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MEDIA TRIAL: A NEW PENALISING AUTHORITY

AUTHORED BY - NISHANT ARYAMAN

Abstract

This article critically analyses the freedom of press under Article 19(1)(a) of the Constitution of India which is freedom of speech and expression, and also the restriction given in Article 19(2). Media is called as the fourth pillar of the democracy so, it can be easily deduced from this particular statement that how important it is to have a healthy press in a democracy. The main objective of media is to present the facts in front of the citizens and make them aware of the truth. But, in the present time, the media has shifted from being truthful to being a daily entertainment show with less facts and more drama. The focus of the press has shifted from fulfilling its obligation to bring out the truth to gain TRP's. This paradigm shift has been hammering and shattering one of the most important pillars of democracy, that is, judiciary, along with the mindset of the people watching and reading the news. The press has been getting a good hold on the people's mind watching it and turning them toward a particular biased thought process which has led to loss of faith in judiciary and ultimately has resulted into numerous letters and petitions in many cases based on false facts and imaginary circumstances. This article has also discussed one of the important remedies in case the media crosses the line drawn between use of the freedom of speech and expression and its exploitation and the remedy is provided in Contempt of Courts Act, 1971.

INTRODUCTION

The Indian court system is already overburdened with many difficulties and obstacles such as unsolved cases, less strength of courts, inadequate staff members etc. One more obstacle, that is, **media trials**, has joined in this line in this period of digitalization and technological advancement and it has started disrupting the sanctity of the very justice delivery system of our country. There have been numerous instances where the media has interrupted the working of the police and the courts. Not only disturbing the process of justice, the media has evolved to violate the privacy of the accused which has led to a development of different concept of judgment based on hear and

say facts, unreasonable materials and a biased approach towards the accused.

At this time of digitalization, the main purpose of media has just narrowed down to TRP only. There is a race down the hill of journalism to see who gets the most view. And in this race, the media has somewhere forgotten the very reason for its existence and diverted from its main goal, that is, depiction of truth. There are numerous stories cooked up by media personals and were lastly proved to be completely different from that of such as in case of K M Nanavati case, Jessica Lal murder case, Arushi Talwar murder case and in a very recent case, that is, death of Sushant Singh Rajput, where the media personals broke all their boundaries and invaded even the personal space of one the accused and also disrupted the court's proceedings to some extent.

There has been a drastic change of media from 'doordarshan' to 'janta adalat'. Now, what we observe is media trial where the media itself does a separate investigation, builds a public opinion against the accused even before the court takes cognizance of the case.

The criminal justice system operates on the principle that guilt must be proven beyond reasonable doubt, and decisions must be based on facts, not emotions. However, the media and the public often forget this and allow their emotions to influence their views. This puts immense pressure on the judge presiding over the case and jeopardizes the fairness of the judgment. According to the law, an individual is presumed innocent until proven guilty by a competent court. Nevertheless, nowadays, people tend to assume the guilt of a suspect immediately after their arrest. It's crucial to remember that the role of the media is to report factual information and raise public concerns, not to pass judgments.

WHAT IS FREEDOM OF PRESS?

Right to information is one of the most important rights provided under article 19 and it is facilitated by another right provided by article 19 itself, that is, freedom of press. Role of media is to uncover the clouds of uncertainty from that of covered facts and present it without any extra unrelated or unreasonable facts. In the case of *Secretary General, Supreme Court of India vs. Subhash Chandra Agarwal*¹, the court held that right to information does not originate from Right to information Act but it is one of the rights enshrined in Article 19(1)(a). This right has emerged

¹ Secretary General, Supreme Court of India vs Subhash Chandra Agarwal, AIR 2010 Del 159 (FB)

from constitutional guarantee under article 19(1)(a) as held by the Supreme Court in catena of cases. And, one of the important works of media is to provide information to the people without any discrepancies.

The role of media is very important in functioning of the democracy. It is generally called as the fourth pillar of democracy² and for its smooth functioning, freedom is really a pre-requisite need. *Article 19 of Universal Declaration of Human Rights* says that, “everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.” It can be clearly discerned from this article that the use of media is for the purpose of communication of true and unambiguous information to the common masses.

