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# **SOCIAL MEDIA TRIALS: A THREAT TO THE LEGAL SYSTEM**

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## **Abstract**

The 21st century has revolutionized the media world, and this era witnessed a fundamental shift in the way we communicate from traditional print media like newspaper, and television and the modern media like social media. British Member of Parliament, Lord Macaulay, had, years ago, called the media “the fourth pillar of democracy”. It has since been quoted often, and a free media is considered indispensable in a democracy. But the media today is not what it was then. Multiple factors have led to media organizations compromising their journalistic ethics and principles which harms the nation in a big way.

Article 19(1)(a) of the Constitution grants its citizens freedom of speech and of expression. However, this freedom is subject to reasonable restrictions pursuant to Article 19(2), which states the restrictions “in the interests of India ‘s sovereignty and integrity, state security, foreign relations, public order, morality or contempt of court, defamation or incitement to an offence.” Media is the 4th pillar of the country responsible for keeping the other three organs of democracy in check. It’s responsible to report issues that matter objectively. However, since its inception, the media is misusing its power to undermine the judiciary by crossing the ethical line. The media plays a prominent role in our society. Jeremy Bentham said, “There is no right where there is no attention. Publicity is the essence of justice itself. It is the strongest spur to exertion and the surest of all guards against approbation”. The Supreme Court defines media trials as “the effect of television and newspaper reporting on a person’s image by generating a common presumption of guilt, irrespective of any decision in a court of law.” The objective of this analysis is to study the evolution of media trial in India. To investigate the role played by media in a democracy. To study the evolution of freedom of speech and expression in India. To examine the consequence of trial by media and its conflict with the various impact in Indian Judiciary It fails to analyze the vital gap between an accused and a convict keeping at stake the golden principles of ‘presumption

of innocence until proven guilty’ and ‘guilt beyond reasonable doubt’. The media sticks to this stereotype. Therefore, a need arises to pull the media’s reins and put reasonable restrictions so that judicial decisions are not undermined shortly.

This paper is an attempt to analyze the impacts caused by the media trial and how it takes the cover of freedom of speech and expression to continue with the undue interference with the administration of justice. This article also emphasis on the role of media trials in legal system. The power of media trial is given under article 19 of the constitution of India. It provides freedom of speech and expression to each person. The present article focuses on the influence of media on judges and courts. It also deals cases of media trial and media ethics. The effects of media on Indian judiciary and some guidelines given by supreme court in civil and criminal trials. The thin line between ‘innocent until proven guilty’ and ‘guilt beyond reasonable doubt’ is easily crossed by trial.

**Keywords;** media, trial, social and legal issues, courts, proceedings, judiciary.

## Introduction

Media trial is a phrase describing the impact of television and print media coverage on a case through an attempt by the media to hold the accused guilty even before the trial begins. Article 19(1)(a) of the Constitution grants its citizens freedom of speech and of expression. However, this freedom is subject to reasonable restrictions pursuant to Article 19(2), which states the restrictions “in the interests of India ’s sovereignty and integrity, state security, foreign relations, public order, morality or contempt of court, defamation, or incitement to an offence. ’Media is the 4th pillar of the country responsible for keeping the other three organs of democracy in check. It’s responsible to report issues that matter objectively. However, since its inception, the media is misusing its power to undermine the judiciary by crossing the ethical line. The media plays a prominent role in our society. Jeremy Bentham said, “There is no right where there is no attention. Publicity is the essence of justice itself. It is the strongest spur to exertion and the surest of all guards against approbation”. The Supreme Court defines media trials as “the effect of television and newspaper reporting on a person’s image by generating a common presumption of guilt, irrespective of any decision in a court of law.” The social media usually portrays the accused as a villain not based on facts but only to sensationalize the news, which causes damage to the dignity of the accused. Media through their trial attempts to reincarnate itself into a ‘public court’

and interfere with court proceedings. It fails to analyze the vital gap between an accused and a convict keeping at stake the golden principles of ‘presumption of innocence until proven guilty’ and ‘guilt beyond reasonable doubt’. According to Ray Surette, ‘trial-by-media’ has three basic flavors- 1. Sinful Rich type 2. Evil stranger psychotic killer 3. Abuse of Power trial. The media sticks to this stereotype. Therefore, a need arises to pull the media’s reins and put reasonable restrictions so that judicial decisions are not undermined shortly.

