

**DE JURE NEXUS LAW JOURNAL**

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**MEDIA TRIAL: THE JUDGMENT BEFORE JUDGE****Abstract**

*The term "trial by media" was set in the late twentieth and early twenty-first centuries to characterize the impact of television and newspaper coverage on a person's reputation by creating a broad perception of guilt or innocence before to, or after, a court of law decision. Extraneous information may threaten the jury's neutrality, breaching due process and resulting in an unjust trial, which is especially important in cases involving high-profile individuals.*

**Introduction**

Journalism is a game-changing tool for information distribution. The press and media have long been regarded as the Constitution's fourth pillar. The media has taken on the role of a watchdog, acting as the people's voice in revealing injustices and therefore bringing transparency to the system. This media expedition, which questioned the system's weaknesses and raised voices against the wealthy and powerful, has lost its fundamental integrity and ethics somewhere along the way. It has created a vicious cycle in which dramatic headlines are used to lure more viewers to their news stations or newspapers in order to boost their TRP ratings and income. As a result, rather than being objective and critical to the greatest extent possible, the media has become prejudiced and politically motivated. In high-profile incidents known as media trials, such psychology has taken the form of vigilante journalism<sup>1</sup>.

The Lady of Justice's blindness appears to be the only saving grace. Her head would hang in shame if she could observe the slow but steady deterioration of our moral standards as a society. The Fourth Estate has long been recognized as one of the society's sentinels, ensuring its survival. However, it is distressing to note that, based on recent displays, it has fallen far from grace. The media's dark underbelly and malicious appetites have been revealed by the uproar following the death of a prominent Bollywood actor. The entire scenario has been played out in front of everyone in gruesome detail. The media gradually succumbed to the same mob mentality that it had sparked

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<sup>1</sup> Available at: [Reflection of the media trial as a threat to our judicial system - iPleaders](#)

in the population. Entertainment was rewarded, and an entire nation was lulled into a trance by a real-life thriller happening in front of their eyes.

### **Effect of Media on Trial**

The media is viewed as a pillar of democracy. The media has many functions in society. The media has the power to shape public opinion and change people's perceptions of events. Thank the media for starting a pattern where the media actively helps catch the accused.

Media freedom refers to people's right to know about public concerns. A free and healthy press is fundamental to a functioning democracy. Humans need to actively participate in their society and state under a democratic system. A wide range of perspectives on how the government and its functionaries manage and administer them is their prerogative. People need correct information to form opinions, communicate their views on issues, and decide what to do next. Article 19 of the constitution ensures freedom of speech. However, the freedom is circumscribed by the same article's subclause (2)<sup>2</sup>. However, freedom of speech does not entail the right to defy a court.

So now the media is a "public court" (Janta Adalat) and intervening in legal cases. We are now experiencing a media trial, in which the media conducts its own investigation and develops public opinion against the accused even before the case is heard in court. Deliberately prejudicial, the accused is presumed guilty, letting him to exercise all of his rights and liberties. Prior to a trial, excessive media coverage of a suspect or accused prevents a fair trial or depicts him as the offender, requiring media contempt of court procedures. Regulating journalism does not prevent civil rights breaches.

### **Biasness by the Judges**

The complexities of jury bias and how it predisposes a juror to one side in a case are a larger concern. It's no surprise that we all have biases. The difficulty is determining how those biases may influence how evidence is seen and choices are made in a case. Judges are people, and their reputations and career are important to them. Because it would damage their reputation, judges are no longer thought to be unsociable. Judges today are social, and they are worried about their growth and pay as human beings. They are more likely to be biased in high-profile cases, rendering a decision based on media reports to seek attention. This will surely help them advance ahead of other judges in the competition for a promotion. Judges can't help but be influenced by the media, which is so ubiquitous in our daily lives that they routinely make rulings based on media reports.

### **Why should a Media Trial be seen as a threat?**

The threat of a media trial to the justice system is enormous. It has the potential to produce substantial prejudice against the rule of law and potentially deprive an accused of a fair trial, which is in direct violation of Articles 14, 20, and 21 of the Indian Constitution. It has the potential to stymie police investigations. In any instance, a parallel inquiry by the media can put undue and overwhelming pressure on the police authorities. When the media sensationalizes a situation, millions of people watching television or reading newspapers begin to acquire an opinion about it.

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<sup>2</sup> Available at: [Supreme Court Of India On Trial By Media - Litigation, Mediation & Arbitration - India \(mondaq.com\)](http://www.mondaq.com/india/litigation-mediation-arbitration/india-supreme-court-on-trial-by-media)

This puts a lot of pressure on the police to respond to the press in a satisfactory manner. A sense of pressure on the police is beneficial to the case because it will speed up the investigation. However, the issue arises when the media begins to scrutinize every action made by the investigative agency, which has two consequences.

- First, based on the type of discourse created by the media, it creates a sense of skepticism among the public in the case against the investigative agency.
- Second, it has the potential to disrupt the investigation because such thorough examination gives the actual perpetrator the opportunity to devise tactics to avoid conviction.

