

# Analyzing the role of Fair Media Trial Under the Democratic Indian Justice System

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## Abstract

Trial by media is 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 or innocence before, or after, a verdict in a court of law. In recent times, there have been numerous instances in which media has conducted the trial of an accused and has passed the verdict even before the court passes its judgment. The Honourable Supreme Court reiterated that the media and the judiciary are institutions inhabiting separate spheres and their functions do not overlap. One cannot and must not use the other for discharge of its functions. It was observed that media should only engage in acts of journalism and not act as a special agency for the court. The use of freedom of speech and expression amounting to interference with the administration of justice due to the prejudicial nature of certain media coverage is highlighted through this research. Development of media nationally and internationally, and perception of media are also described in this article. Media is considered to be the fourth pillar of democracy, after Legislature, Executive and Judiciary. Media as fourth pillar was coined by Thomas Carlyle. As such the Indian Constitution does not provide freedom for media separately. But there is an indirect provision for media freedom. It gets derived from Article 19 (1) (a)<sup>1</sup>. This Article guarantees freedom of speech and expression. The freedom of mass media is derived indirectly from this Article. Article 19<sup>2</sup> of our Constitution deals with the right to freedom and it enumerates certain rights regarding individual freedom of speech and expression etc. Media being a very powerful influence on the society is regulated and controlled by various legislations enacted from time to time. By analysing the present provisions and landmark judgments, we will go through the role of fair media trial under the democratic Indian justice system.

**Keywords:** Media, Fair Trial, Constitution, Justice, Media Trial.

## 1. INTRODUCTION

Media is recognized as the fourth pillar of democracy after Legislature, Executive and Judiciary. It plays an important role in creating awareness among people and is capable of changing the viewpoint of society. Therefore, in order to ensure democracy, there is a need for free and independent media. Part III of the Constitution of India does not specifically talk about Freedom of Press. But, in a number of landmark cases, the Honourable Supreme Court held that the freedom of speech and expression

<sup>1</sup> INDIA CONST. art. 19, cl. 1 (a).

<sup>2</sup> INDIA CONST. art. 19.

enshrined in Article 19 (1) of the Constitution includes freedom of the press.

The role of media is to keep the public informed. However, these days the role of media is often criticized especially in reporting criminal matters. The media sometimes go beyond its domain and starts interfering with the functions of the court. So should the media stop reporting criminal cases that directly or indirectly results in interference with the powers of court? Media has started functioning as a public court. It now conducts a parallel trial with the court. It fails to recognize the gap between an accused who is presumed innocent until proven guilty and a convict whose guilt is proved beyond reasonable doubt.

Trial by Media generally refers to a practice where the media starts doing its own investigation and forms a public opinion against the accused even before a trial commences. In this way, it prejudices the trial thereby infringing the right of the accused to a fair trial. Thus, the accused that must be considered as innocent until proven guilty is now presumed as guilty thereby violating his rights. The impact and growth of electronic media for about last two decades, particularly in past ten years in our country have changed the entire perception of reporting and responsibilities associated with it.

While on the one hand the media has served to create a well informed citizenry, there are incidents galore where the public itself has protested against the obsessive intrusion of the media and trial by media particularly in matters involving the public personalities, unfortunately, till today electronic media remains practically unregulated and Press Council of India's request to bring media to be regulated by it suitably by amending the Press Council Act, 1978, the view has not been acceded by the Government.

As a result, media being the most effect and potent organ of mass communication and remaining practically unregulated more often violates the basics of media ethics to the shock and dish of all concerned, it is high time that suitable and effective mechanism to regulate media through depth study of relevant factors of functioning of media and electronic media in particular by constituting an Expert Body Commission, should be adopted without any loss of time.