## **What is a social media trial**

Media trials refer to the act of conducting a trial in the court of public opinion through various forms of media such as television, newspapers, social media, etc. These media trials have become increasingly common in India in recent years, with several high-profile cases being covered extensively in the media. While media trials can be useful in exposing corruption, injustice, and wrongdoing, they can also have severe consequences if conducted improperly. In this article, we will examine recent media trials in India and their consequences.

The Internet provides access to vast amounts of information in mere seconds and allows users to broadcast their thoughts to millions and receive near-instantaneous responses through web-based “social networking” or “social media” services. These services include well known social networks like Facebook and Twitter. Social media refers to websites and applications which enable people to share content quickly and efficiently. Social media has become an integral part of everyone’s life as it is accessible through smartphones, computers, and tablets. Aristotle described the man as a social animal. Social media is a platform that makes this objective easily accessible. However, the intervention of the media in under-trial cases has become a common phenomenon. With social media into play, each person can indulge in freely giving their opinions without any communication barrier. The absence of any communication barrier reflects that the opinions or views expressed are at a global portal, and these opinions might play an effective role in framing the views of others. Reincarnated as the public court, the media separately starts an investigation and forms public opinion. Under the democratic form of the government, it’s healthy to have a social media functionary to express opinions freely under freedom of speech and expression. However, most of the time, the freedom of expression controversy is created due to the sub-clause (2), Article 19 of the Constitution of India. It does not embrace the freedom to contempt of court. Though social media helps to bring change in society sometimes it is driven by selfish or fake reasons. Social media trial is an intrusion and an ethical breach. It has become

a trend that social media performs the function of the judiciary of investigating the truth. The judiciary system has the key responsibility to provide justice to society in stipulated time. Nonetheless, practically it is now hardly seen. Not only people wait to obtain justice for years, but also they sometimes become bound for oblation to buy justice. Thus, in the developing countries, media trials are getting prominent day by day due to the extreme pendency problem and decreasing trend of faith in the judicial system, the public supports the trend of trial by media.

## Case laws

The media has played a significant role in shaping public opinion in India. However, the way in which the media has covered certain cases has come under scrutiny in recent years. Some of the most high-profile cases include the Nirbhaya case, the Sushant Singh Rajput case, and the Hathras case.

### **The Nirbhaya case:**

The Nirbhaya case was a heinous crime in which a young woman was brutally gang-raped and murdered in Delhi in 2012. The case received extensive coverage in the media, with many channels conducting debates and discussions on the issue. While the media played a crucial role in highlighting the case, it also came under criticism for sensationalizing the crime and portraying the victim in a negative light.

### **The Sushant Singh Rajput case:**

One of the most prominent recent media trials in India was the coverage of the death of Bollywood actor Sushant Singh Rajput. The Sushant Singh Rajput case was another high-profile case that received extensive media coverage in 2020. The actor was found dead in his apartment, and his death was initially ruled as suicide. The media coverage of the case was intense, with news channels reporting on every aspect of the case, including the investigation, the accused, and the alleged motive. The media's narrative in the case was that Rajput was a victim of a conspiracy, and the accused were guilty before the court verdict. The media coverage of the case was criticized for being sensationalist and for interfering in the investigation.

The consequences of this media trial were severe. The accused were subjected to harassment and abuse on social media, and some even received death threats. The media's portrayal of the case also led to a trial by public opinion, with many people believing that the accused were guilty

without waiting for the court verdict. The media's coverage of the case also raised questions about the role of media in the country's justice system.

However, the media coverage of the case led to several conspiracy theories being propagated, and the case was later investigated by multiple agencies.

### **The Hathras case:**

Another recent media trial was the coverage of the Hathras case. In this case, a Dalit woman was allegedly gang-raped and murdered by upper-caste men in Uttar Pradesh in 2020. The media's coverage of the case was intense, with news channels reporting on every aspect of the case, including the investigation, the accused, and the alleged motive. The media's narrative in the case was that the victim was a victim of caste-based violence, and the accused were guilty before the court verdict.

