
IMPACT OF MEDIA ON FAIR TRIAL IN INDIA

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ABSTRACT

The media is a vital information source that shapes public opinion and behaviour in the modern world. Nowadays, the media serves as a vehicle for active engagement and participation as opposed to merely disseminating and providing information. The way society is perceived and conscious is greatly influenced by the media. The news media have the ability to drastically change how people see certain events. Media trials interfere with the proceedings of the court, and they completely fail to understand the essential gap between an “accused” and a “convict”. The impact of media trials on a person’s privacy will be covered in this study. The media that only disseminates information to the public in an impartial way is better than the media that conduct trials that might be in conflict with the right to a fair trial. The study also aims to interpret the impact of media trials on the legal system. The benefits and drawbacks of media trials in society are thoroughly reviewed in this paper. The role of the media has not only changed dramatically, but it has also now become part of the investigative journalism that has begun to interfere with the workings of the court. This paper tries to analyze the impact of the judgement and how freedom of speech and expression is taken as a habit of continuing undue interference in the administration of justice. Since the media should be held accountable for their actions, their freedom cannot be absolute like all other freedoms.

KEYWORDS: Media Trial, Judicial System, Administration of Justice, Freedom of Speech, Individual’s Privacy

1. Introduction

It is impossible to overstate the significance of a fair trial. It is essential for upholding justice and maintaining the rule of law that everyone is treated equally before the law. It safeguards people from the arbitrary and illegal restriction or denial of their freedom and other fundamental rights.

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When a government charges a person with having committed or having been implicated in a criminal offense, the individual is placed at risk of deprivation of liberty or other sanctions. One of the most important protections against unfair punishment is the right to a fair trial. Proper administration of justice. It is a legal means to receive a fair judgement. There is no good justice without a fair trial. It justifies dignity even if the accused person. It is a legal pillar of a democratic society, respectful of the rule of law. No unfair treatment based on race, religion, gender, or political beliefs. It ensures that people can trust and have confidence in the criminal justice system in their country. It is an internationally recognized human right and is included in many constitutions around the world. Being heard in public by a jury, having an independent and impartial judge, and having access to a lawyer are all important components of a fair trial.

Since the media conducts its own investigation before the trial even begins, it plays a crucial role in the administration of justice. Trial by the media is still controversial because it draws into question the rights and authority of the media. It violates the accused's right to a free trial, which is in and of itself harmful to the trial. The media usually assumes the accused is guilty before the trial even starts. The media is seen as the fourth pillar of democracy, following the judiciary, executive branch, and legislature. Free and independent media are necessary to maintain democracy. It plays a crucial role in interpersonal communication and is a fundamental aspect of society. Freedoms of speech, opinion, and expression are not only important liberties in and of themselves; they are also the cornerstones of a democratic system of governance, which is predicated on the idea that discourse is essential to resolving issues within the government.

Information is conveyed through the usage of media. These media types are sometimes referred to as print, web, social, and news media. They are :-

1) News media

News media use components of mass media to convey news to the public or a specific audience. It is anything that has been written about you or your business but that you did not produce or pay for yourself.

2) Social media

Social media is a digital instrument, like a website or app, that enables people to produce and distribute material to the public in a quick and simple manner. It is referred to as the "evolving" media since its definition is ever-changing. Social media posts about your brand, including those

on Facebook, LinkedIn, Instagram, Pinterest, and Twitter, are the ideal example of shared media. It is often referred to as the most economical PR platform.

3) **Web media**

Web media is a type of online communication that combines text, audio, and images. Images, graphics, and videos are a few types of web media. You are the owner of the content because you created it yourself.

