed the ECI, represented by senior advocate Rakesh Dwivedi.

“Public interest is not limited to judgments, but also the raising of questions in a court hearing, the dialogue between the Bar and the Bench... All of these show the public whether there was a genuine application of mind by judges... Had I been in the Bar, I would be very worried if judges don’t ask questions,” Justice Chandrachud said.

The Bench said the ECI’s prayer to stop media from reporting the comments from the Bench was simply “far-fetched”.

“We cannot say that the media cannot report the contents of the discussions in a court of law. Discussions in a court of law are of equal public interest, and I would put it in the same pedestal as the final order. Discussion in the court is a dialogue between the Bar and the Bench... We wish that media should report fully what is happening in court. It brings a sense of accountability. Media reporting would also show that we are dispensing our duties fully,” Justice Chandrachud said.

When Mr. Dwivedi complained that the HC should not have accused another constitutional authority like the ECI of “murder”, Justice Chandrachud said judges were humans too.

Some come reticent and other garrulous.

Their comments may be borne out of frustration, but were certainly made for the cause of larger public interest.

“We don’t want to demoralise the HCs. They are vital pillars of the judicial process... HC judges are doing tremendous work, burning the midnight oil, they are overwhelmed. They know what’s happening on the ground. It is bound to affect your psyche,” Justice Chandrachud said.

Justice Shah said the ECI should take oral observations of judges in the right spirit. Judges do not follow a prepared script during a hearing.

“Sometimes they are frustrated, they are angered. You should accept it in the right spirit. They are also human beings... It is a free,” Justices Chandrachud and Shah both said.

“But to say that ECI should be charged with murder...” Mr. Dwivedi rued.

“It’s a free-flowing conversation. We respect the ECI, don’t take it otherwise. This is not to belittle because ultimately democracy survives on the faith in the institutions... EC is an important pillar, but sometimes in dialogue, sometimes things are expressed,” Justice Chandrachud explained.

Mr. Dwivedi said what happened in the Madras HC could hardly be called a “dialogue”.

Justice Chandrachud pacified the poll body, saying the apex court would write a “balanced order”.

“However, we have to as well protect the sanctity of the HCs, that they have the freedom and liberty to ask questions We wish the media should report fully of what is happening in Court, it brings accountability,” Justice Chandrachud noted.

In its petition in the apex court, the Commission said the oral comments from the Madras HC would impact or lower the faith of the masses in the poll body and democratic process.

The Commission said the comments were disparaging and derogatory.

**END**

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