The subject 'Trial by Media' is discussed by civil rights activists, constitutional advocates, judges and academicians almost every day in recent times. With the coming of the television and cable – channels, the amount of publicity which any crime or suspect or accused gets in the media has reached alarming proportions. Innocents may be condemned for no reason or those who are guilty may not get a fair trial or may get a higher sentence than they deserve after the trial. There appears to be very little restraint in the media in so far as the administration of criminal justice is concerned.<sup>3</sup>

### **1.1 Background of Media Trial:**

Constitutionally freedom of media is indeed an integral part of the freedom of expression and essential pre-requisite of a democratic set up. The media, the mighty fourth estate in a democracy, operates the other three: legislature, executive and the judiciary within the framework of constitutional provisions in public and national interest. Constitution makers have ensured that the freedom of expression to be enjoyed by the media does not come in conflict with the independence of justice delivery system and misuse by media against such independence of judiciary does not go unchecked. It is expected and obligated to work within the framework of legal principles and statutes framed by way of minimum standards of ethics to be veil and followed by media so that by observing the same media in turn enjoys higher standards of protection in the matter of freedom of expression. Without saying this independent and fair judiciary is a sine qua non.

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<sup>3</sup> The Madrid Principles on the Relationship between the Media and Judicial Independence, 39 J. AFR. L. 106 (1995).

It will be appropriate at this stage to quote Justice Felix Frankfurter the most celebrated jurists and judges for all time, as he said in the case of *Pennkamp versus Florida*,<sup>4</sup> “A free press is not to be preferred to an independent judiciary, nor an independent judiciary to a free press. Neither has primacy over the other, both are indispensable to a free society. The freedom of the press in itself presupposes an independent Judiciary through which that freedom may, if necessary, be vindicated. And one of the potent means for assuring judges their independence is a free press.”

### 1.2 Meaning of Media & Media Trial:

Media means medium between two means, medium between two agencies and society. The medium of communication and information or fact of society or social segments by means agencies that agencies may be in form of point.

The basic role of the media is to inform, educate and guide the society. Media is the most potent organ of communication which can keep the society well informed about violations of law and court proceedings on important matters in order to expose the breaches of law whenever and wherever that occurs and to ensure fair and just treatment to all. All of us have witnessed how media exposures have made even the mighty and powerful personalities stand before the law of the land and public awareness created by the media has quite often ensured just and fair treatment to seekers of justice who perhaps could not properly ventilate their grievances if there had been no appropriate support from the media. Here media includes electronic media e.g. news channel, print media, social media platforms, etc.<sup>5</sup>

### 1.3 Media Laws of India – An Overview:

There are many laws that regulate the performance of media in India. Laws related to the mass media have been there since the very beginning. In the time of the British Rule, many laws related to the Press were enacted. In the post-Independence time, the various Governments have enacted many more media related laws. Media being a very powerful influence on the society is regulated and controlled by various legislations enacted from time to time.

#### Constitutional Provisions Related To Media Trial:

The Indian Constitution does not provide freedom for media separately. But there is an indirect provision for media freedom. It gets derived from Article 19 (1) (a).<sup>6</sup> This Article guarantees freedom of speech and expression. The freedom of mass media is derived indirectly from this Article. Article 19 of our Constitution deals with the right to freedom and it enumerates certain rights regarding individual freedom of speech and expression etc. These provisions are important and vital, which lie at the very root of liberty.

The list of Acts and Rules applicable to the media industry are:<sup>7</sup>

1. The Press and Registration of Books Act, 1867.
2. Registration of Newspapers (Central) Rules, 1956.
3. The Press and Registration Appellate Board (Practice and Procedure) 1961.
4. The Press Council Act, 1978.

<sup>4</sup> *Pennkamp versus Florida*, 328, U.S. 331, 355 (1946).

<sup>5</sup> Mithilesh Kumar, Media Trial Versus Free And Fair Administration Of Justice: Need For Guidelines, MONDAQ (Sept. 16, 2013), <https://www.mondaq.com/india/human-rights/262924/media-trial-versus-free-and-fair-administration-of-justice-need-for-guidelines>.

