

**(1984) 01 KL CK 0023**  
**In the High Court Of Kerala**

|                                         |            |
|-----------------------------------------|------------|
| Progressive Port and Dock Workers Union | APPELLANT  |
| Vs                                      |            |
| K.M. Mathew and Another                 | RESPONDENT |

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**Date of Decision :** 13-01-1984

**Acts Referred:**

Constitution of India, 1950 — Article 215

**Citation :** (1984) CriLJ 1061

**Hon'ble Judges :** K. Bhaskaran, Acting C.J.; P.C. Balakrishna Menon, J

**Bench :** Division Bench

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**Judgement**

K. Bhaskaran, Ag. C.J.

1. A passage from our judgment in O.P. No. 10747 of 1983-C dated 10.1.1984 quoted in paragraph 2 of the writ petition reads as follows:

This being the position all that is required to direct that as long as the members of the petitioner's Union do not indulge in any unlawful activities or commit cognizable offences, the respondents 1 to 6 would not interfere with their demonstration or peaceful satyagraha.... They want only to carry on peaceful Satyagraha remaining on the road which we believe, so long as it is peaceful respondents 7 and 8 are not entitled to prevent.... The writ petition is disposed of as above.

Ext. P-1, the photostat copy of the report in the Malayala Manorama dated 12.1.1984 reads as follows:

Mattancherry

The petition submitted by M.X. Varghese, president. Progressive Dock and 1 Port Workers' Union alleging that the police has not given protection to the workers offering satyagraha and his police are interfering in labour disputes has been dismissed by the Acting Chief Justice K. Bhaskaran.

The Court observed that the police is bound to take appropriate steps to maintain law and order.

The petition related to the labour agitation in front of the residence of the owner of Mahavir and Co., a Tea exporting company at the port.

(Matter in vernacular translated in English?Ed.)

This petition has been filed by the petitioner in O.P. No. 10747 of 1983 requesting the Court to take action under the provisions of Article 215 of the Constitution and under the provisions of the Contempt of Courts Act.

2. We have heard the petitioner at great length. According to him the report was intended to scandalise and to lower the authority of the Court in the eyes of the public, who were likely to gain an impression that this Court stood for the vested interest of the management; and was against the working class. Great emphasis was laid on the expression "dismissed" used in Ext. P-1 report, whereas the expression that was used in the judgment was "disposed of".

3. It is a well-settled proposition that reports of proceedings in Court in newspapers should be the faithful and fair reproduction thereof. There could also be no doubt that while reproducing the Court proceedings, no words might be added, omitted or substituted if their effect was to be more prejudicial to a party litigant than the actual proceedings; any deviation in the report from the correct proceedings actually recorded, if it offended the law of contempt of Court, might render the alleged contemnor liable to be, proceeded against. Needless to say that the press reporter and the publisher of newspapers do not have any indefeasible right to put his own gloss on the statements in Court by selecting stray passages out of context which might have a tendency to convey to the reader to the prejudice of a party to the proceedings, a sense different from what would appear when the statement was read in its own context. The right to make fair comment and criticism of judgments by the press is subject to these reasonable restrictions in the absence of which the independence of the judiciary would be in great peril.

4. In the legal background shortly stated above, we have considered whether a prima facie case for issue of notice for action under Contempt of Courts Act has been made out in this case. It has to be said that the report does not represent the verbatim reproduction, of the contents of the relevant portion of the judgment. The judgment itself was by a Division Bench consisting of both of us not by one among us, as is seen stated in the report. It would have also been better, if the report used the expression "disposed of" which is the expression used in the judgment, instead of "dismissed". Of course in the very next sentence in Ext. P-1, the report stated that the Court had observed that it was the responsibility of the police to take appropriate action to maintain law and order.

5. From the facts stated in the above paragraph, it would appear that the reporter concerned did not exercise due diligence to be correct in what he reported. We do not, however, think that this was a case of reporting incorrectly with intent either to give a distorted version or to deliberately mislead the

public or scandalise and reduce the prestige of this Court. The carelessness in the reporting, we believe, is the result of the enthusiasm on the part of the reporter to give the benefits of the news to the reader before the news value is lost. In this view we refrain from issuing notice to the respondents and dismiss this writ petition.

Issue carbon copy of the judgment to the counsel for the petitioner on usual terms.