Media trials can have significant consequences on the accused, the public, and the justice system. The media's portrayal of a case can impact the accused's right to a fair trial, which is a fundamental right enshrined in the Indian Constitution. Media trials can also create a trial by public opinion, which can lead to the accused being subjected to harassment, abuse, and even violence. Additionally, media trials can erode public trust in the justice system and undermine the country's democracy.

The impact of media trials can be seen in high-profile cases, such as the Aarushi Talwar murder case and the Sheena Bora murder case.

### **The Aarushi Talwar murder case**

In the Aarushi Talwar murder case, the media's portrayal of the case was that the accused, Aarushi's parents, were guilty before the court verdict. The media's reporting of the case led to a trial by public opinion, with many people believing that the accused were guilty without waiting for the court verdict. The accused were subjected to harassment and abuse on social media, and some even received death threats. The media's coverage of the case also raised questions about the role of the media in the country's justice system.

## The Sheena Bora murder case

Similarly, In the Sheena Bora murder case, the media's reporting of the case was intense, with news channels reporting on every aspect of the case, including the investigation, the accused, and the alleged motive. The media's portrayal of the case led to a trial by public opinion, with many people believing that the accused, including the main accused, Indrani Mukherjee, were guilty before the court verdict. The media's coverage of the case also raised questions about the role of media in the country's justice system and perspectives and methodologies are drawn from the humanities as well as the social sciences learning Outcomes.

### Objectives of Socio- legal Research

- To understand the fundamentals of socio-legal research and what it is comprised of.
  - To understand the utility of socio-legal research.
  - To identify the potential areas of socio-legal research.
  - To introduce the socio-legal field.
  - To understand the various political science, sociological, anthropological, and economic approaches to the socio-legal research
2. Studies on the beneficiaries and victims of administration of justice; 3. Law and poverty.
  4. Compensatory, discrimination of a second of people such as Scheduled Castes and Schedule Tribes.
  5. Study of legal system in connection with cultural, social, and national legal systems.

We can add some more specific areas of socio-legal research, such as, Directive principles of Constitution of India and effect of their implementation; Criminal tendency in some tribes and sections in India; Tax imposition and social change; International Economic Law and the increase of international trade; White-collar crimes and their impact on society; Labor laws and the welfare of the working classes; Land Reform Acts and the social and economic change; Provision of contributions to political parties in Company Law and its implications; Sex offences and their effect on social life; Feeble-mindedness and criminality; Relationship between physical anomalies and crime tendency; Effects of customs of society on crime rate; Alcoholism and crime rate; Urbanization and increase of crime rate; Contribution of motion pictures and T.V. programs to delinquency and crime; Effects of bribery on efficiency of administration; Preventive detention and public opinion; Efficiency of police department and crime rate; Condition of under-trial criminals in jails; Effects of punishment and need for reforms; Delay in trials and its effect on

judicial administration; Abolition of death sentence and its desirability; Prison reforms in treating the prisoners; Protection to tenants under Rent Control Law. The list is endless and many more can be added to it.

## **Different approaches to socio-legal research**

The socio-legal approach may be seen to occupy space between two extremes of a methodological spectrum. At one end, a strict doctrinal approach relies predominantly on self-informed analysis of legislation and judicial decisions from the superior courts. Approaches at the other end, such as critical legal studies and economic analysis of law, are tuned to the concerns, theory, and informants of external perspectives. While contextual analysis is increasingly the norm in legal scholarship, external informants are essential to a socio-legal approach. The socio-legal lens widens to observe operational and everyday legal situations, and diverse textual sources, disciplinary and cultural perspectives are considered.

