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## Avinash Kumar



*Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC – NET examination and has been awarded ICSSR – Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.*

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# **MEDIA TRIAL: ITS IMPACT AND LAWS** **GOVERNING MEDIA TRIAL IN INDIA**

AUTHORED BY - T. SRITHIGA

## **ABSTRACT**

The term "MEDIA" refers to "MEDIUM"-which refers to communication or the way of expression. The role of Journalism is primarily the communication of news, information, updation and education. In the contemporary world, media has become an important key to give "voice of the voiceless". Media plays a vital role in country's development measures, National Integration and the fight for justice. Media act as an interpreter for general public, and it also expose the face of the truth amidst growing corruption. Journalism is an essential part of democratic society. Media serve as a bridge between the government and the public, "using media for social change is powerful" but these are lot of challenges in it.

Media Trial which the media does even before the court starts trial in a case is a crucial issue till day. In this Article we will see about the role of media in trial and their impacts on the society and judiciary and the laws regulating the media in India.

**Key words:** Media Trial, Fair Trial, Justice Administration, Democracy, Fourth Estate.

## **INTRODUCTION**

The media is seen as the fourth pillar of democracy, after the legislative, executive branch, and judiciary. The media has a significant impact on influencing people's perceptions and increasing awareness of social issues. An integral component of a democracy is a free press. But by holding trials concurrently with the courts, the media has overreached itself and entered the judicial arena in recent years. A public court that does not accept the notions of "innocent until proven guilty" and "guilty beyond reasonable doubt" has had its work picked up by the media.

Media trials typically start even before the courts had a chance to test the case; the media does its own investigation and disseminates the information so that the public may make up its mind

either in favour of or against the accused before the trial ever takes place. The accused's right to a fair trial is violated as a result of these actions, which negatively affect the trial itself. Although the media has received credit for increasing awareness over the past ten years, they have mostly come under fire for their excessively intrusive coverage of some topics, particularly those involving well-known people. These days, the media has a big say in the outcome of high-profile trials, including evaluating and making comments about the effectiveness of the court where the trial is taking place. Numerous studies have effectively demonstrated the direct or indirect impact of media trials on the legal system. Due to its detrimental impact on society as a whole, media trials have become a significant issue in India that need immediate attention.

### **MEDIA TRIAL**

The term "media trials" describes the practice of media sources, especially newspapers and television channels, extensively covering a court case while frequently taking on the roles of judge, prosecutor, and investigator. Even before the court has rendered a decision, the public's impression of the accused's guilt or innocence is often shaped by this widespread publicity. The distinction between sensationalizing news and reporting facts is frequently hazy during a media trial. Public opinion can be shaped by media representation, which may result in biased opinions and have an impact on the judicial system. Judges may feel under excessive pressure to take into account public opinion shaped by media narratives as a result of this.

The fundamental right to a fair trial, which is protected by Article 21 of the Indian Constitution and protects the right to life and personal liberty, may be compromised by media trials. They can result in character assassination and social exclusion based on unsubstantiated information, and they can threaten the assumption of innocence, which states that a person is innocent until proven guilty. The media must appropriately use its freedom even though it is a vital pillar of democracy since it guarantees accountability and transparency. To keep media trials from jeopardizing justice, ethical journalism, following the law, and respect for the legal system are crucial.

## **THE ROLE OF MEDIA IN A DEMOCRATIC SOCIETY**

The media, sometimes known as the fourth estate, plays an important function in a democratic society. It serves as a watchdog, keeping the powerful accountable and creating a forum for public debate. Article 19(1)(a) of the Indian Constitution provides the right to free speech and expression, including freedom of the press. However, this freedom is not unlimited and is subject to reasonable constraints in the interests of Indian sovereignty and integrity, state security, public order, decency, and morality.

## **MEDIA TRIALS AND FREEDOM OF SPEECH AND EXPRESSION**

Freedom of expression is critical to shaping public opinion on social, political, and economic issues. Similarly, those in power must be able to keep the public informed about their plans and goals; hence, freedom of expression is the mother of all rights.

In **Printers (Mysore) Ltd. v. CTO**,<sup>1</sup> the Supreme Court emphasized that, while freedom of the press is not officially protected as a basic right, it is implied in freedom of speech and expression. Freedom of the press has long been a valued right in all democratic countries, and it is rightfully referred to be the fourth chamber of democracy.