<sup>6</sup> INDIA CONST. art. 19, cl. 1 (a).

<sup>7</sup> Gowri Nair & Saipooja, Fair Trial, Judiciary and Media: Need for Balance, LAWCTOPUS (Feb. 04, 2015), <https://www.lawctopus.com/academike/fair-trial-judiciary-media-need-balance/>.

5. The Press Council Rules, 1979.
6. The Press Council (Procedure for Nomination of Members) Rules, 1978.
7. The Press Council (Procedure for Inquiry) (Amendment) Regulations, 1979.
8. The Press Council (Procedure for Conduct of Meetings and Business) Regulations, 1979.
9. The Press Council of India (Grant of Certified Copies) Regulations, 1999.
10. The Working Journalists and Other Newspaper Employees (Conditions Service) and Miscellaneous Provisions Act, 1955.
11. The Working Journalists (Conditions of Service) and Miscellaneous Provisions Rules, 1957.
12. The Working Journalists and other Newspaper Employees Tribunal Rules, 1979.
13. The Working Journalists (Fixation of Rates of Wages) Act, 1958.
14. The Newspaper (Prices and Pages) Act, 1956.
15. The Delivery of Books and Newspapers (Public Libraries) Act, 1954.

#### **1.4 An Overview of Media Trial and Judicial Independence:**

The media as an institution of civil society complements the judiciary as a vital pillar in a democratic set up. While judiciary is accountable to the law of the land and to the society for its judgments, the media is also accountable to the public for whom it acts as a watchdog.

The media, both print and electronic have a critical role to play in improving public access and comprehension of our justice system. We must accept and reinforce the importance of the role played by the press, both print and electronic as the institution through which the public gather information about the working of the courts. But we must also not forget that media can only report facts it cannot play the role of the courts. In the International arena also efforts have been made to examine and formulate principles for better relationship between the media and the judicial independence.

In 1994, detailed principles were drawn up in 'Madrid Principles' on the relationship between the media and judicial independence, at the Conference organized by the International Commission of Jurists. These are vital guiding principles. The researcher is confident that media's commitments to public interest and judiciary's commitment to independent judicial system will ensure that the two vital organs work hand in hand for the promotion of people's power through rule of law.

The judiciary, the very important and vital pillar of democracy and the media, the fourth pillar complement each other to establish a transparent and vibrant rule of law and justice delivery system in India and both the institutions have deep respect and concern for each other. The present study on various aspects of media, functioning in reporting court proceedings in the context of administration of justice by identifying relevant issues and concerns will go a long way in evolving consensus to guide both the media and law courts in future and when that happens, this very important study will achieve its goal.<sup>8</sup>

#### **1.5 Laws governing Media in India:**

There was regulation for Press until the British East India Company began ruling a portion of India in 1757 after the Battle of Plassey. The enactment of the Press and Registration of Books Act, 1867 was a very significant event in the field of laws governing Media. The aforementioned Act is still in force and the same was enacted to regulate the printing press along with periodicals which contained news, further the objective of the act was to preserve copies of books and for the registration of Books.

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<sup>8</sup> Deeksha Malik and Harsha Jaswani, Trial by media: Perverting the Course of Justice, THE LEX WARRIER (Sep. 23, 2015), <https://lex-warrier.in/archives/trial-by-media-perverting-the-course-of-justice.html>.

In 1869-70, when Media played a huge role during the Wahabi Conspiracy, Sedition was incorporated as an offence under Section 124 A in the Indian Penal Code, 1870 wherein exciting or even attempting to excite any feeling of disaffection, feeling of enmity to the Government was labelled as an offence which as of today, is punishable with imprisonment of life to which fine maybe added.

In pursuant to the above, the Dramatics Performances Act, 1876 was brought into force so as keep a check on public dramatic performances which had the possibility of provoking people against the Government. When the then Government sensed the press becoming bold by use of their Indian Language, so as to ascertain and achieve better control of the language press, the Vernacular Press Act, 1878 was enacted and brought into force.

