

Impact of Media Trials on Indian Judiciary

Aakanksha Kapoor^{1*}, Dr. Babita Chug²

¹ Research Scholar, Apex School of Law, Apex University, Jaipur (Rajasthan)-303002

² Supervisor, Apex School of Law, Apex University, Jaipur (Rajasthan)-303002

Abstract - Under Article 19(1)(a) of the Indian Constitution, which guarantees freedom of speech and expression, the media is granted freedom of the press. As a result of this freedom, the media is allowed to continue reporting the news and publishing articles based on interviews with witnesses and other parties about cases that are currently under investigation by a court of law. However, by doing so, the media risks prejudicing the case and interfering with the administration of justice, both of which will negatively impact the outcome of the investigation. The media's role in high-profile cases can lead to prejudice or bias views that have a significant impact on the administration of justice. In some cases, judges must be impartial in rendering judgment based solely on the facts and evidence presented in court of law, which may further compel the judge to find the accused guilty. This essay focuses on the tension that arises between press freedom, a fair trial, and judicial independence as a result of a trial that was covered by the media.

Keywords - Freedom of Press, Media, Indian Judiciary, Fair trial, Indian Constitution

-----X-----

INTRODUCTION

In India, the criminal justice system operates on the presumption of innocence unless guilt is established beyond a reasonable doubt. Due to their need for exclusive coverage, the media often conducts and publishes interviews with witnesses, family members of the victim, members of the legal fraternity, etc., all of which might sway a judge's impartiality. The speed with which the media can reach the masses has a real effect on how the general audience perceives this. Over the last decade, the media's role in facilitating victims' access to justice has grown significantly in several situations including corruption, rape, murder, sexual harassment, terrorism, etc. As a result of media activity, the adjudicating authorities are put under indirect pressure to provide justice to victims, who may obstruct the trial procedures and hurt the accused's ability to prove his innocence. The term "media trial" refers to the effect of newspaper and TV coverage on a person's reputation by fostering a general consensus of guilt independent of any legal finding. In today's global society, press freedom is often seen as a proxy for citizen liberties. The right of every person to be informed about issues that may impact them is something that should go without saying. It's interesting to ponder how the modern media has become such a potent force that it may shape public opinion by spreading false information that is subsequently accepted at face value. In India, "Guilty beyond reasonable doubt" and "Innocent until proven guilty" are not given enough attention by the media. The media will often slander and ruin the reputation of mere suspects, labeling them as guilty even before the

courts have heard their cases. When it comes to the media's ability to serve the public, freedom of speech and expression is the most important factor. Article 19(1) (a) of the Constitution of India protects citizens' right to free speech within certain limits. One can observe how the media, in the name of its own trial, exploits the freedom of speech and expression, violating Section 12 of the Contempt of Courts Act, 1971 for interfering with the administration of justice.

Reports on Research and Analytical Studies Journal Article interference with the administration of justice is criminal contempt under the Contempt of Court Act, and if the provisions of the Act impose reasonable limits on freedom of expression in order to prohibit such interference, such restrictions would be legal. The whole judicial process and justice system is open to public examination thanks to the freedom of the media to propagate one's opinions verbally, in writing, or by audio visual media, which also includes Media. The media's reputation as a watchdog on and driver of social change is well-deserved. The media's implicit claim to the right to investigate, uncover, expose, and critique in order to constitute a constructive check on government power is based on Article 19(1)(a) and is essential to the health of a democracy.

In turn, the media has a responsibility to practice responsible and accountable journalism. The rule of law and the public's knowledge of the whole judicial system benefit from open and vigorous reporting, criticism, and discussion.

Since citizens have a fundamental right to information and transparency in a democracy, press freedom is crucial. The media must use the greatest care while reporting on ongoing court proceedings and breaking news. Press investigations have helped correct government mismanagement by revealing wrongdoing and serving as a conduit for spreading important information to the public. However, there is no universally accepted definition of "public interest."

With the growing influence of the media, the "Media trial" has become an urgent issue. Thanks to technology's meteoric rise, news travels at light speed. A trial is a judicial proceeding in which evidence is presented and a claim is decided formally.

