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# **IMPACT OF MEDIA TRIAL IN FAIR TRIAL**

*Authored By- J.Nissha & Selvakumar*

## **ABSTRACT**

A phrase popular in the late 20th century and early 21st century to describe the impact of television and newspaper coverage on a person's reputation by creating a widespread perception of guilt regardless of any verdict in a court of law is "Trial by Media."<sup>1</sup> "I would rather have a completely free press with all the dangers involved in the wrong use of that freedom" India is a democracy, which means that everyone has the right to speak and act in accordance with the law.

In addition, the public must actively participate in all government and state activities. The media is regarded as the foundation of democracy. The media today play a crucial role in shaping public opinion and discussing current issues like crime, corruption, politics, the economy, and finance, among others. and enable them to consider forming a broad opinion about how the government and its employees manage, deal with, and administer them. Individual privacy must be protected in the media. However, a media that is self-regulated and self-disciplined is preferable to one that is controlled by the state and the courts for the sake of democracy.

## **INTRODUCTION**

A phrase popular in the late 20th century and early 21st century to describe the impact of television and newspaper coverage on a person's reputation by creating a widespread perception of guilt regardless of any verdict in a court of law is "Trial by Media."<sup>2</sup> "I would rather have a completely free press with all the dangers involved in the wrong use of that freedom." India is a democracy, which means that everyone has the right to speak and act in

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<sup>1</sup> Mr. Nehru's declaration in the course of a speech delivered on 20th June 1916 in protest against the Press Act, 1910.

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accordance with the law. In addition, the public must actively participate in all government and state activities. The media is regarded as the foundation of democracy. The media today play a crucial role in shaping public opinion and discussing current issues like crime, corruption, politics, the economy, and finance, among others. and enable them to consider forming a broad opinion about how the government and its employees manage, deal with, and administer them. The dissemination of information regarding public issues is the primary function of the media. The media must provide the public with information that is both accurate and healthy as the first step toward democracy. because the public relies on media information.

Media trail occupies a prominent position in India. The Priyadarshini Matto case, the Jessica Lal case, the Nitish Katara murder case, the Bijal Joshi rape case, and the Nirbhaya rape case are just a few of the well-known criminal cases in which the media has intervened.

The freedom of speech and expression guaranteed by Article 19(1)(a) of the Constitution safeguards the media trail; however, as stated in Article 19(2), these rights are restricted rather than absolute. Despite the fact that the media serve as a watchdog and a forum for individuals' voices to be heard by society and legislators. In any case, presently days media is so much sensationalizes and they simply accomplish for their T.R.P. in view of this occasionally it has adverse consequence as opposed to positive influence. The media trial also violates Articles 20, 21, and 22 of the Indian Constitution's fundamental rights.

## **RELATION OF MEDIA TRIAL WITH FREEDOM OF SPEECH**

Freedom of speech and expression, also known as freedom of the press, is not included in Article 19 (1) of the constitution. In the **Ramesh Thapper v. State of Madras**,<sup>3</sup> Patanjali Sastri, J., made the following rightly:

Freedom of speech and the press are at the heart of every democratic organization because public education, which is so crucial to the success of popular government, cannot take place without free political discussion.

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<sup>3</sup> AIR 1950 SC124

## **Indian Express Newspapers Vs. Union of India,<sup>4</sup>**

In this instance, the Court discusses the significance of press freedom: - Although "the express freedom of the press" is defined in Article 19(1)(a), it is not used in Article 19. The meaning of the phrase is "freedom from interference from authority," which would mean that newspapers' content and circulation would not be affected. This freedom cannot be restricted in the name of the public interest. By publishing facts and opinions, the press serves to advance the public interest, allowing democratic electorates to make informed decisions. The core of social and political discourse is press freedom. The protection of press freedom and the invalidation of any laws or administrative actions that violate it are the courts' primary responsibilities.

## **R. Rajagopal Vs. State of Tamil Nadu<sup>5</sup>**

The Supreme Court ruled that public figures' participation in public issues and events is within the purview of freedom of the press. However, in terms of the democratic way of life outlined in the Constitution, a proper balancing of freedom of the press, right to privacy, and maintained defamation must be achieved in regard to their private life.

After making these observations, it is abundantly clear that freedom of the press follows freedom of speech and entails special privileges that no other citizen can claim.

Media trial occupies a prominent position in India. The Priyadarshini Matto case, the Jessica Lal case, the Nitish Katara murder case, the Bijal Joshi rape case, and the Nirbhaya rape case are just a few of the well-known criminal cases in which the media has intervened.

## **IMPACT OF MEDIA TRIAL IN FAIR TRIAL**

However, media time trails are hindering fair trials. The foundation of criminal law and, in a sense, a crucial component of a democratic system based on the rule of law is fair trial. The denial of a fair trial amounts to putting human rights at risk. It is ingrained in the idea of legal due process<sup>6</sup>. The media court is referred to as "Janata Adalat," and members of the public are interfering with the proceedings of the court. In accordance with our tenets of "presumption of

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<sup>4</sup> (1985) 1 SCC 641

<sup>5</sup> (1994) 2 SCC 434

<sup>6</sup> Rattiram Vs. State of M.P. through Inspector of Police, AIR 2012 SC 1485

innocence until proven guilty" and "guilt beyond the reasonable doubt," there is no specific provision for a media trial. Instead, the media conducts its own separate investigation and creates a public opinion against the accused before the court takes cognizance of the offense and makes a final decision. They are interfering with the administrative justice procedure as a result of this.