Article 19(1)(a) of Constitution of India says that ‘*All citizens shall have the right to freedom of speech and expression*’. And, this right also includes ‘freedom of press’, although this right has not been specifically mentioned in Article 19 but it has been comprehended within the ambit of Article 19(1)(a)³ and there are numerous cases where the same has been held. One of the earliest cases was *Romesh thappar vs State of Madras*⁴, where it was held by the court of law that though the Press has been given freedom of speech and expression by Art. 19(1) (a) which includes freedom of propagation of ideas and that freedom is ensured by the freedom of circulation. As also constructed by the judiciary, this freedom now includes not merely the freedom to write and publish, what the writer considers proper, but also the freedom to carry on the business, so that information may be disseminated and excessive and prohibitive burden restricting circulation may be avoided⁵.

In general, freedom of press includes ‘Freedom of’ –

1. access of all sources of information
2. publication
3. circulation

² Sanjoy Narayan vs High Court of Allahabad, (2011) 13 SCC 155

³ Indian Express newspaper (P) Lts. vs Union of India, AIR 1986 SC 515

⁴ Romesh Thappar vs State of Madras, AIR 1950 SC 124

⁵ Ranjit D. Udeshi v. State of Maharashtra, AIR 1965 SC 881

And, these rights are provided by Article 19(1) of the Constitution. There are several other cases that explained the same and expanded its area in judicial decision. In the case of *Sakal Newspaper (P) Ltd vs Union of India*, the question of reasonableness of restrictions imposed upon fundamental rights was raised. The court emphasised that the only restrictions which may be imposed on the, rights of an individual under Art. 19(1)(a) are those which cl. (2) of [Art. 19](#) permits and no other. In this case, Daily Newspapers (Price and Pages) Orders, 1960, was challenged the constitutionality of act. The act empowered the Central Government to regulate the prices with relation to the number of pages and size. The Order was overturned by the Hon'ble Court, and it was held that the right to freedom of speech cannot be taken away with the goal of restricting a citizen's economic operations.

In the case of *Bennett Coleman vs. Union of India*, the Supreme Court increased the boundaries of Article 19(1)(a) by reiterating the views presented in the *Sakal Newspaper* case and stated that freedom of speech and expression is not only limited to volume of circulation but also to volume of news and views. If the laws prohibit the media through unreasonable restrictions, such as prohibiting circulation, limiting the quantity, penalising the freedom of choice, then it would count as violation of Article 19(1) (a).

FREEDOM OF PRESS & MEDIA AND RIGHTS OF PEOPLE

But, of course, the freedom of speech and expression is not absolute and there are some restrictions towards it. Article 19, clause 2 put reasonable restrictions on freedom of speech and expression. It empowers the state to impose reasonable restriction on the freedom of speech and expression. A careful reading of article 19(2) states that the article does not empower the state but immunes against Article 19(1)(a). It simply states that the Article 19(1)(a) shall not prevent the state (immune) from making laws to put reasonable restrictions on this right for the reasons of security of state, public order, friendly relations with foreign States, decency or morality or in relation to contempt of court, defamation or incitement to an offence. There has been no explanation to the term 'reasonable restriction' in the Constitution but the test of reasonableness was laid down in the case of *State of Madras vs V.G. Roy*⁶, where it was said that there is no general rule or standard pattern to apply the same. It should be applied according to the condition and situation of the particular case. In a judicial decision, multiple factors should be taken into

⁶ State of Madras vs V.G. Roy, (1952) SCR 597

account, including the type of right that has allegedly been violated, the purpose of the restrictions imposed, the severity and immediacy of the harm that is being addressed, the proportionality of the measures taken, and the prevailing circumstances at the time.

The question that arises here is, “**why is there a need of restriction**”. Jurisprudentially, a right always has a correlative duty latched to it. The right to freedom of speech and expression has a correlative duty to not to interfere with the liberty of others⁷. Lord Acton said, “Power corrupt and absolute power tends to corrupt absolutely”. If a person is given unfettered power, it is a natural tendency to result into corruption or malpractices. So, there may be situations where this right may be and can be used to defame others or this right may displease or annoy others; reasonable restrictions are the way to curb these situations.