Changes in the publication pattern of the media are likely to have pre-judicial impact on the suspects, accused, witnesses, and judges, and on the general administration of justice, as a result of the rapid growth and advent of electronic media, extensive media coverage, the opening of too many media channels in all medium, and the high-profile cases. The media is a conduit through which the voice of the people may be heard, and the public has a right to know. The media's prominence has increased, making the criminal justice system's hierarchy more widely recognized. The public's conception of societal order and chaos is constantly reborn in the media. Media sensationalism has stoked passionate discussions between advocates for free expression on the one hand and the right to a fair trial for every individual, as stated by the judicial system, on the other.

Trials conducted by the media, through investigation and constant reporting of news, can create so much hype on the sub-jaundiced matters that can cause prejudice and will affect the administration of justice and may lead to miscarriage of justice; such trials also threaten the right to a fair trial for the accused, bringing into conflict the freedom of the press, fair trials, and the independence of the judiciary.

MEDIA REPORTING OF CRIME AND FAIR TRIAL

The media trial begins well before the court trial itself. The media runs parallel processes to expand the movement or manipulate the legal system in cases involving arrest, bail, confessional statements, and interrogation. A trial court's constitutional need to limit potentially prejudiced exposure places further pressure on the institution. The media and the courts serve the public interest and must be allowed to carry out their missions without interference.

The Supreme Court has reprimanded the media for publishing an article touching the facts of a pending case, which was based on an interview with the family of the dead, while giving anticipatory bail to an accused in a dowry death before the Kolkata Court. The investigation revealed that the media had presented biased accounts of events that may have been used as evidence in court.

The media has taken the lead in recent years, and their efforts to uncover the truth have been crucial in bringing closure to high-profile cases like the Jessica Lal case, the Nirbhaya case, the Priyadarshini Mattoo case, the Sanjeev Nanda case, the Arushi Talwar case, and the Sheena Bora murder case".

Justice in the notorious Jessica Lal Case and the Nirbhaya Case were brought to light in large part due to the media's persistent efforts to uncover the truth. There was a delay in justice for Jessica Lal's murder case since all of the witnesses became hostile and the accused Manu Sharma was acquitted, until the media intervened via the Justice for Jessica campaign and Tehalka.

In the case of Priyadarshini Mattoo, a law student who was raped and murdered, the Justice for Jessica campaign helped influence the trial of the accused, and the media's involvement sped up the inquiry, leading to the accused's conviction. The son of a successful businessman, Sanjeev Nanda is accused of murdering over six people in a hit-and-run accident while driving his BMW under the influence of alcohol. The matter is now sub-judice due to media interference. The NDTV television station set up a sting operation that exposed Nanda's lawyer paying the witness with the cooperation of the state prosecution. The media whipped up a frenzy about Arushi Talwar. In high-profile cases, the media frequently shapes public opinion while violating the most fundamental rights of the accused.

The reporting of the trial processes of the accused in the Sheena Bora murder case has been contentious since every element of her life was under public scrutiny despite having nothing to do with the case or the general public.

The media coverage of the Nanavathi trial led to bias and swayed the jury's decision, interfering with the due process of law. The media can obstruct justice by scandalizing judges, pressuring witnesses, interfering with investigation procedures by tampering with evidence, and publishing disputed materials related to pending court proceedings. These disruptions pose a danger to the rule of law and the right to a fair trial guaranteed by the Constitution.

THE REPERCUSSIONS OF A TRIAL BY THE MEDIA

If the media publishes false news stories, it might influence judges' decisions, which could result in a miscarriage of justice, impede the administration of justice, and even threaten the independence of the court. Some major cases that had an effect on the Judiciary, for better or worse, were the subject of a media trial.

The Supreme Court addressed some of the most pressing issues in *R.K. Anand v. Delhi High Court*.

The case began with a sting operation by the private television channel NDTV, which aimed to expose the corrupt relationship between the prosecution, its witness, and the defense in the hit-and-run case involving a BMW driven by the scion of a powerful and wealthy family that resulted in the deaths of six people. When the special public prosecutor and the defense attorney were found guilty of contempt of court and disqualified from appearing in court, the trial continued for another eight years. Meanwhile, NDTV aired a sting operation to expose the way a senior advocate appearing for the accused was negotiating with the help of the special public prosecutor to sell out in favor of defense. An appeal was then filed with the Supreme Court, which argued that NDTV had engaged in a "trial by media" by airing the sting operation before first getting the High Court's authority to do so. The Indian Supreme Court disagreed, reasoning that media outlets would be serving as a "special vigilance agency" for the Court rather than engaging in "journalistic" activity. The Court denied R.K. Anand's request for review and served him with a notice of impending sentence augmentation.