4) **Print media**

Parents grew up with this media, which is still in use today. Print media, which also includes periodicals, newspapers, books, and comics, is sometimes referred to as traditional or even “old-fashioned” media. More recently, electronic book reading devices like the Amazon Kindle and desktop writing software have been used with print media.³

2. **Research Question**

i) **How does media coverage affect the fairness of trials in India?**

Media coverage can significantly impact the fairness of trials in India, particularly through the phenomenon of “trial by media,” where media coverage can shape public opinion and influence the perception of guilt or innocence before a court verdict. Media coverage, especially in high-profile cases, can create strong public opinions about an individual’s guilt or innocence before a trial even begins. This can lead to a biased public perception that may be difficult to overcome during the trial. Jurors, like the general public, are susceptible to media influence. If a juror already holds a strong opinion about the case based on media coverage, it can be difficult for them to be impartial and make decisions solely based on the evidence presented in court. Media reporting can unintentionally or intentionally present information in a way that favours one side, potentially leading to biased coverage and a skewed public perception. The principle of “presumption of innocence” (that a person is presumed innocent until proven guilty in a court of law) can be undermined by media coverage that prematurely declares an individual guilty, impacting the individual’s right to a fair trial. Media coverage often uses emotional appeals to create an immediate reaction from the public, which can override the need for a rational and impartial

³ <https://sikkimjudicialacademy.nic.in/sites/default/files/PPTs/2025.06.06%20Media%20Trial%20PPT.pdf>

consideration of the evidence. Judges may feel pressured to base their decisions on public opinion and media criticism, potentially impacting their ability to make impartial decisions.⁴

ii) What measures can be taken to balance freedom of the press with the right to a fair trial?⁵

a) Judicial Restrictions on Media Coverage:

Courts can issue restraining orders to limit the media's access to certain information or the courtroom. While controversial, gag orders can prohibit the media from reporting on specific aspects of a case. Courts can temporarily suspend the publication of certain information to prevent it from influencing the trial.

b) Ethical Guidelines for Journalists:

Professional journalism organizations and media outlets can establish codes of conduct that emphasize responsible reporting and avoid influencing the fairness of the trial. Journalists should strive to present a balanced and accurate account of events, avoiding sensationalism or biased reporting. Journalists should refrain from speculating on guilt or innocence, as this can prejudice the public and potential jurors.

c) Public Education:

Promoting media literacy can help the public understand how information is presented and how it can be influenced by various sources. Public education can help people understand the principles of a fair trial and the role of the court system in ensuring justice. Making court proceedings more transparent can help the public understand the process and build trust in the judiciary.

d) Ensuring Fair Legal Proceedings:

A fair trial requires an impartial and independent judiciary that is free from undue influence. Ensuring access to legal representation for the accused is crucial for a fair trial. The legal process should be transparent and follow due process to protect the rights of the accused. Therefore, by combining these measures, it is possible to strike a balance between freedom of the press and the right to a fair trial, ensuring that both fundamental rights are respected.

⁴ <https://vil.ac.in/media-trial-in-india-impact-cases-fair-trial-balance/>

⁵ <https://sikkimjudicialacademy.nic.in/sites/default/files/PPTs/PPT%20Presentation-3.pdf>

3. Media Trials and Fair Trials : A Conflict

A media trial occurs when the media infringes on the judiciary's authority and holds a casual trial of an individual or group of individuals in order to indict them. The term "media trial," which gained popularity in the late 20th and early 21st centuries, refers to the way that media coverage on television and in newspapers can damage a person's reputation by fostering a generalised sense of guilt or innocence either before or after a court of law renders a decision. This differs from a judicial trial, which is a legal process conducted in court where evidence is presented, and a judge or jury makes a determination of guilt or innocence based on that evidence.

Features	Media Trials	Judicial trials
Focus	Media trials focus on public perception and opinion.	Judicial trials focus on facts and legal procedures.
Method	Media trials rely on reporting and commentary.	Judicial trials rely on evidence and legal arguments.
Purpose	Media trials aim to inform the public.	Judicial trials aim to determine guilt or innocence.
Impact	Media trials can influence public opinion.	Judicial trials aim to ensure a fair and impartial outcome.