The same principle applies in the case of freedom of press too as it is a branch of ‘freedom of expression and speech’. The media plays a responsibility in the society; to bring out the truth in front of the people. As *per K.M. Joseph J.*⁸, ‘the press cannot be bias and yet free..... If freedom is enjoyed by the Press without a deep sense of responsibility, it can weaken democracy. In some sections, there appears to be a disturbing trend of bias. Controlling business interests and political allegiances appear to erode the duty of dispassionate and impartial purveying of information.’ It is a very simple logic that biasness creates divide and biasness in one of the pillars of democracy and ruptures the very foundation of a state and India still being in the developing phase, biasness in media can prove to be dangerous. And, the test of reasonableness of restriction mentioned in Article 19(2) should be such that the balance between the social interest and freedom of press shall be maintained⁹.

RIGHT TO PRIVACY

The freedom enshrined in Article 19(1)(a) also include, within its ambit, right to information and similarly under Article 19(2) it is subject to certain limitations. One of the limitations is being supported by Article 21. The Supreme Court has recognised the right to privacy as a fundamental right emanating from Article 21 of the Constitution of India. The right to privacy is also recognised as a basic human right under Article 12 of the Universal Declaration of Human Rights

⁷ Subramanian Swamy vs Union of India, (2016) 7 SCC 221

⁸ Yashwant Sinha vs CBI, (2019) 6 SCC 1

⁹ Virendra vs State of Punjab, AIR 1957 SC 896

Act, 1948. Article 17 of the International Covenant on Civil and Political Rights Act, 1966, to which India is a party also protects that right¹⁰. Article 3 of the Universal Declaration of Human Rights 1948 recognizes the right to life, liberty, and security of the person. Similarly, the Indian Constitution acknowledges this right in Article 21. Privacy, however, was not initially included in this article. The independent existence of privacy in India was recognized as early as 1935 in the *Nihal Chand v. Bhagwan Dei*¹¹ case during the colonial period. However, it was not until the *Kharak Singh v. State of U.P.*¹² case that privacy was officially recognized as a right in free India. The Supreme Court, in this case, struck down domiciliary visits by the police for violating Article 21. Justice Subha Rao's minority view in this case recognized privacy as a separate right included in Article 21 of the Constitution. The apex court acknowledged privacy as part of the right to life and personal liberty. Privacy was also recognized as a distinct right in the Universal Declaration of Human Rights 1948.

Even though Right to Privacy is a fundamental right under Article 21 of Constitution of India, there has been a lot of violation during the course of exercising freedom of speech and expression under Article 19 by the media. In simpler terms, the media has exploited the freedom to very large extent. In the case of *K.S. Puttaswamy vs Union of India*¹³, it was stated that between right to privacy and freedom of press, there must exist a proper balance. There has been many cases such as the Sheena Bora murder case, Sushant Singh Rajput suicide case and others where the media had violated the privacy of the accused. In the case of *Ankul Chanra Pradhan vs Union of India*¹⁴, the court held that presumption of innocence of accused is a rule of law and also it is a legal presumption. It should not be destroyed in the name of media trial. The name of Aarushi Talwar case is a very famous and twisted case and a perfect example of the repercussions of media trial. In this case, the media made a chaos that the murderers of Arushi Talwar is her own parents. Later on, it was found out that her parents were innocent. Dalbeer Bhandari J., in Arushi Talwar case, observed that “*though what authority spoke to media is not admissible in court, but people believed it and the father became the most hated man in the world*”¹⁵. But, even it was later found out that the speculations given by the media were not right, the liberty and pride of the man was shattered because of media.

¹⁰ Thalappalam Service Coop. Bank Ltd. vs. State of Kerela, (2013) 16 SCC 82

¹¹ Nihal Chand vs Bhagwan Dei, AIR 1935 ALL 1002

¹² Kharak Singh v. State of U.P. and Others 1964 S.C.R. (1) 332

¹³ K.S. Puttaswamy vs Union of India, (2017) 10 SCC 1

¹⁴ Ankul Chanra Pradhan vs Union of India, (1996) 6 SCC 354

¹⁵ Hashmat Ali Khan, Role of Media, 20 ALJ 312, 316 2012-13

MEDIA TRIAL AND CRIMINAL LAW

https://blog.ipleaders.in/reflection-media-trial-threat-judicial-system/#PCI_Act

MEDIA TRIAL AND JUDICIARY

Pandit Jawaharlal Nehru, the first Prime Minister of independent India said- “I would rather have a completely free press with all the dangers involved in the wrong use of that freedom than a suppressed or regulated press.” But, a completely free press may, and most probably will, have a lot of unforeseen dangers. The reason for this presumption is the present condition of the media; even though there are restrictions imposed on freedom of press, there have been many instances of exploitation of the same.

