

Media Trial in Indian Legal System: A Critical Review

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Abstract: *It analyzes the important phenomenon of media trials within the Indian legal system by providing a critique. Examining the way anthologies have changed the country's legal systems and society. It looks at the changes in how media tries are handled, considering the background of these that's changed with the rise of the internet. The author examines constitutional matters in the article. Guidelines managing media freedom and the relationship they build with the right to a balanced trial. It examines activities of companies. Details of how media trials handle questions of ethics and accountability, along with their challenges gaudy headlines and poor moral judgment. It also makes it clear what regulations guide how media behavior. This means bringing together contempt of court, defamation and issues over privacy rights. In addition, the article studies the recommendations that were developed. The Law Commission's 200th report mentions and looks closely at key court verdicts that have influenced the way we talk about media trials. In the end, recommendations are provided for how responsible journalism might be advanced and unfair media curbed. Influence as well as supporting justice and democracy now that we are living in the digital era. the part social media now plays in shaping media trials. Media trials in India are reviewed in detail in this article. Discovering and explaining complicated areas to aid the development of a fairer legal sector.*

Keywords: *Media Trial, Legal System, Indian Judiciary, Journalism and Media, Fair Trial, Media Ethics, Freedom of Speech*

INTRODUCTION

In the fast-changing world of media, "Media Trial" is an exciting and means that journalism, ethics, law and their effects on society are all woven together in this subject. Because information dissemination and watchdog roles are so important, the concept of media trials began deep in history. the influence of the press, has now become essential within the Indian justice system. The article called "Unveiling the Phenomenon The paper sets out to describe how media trials function within India's court system.

Over the last few years, the idea of a media trial has grown more important because it represents the meeting of the ways in which media impacts justice as the law tries to resolve disputes. It covers high profile crime stories that appear on newspapers, on TV, on the radio and on digital media. Media highlights focus on sensation, introduce biased opinions and might town idea change the public's viewpoint, moreover such actions by witnesses may play an important role in the way a case unfolds and what verdict is reached.

This writing looks at how media trials operate, what they mean, how they have developed over time. and the difficult link between how media operates and someone's right to a fair hearing in court. It includes an analysis of the founding document. which causes India's media freedom, particularly since freedom of speech needs to be balanced. as includes freedom of speech and expression, as recorded in Article 19(1)(a) of the Indian Constitution¹ and the exceptions needed In order to protect justice, public order and national security, government actions are needed.

1. The Constitution of India 1950

The way media trials shape the judicial process is a primary area of study discussed in this article. The harm media sensationalism and whipping up strong emotions in jurors and witnesses bring to the system Criminal justice is supported by the idea of innocence. Also, it looks into ethics and the tools involved in making a decision. Responsible journalism can only be guaranteed if everyone follows proper accountability in media trials.

Examining the law forms an important part of our study as we look at media trials in India. And laws aimed at ensuring that journalists can do their job without overriding people's rights being carefully examined by the law are cases. The Law Commission of India's important 200th report suggested ways to reform Indian laws. Cases decided by the High Court involving media trials are carefully considered for what they reveal about dealing with media problems trials.

MEDIA TRIAL: DEFINATION AND EVOLUTION

Over the past several years, the phrase "media trial" has become widely used for this flushing together of journalism, ethics and law. It means news organizations such as newspapers, TV, radio and websites, report on large criminal cases with fervor, bias and potentially influence opinions about justice. Changes in Indian media trials show that society, technology and the media have all changed together.

Back during the fight for Indian independence, newspapers guided what the public thought about important events. Still, these cases served as justice-seeking projects rather than gaining the kind of publicity that starts a media trial. It was when television took over as the leading source of entertainment in the 1990s that things changed the most. Because of 24-hour news, millions of homes across the country now watch live coverage of significant court processes, pushing legal reporting toward exciting dramatization.

In this century, the internet took media trials and changed them again. Thanks to the internet and social media, news now travels more quickly, so people sometimes mistake citizen reporting for real journalism. Because of digital technology, people found it easier to be tried in the media, since accurate and misleading details spread so fast.

HIGH-PROFILE CASES

The murder of Aarushi Talwar², also called shows that the case was greatly influenced by repeated media attention and many people's opinions.