3.1. Impacts of Media Trials on Fair Trials

a. Societal pressure:

Judges face tremendous social pressure as a result of media trials, which makes it challenging for them to give the accused a free and fair trial. This could make it harder for the judges to remain neutral and avoid developing an opinion on the accused. Since an image is previously presented, it frequently has the potential to affect the court's decisions.

b. Lowers the authority of the court

Even before the court rendered its decision in the 26/11 case, the media said the accused would receive the death penalty. By associating the case with feelings and social pressure, it subtly

diminishes the courts' significance and power. The court's rulings must be consistent with the law and its procedures. When it is directly hampered by the media trials. The judge alone has the authority to determine or impose any form of punishment on an accused person.

c. **Disruption to the administration of justice**

According to the constitution, punishment must be meted out in accordance with the fair process of law, even for horrendous offences. The administration of justice is completely disrupted as a result of the media's impact and coverage of specific instances. The media is only permitted to provide the public with pertinent updates in an accurate manner, but they do intervene and disrupt the process.

3.2 **Analysis of media reporting during ongoing trials**

A phenomenon known as "trial by the media", media coverage of ongoing trials has the potential to seriously affect public opinion and jeopardise the fairness of legal procedures.

- **Impact on Presumption of Innocence:**

The foundation of criminal jurisprudence is the presumption of innocence, which states that everyone accused of a crime is presumed innocent until and unless proven guilty. The presumption of innocence, which holds that everyone accused of a crime is presumed innocent until and unless proven guilty, is the basis of criminal jurisprudence. This presumption is frequently undermined by media trials and biased reporting, which present the accused as guilty before the court renders a decision. Beyond the courtroom, this effect results in emotional hardship for the accused and their families, reputational damage, and social stigmatisation. Media narratives run the risk of turning legal proceedings into spectacles by ignoring the presumption of innocence, jeopardising the fairness and integrity of the administration of justice.

- **Influence on Public Opinion and Jury Selection:**

Since courts rely on the public's support in addition to the elected branches of government to exercise their authority, public opinion plays a crucial role in determining judicial decisions. The public and the media have a strong relationship. The public is informed by the media. By deciding what to report on, they establish the agenda. They also influence public opinion by determining the reporting style and providing opinion articles. In order to protect itself from potential political

backlash, the court must simultaneously establish its legitimacy, among other things, with the backing of the general populace.

- **Impact on the judicial process:**

The impartiality of the court may be compromised if the judges feel under pressure to base their rulings on criticism from the media or public opinion. Through direct witness manipulation or other activities that can jeopardise the trial, the media can potentially obstruct the legal system.

- **Regulation and solutions:**

Many strategies have been put up to lessen the influence of media trials, such as more stringent reporting regulations, judicial oversight of media access to court hearings, and legal action against media organisations that report in an erroneous or biased manner.

3.3 Role of Social Media Platforms in Shaping Public Opinion

- **Democratization of public opinion:** By providing a voice to marginalised and oppressed individuals and disseminating their viewpoints to a larger audience, social media has democratised public life.
- **Dissemination of new information:** Rapid information distribution in new areas such as investigative journalism, environmental issues, press freedom, and citizen-centric journalism has been made possible by social media.
- **Influence on public policy:** Politicians and governments have utilised social media to increase support for their programs and garner more support through debates, ads, and social campaigns.
- **Polarization of public opinion:** Social media algorithms gather user preferences and utilise them to tailor information so that people are exposed to similar kinds of content, which can reinforce preexisting attitudes and polarise opinions.

3.4 Challenges posed by misinformation and unverified laws

In recent years, the public has been concerned about the spread of false information on social media platforms. This is because false information can easily lead to people making poor decisions, which can result in material and financial losses. Additionally, false information can affect health, medicine, and other fields, spreading incorrect treatments that further harm people's physical and mental well-being. Simultaneously, unchecked disinformation will cause social disruption and the emergence of unpleasant emotions, which will have a significant effect on society. As a result, it

is particularly critical to comprehend how misinformation spreads and its dispersion properties on social media platforms. In light of this, the study uses extensive social media datasets as its foundation, uses real and false information as research objects, and evaluates the substance and emotion of the two types of information to determine how they spread. Additionally, in order to achieve public opinion governance of misinformation and lessen the detrimental effects of misinformation, we employ the social network analysis method to further compare the network structure of true and false information during the dissemination process. Our goal is to uncover the evolutionary law of false information.⁶