The exploitation of this right does not only affect the mentality and presumption of the people but also poses a hindrance to the administration of justice. The publication of pre-conceived notion of any on-going trial or case poses a potential threat to the judiciary and its functioning. The 200th Law commission report on *Trial by Media: Free Speech and Fair Trial under Criminal Procedure Code, 1973* discussed in deep the problem caused to judiciary and its functioning due to extensive prejudicial coverage of crime and suspects. The report went through discussing Article 19, with respect to freedom of press and the restrictions imposed upon them, along with covering different international conventions and its ratification and effect in India. Chapter II of the report went on elaborating Human Rights Conventions, Madrid Principles, Indian Constitution and Contempt of court. Conventions such as Universal Declaration Human Rights, 1948, International Covenant on Civil and Political Rights, 1966, European Conventions etc provides for the protection of dignity of the accused during litigation period.

One of the important principles in *Madrid Principles on the Relationship between the Media and Judicial Independence* was the first principle which is formulated as, “Freedom of expression (including freedom of the media) constitutes one of the essential foundations of every society which claims to be democratic. It is the function and right of the media to gather and convey information to the public and to comment the administration of justice, including cases before, during and after trial, without violating the presumption of innocence.” This principle is very well recognized in our country where the media has freedom to report cases and situations on ongoing

litigations but within the limitations provided by constitution¹⁶.

CONTEMPT OF COURT

But, the question that arises here is, whether any remedy exist for the same? The first remedy for that is a writ under Article 32 of Constitution of India for the violation of Article 21 that is, right to life and personal liberty with a fact that content shown or published by media is in contravention of one's personal life and liberty. Another remedy that is to be looked into is contempt of court. But this remedy is not absolute in nature. In case of *Reliance Petrochemicals Ltd. vs Proprietors of Indian Express Newspapers*¹⁷, it was held that, "Publications, if any, however, would be subject to the decision of the Court on the question of the contempt of court, namely, prejudging the issue and thereby interfering with the due administration of justice." Article 32 is a right that is mostly exercised by the individual whose rights have been violated but in case of 'contempt of court', the power lies in the hands of the court itself. Article 129 provides the Supreme Court with powers to punish for contempt of itself and Article 142(2) empowers the court to make orders regarding the same. But, contempt of court has not been defined anywhere in the code; the Contempt of Court Act, 1971 provides for two types of contempt, that is, civil and criminal. Oswald, in his book on Contempt of Court, defined it as 'disrespect to that which is entitled to legal regard, but as a wrong purely moral or affecting an object not possessing a legal status, it has in the eye of the law no existence'¹⁸. In *Re Bramblevale, Ltd.*¹⁹, Lord Denning observed that, "A contempt of Court is an offence of a criminal character. A man may be sent to prison for it. It must be satisfactorily proved. To use the time-honoured phrase, it must be proved beyond reasonable doubt. It is not proved by showing that, when the man was asked about it, he told lies. There must be some further evidence to incriminate him. Once some evidence is given, then his lies can be thrown into the scale against him."

Section 2(b) of Contempt of Courts Act, 1971 defines civil contempt as willful disobedience to any judgment, decree, direction, order, writ or other process of a court or willful breach of an undertaking given to a court. In the case of *R. Muthukrishnan vs High Court of Madras*²⁰, the court discussed contempt of court with regards to media where it said that going to media and press or press and criticizes the judges in person and attributing political colors to judgments is

¹⁶ Chief Election Commissioner of India vs M. R. Vijayabhaskar, (2021) 9 SCC 770

¹⁷ Reliance Petrochemicals Ltd. Vs Indian Express Newspapers, (1988) 4 SCC 592

¹⁸ Court on its Own Motion vs The Asian Age & Ors., (2003) 108 DLT 494 (DB)

¹⁹ Re Bramblevale Ltd., (1969) 3 All. Er 1062

²⁰ R. Muthukrishnan vs High Court of Madras (2019) 16 SCC 407

nothing but the gravest form of contempt.

The case of *Prashant Bhushan and Another, In re*²¹, the freedom of speech and expression with respect to section 13 of Contempt of Courts Act, 1971 was discussed. Section 13 of the said act has a twin requirement to establish a defense; first, such a defense is in public interest and second, that the request for such defense is bonafide.