## **Introduction to the Socio-Legal Field**

H. L. A. Hart's Concept of Law offers an accessible analysis of a mature legal order which is attuned to law's social character and its role in ordering a society. The key concepts in Hart's account of law are social rules, of which legal rules are one kind, and the acceptance of law by officials. It examines the notion of a social rule, what it means to accept a rule, and the rule of recognition as the master rule of a legal order, the role of officials in a legal order, and Hart's contrast between officials and citizens. At this point the question arises as to whether there are other systems of law besides state law, and, if so, why prominence is given to state law. This leads to questions about legal pluralism, by which means different legal orders exist side-by-side, or overlapping, or one dominating another. Understanding law and the legal system as a social formation is the first part of a law and- society approach; the second is the inter-relationship between law and other aspects of society. One issue is how law as a system of social rules interacts with other systems of social rules, such as those of civil associations, religious bodies, private institutions, family networks, and so on. What happens when legal rules conflict with or try to change other networks of rules? Here the notion of social spheres is developed and used in explaining the inter-relationship. Another issue is why we need law at all. If society is constituted by sets of social rules, all of which help to maintain social order, achieve social goods, and advance social values, what extra value does law add? One answer is that law has distinct social functions which cannot be carried out effectively by other rule-based systems. Another answer,

which is skeptical of functional approaches, claims that law, in the sense of state law, being backed by the institutions and organizations of the state, can contribute to the achievement of social goods. In developing this analysis, law needs to be broken down into different kinds of laws, such as criminal, civil, constitutional, and regulation. The last issue is about the effectiveness of law. If state law is explained (and justified) on the basis that it has certain social advantages over systems of social rules, then the assumption is that law is effective in influencing behavior. Here notions of implementation, compliance, and enforcement come into picture.

## **Political Science Approaches to Socio-Legal Research:**

### **Legal Mobilization**

There exists a complex relationship between law and social movements. Social movement actors use a wide range of legal tactics – including lobbying, litigation, and administrative advocacy – in their campaigns for social, political and economic change. On one hand, movements rely on rights to frame their grievances, to define and reinforce collective identity and to mobilize activists. The realm of the law can provide social reform campaigns with opportunities to influence policy, regulation, and enforcement practices. On the other hand, the use of legal strategies and reliance on lawyers can exert a conservative pressure on social movements channeling protest and other forms of radical action into conventional political and legal institutions. These tensions inherent in legal mobilization activity have raised a few theoretical and empirical questions: What are the conditions under which individual and collective actors will turn to the courts to pursue political or social goals? What is the best way for researchers interested in social movements to determine social movement success within the courts, within the policy realm and beyond? What is the impact of legal mobilization on a social movement's collective identity? The literature on the mobilization of law by social movements – by providing a “bottom-up” perspective – draws on, complements, and provides alternatives to Disputes.

### **Judicial Review and Human Rights**

Political science approaches to the study of the law particularly explore how political science can be applied to study of the role of the courts in protecting human right. The Role of Courts in a Democracy. The judiciary is a high-impact institution. When functioning properly, it profoundly affects social well-being, facilitating economic development and shielding the individual from arbitrary State power. In countries transitioning from authoritarian rule to democracy, a judiciary empowered to vindicate the constitution is by consensus regarded as essential to democratic

consolidation. Given the important role courts are believed to play, it is not surprising that sociologists and political scientists have in recent decades paid ever more attention to judicial affairs. One post World War II trend, identified, documented, and analyzed by a diverse subgroup of these investigators, stands out for its ubiquity – the worldwide expansion of both domestic and supranational judicial power. Informed by a paradigm that blames the vulnerabilities of parliamentary democracy for World War II and its horrors, many have come to see the judiciary as a check on the alleged evils of untrammelled democracy. In one jurisdiction after another, even in the most conservative and authoritarian civil law traditions, courts have been empowered or have empowered themselves to ‘strike down’.

### **Historical aspects**

Certainly, the notion that mass media would affect the legal process clearly goes back to the beginning of the printing press, and perhaps much further. One of the first trials prosecuted by the media in the 20th century was Roscoe ‘Fatty’ Arbuckle who was convicted by the courts but lost his career and reputation because of the media coverage. There was another A-G v. Frail case where Joanne Frail was sentenced in 2011 by London’s High Court to eight months in jail for contempt of court for sharing Facebook messages with the accused in a drug trial when she sat on the jury. A UK juror had been removed from a court for child abduction and sexual harassment after asking her Facebook friends to help her decide on the verdict. Convictions have been overturned and mistrials declared when it was discovered that juries had accessed information on the Internet that had not been presented in court.