In 1851, the telegraph was introduced, pursuant to which the Indian Telegraph Act was enforced in 1885. Consequently, the then Government in 1908 passed the Newspaper (Incitement to Offences) Act, 1908, which empowered the local authorities to take an action against editor of any newspaper wherein it was suspected or observed that the articles contained in the newspaper, had the tendency to incite rebellion.

Subsequently, the Press Act, 1910 was enforced wherein the Government was authorized or empowered to claim an amount under the garb of security from any Newspaper.

In furtherance, to the aforementioned act, the Government enacted or passed the Copyright Act, 1957 and the Cinematograph Act in 1952. Lately, the Right to Information Act was introduced in 2005 and the implementation of the same has stretched out the freedom of press which made India a liberal country, when it comes to Freedom of Press. There are numerous laws that control and regulate the performance of Press in India.

The Constitution of India, 1950 has not laid down any specific provision for the Freedom of Press separately but the same can be derived from Article 19 (1) (a) of the Constitution of India, 1950 which guarantees freedom of speech and expression to the citizens of India. 'Trial by media' is 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 or innocence before, or after, a verdict in a court of law.

In recent times there have been numerous instances in which media has conducted the trial of an accused and has passed the verdict even before the court passes its judgment. Some famous criminal cases that would have gone unpunished but for the intervention of media, are Priyadarshini Mattoo case, Jessica Lal case, Nitish Katara murder case and Bijal Joshi rape case.

In the case of *Sanjay Dutt versus State of Maharashtra*,<sup>9</sup> the media was handling the case sympathetically, whereas in the case of Jessica Lal that is *State of Manipur versus Vikas Yadav*,<sup>10</sup> Manu Sharma has already been announced guilty by the media and the Honourable Delhi High Court also reversing the acquittal of Manu Sharma and pronouncing him a life sentence. Jessica Lal (5<sup>th</sup> January, 1965 – 30<sup>th</sup> April, 1999) was a model in New Delhi, who was working as a celebrity barmaid at a crowded socialite party when she was shot dead at around 2 A.M. on 30th April 1999. Dozens of witnesses pointed to Siddharth Vashisht, also known as Manu Sharma, the son of Vinod Sharma, a wealthy and influential Congress-nominated Member of Parliament from Haryana, as the murderer. In the ensuing trial, Manu Sharma and a number of others were acquitted on 21st February 2006. Following intense media and public pressure, the prosecution appealed and the Honourable Delhi High Court

<sup>9</sup> Sanjay Dutt versus State of Maharashtra, AIR 1994 SC 1735.

<sup>10</sup> State of Manipur versus Vikas Yadav 2000 Supreme (Gau) 92.

conducted proceedings on a fast track with daily hearings conducted over 25 days. The trial court judgment was overturned, and Manu Sharma was found guilty of having murdered Jessica Lal. He was sentenced to life imprisonment on 20th December 2006.

### 1.6 Effect of Trial by Media on Society:

The basic purpose of journalism is to serve the people with news, views, comments and information on matters of public interest in a fair, accurate and unbiased manner. For achieving this objective, the media is expected to conduct itself in keeping with certain universally recognized norms of conduct that have evolved or may be evolve by different societies suited to their requirements. A scrutiny of norms of various countries shows that almost all the codes cover the following areas:<sup>11</sup>

