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## Media Trial in India

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**ABSTRACT:**The 'cornerstone' of our society is known to be the participative media. In certain issues, including those concerning the common consciousness of society, Media serves as facilitator along with being an expeditor. To quote a handful, including the case of Priyadarshini Mattoo, the case of Jessica Lal, and the latest case of Tehelka. While the media play an irrefutably positivist position to a significant degree, the role of the media in media proceedings directly concerning sexual crimes is questionable. Sensational journalism is a media industry reality, precise details of the sexual crime are disclosed in the public domain for the sake of TRP, resulting in impeding the right of the victim to privacy or unjust denunciation of an accused perpetrator. This paper would clarify in depth the advantages of this activist position of the media along with legal consequences such as infringement of the identity of the accused, presumption of public domain verbatim duplication, violation of the right to a fair hearing, conception of public prejudice based on inadmissible facts and intervention in the justice process by influencing the sentencing process.

**KEYWORDS:**India; Infringement; Justice; Media; Trial; Violation.

### I. INTRODUCTION

The press in our democracy is referred to as the Fourth Estate, which means that it is as relevant as the other three established state departments, i.e. The Legislative, the Judiciary and the Executive. Media is a foundation for a democratic system, since ideas are transmitted through cultures through the medium of mass media; these ideas are the basis of engagement and discussion. At the same time, under Article 19(1)(a), which is the right to freedom of expression, media freedom has been recognised and secured by the Indian Supreme Court. Indian media have grown old, from being solely owned by the state to being set up by firms who are widely seen as competent and impartial in their event coverage[1].

Competition of Cutthroat is the truth of today and the same is true for Mainstream Media. The primary function is to resolve economic conditions that are derived from ads. Ads are shown on the networks depending on their television rating points (TRPs). With the growth of competition, television networks have taken new approaches for the 'country at large' and need to stay significant. While most media campaigns are optimistic, the role of the media in investigative journalism is questionable in matters awaiting trial[1].

Although press freedom is necessary, it cannot be concluded that collective rights, such as press freedom, are greater than individual rights, such as the right to a fair trial and personal privacy. In our nations, it is accepted that the justice delivery mechanism is slack and media attention speeds up the process. However, it is humbly argued that the intended role of news media is to bring matters to society's attention and not to judge the guilt and innocence of individuals[2].

In the focus of the general public, the media publishes adding sexual crimes to the discussion. Intricate descriptions are added in the article to provide a face to the story, which exposes the victim's identity even though the real name is not disclosed. While the situation has improved in this regard since the Anti-Rape rule, by changes to the Criminal Procedural Code and the Proof Act. It may be likely that, because of both physical and emotional distress, the survivor may not be able to discuss or see the specifics of the incident again. She will never be able to move on with her life due to public discussion at large[2].

The press, considered one of the four foundations of democracy, plays a crucial role in shaping and shaping society's views. It is capable, by its perspective, of transforming the mass mind-set. However, the need to look at its

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professionalism and reportage cannot be adequately emphasized with the rise in the position of its political frontiers. This is why what media trials are, we need to understand[3].

The definition of the consequence of media trials is such that the media has succeeded in presenting incidents that must be kept a secret. While the media serves as a watchdog and provides us with a forum where we can learn about the problems that happen in a society, it is necessary to remember that this has only led to one group or one person being skewed against the whole country. Public courts have led the suspected accused to be misrepresented and have acted as a helping hand in damaging their futures simply because they were accused, even though the court of law has not yet shown them guilty[3].

The right to freedom is granted to us by Article 19 of the Constitution of India. India's Constitution reserves the right to freedom of speech under Article 19(1): the right to hold opinions without intervention and the right to search, obtain, impart knowledge, ideas of every sort, irrespective of the borders, either orally or in written, or in print, or in any medium of art, or through any other means of the choice of the individual. Special roles and obligations and the privileges or reputations of people are all subject to this. Indeed, while the freedom of the press in India, like the United States of America, is not a separate right guaranteed, it is also protected by the Supreme Court of India and is given the status of freedom under Article 19[4].

Under the Contempt of Courts Act, 1971, publications are sheltered from contempt prosecution under free trials. However, every disclosure that interferes with, obstructs or attempts to disrupt any action, both civil and criminal, and the path of justice, which is in effect an outstanding proceeding, constitutes disregard. It has been described as contempt because some of the actions released before the court's decision will deceive the public and influence the accused's rights to a fair trial. Such publications which refer to his past crimes or the confession he made before the police or simply the murder of the accused by character[5].

## II. DISCUSSION

One of the four pillars of democracy is considered to be the media. And it plays a vital role in shaping society's views, and it has the potential to change the whole point of view through which people create their perceptions of different events. Public Trial explains the effect of media and newspaper reports on the credibility of a person by generating a common presumption of guilt in a court of law independent of the decision. The judiciary itself is not free from flaws. It is not safe to assume that judges and other judicial officials, being individuals, are immune from flaws either. Television hearings or media coverage may also be "subconsciously affected" by them. Therefore, while a trial is going on or pending, it becomes important to pass regulations with respect to media publicity[6].