The time of a gang rape against Nirbhaya³, (Mukesh and) The recent State (NCT of Delhi)⁴, case which drew much media coverage and large demonstrations, raised concerns about whether public opinion influences legal action.

2. Dr. Rajesh Talwar v. Central Bureau of Investigation, 2013 (82) ACC 303, 2013

3. (2017) 6 SCC 1

4. 2017 SCC Online SC 533, (2017)

The Sushant Singh Rajput case attracted huge media interest and created a craze that influenced the ongoing investigation and conversations among people, according to the HC.

INDIAN CONSTITUTIONAL FRAMEWORK FOR MEDIA FREEDOM

Article 19(1) (a) in the Indian Constitution gives the media a basic and important right, to let it stand on its own within the nation's borders. It exists because freedom of speech and expression should be safeguarded for each citizen. "All citizens are guaranteed in Article 19(1)(a) the right to freedom of speech and expression."⁵

Even though the Constitution does not include "freedom of the press," the country's courts such as in Romesh Thapar⁶, have ruled on its importance. Brij Bhushan Sharma and others filed a Public Interest Litigation in The State of Delhi, Brij Bhushan and Anr⁷ filed in the High Court. The case of Delhi is discussed, and Maneka Gandhi v. Union of India⁸, declared that freedom of the press is an essential part of the right to freedom of speech and expression. Through this, the judges pointed out that media helps create a democratic society and keeps the government answerable to the people.

However, it's good to point out that this right, like most, is not absolute. As described in Article 19(2)⁹, Wise provision is made in the Constitution for the unavoidable restrictions the State has to set. What may be necessary, like these limits, should not endanger the greater interests of the society. These

problems affect both our right to free speech and also to a free press.

SENSATIONALISM AND MEDIA TRIALS

Sensationalism is one of the main qualities of media trials, regularly having a strong influence. effect on public opinions and the direction taken in trials. When sensationalism affects a media trial, important facts are often set aside in favor of making the case more dramatic. It often appears through important headlines, strong words and always searching for exciting details in important events. Although sensational stories attract others to watch the news, they have brought up big ethical and legal issues. K.A.Y. Dodhiya, "The high court said in the Sushant Singh Rajput case that journalists lost their neutrality during the media trial"¹⁰

Media trials' tendency to sensationalize often rushes to judgment and puts the basic principle of criminal justice in danger. Offering stories that frame guilt in advance, the media can push the accused to feel judged by a jury of public opinion in advance of any trial. Such stories can strongly shape how people think, how jurors act and how police do their job.

5. The Constitution of India 1950

6. 1950: AIR 124, SCR 594 and 1950

7. 1950 AIR 129, 1950 SCR 605, 1950

8. 1978 AIR 597, 1978 SCR (2) 621, 1978

9. The Constitution of India 1950

10. Hindustan Times, 23 October 2020

Furthermore, most sensational stories make the real facts and details that matter less noticeable. Because they want readers and viewers to watch or read their content, media groups sometimes choose to make things entertaining at the expense of being complete and accurate. Because public understanding can be skewed, this makes it hard for the legal system to act impartially.

India's media has repeatedly sensationalized trials for murder and theft and on many occasions it has done so for cases involving celebrities, politicians or shocking crimes. Most of these cases draw big media interest and are often explained in sensational language that can taint the outcome of the case. Because of sensational media articles being spread online, the problem has become more serious. In reaction to worries about sensationalism, ethical rules for responsible journalism have been created by organizations that watch over the media.¹⁰ Enforcing these rules has been a problem and sensationalism is still an important aspect of media coverage.

ETHICAL CONSIDERATIONS AND ACCOUNTABILITY

A great deal of importance and argument covers the influence of media trials on the judicial process, since their impact can influence legal fairness. Because in India the accused cannot be found guilty unless proven so by a court, the media has a special part in raising awareness. When big or news-making cases are discussed extensively by the media, the trial sometimes becomes a public opinion maker. Experts' views can affect ordinary citizens as well as possible members of the jury, since many have made up their minds before the trial even starts. If we come to conclusions before a trial, we can erase the main goal of justice.

