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# **EXPLORING THE IMPACT OF MEDIA TRIALS ON FAIR TRIAL RIGHTS AND JUDICIAL INDEPENDENCE: A COMPARATIVE ANALYSIS**

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## **Abstract**

*This Article deals with a very important topic that is relevant to the current world scenario as, in today's time, not only India but the world is witnessing many different legal cases almost on an everyday basis. This study examines the complex relationship between media trials and the core principles of fair trial rights and judicial independence across different legal systems. As media coverage of high-profile legal cases has increased, concerns have arisen about the potential impact on the integrity of the judicial process. Through a comparative analysis of various jurisdictions, this research sheds light on the multifaceted effects of media trials on the administration of justice.*

*Drawing on legal scholarship, empirical data, and case studies, the study explores how media coverage influences public perceptions, legal proceedings, and the independence of the judiciary. It investigates the challenges posed by sensationalism, bias, and the dissemination of prejudicial information, as well as the implications for the presumption of innocence, impartiality of jurors, and the right to a fair trial.*

*The research examines how regulatory frameworks, media ethics, and legal responses can mitigate the risks associated with media trials. By analyzing comparative data and legal trends, the study aims to identify best practices and policy suggestions to protect fair trial rights and judicial independence in an era of intense media scrutiny.*

*The comparative analysis provides a deeper understanding of the complex dynamics between the media and the judiciary. It offers insights into the challenges and opportunities for preserving the integrity of the legal process as media landscapes and public expectations evolve.*

*Keywords: Important topic, legal cases, media trials, boon and bane of media trials.*

## **Introduction**

Article 19 of the Indian Constitution gives the citizens of India the fundamental right to freely speak and express their views with certain reasonable restrictions. Media was established to work as a mirror of society, its role is to inform the citizens of India about the latest happenings in different spheres of social, political, cultural, economic, as well as legal areas and help them create a perspective regarding that particular happenings. This is the reason media is considered to be the 4<sup>th</sup> pillar of democracy. Before the Internet revolution, the role of media used to be done by professionals only, but after the Internet revolution, every social media site started working as a source of information, these social media sites also work as a factory for manufacturing fake propaganda. Due to these social media sites, information is easily accessible to the common people, through social media sites common citizens can freely express their viewpoints on any past topics or any current ongoing topic, this is the reason for today's trend that people can easily express their views on any ongoing legal trials. If any country's judicial system starts dissatisfying the citizens then the media trials or social media trials become a medium for people to express their anger, protest, etc. This article will briefly deal with the boon and bane of Media, cases in which media trials affected the case, laws in India related to the press, and case laws related to it.

### **Media as the Fourth Pillar of Democracy:-**

- i. **Freedom of Press:** Media trials are an important part of the freedom of the press. They help hold the government and other powerful groups accountable. The media acts as a watchdog, exposing corruption, injustice, and other problems that might otherwise be hidden. While media trials can be controversial, they are crucial in ensuring transparency and accountability in society.
- ii. **Public Awareness:** Media trials can shed light on important societal issues, raising awareness and sparking discussions. This can lead to positive changes, such as reforms, increased transparency, and better governance. These trials bring critical matters to the public's attention, allowing for open dialogue and the potential for meaningful progress. By examining these concerns, we can work towards constructively addressing them.

- iii. **Checks and Balances:** In a democracy, the media is vital in overseeing the government and other organizations. By closely examining their actions and choices, the media ensures those in power are answerable to the public.
- iv. **Fostering Debate:** Media trials can spark public discussion, letting different viewpoints be heard and explored. This can inform citizens and support democracy by encouraging dialogue and idea-sharing. People can learn about various perspectives on issues, which can contribute to a more engaged and aware community. The open exchange of ideas is vital for a healthy democratic process.

### **Media as a Threat to Democracy:-**

- i. **Sensationalism and Bias:** Critics argue that media trials are frequently marked by an emphasis on entertainment value over objectivity and accuracy. In their pursuit of ratings and profits, some media outlets may sensationalize events or distort facts, prioritizing viewer engagement over fairness and impartiality. This approach can lead to biased coverage that lacks the nuance and balance necessary for a comprehensive understanding of complex issues. While the media plays a crucial role in informing the public, prioritizing sensationalism over journalistic integrity can undermine the public's trust and hinder their ability to make informed decisions.
- ii. **Prejudicing Legal Proceedings:** Media trials can prejudice legal proceedings by influencing public opinion before a fair trial occurs. Biased or sensationalized media coverage may shape public perceptions of guilt or innocence, making it hard for defendants to receive a fair trial by an impartial jury. The media's power to sway public opinion can undermine the judicial process and a defendant's right to a fair trial. It's crucial that the media report on legal matters objectively, without sensationalism or premature judgments, to uphold the principles of justice and due process.
- iii. **Violation of Privacy:** Media trials can sometimes infringe on the privacy rights of people involved, especially when personal details or sensitive information are shared without their permission. This can have serious consequences for those individuals, leading to public humiliation, harassment, and damage to their reputation.
- iv. **Undermining the Rule of Law:** Critics argue that media trials can undermine the rule of law by replacing the legal process with the court of public opinion. In a democracy, everyone has the right to due process and the presumption of innocence

until proven guilty. However, media sensationalism and bias can compromise these important principles.<sup>1</sup>