- i. Honesty and fairness in reporting facts.
- ii. Duty to seek the views of the subject of any critical reportage in advance of publication.
- iii. Duty to correct factual errors.
- iv. Duty not to falsify pictures or to use them in a misleading fashion.
- v. Duty to provide an opportunity to reply to critical opinions as well as to critical factual reportage.
- vi. Need for the appearance as well as the reality of objectivity.
- vii. Prohibition to receive consideration for reporting or not reporting.
- viii. Duty to respect privacy.
- ix. Duty to distinguish between facts and opinions.
- x. Duty not to discriminate or to inflame hatred on grounds of race, nationality, religion, or gender.
- xi. Duty to refrain from mentioning the race, religion or nationality of the subjects of news stories unless relevant to the story. Some codes call for coverage which promotes tolerance.
- xii. Duty not to use dishonest means to obtain information, unless it is in public interest.
- xiii. Duty not to endanger people.
- xiv. Duty to maintain general standards of decency and taste.
- xv. Duty not to divulge confidential sources; and
- xvi. Duty not prejudge the guilt of an accused and to publish the dismissal of charges against or acquittal of anyone about whom the paper previously had reported that charges had been filed or that a trial had commenced.<sup>12</sup>

The life of famous Bollywood actor Mr. Sanjay Dutt is been an inspiration for many. However, in the case of Sanjay Dutt versus State of Maharashtra,<sup>13</sup> 'The media was handling the case sympathetically', this statement can be regarded as correct because The Honourable the Supreme Court said an important point had been overlooked while another convict was sentenced for similar charges. The observations were made on a petition by Sanjay Dutt's close friend, Yusuf Nulwala, who, like him, was convicted in the 1993 Mumbai blasts. Both were sentenced to five years in jail for illegal possession of weapons under the Arms Act. In his petition, Yusuf Nulwala has argued that an AK-56 rifle is 'not an automatic weapon' according to Indian law, so his sentence cannot be more than three years in jail. As he had already served three years, he should be released, his lawyer said. The Honourable Court said, "Everyone overlooked this aspect, Trial court and this Court. All review was dismissed. Now you have option of filing curative petition. File curative."

<sup>11</sup> Himanshu Raman Singh, Student Author, *Trial By Media: A Legal Dilemma Resolved With Reference To Jessica Lal Case*, 4 NALSAR Stud. L. Rev. (2006).

<sup>12</sup> Justice K.G. Balakrishnan, Chief Justice of India, Address at the Regional Workshop on Reporting of Court Proceedings by Media and Administration of Justice: At the High Court of Maharashtra and Goa, Mumbai (Oct. 19, 2008).

<sup>13</sup> Sanjay Dutt versus State of Maharashtra, AIR 1994 SC 1735.

In 2007, Mr. Sanjay Dutt was cleared of conspiracy charges in connection with the blasts that killed 257 people and injured over 1,000. But, he was found guilty of illegal possession of an AK-56 rifle and a pistol. He had served 18 months, but was out on bail, fighting the conviction until a court in March 2013 ordered him back to jail in Pune.

### **1.7 Legal Aspects of Trial by Media:**

Media is regarded as one of the pillars of democracy. Media has wide ranging roles in the society. Media plays a vital role in moulding the opinion of the society and it is capable of changing the whole viewpoint through which people perceive various events. The media can be commended for starting a trend where the media plays an active role in bringing the accused to hook. Freedom of media is the freedom of people as they should be informed of public matters. It is thus, needless to emphasise that a free and a healthy press is indispensable to the functioning of democracy.

In a democratic set up, there has to be active participation of people in all affairs of their community and the state. It is their right to be kept informed about the current political, social, economic and cultural life as well as the burning topics and important issues of the day in order to enable them to consider forming broad opinion in which they are being managed, tackled and administered by the government and their functionaries. To achieve this objective, people need a clear and truthful account of events, so that they may form their own opinion and offer their own comments and viewpoints on such matters and issues and select their future course of action.

The right to freedom of speech and expression is contained in article 19 of the constitution. However, the freedom is not absolute as it is bound by the sub clause (2)<sup>14</sup> of the same article. However, the right to freedom and speech and expression does not embrace the freedom to commit contempt of court. The media has again come in focus in its role in the trial of Jessica Lal murder case, in the Priyadarshini Mattoo Case and likewise many other high profile cases.