So, even the media is not completely saved from the contempt of court. A baseless criticism of judges and the judgment will always be considered as contempt and will not fall under Article 19(1)(a).

ROLE AND EFFECT OF MEDIA

As it was very well given in the case of *Yashwant Sinha vs CBI*²² that the press shall not be biased and yet it shall be free. Free from external forces that dilute the sanctity of media. A wrong or biased or delusion information in media will affect the thinking process of the citizens which may lead to development of problems in the way of Judiciary. The case of *S. Khusboo vs Kanniammal*²³ is a perfect example of how media can affect the mentality of people and subsequently lay down problems in the way of functioning of judiciary. The case relates to a statement given by an actress about sex which was published in *India today*. In this case, the court observed that many letters were sent to the judges by the people about an order that was never passed and, most probably, the people get all these information through electronic media. It was observed by the court,

“In fact, during the course of hearing certain queries were put to the learned counsel appearing for the parties so as to clarify the legal issue involved in the matter but unfortunately, those queries have been highly misunderstood not only by the media but also by the common man. As a result thereof, we have been flooded with several letter petitions making a prayer for review of the order passed by us..... Admittedly, all those persons who have sent letters to us were not present on that particular date but must have gathered information from the print and electronic media which evoked their sentiments to such an extent that

²¹Prashant Bhushan and Another, In re (2021) 3 SCC 160

²² Yashwant Sinha vs CBI, (2019) 6 SCC 1

²³ S. Khusboo vs Kanniammal, (2010) 5 SCC 600

they prayed for review. It is, therefore, not only desirable but imperative that electronic and news media should also play positive role in presenting to general public as to what actually transpires during the course of the hearing and it should not be published in such a manner so as to get unnecessary publicity for its own paper or news channel.”

So, the media should be very careful about their role and what they are publishing as it exerts influence on large number of people and destroys the image of Judges and Courts.

F. S. Nariman was a noted jurist and he observed that²⁴ “A responsible Press is the handmaiden of effective judicial administration. The Press does not simply publish information about cases and trials but, subjects the entire Justice – hierarchy (police, prosecutors, lawyers, Judges, Courts), as well as the judicial processes, to public scrutiny. Free and robust reporting, criticism and debate contribute to public understanding of the rule of law, and to a better comprehension of the entire Justice – system. It also helps improve the quality of that system by subjecting it to the cleansing effect of exposure and public accountability” The Nariman committee, which was headed by F.S. Nariman suggested certain modalities regarding the role of media²⁵-

- a) The Trusteeship Principle – Journalists are the trustees of public and they should seek out and report the truth
- b) The Self-Regulation Principle – A sense of responsibility and self-awareness shall be present
- c) Content Regulation – Contents should stick to truth and facts and no should be regulated well according to the situation
- d) Complaint Principle – There should be an effective mechanism to address complaints in a fair and just manner
- e) Balance Principle – The balance should be maintained as an evaluation based on the principles of equity and minimal intervention, but which effectively ensures democracy and self-control in the publishing of news that another view is well received and embraced.

²⁴< <https://www.presscouncil.nic.in/OldWebsite/speechpdf/speech6.htm> > accessed 30th June, 2022

²⁵ Destruction of public and private properties vs state of AP , (2009) 5 SCC 212

In *Destruction of Public and Private property, re case*²⁶, taking a serious note of various instances of large-scale destruction of public and private properties in the name of agitations, bandhs, hartals and the like, suo motu proceedings were initiated by the Supreme Court and after perusing the various reports filed, K. T. Thomas Committee was formed, headed by a retired Supreme Court Judge, Justice K.T. Thomas along with the Nariman Committee. The report of K T Thomas was mostly inclined towards the Prevention of Damage to Public Property Act, 1984.

The principles suggested by the Nariman Committee are like ground rules that needs to be followed by the media.

CONCLUSION

There is no doubt in the fact that, along with the freedom of speech and expression given in Constitution of India, there enough number of provision in Indian statutes and acts to fight the evil form of press and media that directly effects the smooth functioning of a democracy. But, this fact also cannot be denied that there has been a lot of abuse to the same freedom.