In **R. Rajagopal v. State of Tamil Nadu**,<sup>2</sup> the Supreme Court of India ruled that freedom of the press includes engaging in uninhabited discussion regarding public personalities' engagement in public problems and events. However, in their private lives, a healthy balance of press freedom, privacy, and defamation must be maintained in accordance with the democratic way of life outlined in the Constitution. As a result, based on the Supreme Court's findings in various cases and the views voiced by many jurists, it is obvious that press freedom stems from the freedom of expression given to all citizens under Article 19(1)(a).

## **MEDIA TRIAL AND FAIR TRIAL**

Trial by media has created a difficulty since it entails a tug of war between two opposing principles: free press and free trial, both of which the public is deeply interested in. The right of the public in a democracy to be active in current events that concern them is the foundation of press freedom. This provides reason for investigative and campaign journalism.

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<sup>1</sup> Printers (Mysore) Ltd. v. CTO (1994) 2 SCC 434

<sup>2</sup> R. Rajagopal v. State of Tamil Nadu (1994) 6 SCC 632

At the same time, the Right to a Fair Trial, i.e., a trial free of external influences, is acknowledged as a fundamental principle of justice in India. A journalist may be held in contempt of court if he publishes anything that might influence a 'fair trial' or damages the Court's impartiality in deciding a cause on its merits, regardless of whether the proceedings before the Court are criminal or civil.

In **Zahira Habibullah Sheikh v. State of Gujarat**,<sup>3</sup> the Supreme Court clarified that a fair trial requires an unbiased judge, a fair prosecutor, and a peaceful court atmosphere. A fair trial is one in which any bias or prejudice for or against the accused, witnesses, or the cause being tried is eradicated.

## **MEDIA TRIAL AND RIGHT TO BE REPRESENTED**

Every individual has the right to be represented by a lawyer of his choice and submit his case before the adjudicating court, and no one has the authority to prevent him from doing so. For example, when prominent lawyer Ram Jethmalani agreed to defend Manu Sharma, a major accused in a murder case, he faced public ridicule. A top editor of the television news channel questioned the choice to represent Sharma.

## **THE MEDIA TRIAL AND JUDICIARY**

The judiciary's fundamental goal is to conduct fair trials and provide justice free of extraneous influences. This independence is critical to sustaining public faith in the judicial system. However, media trials, in which the media forms and disseminates opinions on ongoing legal issues, can generate public pressure, thereby compromising court neutrality. According to Section 2(c) of the Contempt of Court Act of 1971, media trials are considered contempt of court because they interfere with the judicial process by releasing views on cases that are still in progress.<sup>4</sup>

### **The Impact:**

A 'trial by media' might put excessive pressure on the court and judge. Media coverage, particularly when biased or sensationalized, can generate an atmosphere of public feeling and pressure, which may have an indirect impact on court proceedings. While it is expected that a

<sup>3</sup> Zahira Habibullah Sheikh v. State of Gujarat (2006) 3 SCC 374

<sup>4</sup> Justice V., "Rajkumar Trial by Media"

judge operating in their professional position should be immune to such influences, it is important to recognize the subtle and not-so-subtle effects that media coverage may produce. This is especially true in judicial systems with juries, which are made up of members of the general public who might be affected by media narratives.

### **Media Trial and Judiciary Social Pressure**

Media trials produce enormous societal pressure, hampering judges' efforts to stay unbiased. The media's representation of the accused has the potential to affect public opinion and, indirectly, court judgments. This cultural pressure may lead to judges developing predetermined beliefs, making it impossible to conduct an unbiased trial.

### **Erosion of judicial authority**

Media trials can weaken judicial authority. In high-profile instances, such as the 26/11 Mumbai attacks, the media prematurely announced the accused's penalty, undermining the court's function and authority. The judicial process must be free of such extraneous pressures in order for decisions to be made entirely on legal principles and facts.

### **Disruption to Justice Administration**

The Constitution requires a fair judicial procedure for all offenses, regardless of severity. Media involvement upsets this process since it frequently goes beyond giving accurate updates and into speculative reporting. This disturbs the administration of justice and undermines the concept of a fair trial.