CONTEMPT OF COURT AND TRIAL BY MEDIA

Laws pertaining to contempt of court from 1971, There are two broad categories for contempt, civil and criminal. The purpose of contempt laws is twofold: to defend the integrity of the judicial system and the honor of the courts. The Supreme Court and High Courts in India have the authority to penalize a person for Contempt of Court under Article 129 and Article 215 of the Indian Constitution, respectively.

The Indian Constitution limits the right to free speech when it might be seen as disrespecting the court. A person's right to free speech and expression does not include the right to undermine public respect for the judicial system.

The scope of contempt of court is limited by Paragraph 2 of Article 19. Article 19(1)(a) of the Indian Constitution guarantees citizens the right to freedom of speech, however Article 19(2) makes an exemption for the law of contempt. The freedom to speak one's mind does not extend to the right to make baseless accusations.

To ensure that all parties are treated equally and that the accused are given a fair chance to present their case, contempt laws are in place. Courts have the authority to penalize for contempt in order to facilitate the effective administration of justice and the upkeep of the rule of law.

PRESS COUNCIL AND NORMS OF JOURNALISTIC CONDUCT FOR TRIAL BY MEDIA

In 1966, parliament established the Press Council of India on the advice of the country's first press commission in an effort to protect press freedom, raise journalistic standards, and keep India's media in

working order. The press council may not have the authority to punish journalists, but it is the only tool outside defamation and contempt laws that may be used to affect how the media covers court cases. Norms of journalistic behaviour issued by the press council to serve as guides in media reporting of crime or other legal concerns should be examined for their applicability and breadth.

The media has a responsibility to present the news in a fair and balanced manner, using language that is generally accepted in polite company, and bearing in mind the ripple effects its work may have on persons and communities. Accurate, fair, honest, decent, and impartial news, commentary, and information on subjects of public concern is journalism's primary mission. The press is supposed to adhere to a set of widely accepted standards of professionalism. Right to Privacy; Newspapers to Eschew Suggesting Guilt; Investigative Journalism; its standards and boundaries; Caution in Criticizing Judicial Acts; and other guidelines for journalistic behavior have been established by the press council for the trial by media.

INSTANCES OF TRIAL BY MEDIA

In a recent case, Jasleen Kaur falsely accused Sarvjeet Singh of harassing her, leading to his detention after she uploaded a photo of him on Facebook that quickly went viral. A thorough investigation revealed that Sarvjeet Singh was not guilty of any wrongdoing, yet he was nevertheless publicly shamed and fired after being falsely branded a harasser by the media. The media's irresponsible reporting in this case ruined a young man's life without any basis in fact-checking.

Mr. Valson Thampu, principal of St. Stephen Institution, claims that the media has unfairly targeted his school because it is a minority institution; in this case, a professor at St. Stephen Institution was accused of molesting a student, who provided audio recordings as evidence; Mr. Thampu was accused of exerting undue pressure on the student to drop the case against the professor. Mr. Thampu alleges that he has been falsely implicated by the media and his institution has been targeted because the institution was a minority institution and the principal of the institution demanded for a probe by the Central Bureau of Investigation and offe Mr. Thampu as the victim of a media trial. Mr. Thampu claims that this is not the first time he has been targeted, and that the previous two attacks on him were proven to be false.

CONCLUSION

In a free society, the freedom to speak one's mind freely is fundamental. The media has these same protections and generally uses them for the public good. While sensationalist reporting is nothing new, the growing trend of journalists assuming the roles of

investigators and judges without any training or experience is cause for serious worry. The state steps in as the complainant and moves on with the case because criminal activity is seen as a threat to public safety. Under the guise of a "Media Trial," the media conducts its own investigation and turns public opinion against the accused well before the court takes jurisdiction over the case, prejudging both the public and the judges. Although this issue was brought up in the 17th Law Commission of India's 200th Report, no significant action has been done other than a proposal to treat the sub jaundice period beginning from the moment of arrest rather than the filing of the charge sheet. The move is insufficient to cope with justice delivery when the media is in charge of the trial. As a result, India needs its own legislation to prevent the media from using "media trial" as an excuse to interfere with the fair administration of justice."