### **Analysis of Media Trials Through Different Cases:-**

When we hear about media trials very famous case that comes to our mind is the *Sanjay Dutt vs. State through CBI Bombay 1993*, the famous case in which famous Bollywood actor Mr. Sanjay Dutt became a victim of a media trial, where people declared him as terrorist and till date some people believe that he is a terrorist. People started thinking that because according to the facts of the case, he kept an AK-56 rifle with him, and also he was connected to India's most wanted Mr. Dawood Ibrahim, but these allegations were refused by Mr. Sanjay Dutt, later according to the judgement he was relieved from the charges of Terrorist and Disruptive Activities (Prevention) Act, 1987 (TADA) but he was charged under Arms Act. The media was constantly defaming him and during the proceedings of the honorable court before the judgment, media declared him a terrorist.<sup>2</sup> According to me, as I have seen the news clippings and as shown in the biopic Sanju, the media was very unfair to Mr. Dutt because without knowing the facts media started defaming him, and after the verdict was given then also they were constantly defaming him, this shows that media is just looking for spices and is not interested in showing the truth about anyone. As I have noticed whenever there is any famous personality involved in any particular case media gets biased to show them as the culprit because this will lead to an increase in their viewership but they don't understand that this can lead to someone's defamation and also mental harassment.

If we look at one more case where the media influenced the decision the most then that case would be *K.M. Nanavati vs. State of Maharashtra 1959*<sup>3</sup>. In this case, the media had a large-scale impact on the jury which led to the biasedness of the jury, and this became one of the reasons which led to the abolition of the jury system in India. According to the facts of the case, Kawas Manekshaw Nanavati was a senior naval commander, who shot a famous businessman Prem Ahuja because Ahuja was having an affair with Nanavati's wife Sylvia, when this case was being dealt with in the lower court there was a jury to decide the case, but since this case involved high profile communities of the town, media got involved between the proceedings of the court and

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<sup>1</sup> Yariv Tsfati, "Causes and consequences of mainstream media dissemination of fake news: literature review and synthesis", [Full article: Causes and consequences of mainstream media dissemination of fake news: literature review and synthesis \(tandfonline.com\)](#).

<sup>2</sup> Jitendra Mishra, "DECriminalising Indian Politics: A COMMENT ON SANJAY DUTT v. STATE OF MAHARASHTRA", [DECriminalising Indian Politics: A COMMENT ON SANJAY DUTT v. STATE OF MAHARASHTRA on JSTOR](#).

<sup>3</sup> BareLaw, "Case brief of K. M. Nanavati v. the State of Maharashtra", [Case brief of K. M. Nanavati v. the State of Maharashtra - BareLaw](#).

started printing their opinions in the newspaper portraying Nanavati as not guilty which led to the ultimate biasedness of the jury but later Supreme Court found Nanavati guilty and Supreme Court also abolished the jury system in India. According to me, when there is any ongoing proceedings in court printing news about them should be banned. But when we look at the new age of social media trials, then it is very difficult to curtail false news or wrong interpretations.

If we look at few of the recent events such as the *Sushant Singh Rajput case*<sup>4</sup> or the *Aryan Khan case*<sup>5</sup>, we can see the heavy amount of social media trials and public opinion being shared on different sites. In Sushant's case, social media trials created pressure on authorities which led to the transfer of the case to the higher authorities so, the media trial became effective here. But this also had negative as well as positive aspects, its negative aspect was that fake rumors as well as Sushant's pics were being surfaced on sites, and its positive impact was that authorities took the case seriously. In Aryan's case, social media heavily influenced the viewpoints of common people, and this led to his defamation, according to the authorities justice was delivered, but the question is in the era of media trials was justice delivered? According to me, justice was delivered on record but in reality, he faced a lot of criticism for being a son of a famous personality, which eventually led to his image being tarnished. Social media has a very strong impact on our day-to-day lives, society needs to adapt to this bullyism or needs to change its perspective.

### **Laws Related to Regulation of Media in India: Indian Penal Code (IPC):-**

The Indian Penal Code (IPC) is a comprehensive criminal law in India that covers various illegal acts. While it doesn't directly regulate the media, certain sections do have implications for media activities:-

- i. Section 499 deals with defamation, which includes both spoken (slander) and written (libel) statements that harm someone's reputation.
- ii. Section 500 outlines the punishment for defamation, which requires a complaint from the affected person to start legal action.
- iii. Section 505 relates to statements intended to create public disturbance, particularly by inciting public unrest, hostility, or disharmony.