### **Impact on the Accused**

A 'trial by media' can be especially harmful to the accused. If the media depicts the accused negatively, even before the court has rendered a decision, it might lead to a presumption of guilt. This not only violates their right to a fair trial, but it may also do irreversible harm to their reputation and mental health. Even if the accused is eventually convicted, they may incur societal stigma as a result of the media trial.

### **Impact on Society**

A 'trial by media' has far-reaching consequences for society. On the one hand, it can lead to a more informed public, increasing awareness about critical issues and exposing faults in the legal system. However, it runs the risk of producing a society in which guilt and innocence are

determined by popular mood rather than due process. This can lead to a culture of trial by public opinion, in which media narratives trump facts and judicial processes.

The 'trial by media,' while a powerful instrument for openness and accountability, nevertheless poses complicated ethical, justice, and fair trial issues. It highlights the need of responsible journalism that strikes a balance between the right to report and the rights of individuals.

## LAWS GOVERNING MEDIA IN INDIA

**The Indian constitution:** The Indian Constitution's Article 19(1)(a) guarantees the basic right to freedom of speech and expression. It lays the groundwork for media independence in India. However, this right is not absolute and may be subject to reasonable limitations.

**The Press Council of India Act of 1978:** The Press Council of India (PCI) is a self-regulatory body. It was established to preserve journalistic ethics and standards. It regulates the behavior of India's print media.

**The Cable Television Networks (Regulation) Act of 1995:** This Act governs the functioning of cable television networks in India. It allows the central government to issue program and advertisement codes. This is to control the material transmitted on television stations.

**The Broadcasting Services Regulations (2011):** These rules regulate the functioning of broadcasting services in India. They define the content standards and duties of broadcasters.

**The Information Technology Act of 2000:** This statute is usually referred to as the IT statute. It establishes a legislative framework for the regulation of digital media in India. It contains measures for intermediary responsibility, cybercrime prevention, and data protection.

**The Advertising Standards Council of India's (ASCI) Code** The ASCI is a self-regulatory organization. It establishes and maintains standards for advertising in India. The ASCI Code addresses several areas of advertising, such as truthfulness, decency, and social responsibility.

**The Cinematograph Act (1952):** This Act governs the production, exhibition, and certification of films in India. It allows the Central Board of Film Certification (CBFC) to

certify films based on a variety of factors.<sup>5</sup>

### Case laws

In the landmark case of "**R.K. Anand v. Registrar, Delhi High Court**"<sup>6</sup> the Apex Court for the first time said that a media concurrent trial had no legal validity in our legal system since it puts the rights to "free speech and expression" and "right to a fair trial" at odds.

In "**Shreya Singhal v. Union of India**"<sup>7</sup> the Supreme Court once more addressed this issue, stating that while it is allowed to debate or support a cause, even if it is controversial, when it proceeds unchecked, it is recommended that laws be put in place to control it. To put it another way, the court was saying that while media trials are morally and legally acceptable when they are conducted within the bounds necessary to guarantee a thorough investigation and an unbiased trial, they must be illegal when they go beyond that bound and are broadcast solely to create a sensation and make money.

### CONCLUSION

To sum up, no freedom can be regarded as total; hence, even the freedom of the press and media is subject to some limitations in order to protect the public interest. Any democratic institution, whether it be the legislature, the courts, or the executive branch, will inevitably be abused if it is granted unfettered independence. It is advised that the media exercise some degree of self-regulation over its territory, even though the efforts made to closely monitor the police investigation and carry out sting operations are commendable. The right to a fair trial should be respected by the media, and interference with court proceedings should be avoided.

As long as it only serves as a catalyst and refrains from intruding in the judiciary by finding one of the parties guilty before the trial, the media will benefit them. The media should be aware of the distinction between assisting the court in administering justice and impeding it by interfering and going beyond its bounds. Reporting the case's facts and circumstances is the media's responsibility, but the judiciary alone has the authority to make decisions.

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<sup>5</sup> Justice R.S. Chauhan, Trial by Media: An International Perspective (*SCC Online Blog*)

<sup>6</sup> R.K. Anand v. Registrar, Delhi High Court (2012) SCW 6339

<sup>7</sup> Shreya Singhal v. Union of India (2015) 5 SCC 1