4. Constitutional and Legal Framework

a. Media Trials: A Contempt of Court

Media outlets must make sure they uphold the values of a democratic society outlined in the Indian Constitution by providing sufficient security for an individual's private life while also respecting the right to free speech and privacy. The Indian Constitution's Articles 129 and 215 give the Supreme Court and the High Court the inherent authority to file a contempt case against anyone interfering with the administration of justice. According to Section 2© of the Contempt of Courts Act of 1971, any publication that unduly interferes with the judiciary or undermines public confidence by misrepresenting sub-judice matters would be considered contempt of court. Any publication that is controversial enough to result in a media trial would be subject to contempt procedures, and press freedom might be restricted in order to preserve public trust as well as the judiciary. Since fair reporting is arbitrary, it should be decided on an individual basis. The public must not be given a biased report on the act. According to Section 13 of the Contempt of Courts Act, the court has the last say over whether a media publication constitutes contempt of court or is a legitimate issue of public concern. The media's operations must be supported by prior consent and be subject to reasonable restrictions.

b. Constitutional Provisions related to fair trial in India

⁶ <https://www.womblebondnickinson.com/us/insights/blogs/challenge-fair-trials-age-media-saturation>

No one should be denied equality before the law, including the right to a fair and impartial trial, according to Article 14 of the Constitution. This clause guarantees that everyone, regardless of status, has equal access to justice by laying the groundwork for judicial impartiality and equality before the courts.

The Indian Constitution's Article 20(3) protects the right against self-incrimination. It declares that no one who is charged with a crime may be forced to testify against themselves. This implies that the accused cannot be coerced into confessing or offering evidence against themselves and has the right to silence. This clause guards against the accused being forced to confess under duress or torture, which would be against their fundamental rights.

The prohibition against double jeopardy is found in Article 20(2). It declares that a person cannot face multiple prosecutions and punishments for the same offence. This guarantees that the State won't harass an accused person by pursuing them repeatedly because a person cannot be prosecuted and punished twice for the same offence. This clause also guards against the state's capricious harassment and prosecution.

The Indian Constitution's Article 21 protects the right to personal liberty and life. It declares that no one may be robbed of their life or personal freedom until the legal process is followed. This implies that a person's life or liberty cannot be taken away by the state unless a fair and just procedure is followed. The clause protects against arbitrary detention, arrest, and violence in custody.

Article 22 outlines the rights of individuals who have been arrested. It stipulates that everyone who is arrested and held in custody must appear before the closest magistrate within 24 hours of the arrest, not including the time needed to travel from the scene of the arrest to the magistrate's court. This implies that an individual who has been arrested has the right to a fair trial and legal representation, as well as the obligation to be informed of the reasons behind their detention.

c. International Standards and Norms regarding fair trial

- **Universal Declaration of Human Rights (UDHR)**

People are protected from unlawful and unfair restrictions on their fundamental rights, particularly their freedom and right to life, by the right to a fair trial, which is a cornerstone of international human rights law. A state's need to provide fair trials is reaffirmed by the Universal Declaration of

Human Rights (UDHR), which primarily mirrors long-standing international practice. Article 10 of the UDHR, which was heavily influenced by the UK and India, specifically ensures that everyone has equal access to a fair and public hearing conducted by an impartial court whether deciding on rights, obligations, or criminal accusations. Additionally, Article 11(2) forbids punishing people for acts that were not unlawful at the time they occurred and also forbids imposing harsher penalties than those that were in effect at the time of the offense, while Article 11(1) creates the presumption of innocence until proven guilty in a public trial with full defense guarantees.

- **International Covenant on Civil and Political Rights (ICCPR)**

The United Nations enacted the International Covenant on Civil and Political Rights (ICCPR) in 1966, and it became operative in 1976. By 2013, it had been ratified by 167 countries. It builds on the UDHR by requiring governments to safeguard civil and political rights through legislative, judicial, and administrative actions while guaranteeing efficient redress. Article 14 lays out the minimum requirements for a fair trial, which include the following: timely and clear notice of charges; sufficient time for defence preparation; a trial that doesn't take place too long or in front of the accused; the right to legal counsel and the opportunity to question witnesses; free interpretation services; and protection from self-incrimination. In addition, the ICCPR offers protection against double jeopardy, the ability to appeal and compensation for miscarriages of justice, and specific rights for minors.