In *Benbrook v. The Queen*, the Victorian Court of Appeal dismissed an appeal in which it had been argued that Internet searching by jurors had tainted the trial. The notion that discussions between friends on Facebook might be considered less serious than other publications was reinforced in a 2012 Western Australian Supreme Court case where Hall J refused to relocate a trial because prejudicial and threatening statements about the accused had been posted to Facebook.

Families and relatives of people accused of crimes have recently used the influence of social media to reopen proceedings. In the cases of the murder of Jessica Lall Priyadarshini Mattoo, Nitish Katera, BMW, and Aarushi, media influence was observed in full swing. In 2015, a Delhi woman, Jasleen Kaur, posted a photo of a man, Surjeet Singh, on Facebook and accused him of sexual harassment. The Facebook post went viral which was followed by a media trial labeling

the man a 'pervert', 'Delhi ka Dorinda' (the Delhi's predator). Four years later, the man was later found out to be innocent by the Delhi court and was acquitted of all the charges. The widespread use of social media influences the legal process. More importantly, the regular usage of platforms such as Twitter and Facebook are present threats to the fair trial ideal.

Problems associated with it Justice Sikri commented that the media has undergone a complete transformation in the digital age and "we are in the era of paid and fake news". Social Media has a broad coverage which can easily sway the opinion of an individual. The problems associated with it are- Media's portrayal of previous crimes of the accused creates prejudices in the minds of people and judges during a trial. Moreover, discussion of social and economic factors related to the cases also causes hindrance on the road to impartiality. Social media is a strong medium influencing and molding public opinion.

By publishing inadmissible evidence and bringing it into the public domain, the media could bring facts to the attention of the judge (and the public) that cannot be taken into consideration when adjudicating the matter. Those facts may subconsciously affect the decision of the judge. Social media causes defamation to persons who are acquitted from the Courts on grounds of lack of proof beyond a reasonable doubt. They face difficulty to resurrect their reputation in society. The media in its quest for sensationalism fails to realize that such exposure jeopardizes the right to a life of dignity of the accused.

in cases of a sexual offense, the explicit description of the ordeal on television creates mental torture to the victim. Also in such cases, the media instantly places public domain initial statements of the victim in verbatim form. Thus, it is evident that media trials lead to a breach of privacy, a bias in public opinion, as well as interferes with the sentencing process. With the advent of social media, the information on legal cases is reaching the multitude through Facebook, Twitter, and other social media platforms.

Though they are a platform for discussion, they have of late become a place of hatred, trolling, and bullying too. In high profile cases, Twitterati goes berserk and starts taking sides without checking facts. Social media has been, in the aftermath of the # me-too campaign, a medium for demonizing, thrashing, and attacking.

The social media usually portrays the accused as a villain not based on facts but only to

sensationalize the news, which causes damage to the dignity of the accused. Media through their trial attempts to reincarnate itself into a 'public court' and interfere with court proceedings. It fails to analyze the vital gap between an accused and a convict keeping at stake the golden principles of 'presumption of innocence until proven guilty' and 'guilt beyond reasonable doubt'. According to Ray Surette, 'trial-by-media' has three basic flavors- 1. Sinful Rich type 2. Evil stranger psychotic killer 3. Abuse of Power trial. The media sticks to this stereotype. Therefore, a need arises to pull the media's reins and put reasonable restrictions so that judicial decisions are not undermined shortly.

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Social media trial is wherein the individuals themselves do a separate investigation and form public opinion against the accused even before the court takes cognizance of the case. It creates prejudices in the public and sometimes even judges. Due to this the accused, instead of being assumed innocent is presumed to be a criminal. It not only interferes with the "administration of justice" but also propagates a false message to society. The society starts forming their opinions based on their own notions rather than relying on the judiciary.