This practice of the media going out of its way to behave as an adversary in court proceedings, trying cases and passing judgment on the accused long before the court can make a judgement. This is absolutely in violation of the law's procedure. Furthermore, it is not justified for the media to engage in such investigative journalism outside of the jurisdiction of the competent court. Because it completely destroys the purpose of having an adjudicatory body in the first place. Furthermore, it infringes on an accused's, victim's, witnesses, and other parties involved in the case's fundamental rights.

### **Risks and Consequences of Media Trial:**

Media trials can be extremely demanding for all parties involved. When a case is sensationalized in the media, protecting the identity of a witness becomes extremely difficult. As a result, the witness feels as if his life is in danger. Other variables, such as undue pressure or media harassment of the witness, can make them hostile in an attempt to get out of the mess as quickly as possible.

The accused's Right to Reputation is also tainted by the media, which uses slanderous and defamatory assertions and innuendoes to push the accused into individual guilt in court. This has serious long-term consequences for the accused, which continue even after acquittal. People's minds are still shaped by the image created by the media during the trial. As a result, even if the accused is acquitted, he or she remains a convicted criminal in the eyes of the general public.

A media trial might have an impact on a judge's subconscious mind when deciding a case.<sup>3</sup> According to S. Landsman and R. Rakos' results, there is no empirical evidence to support or disprove the notion that court officers are unlikely to be swayed by media coverage. This means that the media trials can sway the judges as well. The Supreme Court plainly said in P C Sen (In Re) that “an conduct that seeks to influence a jury can similarly affect a judge.” Furthermore, this may be traced back to the classic case of K M Nanavati, in which the media sensationalized the incident and made the accused out to be the victim. This story had a significant impact on the jury members, causing them to rule in favor of the accused. As a result, media trials have an impact on the functioning of the adjudicatory power and can be accused of influencing a judge's decision in a sensationalized case.

### **Case Laws**

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<sup>3</sup> Available at: [Effect of Trial by Media Before Courts \(lawteacher.net\)](http://lawteacher.net)

The most recent example of Media Trial can be seen in the case of Sushant Singh Rajput.

- Following the suicide death of Sushant Singh Rajput, a well-known Indian actor, news reporting outlets reported on the matter in a sad state of affairs. The reporting by such news outlets impeded the investigation, which was critical to the administration of justice. In the aftermath of such reporting, several Public Interest Litigations were launched in the Bombay High Court against the media trials. The phenomena of proclaiming an accused person guilty before the Court has rendered its decision is known as media trials. It is the broad publicity of the accused's guilt and the imposition of a specific perception of him, regardless of the court's decision. In this case, the media viciously tore apart the reputation of the deceased actor's partner, actress Rhea Chakraborty, in what could be considered a "media trial."
- The Supreme Court observed in *MP Lohia Vs. State of West Bengal* that biased media material portrays the accused in a negative light without appreciating the court's efforts in deciding the case critically and analyzing all documents submitted by both parties; this clearly interferes with the administration of justice. The judge also warned the press against staging their own trial while the case was still pending.
- In *RK Anand vs. Delhi High Court*, the Supreme Court stated that the goal is not to impose a reformist agenda on the media from the outside. Regulation of this nature will do more harm than good. As a result, the media must self-regulate in order to maintain high quality reporting and professional standards, while also ensuring that legal procedures are not harmed.
- The Supreme Court of India said in the case of *State of Maharashtra vs. Rajendra Jawanmal Gandhi* that a judge must protect himself from public pressure and scrupulously follow the rules of law. This position was taken to protect press freedom on the grounds that a fair trial would be decided only by the judge, who would make the final decision regardless of outside pressure from the media.

### **Conclusion**

Though the media serves as a watchdog and a platform for people's voices to be heard by society and legislators. However, today's media is overly sensationalized, and they only care about their paychecks and TRPs. There are a few reporters who only display news that political parties have paid them to show. It is obvious from the preceding narrative that the media had a more harmful impact than a favorable impact. The media must be governed effectively by the courts. The media cannot be given unrestricted access to court hearings because they are not a sporting event. The most effective strategy to govern the media will be to use the court's contempt power to punish individuals who break the fundamental code of behavior. As previously stated, the Supreme Court has sanctioned the use of contempt powers by courts against media outlets and newspapers in a number of cases. The media's freedom of speech and expression cannot be allowed to prejudice the trial itself. Certain instances are so hyped for a day or two that if you go to any channel, they will all be showing the same story, but once the heat has passed, the case is no longer followed. The news then competes for attention with other items that are hot at the time. Media sensationalized the case for a few days before moving on to other "masala" stories, regardless of

how important the prior news was. The media sensation has a significant impact on the trial. Judges start considering media criticism when making decisions if they go against the media's point of view, which is why in most high-profile cases, the media's judgement becomes the final verdict in trial courts.



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