

# Media Trial

The concept of media trial refers to the influence of media coverage on legal proceedings and public perception of justice. In India, media trials have gained considerable attention, often swaying the outcomes of high-profile cases and moulding public opinion. This phenomenon raises critical questions about the balance between free press, fair trial rights, and the administration of justice. In an era where the media has the power to shape narratives and influence judicial processes, understanding the implications of media trials is essential for maintaining the sanctity of the legal system.

## Constitutional Guarantees and Restrictions

Indian Constitution guarantees freedom of speech and expression under Article 19(1)(a). This freedom encompasses the right of the media to report and comment on ongoing legal proceedings. However, this right is not absolute and is subject to reasonable restrictions under Article 19(2) to safeguard the interests of the sovereignty and integrity of India, security of the state, public order, decency, morality, contempt of court, defamation, and incitement to an offence.

## Contempt of Courts Act, 1971

Contempt of Courts Act, 1971, serves as a vital legal instrument in regulating media trials. Section 2(c) of the Act defines 'criminal contempt' as any act that scandalises or tends to scandalise, lowers or tends to lower the authority of any court, prejudices or interferes with the due course of any judicial proceeding, or obstructs the administration of justice. Media trials, which can potentially prejudice the minds of judges or jurors, fall within the ambit of criminal contempt.

## Landmark Cases

The judiciary in India has consistently grappled with the challenge of balancing freedom of the press with the right to a fair trial. In the landmark case of **Sahara India Real Estate Corporation Ltd. & Ors. v. SEBI & Anr. (2012)**, the Supreme Court recognized the need for guidelines to regulate media reporting of sub judice matters. The Court observed that excessive media coverage and commentary on ongoing trials could lead to a miscarriage of justice by influencing public perception and judicial decision-making.

Another significant case is **A.K. Gopalan v. Noordeen (1970)**, where the Supreme Court emphasised that freedom of speech must be balanced against the administration of justice. The Court held that any publication that interferes with or obstructs the course of justice is contemptuous and punishable under the Contempt of Courts Act.

In **R.K. Anand v. Registrar, Delhi High Court (2009)**, the Supreme Court dealt with the issue of media sting operations and their impact on legal proceedings. The Court condemned the practice of trial by media and stressed that media should not pronounce individuals guilty without a fair trial. The judgement reinforced the principle that media freedom must not override the right to a fair trial.

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### Ethical Considerations

Scholars have expressed diverse views on media trials, highlighting both their positive and negative implications. Proponents argue that media trials serve the public interest by ensuring transparency and accountability in the judicial process. They contend that media coverage can act as a watchdog, bringing attention to cases that might otherwise be neglected and ensuring that justice is not only done but is seen to be done.

However, critics argue that media trials can lead to prejudgment and bias, undermining the presumption of innocence until proven guilty. The concept of 'trial by media' often results in a parallel trial outside the courtroom, which can exert undue pressure on judges and jurors. Scholars like Rajeev Dhavan have critiqued media trials for compromising the sanctity of the judicial process and the right to a fair trial, as enshrined in Article 21 of the Constitution.

Ethical journalism demands that media houses adhere to principles of fairness, accuracy, and impartiality. The Press Council of India, established under the Press Council Act, 1978, sets standards for the media and serves as a regulatory body to address grievances against the press. The Council's guidelines emphasise that reporting should not prejudice the outcome of trials and should respect the rights of individuals to a fair trial.

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### Impact on Judicial Proceedings

Media trials can have far-reaching consequences on judicial proceedings. Extensive media coverage can create a public frenzy, influencing witnesses, victims, and even legal professionals involved in a case. This was evident in high-profile cases like the **Aarushi Talwar murder case** and the **Jessica Lal murder case**, where media coverage played a significant role in shaping public opinion and, arguably, the trial outcomes.

The Supreme Court, in **Romila Thapar & Ors. v. Union of India (2018)**, reiterated that media should refrain from pronouncing verdicts on sub judice matters. The Court stressed that media trials could derail the course of justice and emphasised the need for judicial restraint in the face of media pressure.

### **Regulating Media Trials: The Way Forward**

To address the challenges posed by media trials, a multifaceted approach is necessary. Legal reforms, stringent enforcement of existing regulations, and adherence to ethical journalism standards are crucial. Courts can issue 'gag orders' or injunctions to restrict media reporting on sensitive aspects of ongoing cases to prevent prejudice. Additionally, the Contempt of Courts Act should be robustly enforced to deter media from overstepping their boundaries.

Judicial training and awareness programs can help judges navigate the complexities of media influence on trials. Furthermore, media literacy programs for the public can foster a more informed and discerning audience, reducing the impact of sensationalist reporting.

