

PRESENT SCENARIO OF MEDIA TRIAL IN INDIA

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Abstract

Media is a pillar of a vote-based democracy. Media has several public positions. The media shape the public's opinion and are ready to influence how people interpret different events. Freedom of expression isn't always straightforward, unlimited, or unbound; allowing unrestricted speech and expression may be considered a constrained permit. This paper examine Present scenario of Media Trial In India. Then, it will discuss the Freedom of Speech vs. Media Trials in India. The methodology adopted by the scholar is only doctrinal and analytical. At long last, it talks about what media trials mean for the accused, victims and how it is related to freedom of speech and expression and relation between “Media Trials v. Judiciary”, “Freedom of Speech vs. Media Trials “and “Indian Judiciary's stance”.

Keywords – Media, trial, right, freedom, speech, expression, Supreme Court, sub-judice, judiciary, Cases.

Introduction

The media is sometimes referred to as "the fourth pillar" of a functioning democracy. Not only does it have a significant impact on shaping public opinion, but it also has the power to alter people's worldviews and the way they interpret the world around them. The term "media trial" refers to the way in which a person's reputation can be damaged by media coverage, including television and newspapers, even if the person is found not guilty in court. Although the term "media trials" was only coined relatively recently, its meaning may be traced back to the case of Roscoe Fatty Arrbuckle (1921), was exonerated bylaw but gone his name, reputation, and employment after being falsely accused of murder by the media. The trial of O.J. Simmpson (1995) is another well-known example; the media heavily publicised the case and had a profound impact on viewers' thoughts despite the court's authority. It's apparent that the media has a significant impact on public opinion. The media's intense scrutiny of Indrani Mukherjea case, the primary suspect in the Sheena Bohra murder case, has led to a public discuss on the topic of media trial of the accuse. Journalistic ethics were often called into question after similar incidents.

Based on the above lines, the following objectives can be deduced:

- To study the “Media Trials v. Judiciary”.
- To study “Freedom of Speech vs. Media Trials”
- To study “Indian Judiciary's stance”.

Literature Review

Aditee Dash in his article “**A right to offend**” Tracing the media's roots to the time of India's Nationalist Movement reveals its long and storied history. Since then, media trials plays have played a crucial role in protecting citizens' rights to free expression and assembly.

Isshita Sinngh and Haarsh Bhaargava in his article “**Hampering Judicial Independence: Media Trials in India, Its History and a Fresh Perspective**” the media penetrates every aspect of the national psyche and immune system. To some extent, it modifies our worldview. Over the past few years, the media trial has been

making its way into more and more households through a variety of media outlets, and as a result, it has been exerting a growing amount of mental sway over its viewers.

Dr. Manoj Ranjan explains “**Media in the Modern India**” this examines the role of the media in post-Gandhiera India. This section focuses less on the concept of media history and more on Gandhiji's entry into the broadcast news industry. We have meticulous records of Gandhiji's whole independence movement. Furthermore, the role of the media in freedom fighters' trials has been discussed at length.

Methodology

The current study employed a Doctrinal research strategy in which "primary and secondary data" were collected. While conventions, statutes, international treaties, Indian Laws on IPR, numerous international and national judgements, the opinion of famous jurists, etc. have all served as primary sources of information, other sources have also been consulted. Journals, law reports, parliamentary discussions, press pieces, etc. have all been used as secondary sources. These primary and secondary data have been accessed via the internet, books, websites, legal search engines like Manupatra, SCC etc., and electronic libraries. Besides this, a descriptive method study was conducted using the analysed survey and statistical data that was already accessible.

Media Trials v. Judiciary

The importance of media trials has grown in India. In a number of high-profile cases, the media has essentially replaced the role of the court by passing judgement on the accused, effectively preventing them from receiving a fair trial. present contain also been infamous cases that affected the Judiciary and shocked the public, such as the Jessica Laal case in 2010 in which the media celebrated their success in bring fairness to Jessica Laal despite the fact that the accused had been cleared of all charges by the trial court. The Priyadarshinni Maattoo case (2006), in which a law scholar was raped and murder, was one in which Media Trial was accused of having an impact on the verdict.

Freedom of Speech vs. Media Trials

Article 19(1)(a), the right to free expression, is crucial in shaping unrestricted judgment on significant public, supporting, and financial issues. It follows that the right to free expression is the foundation upon which all other liberties rest. Conforming to the declaration repeated by Justice Venkataramiah of the apex Court in *Indian Expreess Newspaapers (Bombay) Pvt. Ltd. v. Union of India (1984)*: Press liberty is fundamental to healthy public discourse. In places like the developing world, where television and other forms of modern communication are still out of reach for broad swaths of the population, the press has stepped into the role of public educator, making formal and non-formal education possible on a massive scale." Because of the media's involvement in spreading broad terror, it's highly improbable that a fair trial could be held in any case that got considerable notice. The case may feature a well-known individual, either as a victim or a suspect. Such who consider themselves "fans" of renowned public people may have their opinions drastically altered by media coverage of difficult matters concerning those individuals.

Evidentiary aspect of a case

Meaning

To prove either, there must be "proof," which attests to the truthfulness of a claim or the presence of some factor or event. In a legal proceeding, evidence must be presented in accordance with a set of rules and principles known as "the law of evidence." The Trier of fact may now confidently reach a judgments with the help of these rules, which spell out precisely which pieces of evidence must be taken into account and which must be disregarded. A

"Trier" can be thought of as a "judge" in most situations. These guidelines also help determine the scope and kind of evidence that can be presented to a judge. In order for a judge or jury to make a decision in a legal dispute or case, one or both sides must prove or disprove several issues via the presentation of evidence.

Media trial intervening

After the media trial approach is used to the central evidence in a case, whether civil or criminal, the reliability of that evidence is called into question. Judiciary precedents have also been created on occasion. The Hon'ble court determined that the integrity of the inquiry was entirely undermined by the electronic media utilized by the state agency conducting the investigation to influence public opinion while the investigation was still continuing. The impact of the media on the credibility of witnesses and, by extension, the outcome of a case now being tried in court cannot be ignored.

Indian Judiciary's stance:

After the media trial approach is used to the central evidence in a case, whether civil or criminal, the reliability of that evidence is called into question. Judiciary precedents have also been created on occasion. In the Bhimma-Kooregaon case, for instance, a few activists were imprisoned by Maharaashtra police on suspicion of Maoist links. The court was unable to proceed with the lawsuit without first ruling that the letters were not relevant evidence. The letters were not even submitted as evidence in court.

Conclusion

Although media trials have the potential to evoke feelings akin to a mob lynching and change the public's view of the case, they also significantly contribute to forming the attitude of the present generation and perform an amazing job of bringing the criminal to justice. Although while reporting mob mentality, the media are only echoing the public's already held ideas. When the need arises, the media does its part by bravely bringing the truth to public light, which includes dealing with problems that develop when celebrities or corrupt officials try to bribe their way out of facing punishment in court.

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