A person accused of a crime in India is presumed innocent unless proved guilty beyond a shadow of a doubt, according to the country's criminal justice system. But because of their exclusive coverage, the media goes to great lengths to cover and publish interviews with witnesses, family of the victim, and members of the legal fraternity, all of which might sway a judge's opinion and skew the trial. Due to the speed with which news spreads, this does have an effect on how the general public perceives the situation. Access to justice in several situations involving corruption, rape, sexual harassment, murder, etc. has been greatly influenced by the media in recent decades. As a result of media activity, the adjudicating authorities are put under indirect pressure to provide justice to the victims, which might impede the trial procedures, bias the accused, and diminish his chances of demonstrating his innocence. There may be many problems with the system, and the media should be helping to fix them, but instead they've taken on the role of investigator, trying to determine who's at fault in every case, which can muddy the waters and lead to false accusations against innocent people. Few substantial legal difficulties arise from this scenario. The rights of the victim and the accused are two sides of the same coin. Media has emerged as a source for popular voice and opinion and has performed the job of performing checks on the operation of the branches of government. The ongoing pressure to be competitive in the market has led to the media overstepping its bounds, as seen by the media's trial during the investigative stage, contempt of court, reckless reporting, and hype on the sub criminal issues.

REFERENCES

1. Tata Press Ltd. v. Mahanagar Telecom Nigam Ltd., AIR 1995 SCC 139 State of Kerala and Anr. v. N.M. Thomas and Ors., AIR 1976 SC 490
2. Justice R.S. Chauhan Trial by Media: An International Perspective, (PL Oct S-38, 2011), <http://www.supremecourtcases.com/index2.ph>
3. Black, Black's Law Dictionary, West Publishing Co., (4th Ed, 1968). 200th Report of the Law Commission on "Trial by Media: Free Speech v Fair Trial Under Criminal
4. Procedure (Amendment to the Contempt of Court Act, 1971)". MP Lohia v State of West Bengal Civil Appeal 219 of 2005 200th Report of the Law Commission on "Trial by Media: Free Speech v Fair Trial Under Criminal Procedure (Amendment to the Contempt of Court Act, 1971)".
5. Manu Sharma v State of Delhi, (2010) 6 SCC 1. Santosh Kumar Singh v State (2010) SCC 747 State v Sanjeev Nanda (2012) 8 SCC 450 Nupur Talwar v Central Bureau of Investigation and Another (AIR 2012 SC 1921) Arpan Banerjee, Judicial Safeguards Against "Trial By Media": Should Blasi's "Checking Value" Theory Apply In India? Vol. 2, p. 28, Journal of Media Law & Ethics, (2010). (2009) 8 SCC 106.
6. Article 129- "The Supreme court shall be a court of record and shall have all powers of such a court including the power to punish for contempt of itself" Article
7. 215- "Every High Court shall be a court of record and shall have all the powers of such a court including power to punish for contempt of itself" 19 Ibid. 20 Commissioner, Agra v Rohtas Singh, AIR 1998 SC 685 21 Section 2(b) Contempt of Courts Act 1971 22 Section 2(c) Contempt of Courts Act 1971.
8. (1997) 8 SC 386 24 (2005) 2 SCC 686 25 AIR 1953 Orissa 249. 26 (1998) 4 SCC 592 27 Delhi Judicial Service Association v State of Gujarat, (AIR 1991 SC 2176) 28 (1990) 92 Bom LR 270 29 (2007) 98 DRJ 41. [VOLUME 6 | ISSUE 1 | JAN. – MARCH 2019] e ISSN 2348 –1269, Press Council of India, Principles and Ethics of Norms of Journalistic Conduct.
9. <https://www.ndtv.com/india-news/media-runs-parallel-trials-in-sub-judice-matters> Sanatan Deshpande¹, Priyank Jagawanshi² [VOLUME 6 | ISSUE 1 | JAN. – MARCH 2019] e ISSN 2348 –1269, Print ISSN 2349-5138 <http://ijrar.com/> Pleader intelligent solutions,

Corresponding Author

Aakanksha Kapoor*

Research Scholar, Apex School of Law, Apex
University, Jaipur (Rajasthan)-303002