Media is called the fourth pillar of democracy and a wrongful use of the powers just for the sake of TRP is an unethical act. It vandalizes the democracy and the very trust between the pillars is broken. A healthy criticism is always appreciated but a criticism based on baseless facts and speculated instances with zero investigation are uncalled for. At the time of death or alleged suicide of Shushant Singh Rajput, a famous actor, his girlfriend, Rhea Chakraborty, was stuck in between the media trial on fabricated and unconfirmed facts. Thousands of questions and hundreds of debates on Rhea Chakraborty was released in media and the people were bound to have a pre-conceived notion of her being the main culprit behind the death of Shushant Singh Rajput. Even the family members and many other actors and actresses were not spared for this. But the end result of this entire ruckus was nothing.

Press and media have the whole country as its audience and its publication and shows has the power the bend the thought process of a large number of crowd. In a general Indian family, a news session in the night is a mandatory routine. And watching a similar thing with a same point of view, though it is not based on true facts, the brain comprehends it as true and think it as its

²⁶ *Destruction of Public and Private property, re case*, (2007) 4 SCC 474

own view resulting in a chaos in social medias, disorder between the citizens such as protest and sometimes even encourages people to write letters and file petitions based on the evidences produced by media. This creates hindrance in the working of judiciary and other government agency. It has now started emerging as a private penalising authority in the country with no rules and regulation. The suspect or the accused doesn't even have the right to say or make a stand.

On analysing the current scenario, latest issues and developments of Freedom of Press, it can be concluded that although the Press is considered the watchdog of democracy, sadly, there is scant regard for this truism in a country which is, ironically, the world's largest democracy. In keeping with its affirmation that freedom of expression is "one of the essential foundations of a democratic society", the Court has clearly shown a preference for freedom of press. In conclusion, it must be reiterated that the freedom of press and information are fundamental to healthy working of a democracy and therefore, must coexist with the freedom of speech and expression.

RECOMMENDATIONS

1. The first and foremost thing that need to be checked is a restrained on media trials on ongoing cases. The media trial result in violation of the privacy of the accused or victim which need to be protected as it is one of the fundamental rights enshrined in our constitution.
2. The freedom of the press given to the media personnel shall not be constrained just on the ground that it is resulting in bad practices of media trial. But, there must be a careful screening process to ensure that the information and knowledge that is being passed by the media to the people is true and not just some public stunt to gain TRP and edge on other channels.
3. In the light of the law enunciated hereinabove, anyone, be an accused or an aggrieved person, who genuinely apprehends on the basis of the content of the publication and its effect, an infringement of his/ her rights under Article 21 to a fair trial and all that it comprehends, would be entitled to approach an appropriate Writ Court and seek an order of postponement of the offending publication/broadcast or postponement of reporting of certain phases of the trial (including identity of the victim or the witness or the complainant), and that the Court may grant such preventive relief, on a balancing of the right to a fair trial and Article 19(1)(a) rights, bearing in mind the abovementioned principles of necessity and proportionality and keeping in mind that such orders of

postponement should be for short duration and should be applied only in cases of real and substantial risk of prejudice to the proper administration of justice or to the fairness of trial.

4. There is growing need of a separate administrative authority to try the cases where one's right is being violated through media trials and they are being defamed and defaced in the process. It will help to dispose of these kinds of cases at an early stage so that the particular case that is being effected by the media trial can proceed smoothly.
5. When considering the press in the context of India, it is important to remember that only a free press can contribute to the development of a population of citizens who are knowledgeable about both current events and the issues facing the nation, as well as the solutions that are available to address those issues. Only such a press can help a fledgling democracy like India survive and thrive in a way that upholds social justice and serves the interests of the general populace.
6. It is unnecessary to collaborate with the Indian Press' shortcomings. There is no denying that most publications treat private companies and the people who run them with childlike affection. This is partially due to the ownership of numerous publications and, as a result, the viewpoints of individuals chosen for high journalistic positions. The pressure from the capitalist owners prevents editors and journalists from having the necessary freedom to gather, disseminate, and provide commentary. Therefore, it is important to reduce the pressure of the capitalist owners.
7. There is a need of codification of legislative privileges given to the press. The codification of these rights and privileges will result in getting an exact picture of the rights that are given to the press to exercise under the shadow of 'Freedom of Press' given by Article 19 of Constitution of India.

So, the recommendations and conclusions can be summed up into one thing that it is true that there is presence of many statutory provisions to curb the problem of media trial but there is still an urgent need of action by the government and a good sense of understanding by the people of this democracy.