Social media is a very powerful medium that affects mold's public opinion. Through reporting inadmissible evidence and putting it into the public domain, the media draws the judge's attention to details that are not to be addressed in adjudicating the case and could subconsciously influence the judge's judgment. The other thing is organizational fairness. The court's judgment is based

on biases and challenges in the path to justice and fairness. Under our law a suspect/accused has the right to a fair trial and is presumed to be innocent until proven guilty in a court of law. Thus, their prejudices emerge as a vice to society that influences public minds. The most famous example is the KM Nanavati Case, where public opinion affected the conviction of the accused.

### **Legal provision**

Article 19(1)(a) of the Constitution of India guarantees freedom of speech and expression and Article 19(2) allows for reasonable restrictions to be imposed by law for the purposes of 'Contempt of Court' including. Art. 19(2) does not apply to 'administration of justice,' but interference in the administration of justice is specifically referred to as contempt in the definition of 'criminal contempt' in Section 2 of the Contempt of Courts Act, 1971 and Sec. 3 thereof. Consequently, publications that interfere with or appear to interfere with the administration of justice constitute criminal contempt under that Act, and where the terms of that Act enforce restitutions to avoid such interference, the provisions of that Act impose reasonable restrictions on freedom of speech, such restrictions would be valid.

The Supreme Court in **A.K. Gopalan v. Noordeen 1969 (2) SCC 734** held that a publication which is made after the 'arrest' of a person amounts to contempt if it is biased to the suspect. Criminal contempt is divided into three types: scandalizing, prejudicing trial and hindering the administration of justice. The principle of natural justice states that "every accused has a right to a fair trial" and the principle "justice may not only be done it must also seem to be done" reflects the need of a fair trial. Contempt was introduced to prevent unjust and unfair trials. Publications of any sorts should not poison the minds of jurors or attempt to intimidate the witnesses in which the administration of justice is impossible, amounts to contempt.

### **Fair trial**

Parties have a constitutional right to a fair trial in the court of law. This trial is conducted by an impartial tribunal or uninfluenced by newspaper dictation. Democracy demands fair play and transparency, and if these are curtailed then the very concept of democracy is at stake. Any act is done or writing published which attempts to lower the authority of the Judge, or interferes with the course of justice amounts to contempt of Court. In the case of *R. v. Gray*, [1900] 2 Q.B.D. 36, it was held that contempt by speech or writing may be by scandalizing the Court itself, or by prejudicing against a party before the cause. Speeches or writings misrepresenting against the proceedings of the Court or prejudicing the public for or against a party is contempt. To make a

speech tending to influence the result of a pending trial, whether civil or criminal is a grave contempt. The issue is not regarding the publication but with interference in the administration of justice.

In **Sushil Sharma v. The State (Delhi Administration) and Ors**, the Delhi High Court held that conviction should be based, if any, on record facts and not on media reporting. The judge who is dealing with the case should be neutral. With Gupta and Ors in Saibal Kumar. B.K.V. Sen & Anr. the Supreme Court held that no comparison existed between a media trial and a court-run trial. The right to a fair trial is the absolute right of each citizen within India's territorial boundaries vide Article 14 and Article 20, Article 21 and Article 22 of the Constitution. The right to a fair trial is a significant right deriving from Article 21 of the Constitution r / w Article 14. In contrast to one's right to freedom of speech and expression, one's life with dignity is also given priority.

In India, Section 499 of the Indian Penal Code governs the defamation law and has extended to "electronic documents" as well. Section 469 of the IPC (forgery for the purposes of harming reputation) was amended by the Information Technology Act, 2000 to include 'electronic record fabricated' Section 66A of the Information & Technology Act 2000 (IT Act), which was quashed by the Supreme Court of India in **Shreya Singhal v. Union of India**, due to confusion in the section's meaning of the term 'negative.' The section suggested that sending offensive messages to a computer or to some other means of communication would be an offense. Under Section 66A, such unfettered power was exploited by the State in curtailing and curtailing people's freedom of speech and expression, and therefore abolished. The trial is essentially a process to be carried out by the courts. The trial by social media is definitely an undue interference in the process of justice delivery.