There have been numerous instances in which media has been accused of conducting the trial of the accused and passing the 'verdict' even before the court passes its judgment. Trial is essentially a process to be carried out by the courts. The trial by media is definitely an undue interference in the process of justice delivery system. Before delving into the issue of justifiability of media trial it would be pertinent to first try to define what actually the 'trial by media' means. Media plays a vital role in moulding the opinion of the society and capable of changing the whole view point through which the people perceive the event. Thus, media trial means to frame a strong opinion in the eyes of the people whether accused is guilty or not though its coverage of the event and its opinion, before the judicial trial. Trial is a word which is associated with the process of justice. It is the essential component on any judicial system that the accused should receive a fair trial.<sup>15</sup>

#### **Fair Trial:**

The parties to a case have a constitutional right to have a fair trial in the court of law, by an impartial tribunal, uninfluenced by newspaper dictation or popular clamour. What would happen to this right if the press may use such a language as to influence and control the judicial process? It is to be borne in mind that the democracy demands fair play and transparency, if these are curtailed on flimsiest of grounds then the very concept of democracy is at stake.

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<sup>14</sup> INDIA CONST. art. 19, cl. 2.

<sup>15</sup> Dr. Srikant Singh, *Jan Madhyam: Kanoon avam Uttardiyitva* [Mass Media: Law and Responsibility] (Satyam Publ'g House, New Delhi 2003).

The concept of ‘denial of a fair trial’ has been coined by authoritative judicial pronouncements as a safeguard in a criminal trial. But what does the concept ‘denial of fair trial’ actually mean. The conclusions of the judicial decisions can be summed as follows: The obstruction or interference in the administration of justice vis a vis a person facing trial. The prejudicial publication affecting publics which in term affect the accused amount to denial of fair trial. Prejudicial publication affecting the mind of the judge and suggesting the court as to in what manner the case should be preceded.

The publisher of an offending article cannot take shelter behind the plea that the trial to which the article relates to isn’t then in progress nor immediately to be begun but it has to occur at a future time. Our law of contempt however does not prevent comments before the litigation is started nor after it has ended.

In re P.C. Sen,<sup>16</sup> Justice Shah who spoke for the court succinctly put the law as follows:

“The law relating to contempt of Court is well settled. Any act done or writing published which is calculated to bring a Court or a Judge into contempt, or to lower his authority, or to interfere with the due course of justice or the lawful process of the Court, is a contempt of Court: R. v. Gray, Contempt by speech or writing may be by scandalizing the Court itself, or by abusing parties to actions, or by prejudicing mankind in favour of or against a party before the cause is heard. It is incumbent upon Courts of justice to preserve their proceedings from being misrepresented, for prejudicing the minds of the public against persons concerned as parties in causes before the cause is finally heard has pernicious consequences. Speeches or writings misrepresenting the proceedings of the Court or prejudicing the public for or against a party or involving reflections on parties to a proceeding amount to contempt. To make a speech tending to influence the result of a pending trial, whether civil or criminal is a grave contempt. Comments on pending proceedings, if emanating from the parties or their lawyers, are generally a more serious contempt than those coming from independent sources. The question in all cases of comment on pending proceedings is not whether the publication does interfere, but whether it tends to interfere, with the due course of justice. The question is not so much of the intention of the condemner as whether it is calculated to interfere with the administration of justice.”

In the case of *Saibal Kumar Gupta and Others versus B.K. Sen and Others*<sup>17</sup>, it was held by the Honourable Supreme Court that “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 that investigation. This is because, trial by newspapers when a trial by one of the regular tribunals of the country is going on, must be prevented. The basis for this view is that such action on the part of a newspaper tends to interfere with the course of justice whether the investigation tends to prejudice the accused or the prosecution. There is no comparison between a trial by a newspaper and what has happened in this case.”

### 1.8 Opinion by Media on Trial Cases:

From the above account it becomes clear that the media had a more negative influence rather than a positive effect (except for a few exceptions here and there). The media has to be properly regulated by the Honourable Courts. The media cannot be granted a free hand in the court proceedings as they are not some sporting event.