A serious problem that arises from media trials is increased risk of witnesses being tampered with or threatened. most importantly, when the media is paying close attention to a trial. Because witnesses may be afraid of getting attention and losing support, they may decide to hide data from the investigation or give inaccurate evidence. False information from media can make the legal process lose its honesty and plant uncertainties about truth.

Also, judges and lawyers often feel intense strain because of how often their actions are reported in the media. specialists taking part in important cases. This kind of pressure may lead judges to act unfairly

and change how fast trials develop. When politics and media stories about major public figures mix, fairness in court cases can become difficult.

People brought into court cases face issues about the privacy they can expect from the media. These days, when news travels continuously and the internet is everywhere, people can be exposed in ways that upset and injure them. Breaking the law by disclosing a victim's identity which is protected by Section 228A of the Indian Penal Code, actually makes the problem worse. about victims of sexual abuse cases.

LEGAL CONSTRAINTS ON MEDIA TRIALS

Article 19(1)(a) of the Indian Constitution provides for fundamental freedom of the press, including the right for all people to communicate as they like. Even so, the freedom enjoys only limited guarantee and may be restricted for good reasons under Article 19(2).

For this reason, the government may stop certain actions when they threaten the respect and wholeness of India, the country's security, friendly links with foreign states, public order, decency and morality, contempt of court, defamation or encourage an offense.

Media activities in India are governed by main laws such as the Contempt of Courts Act¹¹. In 1971, the act is intended to control actions of civil and criminal contempt. Civil contempt deals with willfully disobeying court orders and criminal contempt means doing something that negatively impacts the court's authority, disturbs court proceedings or stops justice from getting done. When cases are still ongoing, media trials are cautioned not to act outside their duties, because interference can lead to contempt charges from the court.

Besides, it is the Indian Penal Code, 1860, that largely governs how the media acts. Those sections of the Code, 499-502, refer to defamation as people harming another's character by publishing or sharing false information. Media can be responsible under these laws if they publish stories, without evidence, that harm someone's reputation. That section of the Code relates to acts such as interrupting or insulting those in judicial proceedings which happening during or on behalf of news coverage can result in. In some cases, Section 228A also prevents the media from naming a victim, but organizations have been guilty of breaking this provision.

In addition, the Press Council Act, 1978²¹ and the Cable Television Networks (Registration of Operators)¹², media actions are subject to regulatory rules. The Press Council of India, formed according to the Press Council Act, looks after journalism safeguarding freedom of the press. The Cable Television Networks Act describes what is acceptable on television and gives the government the right to act against channels that break these standards.

People rely on media to play an important part in democracy and the Indian Constitution makes sure to have restrictions in place for law, individual rights and fair justice. When dealing with legal restrictions, media has to find the right balance between open speech and journalistic duty and this is even more important during reports on unfinished criminal or legal issues.

BALANCING FREEDOM OF SPEECH AND FAIR TRIAL

Preserving Freedom of Speech as well as the rights of important people in a fair trial is a tough and essential challenge during media trials in India. The balance depends on how these two basic rights clash in the constitution: the right to communicate freely and the right to an impartial trial (in Article 21). Even though freedom of speech supports the health of any democracy and lets journalists investigate, fairness must come first and balance free speech in court cases.

With regards to the case *Zahira Habibullah Sheikh v. In State of Gujarat*¹³, the Supreme Court of India noted. A person fully deserves to be judged in court justly by their peers. Both the accused and the victim have a strong reason to resist a denial of a just trial, just like society. In other words, a fair trial involves a judge without bias, a fair prosecutor and a calm environment throughout. It is when all kinds of personal feelings for or against the accused, witnesses or the subject on trial are eliminated. This

proves fair trial rights are needed to ensure justice works well.

11. The Contempt of Courts Act, 1971

12. The Regulation Act, 1995

13. (2005) 2 SCC (2009) 74

Free trial is certainly affected by media trials. Creating its report from incomplete stories and rumors, the media may sway opinion and potentially touch the court system. Because accepting cases when guilt is already assumed by the public may harm a lawyer's reputation, they are often unsure about taking them. With the court case of *State of Maharashtra v. The leader of public opinion in his day, Rajendra Jawan mal Gandhi*,

In 1997, the Supreme Court showed that media trials can affect the way cases are dealt with in court. It urged judges to avoid such pressures and make all their decisions according to the law. According to the Court, a trial taking place in the press, through electronic media or in the public is exactly the opposite of the rule of law. As a result, we might see a wrongful conviction.