Fair Trial refers to a trial in a court of law conducted by an impartial tribunal that is free, fair, and free from pressure. Articles 14, 20, 21, and 22 of the Constitution guarantee this right. The range of the media at the end of the 20th century and the beginning of the 21st century has significantly expanded, and their interference with justice has become well-known, thanks to the growth of cable television and channels, local radios, new newspaper and magazine networks, and the Internet. However, if the media use language that has the potential to influence a judge's mind and control the judicial process, they risk violating this right to a fair trial. In a number of instances, the media conducted the trial prior to the judgment and even after the verdict had been rendered. Judges may also come into the public eye and be criticized by the public as a result of the verdicts of the media frequently being in opposition to the orders of the courts.

The fundamental component of the judicial system is the presumption of innocence, which serves as the foundation of criminal law. However, in recent years, media have increased their naming and blaming of the suspect and the accused to increase their commercial value and Television Rate Policy (T.R.P.).

### **Saibal Kumar vs. B.K. Sen,<sup>7</sup>**

"No doubt, it would be mischievous for a newspaper to systematically conduct an independent investigation into a crime for which a man has been arrested and to publish the results of the investigation," the Supreme Court stated. This is because newspapers cannot be used as witnesses in a trial that is taking place during a regular court trial. This viewpoint is based on the idea that such a move by a newspaper tends to disrupt the course of justice, regardless of whether the investigation tends to disadvantage the accused or the prosecution.

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<sup>7</sup> (1961) 3 SCR 460

## **M.P. Lohia vs. State of West Bengal,<sup>8</sup>**

The media has been strongly criticized by the Supreme Court for interfering with the administration of justice by publishing biased articles on the merits of pending cases.

The right to privacy is included in Article 21's protection of life and personal liberty as well. Only in accordance with legal procedures can anyone interfere in another person's life. The right to privacy or the right to be left alone is explicitly guaranteed by Article 21 of the Constitution, according to the Supreme Court. A citizen is required to protect his or her privacy regarding marriage, procreation, motherhood, having children, and education, among other things. No one can publish anything about the aforementioned without his permission, whether it be positive or negative, truthful or not, or both.<sup>9</sup> Despite this, the media serve as a watchdog and a platform for people's voices to be heard by society and the legislature. However, these days, they directly attacked the accused's personal life and discussed family matters. It is a violation of their constitutionally guaranteed right to life.

The Law Commission of India in its 200th Report, which was submitted on August 31, 2006, recommended a variety of amendments to the Contempt of Courts Act, 1971, as well as measures to postpone proceedings in order to balance the right to a free and fair trial with the freedom of the press. It also stated that such powers cannot be vested in the subordinate courts where the criminal proceeding is active because the subordinate courts do not have the authority to take action for contempt.<sup>10</sup>

**Sahara India Real Estate Corporation Ltd & Ors. Vs. Securities & Exchange Board of India & Anr.**

For this situation five appointed authority constitution seat when during pendency of allure notwithstanding the in-between time request of the Court a portion of the new papers distributed the procedures of the judgment, the High Court set down observing rules for distribution matter of forthcoming cases:

1. Earlier Restriction: Such orders disallowing distribution for a brief period during the course

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<sup>8</sup> (2005) 2 SCC 686

<sup>9</sup> R. Rajagopal Vs. State of Tamil Nadu

<sup>10</sup> [www.lawcommissionofindia.nic.in/reports](http://www.lawcommissionofindia.nic.in/reports)

of preliminary are allowable under the intrinsic powers of the court at whatever point the court is fulfilled that interest of equity so requires. Such a brief preclusion of distribution of court procedures in the media under the innate powers of the court can't be said to outrage Article 19 (1) (a).

2. Scorn of Court Act, 1971: The media has a privilege to realize what's going on in courts also, to spread the data to the public which improves the public trust in the straightforwardness of court procedures. The error of announcing of court procedures will be disdained provided that it very well may be said on current realities of a specific case, to add up to significant impedance with the organization of equity.

3. Request of deferment of distribution

4. Right to move toward the High Court/High Court: Anybody, ne denounced or a distressed individual, who really catches based on the substance of the distribution and its impact, an encroachment of his privileges under Article 21 to a fair preliminary, would be qualified for move toward a fitting Writ Court and look for and request of deferment of the culpable distribution and the court might give such preventive help, on an adjusting of the right to a fair preliminary and Article 19(1) (a).

## **CONCLUSION**

Even though the media are regarded as an essential component of democracy and Article 19(1)(a) of the constitution grants freedom of the press, this right does not grant permission to violate the individual fundamental rights outlined in Articles 20, 21, and 22. As previously mentioned, the Supreme Court has suggested ways to control the media, and even the Law Commission of India recommended changing the Contempt of Court Act of 1971 in its 200th Report. The restriction on media trail is necessary to prevent people from having an inaccurate perception of the justice system. Individual privacy must be protected in the media. However, a media that is self-regulated and self-disciplined is preferable to one that is controlled by the state and the courts for the sake of democracy.

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