- **European Convention on Human Rights (ECHR)**

The right to a fair trial is guaranteed by Article 6 of this Convention, which emphasises the significance of judicial independence and impartiality.⁷

5. **Effects of Media Trials**

The partnership between the Social Peace Force and the police to combat harmful online speech raises significant concerns about the risks and feasibility of this strategy. Such a strategy, while undoubtedly very successful, may be characterized as social media vigilantism because it lacks explicit rules on what speech is deemed inappropriate. However, it is crucial to recognize this as a new paradigm that the police and civil society experimented with, especially considering the

⁷ <https://www.lawctopus.com/academike/media-trials-india/>

urgency of a real-time reaction in such a grave case of communal violence, when the risk of property and life loss were significant factors. In any event, the content was eventually removed by someone other than the Pune police and the Social Peace Force. Their responsibility in this situation was to mark content as inappropriate and alert the relevant social media site—in this example, Facebook. Therefore, it is the social media platform's duty to guarantee accountability, transparency, and a set of rules and regulations that users may identify as norms and that, if consistently applied, can start to set precedents.⁸

6. Landmark Cases and Judicial Responses

- A. The media completely changed the life of actress and Sushant Singh Rajput's girlfriend, Rhea Chakraborty, after he committed suicide. The entire death was murder, not suicide, and it was claimed that she was involved in his suicide. She was suspected of changing the scene, and she and her brother were sent to jail.
- B. It took seven years for the court to rule in Jessica Lal's case that Manu Sharma, the son of a politician, could not be punished since the evidence was rebuttable. Jessica Lal's family had given up. However, the media took action to ensure Jessica received justice. They were caught up at the same place the cops had left. The public's cries for justice put pressure on the government, administration, and police to solve the case as soon as possible. Manu Sharma, the defendant, was ultimately given a life sentence.
- C. In the Pradyuman Thakur case, the bus driver was deemed a criminal by the media for killing the student without a trial. Consequently, no attorney was available to defend the bus conductor. His career suffered greatly, and he lost his job as a result of the media's defamatory portrayal of him. The victim had to endure a great deal of suffering based only on rumors in the media. The media could have done a better job of handling the situation.
- D. The Aarushi Talwar case brought up important issues regarding how the media shapes public opinion and how media trials could compromise the justice system's impartiality. Strong evidence and due procedure are crucial in criminal investigations and trials, as the case also demonstrated. The Talwar are still involved in court cases, and the case is still open.

7. Challenges and Concerns

⁸ <https://vil.ac.in/media-trial-in-india-impact-cases-fair-trial-balance/>

Ethical considerations for journalists covering legal matters :

The public's right to reliable, accountable information that respects public sensibilities is a fundamental tenet of the mass media's function in democratic discourse, particularly in the coverage of justice. The financial interests of the media shouldn't override this right, but reporters must weigh the public interest against possible injury or defamation when making decisions. Professional codes require accuracy, respect, and a responsibility to verify facts. They also place a strong emphasis on responsible participation in the subject. Inaccurate reporting may not have legal consequences, but it may result in professional censure. Ultimately, national legislation and self-regulation are what make journalistic standards of conduct effective.

Concerns :

Media trials provide serious obstacles to the right to a fair trial, requiring a well-rounded strategy to protect free expression and maintain justice. To achieve this balance, it is imperative to strengthen regulatory frameworks, encourage responsible journalism, and improve media self-regulation. The goal of future policies should be to establish a peaceful atmosphere in which the media and the judiciary function together with accountability and respect.⁹

8. Recommendations**Suggestions for improving the relationship between the media and the legal system:**

Journalism colleges, law schools, and the National Judicial College should all support and create ongoing interdisciplinary educational opportunities and discussions among judges, journalists, and attorneys to promote mutual understanding of their duties. Assume that all court records and procedures are accessible, and give the party requesting confidentiality the responsibility of proving its case. In certain situations, privacy concerns may override the presumption. Unless there are exceptional circumstances, courts should look for alternative remedies before imposing gag orders. Create and assist media, bar, and bench committees that will meet frequently in each community to discuss problems of shared interest. In high-profile cases, establish rules for trial-press management. A court official should meet and confer with members of the media in order to