There was no judicial framework under which the newspapers were granted the authority to prosecute a lawsuit. Each coin has two sides, but with media trials and journalism, journalist depicts a pre-decided portrait of an accused in certain cases, thereby tearing his/her integrity that will inevitably impact the trial and the verdict, henceforth media trial. The murder case of Sheena Bohra is a prominent case in which the painful eyes of the media have affected the personal life of the main accuser, Indrani Mukherjea, who had a discussion about the accused's media trial. The ethics in journalism have generally been debated in the aftermath of such events[6].

In influencing the view of society, media plays a crucial role and it is capable of shifting the entire perspective from which people interpret different events. It is important to condemn heinous crimes and the media will be justified in calling for prosecution of the criminals in compliance with the legislation. The media should not, however, usurp the judiciary's duties and deviate from impartial and balanced news. While a media shackled by government legislation is unhealthy for society, the repercussions of sustained unaccountability are far more harmful. Steps ought to be taken to discourage media prosecutions from eroding peoples' human rights, by giving the media a better understanding of their responsibilities and obligations, and by giving the courts the power to prosecute those who violate them flagrantly[7].

In the development of popular opinion on civil, political and economic issues, freedom of expression plays a critical role. Similarly, people in control should be allowed to keep people aware about their policies and programs, because freedom of speech can be considered to be the mother of all other freedoms. A "problem" has been created by media

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trials because it requires a tug of war between two competing values, free press and free justice, all of which are of crucial concern to the public. The freedom of the press derives from the desire of the people to be active in the topics of the day that concern them in a democracy. For investigative and campaign journalism, this is the reason[7].

Publications known as prejudicial to a defendant or accused, such as the persona of the accused, publishing of confessions, publications reporting on or focusing on the merits of the prosecution, photos, police actions, imputation of innocence, development of an environment of bias, criticism of witnesses, the Indian criminal justice system, outweigh the freedom of the media. This covers many other protections, including the right to remain presumed innocent unless proved guilty, the crime to be proven beyond reasonable doubt, and the law is regulated by senses and not by feelings, the right not to be compelled to be a witness against yourself, the right to a jury trial, the right to legal counsel, the right to speedy trial, the right to be present at trial, and the right to be present during prosecution[7].

Media trials have often given rise to a certain form of topic when it entails the tug-of-war between two separate concepts, the free trial and the free press, all of which are normally invested in the general public. Freedom of the press of every country is a part of democracy. This is the kind of excuse that investigative journalism has been given[8].

Around the same time, moreover, the right to a fair hearing is a constitutional right guaranteed to the accused and the claimant alike, uninfluenced by every external cause and thus accepted as a basic tenant of justice. The Contempt of Court Act, 1971, and Articles 129 and 215 (which speak of the right of the Supreme Court and the High Courts to discipline themselves for any contempt, respectively) of the Indian Constitution play an important part in this basic tenant. There are several clauses that speak of that basic tenant. Therefore, a journalist may be responsible for the court's contempt, if he wishes to publish something that could go against the accused's "fair trial" or that during the case may compromise the impartiality of the court of justice[9].

The media trials have also persuaded prosecutors not to take on cases where the jury finds such persons to be convicted, without ever being proved because of the media trials, by pressuring the victim to withdraw his right to have a lawyer. Nevertheless, it even deters the activists who genuinely take up those proceedings. For example, in the case where senior lawyer Ram Jethmalani had defended the defendant Manu Sharma in the case of Jessica Lal, it was during this period that one of the senior editors of the TV News Channel had proclaimed it to be a "defence of the indefensible," declaring that the defendant was already guilty of the crime of which he had not yet been proved. The media's presumption explicitly threatens the accused's right to have a fair hearing as well as his right to have a good lawyer[10].

### III. CONCLUSION & IMPLICATION

The climate of mob lynching is also triggered by media trials or affects the view of the general population, but it often plays a very important role in influencing the present generation's mind-set and does an excellent job of keeping the suspect on the hook. While the crowd culture occurs regardless of the media, which essentially reflects the views already expressed by the public. Media also helps with the issues occurring due to the bribing authority of celebrities or dishonest individuals in order to avoid criminal cases and thereby fearlessly show the facts in line with justice.

It seems apparent from the aforementioned account that the media has a more negative effect rather than a positive one (except for a few exceptions here and there). The media needs to be controlled by the courts properly. In legal cases, the media should not be given a free hand since they are not some athletic case.

The most effective way to control the media is to use the court's jurisdiction of contempt to prosecute those who breach the fundamental code of ethics. The use of the forces of contempt by the courts against the media channels and newspapers was allowed by the Supreme Court in a variety of cases, as stated earlier. Equality of speech and opinion should not be given to the media to a degree that biases the prosecution itself.

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