MEDIA TRIAL AND RIGHT TO PRIVACY

There is now a major problem between the MEDIA (Mass Electronic Data Interception Analysis) trial and the Right to Privacy, touching on legal, ethical and social aspects. Basically, Article 21 of the Indian Constitution guarantees life and personal freedom which is seen in law as including a right to privacy. Most notably, I look at the case of *Justice K. S. Puttaswamy (Retd.). v. Union of India*, made clear that, by a unanimous 9-judge verdict, it was affirmed that each person's privacy in personal matters is guaranteed. The protection of privacy prevents others from unfairly invading our personal choices about learning, who we marry and family topics.

Even so, the quick expansion of media has raised worries that it is invading people's rights and freedoms. Very often, the media gathers content without permission, hoping to attract more views or profits and shares it as if it had been obtained properly. Aside from moral concerns such actions can prompt a media trial that can change the lives of everyone involved. The case *Labour Liberation Front against the Andhra Pradesh High Court* was heard. *State of Andhra Pradesh* said press reports exposing the privacy of women is an inappropriate application of advancements in technology and urged the need for journalism that respects freedom of speech.

Having a balance is obvious. Firstly, media is important in a democracy since it makes sure things are clear, holds people responsible and supports open public talks. Still, overzealous journalists invading people's lives can result in unwanted harm and lack of privacy. Due to this conflict, laws, reliable supervision and strong rules on ethics are needed for media organizations.

In addition, with new technologies, people's data is frequently collected and sent out, creating further problems for their privacy. Because of these issues, India passed the *Digital Personal Data Protection Act, 2023* which effects regulations on the use of personal data to help protect people's privacy rights when using technology.

This issue proves that making sure national security and individual freedoms don't conflict is very complicated. Since media plays an important part in democracy, we need to make sure any rights they have are used in a responsible way. Ensuring that people can decide what to share without fear while the media operates freely can only happen if both rules are respected.

LAW COMMISSION ON MEDIA TRIAL 200TH REPORT

In April 2006, the Law Commission of India published its 200th report on media trials which reviews their impact on trials in court and society as a whole. The report demonstrates that media trials can have many side effects, both beneficial and harmful, for society. It points to growing worries that judicial cases might be influenced by media coverage and that no clear limits exist to stop media involvement.

A major recommendation of this report focuses on modernizing Section 3(2) of the Contempt of Courts Act. Just a chargesheet filed by the public prosecutor turns publications into acts of contempt, as of now. The Law Commission wants the definition of contempt to include any publications that harm the rights of an accused from the moment they are arrested. The aim of this amendment is to stop reporting that may affect the accused's chance of a fair trial, because talks about a case generally begin right after arrest and their consequences cannot be easily changed.

High courts should also have the authority to demand that media sources postpone coverage or broadcast of material about pending criminal cases under certain conditions, says the report. We propose this approach to guard freedom of speech and a fair trial by allowing judges to set the moments for the media to provide news on important cases.

Y.K. Sabharwal, the previous Chief Justice of India, said he was worried about the influence of the media, pointing out that the media may be pronouncing judgments before the court can do so. The report points out that people are considered not guilty until a court finds them so and wonders why judges should care what the public thinks.

Although freedom of the media has been acknowledged in the Indian Constitution as a fundamental right, the report points out that the right to a fair trial, although not explicitly named, follows as an important basic principle of justice. It suggests that both countermeasures should be managed carefully.

The Law Commission's 200th report focuses on "Trial by Media: Free Speech versus Fair Trial The chapter reviews the complicated question of media trials in India. The draft law recommends altering the Contempt of Courts Act, gives High Courts power to govern media reporting on criminal trials and explains why both the freedom of expression and right to a fair trial matter in a democratic society. Finding a fair way to handle these rights continues to be challenging and the report supports making sure justice is done while protecting journalists' freedom.

LANDMARK VERDICTS

In the next part, we will focus on important cases that have directed the conversation about media trials in India. They demonstrate the ways that our courts respond to the conflicts between media rights and the right to a fair trial.