### **Right to Privacy:**

This is a fundamental right recognized by the Indian judiciary as part of the right to life and personal liberty under Article 21 of the Indian Constitution. It refers to an individual's right to be left alone and to control the dissemination of their personal information. In the context of media trials, this provision could be invoked if media coverage reveals the identity of a victim or other sensitive personal information without consent.

## **Protection of Children from Sexual Offences Act, 2012:**

This legal provision is aimed at protecting children from sexual abuse and exploitation. It includes provisions for protecting the identity of child victims and for ensuring that media coverage of such cases is conducted responsibly. In the context of media trials, this provision could be invoked if media coverage of a case involving a child victim is deemed to be insensitive or inappropriate. Ethics for Journalists: This is a set of guidelines developed by the Press Council of India to ensure that media coverage is conducted ethically and responsibly. The code includes provisions for protecting the privacy and dignity of individuals, for avoiding sensationalism and bias, and for verifying the accuracy of information before publishing it. In the context of media trials, adherence to this code could help ensure that media coverage is conducted in a manner that is respectful and responsible.

## **Consequences of Media Trials:**

The media has a significant impact on public opinion, and media trials can have severe consequences if conducted improperly.

Some of the consequences of media trials are discussed below:

### **➤ Prejudices the Investigation:**

Media trials can prejudice the investigation of a case. The media coverage of the Sushant Singh Rajput case led to several conspiracy theories being propagated, which diverted attention from the actual investigation. The media coverage of the case was also criticized for interfering with the investigation and influencing the outcome.

### **➤ Undermines the Judicial Process:**

Media trials can also undermine the judicial process. The media coverage of the Hathras case was criticized for being insensitive and for revealing the identity of the victim, which is a violation of the law. Such actions can undermine the judicial process and affect the outcome of a case.

### **➤ Violates the Rights of the Accused:**

Media trials can also violate the rights of the accused. The media coverage of the Nirbhaya case was criticized for portraying the accused in a negative light and for influencing public opinion before the trial. Such actions can violate the right to a fair trial and can affect the outcome of a case.

## Media trial vs Judiciary

In India, media trials have assumed significance. There have been many cases where media had taken the case into their own hands and declared judgement against an accused contrary to fair trials in court. There have been quite a few cases such as.

### **Jessica Lal Case [2010]**

In this case media rejoiced over their efforts in bringing justice to jessica lal and trial court had acquitted the accused of all the charges.

### **Priyadarshini Mattoo case [2006]**

Where the law student was raped and murdered, and the judgment of this case was suspected to have been influenced by Media Trial.

## Conclusion

The importance of freedom of expression in a true democracy is undeniable. No democracy can work without an effective platform to express opinions. The social media has immense power, and if the power is misused, it can severely harm a nation. The onus of responsibility falls on the individuals themselves to check and ensure that no harm is committed, and the public should be more media literate and understand fact from fiction. Though social media acts as a platform to bring people's voice to the notice of society and legislatures, in present times it creates negative influence rather than a positive effect. This is evident through the present cases such as the bios locker room incident. A 12th class student committed suicide due to false allegations posted on him through social media platforms. This revelation highlights the toxic mentality of the one who incited rape allegations. Through Snapchat conversations, a very important lesson has been learned- to stop the instant social media trials. The Judiciary and the Media are the third and fourth pillars respectively of a democratic setup. They are indispensable for the smooth functioning of the system. While the former should duly consider the latter's freedom and right to cover and disseminate news of court proceedings in an open justice system, the latter, on the other hand, should also show due diligence and extreme caution while reporting the latter to preserve the former's sanctity and to ensure a free and fair trial. The most appropriate way of regulating the media is to exercise the Court's contempt jurisdiction to punish those who breach the basic code of conduct. Social media cannot allow freedom of speech and expression to an extent as to prejudice the trial itself. An ideal proposal at this time will be not to allow the trial

on social media. It is certainly an ideal proposition to require regulated media coverage of cases until the media is expected to benefit from the profit and sensational considerations. Social media must play a facilitator's role, rather than tilting the scales in favor of one party or another. The widespread use of social media in the community, prevailing attitudes that social media discussions are less 'official' than a traditional press, and ready access to jurors' online information present unique challenges to the 21st-century justice system.

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