The most suitable way to regulate the media will be to exercise the contempt jurisdiction of the court to punish those who violate the basic code of conduct. The use of contempt powers against the media

<sup>16</sup> In re P.C. Sen, (1969) 2 S.C.R. 649.

<sup>17</sup> Sabil Kumar Gupta and Others versus B.K. Sen and Others, AIR 1961 SC 633.

channels and newspapers by courts have been approved by the Honourable Supreme Court in a number of cases as has been pointed out earlier. The media cannot be allowed freedom of speech and expression to an extent as to prejudice the trial itself. What lessons does the Jessica Lal fiasco teach us? There is definitely a case for intensifying efforts to upgrade the quality of policing. There is at the same time a need to improve judicial performance. For instance, the Jessica trial took nearly seven years to get completed. Hardly anyone has commented on this. Will it be unreasonable to demand that this should be taken up by the Honourable Delhi High Court as a kind of case study to find out why there was such delay? The public would like to satisfy themselves that the failure was not because of judicial lethargy, but rather because of several extraneous factors such as police indifference and wanton delaying tactics on the part of the defence. The current popular perception is that judicial accountability is an unrealizable dream. It is for the judiciary to prove this perception wrong and regain the public trust.

The above analysis reveals us the gravity of the situation as it persists in India. An ideal proposal will be that the Indian press and the Indian citizens are not at present democratic enough to allow the press to intrude in the judicial process. It's definitely an ideal proposition to allow controlled media reporting of the cases once the media is supposed to come out of the profit and sensational considerations.

### **1.9 Conclusion & Suggestions:**

Media trials in India have become more common than one would imagine; what started as a benign form of investigative reporting have spread like a wildfire of fake news and speculation. Therefore, these media trials invalidate legitimate media reporting by casting a shadow of unverified claims and generalization. Media touches the lives and minds of the entire country. It influences us to the extent of how we perceive the world. Over the past few years, media presents itself through various mediums, thus, exerting greater power over people's minds.

The Vice President of India, Shri M. Venkaiah Naidu, remarked, unfortunately, Indian media, in particular, has deviated from reporting facts and is slowly taking upon itself to mimic court proceedings in a newsroom.<sup>18</sup> The same is seen more often in media coverage of cases that generate high public interest.

The Indian media's coverage is intended to increase ratings and viewers rather than improve people's understanding of the justice system and the case. Thus, it affects the trials of the court. It often adds an emotional quotient to gain viewers and TRP to remain forward in the present cut-throat competition in society. Protracted debates and discussions run purely based on speculation, harming the interests of the accused and witnesses. In rapes and sexual offences, media almost always turns acerbic, sometimes discloses survivors' identity and information.

There are some significant suggestions mentioned here which is the outcome of this article. Therefore, those significant suggestions are as follows:

1. A nexus developed between the media and profit makers generates an unhealthy atmosphere in society regarding judicial activism and run several awareness campaigns which sometimes cause public outrage which results in disturbance in law and order and also affects the government machinery.
2. The limitations of judicial activism which is produced by media should be determined. And these limitations determined should be in favour of public interest.

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<sup>18</sup> Shri M. Venkaiah Naidu, Vice President of India, Sixth M.V. Kamath Memorial Endowment Lecture on Journalism: Journalism: Past, Present and Future (Dec. 18, 2020), available at <https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1681704>.

3. Administrators and judicial officers faces complex situation by own colleagues during media trial or after media trial. This effect of complex situation remains long time in society. It is suggested to minimise complex situations and the media should favour the public interest and increase public participation in activities which are helpful in gaining public confidence and to disseminate positive message.
4. Many professionals of media lacks adequate legal knowledge and are unable to link with the constitutional and legislative intent regarding electronic media, and media person neglect these provisions while running after TRP The legislative bodies should begin awareness campaigns by including students from law colleges about legislative and constitutional provisions to aware the public and organizations for maintaining law and order.

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