In *Indian Express Newspapers (Bombay) (P) Ltd. v. Union of India*, Justice Venkataramiah pointed out the major role that freedom of the press plays in our society. He said that the press plays an important role in sharing social and political messages, mainly in areas where television is not available to everyone. Thanks to the press, formal and non-formal learning happens on a large-scale. Venkataramiah said the press serves the public by reporting on both facts and opinions, even when such information disagrees with government or authority views. A meaningful decision by the people in a democracy, along with transparent public offices, both depend on the power of a free press.

Anukul Chandra Pradhan v. The Supreme Court in India observed that reporting about hawala cases may damage trial proceedings and should be avoided during trials. The Court underlined that media coverage should not threaten the main fair trial principles, among them the idea that an accused is presumed innocent until found guilty at the end of the trial. The experience with this case clearly shows that a just atmosphere should be maintained in legal proceedings, even when the case gets a lot of public attention.

In *Re: Harijai Singh v., Re: Vijay Kumar* sees the Supreme Court explain why freedom of the press is important to a democracy. Freedom of the press is a basic and essential element of democracy and it is usually called "the mother of all other liberties," said the Court. Moreover, the Supreme Court pointed out how the press gives unbiased and thorough coverage of different parts of the country's political, social, economic and cultural scene.

For *State of Maharashtra v. Rajendra Jawanmal Gandhi* was the case the Supreme Court spotlighted. Why the rule of law is important when holding a trial. According to the Court, a trial carried out in the press, on electronic media or by public agitation goes against justice and may lead to miscarriages of justice. The court urged its members to hold firm against influence and stay within the approved legal procedures. Parties are still entitled to a fair trial without outside influence from TV, newspapers or lawyers, the Court said.

In *State of Bihar v. Lal Krishna Advani* the Supreme Court has informed the court that the right your reputation forms an essential element of the right to life. On the other hand, because media trials include much personal information, people often believe the accused is guilty, regardless of what the courts decide. Misleading news can be so strong that it makes people assume someone is guiltier than they appear in fact. When *Kartongen Kemi Och Forvaltning AB* sued. Through the Central Bureau of Investigation, known to most as the Bofors

In that case, the courts explained that ensuring a fair trial for the accused and the media's part in criminal probes are not easy. The courts stressed that, while information helps raise public knowledge about criminal matters, the importance of a fair trial is just as great or greater. It supports the right of people to enjoy life and liberty. According to the case, it is crucial to ensure an just and equitable social system and that the media does not take over trial proceedings which can lose people's trust in judges and courts.

When it comes to *Rajendra Sail v.* In saying this, the court pointed out that in a democratic India, the judiciary and the press are required to seek the truth and cannot be dispensed with. Working properly together allows these two parts of democracy to ensure that justice is served and all laws are still respected.

Ajay Goswami v. Delhi court warned that the Press Council has limitations when dealing with media excesses. The Court said that the Press Council was only allowed to handle warnings, censorship or admonitions for newspapers and news agencies, not for electronic media. So, it had no real ability to punish violations or properly control what was published, especially through electronic sources. The case points out that effectively dealing with media coverage and improper content dispersion is difficult under our current regulation.

CONCLUSION

Managing the way media reports on trials in India is a complex issue that should not favor either media freedom or fairness to defendants in court. It is obvious that because the media keeps the public informed and holds people to account, unjustified dramatization and poor ethics can weaken justice and the idea of innocence before guilt is proven. Since such trials can influence both the way a case is decided and people's minds, we should notice and handle their effects.

To solve these issues, we have to encourage media organizations to follow stricter kinder action for the environment throughout the industry. Regulations are needed that govern which names and identities are allowed to be used in news reports during a trial. Besides, educating people on how to analyze media can be useful and laws against contempt of court and an incorrect use of freedom of expression should be put into practice more forcefully.

The legal framework has to be reconsidered which is recommended by the Law. Broadening the definition of contempt and giving high courts authority to manage ways the media covers sensitive cases are part of the commission's 200th report.

Legal officials, the media and social media outlets must work closely together. limiting and handling information that concerning current lawsuits, since social media often leads the public discussion. Steps to follow these suggestions will allow India to maintain equality, protect media freedom and support democracy.

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