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<sup>4</sup> India Today, "Bombay High Court reserves judgment in SSR media trial case", [Bombay High Court reserves judgment in SSR media trial case - India Today](#).

<sup>5</sup> India Today, "Aryan Khan drugs case: Complete story of arrest of SRK's son in Mumbai cruise ship drugs case", [Aryan Khan drugs case: Complete story of arrest of SRK's son in Mumbai cruise ship drugs case - India Today](#).

- iv. Sections 292 and 293 prohibit the sale, distribution, or public display of obscene materials, with the latter specifically targeting such content aimed at individuals under 20 years old. These sections aim to uphold public morality and protect young people from exposure to inappropriate content.<sup>6</sup>

### **Case Laws Related to Freedom of Press in India:-**

The freedom of the press is a crucial element of democracy, empowering journalists and media outlets to operate independently and hold those in power accountable. Several important legal cases have shaped press freedom in India:

- i. The Romesh Thappar v. State of Madras case in 1950 was pivotal, with the Supreme Court affirming the inherent value of freedom of speech and expression, including press freedom, in a democratic society. The court established that any restrictions on this freedom must be reasonable and serve the public good.
- ii. In the Bennett Coleman & Co. v. Union of India case in 1973, the court recognized the indispensable role of the press in a democracy, acknowledging its ability to inform the public and function as a watchdog. The court upheld the press's right to critique, investigate, and challenge authority.
- iii. Indian Express Newspapers v. Union of India (1985): The Supreme Court emphasized the importance of press freedom, affirming its right to share information in the public's interest. It stressed that limits on the press must be narrowly defined, and the government's power should not be used to silence dissenting voices.
- iv. Sahara India Real Estate Corporation v. SEBI (2012): This case recognized journalists' right to protect their sources of information. The Supreme Court said that forcing journalists to reveal their sources without a strong reason would hinder press freedom.
- v. Shreya Singhal v. Union of India (2015): In a landmark ruling, the Supreme Court struck down Section 66A of the Information Technology Act, which punished the online posting of offensive or harmful content. The court found this provision to be unconstitutionally too broad, and in violation of freedom of speech and expression, including press freedom.<sup>7</sup>

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<sup>6</sup> Mohammed Zaid Alam, Legal Upanishad, "Freedom of the Press in India: Concept and Laws", [Freedom of the Press in India: Concept and Laws \(legalupanishad.com\)](https://www.legalupanishad.com).

<sup>7</sup> *Id.*

## Conclusion

The debate around media trials is complex. It involves balancing the rights of the press, fair trial, and democratic governance. Media trials can hold powerful institutions accountable and raise public awareness. However, they also present challenges and risks.

Supporters argue that media trials exercise press freedom. This is essential for transparency and accountability in a democracy. By exposing corruption, injustice, and wrongdoing, the media acts as a watchdog. Media coverage can also raise awareness, spark discussions, and provide a platform for diverse views.

On the other hand, critics point to the risks of media trials. There are concerns about the impact on fair trials and the due process of law. Sensationalized coverage and unsubstantiated allegations can unfairly damage reputations. The media's role as an impartial observer may also be compromised.

Overall, the debate highlights the need to find the right balance. Media trials can serve an important function, but safeguards are required to protect fundamental rights and principles of justice.

Critics raise concerns about media trials potentially compromising fair trial rights, prejudicing legal proceedings, and undermining the integrity of the judicial process. Sensationalism, bias, and the spread of prejudicial information can distort public perceptions, jeopardizing the presumption of innocence and the impartiality of jurors. The sensationalization of high-profile cases may prioritize entertainment value over accuracy and fairness, trivializing serious legal matters.

Finding a balance between press freedom and fair trial protection is crucial for upholding democracy and the rule of law. Regulatory frameworks, media ethics, and judicial oversight mechanisms play a vital role in mitigating the risks associated with media trials, ensuring they contribute positively to the democratic process while safeguarding the rights of individuals involved.

Encouraging media literacy and responsible journalism can empower citizens to think critically about media coverage of trials. This can help them engage in informed democratic discussions. While media trials have the potential to drive positive social change and hold authorities

accountable, their impact on fair trial rights and judicial independence must be carefully weighed. This is crucial to preserve the integrity of the legal process and uphold the principles of justice in a democratic society.

At last, social Media trials as well as media trials heavily influence the ideas of common people so, whenever any ongoing case is being discussed the print media and mainstream media should be stopped from discussing it publicly and if someone is expressing their viewpoints that particular individual should know the basic facts of the case. Media trials have many positive as well as negative aspects. But there should be a basic understanding among the common people as well.