⁹ <https://www.jetir.org/papers/JETIR1811A32.pdf>

prevent unforeseen issues and to appreciate each other's legal limitations. Take into consideration non-binding professional requirements for journalists. Consent the Code of Ethics of the Society of Professional Journalists for guidelines. Assume that cameras should be permitted in courtrooms, including those in the federal court system, and that restriction or exclusion of such access should only occur for compelling reasons. Encourage judges to document their justifications for decisions. Recognize that the media cannot act as a law enforcement arm and decide when and if it is appropriate to order reporters to testify or produce notes, tapes, etc. Wherever possible, encourage media outlets to create an ombudsman system to consider suggestions from the public and the courts.

Proposals for legislative or regulatory reforms to protect fair trial rights:

Except for war, the most coercive application of state power is the ability to arrest, prosecute, and punish certain individuals. This authority must be utilized sparingly, and measures must be taken to preserve the rights of those who are charged within the criminal justice system. If found guilty, a person's criminal history should not define them; instead, they should be treated with respect and compassion. Ensuring that the procedures preceding and succeeding a trial uphold a person's fundamental rights is only one aspect of defending the right to a fair trial. It also involves making sure that our criminal justice systems and our communities are equitable and just. Fair Trials fights against criminalization, abuse of state power, and incarceration in order to realize this goal. The racism and injustice that are ingrained in criminal justice systems worldwide are also things we want to eradicate. Learn more about the campaigns.¹⁰

9. Conclusion

We can observe both the positive and negative features of the media in this study, and media trials are undoubtedly on the negative side. It should not be permitted for the media to risk someone's life only to make a story. Media outlets continue to utilize their power to sensationalize a case despite the numerous regulations against media trials. When using social media, it's important to strike a balance between the public interest and the right to free speech. It is well established that the media have a significant impact on public opinion. The press must realize that freedom is a

¹⁰ <https://iapp.org/news/a/media-trials-in-india-an-unwritten-carve-out-to-the-right-to-privacy>

responsibility that necessitates the public being informed of the truth and only the truth. The media can only carry out its primary duty to the nation in this manner.

10. Related Case Laws

- **Kehar Singh vs State (1988)** – The right to an equal trial might be impacted by media coverage, according to the decision of the Supreme Court.¹¹
- **M. P. Lohia vs State of West Bengal (2005)** – The Court pointed out that the judicial process can be disrupted by media trials and that courts must make sure that media portrayal does not prejudice the accused.¹²
- **State of Maharashtra vs Rajendra Jawanmal Gandhi (1997)** - In accordance with the Supreme Court, pre-trial publicity may undermine the accused's right to a fair trial and substantially influence jurors' opinions.¹³
- **Kumar vs State of Bihar (2005)** – The court decided that excessive media coverage may result in a media trial, compromising the legal system.¹⁴
- **Shreya Singhal vs Union of India (2015)** – This case identified the importance of responsible reporting and its implications for justice, even though it was basically concerned with freedom of speech.¹⁵
- **Justice K.S. Puttaswamy (Retd) vs. Union of India (2018)** - The Supreme Court advised the media against violating people's right to privacy, stating that media trials may occasionally do so.¹⁶
- **Harper Collins Publishers India vs. Sanchita Gupta @ Shilpi & Ors. (2020)** - The Supreme Court emphasized the necessity for responsible journalism and the negative effects of media trials.¹⁷
- **Air India Urination Case (2023)** - The court stressed that everyone has the right to dignity, which was violated in this case, and punished media outlets for being "TRP-driven".¹⁸

¹¹ <https://share.google/Y1qoIb4lv5IU2Rkd8>

¹² <https://prsu.ac.in/backend/web/theme/news/31052023012343.pdf>

¹³ https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4805476

¹⁴ <https://www.patnahighcourt.gov.in/ILR/viewpdf.aspx?T=ARTICLE&ID=Mg%3D%3D-KJBD41z3f%2Fk%3D>

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¹⁶ <https://translaw.clpr.org.in/case-law/justice-k-s-puttaswamy-anr-vs-union-of-india-ors-privacy/>

¹⁷ <https://lawbeat.in/sites/default/files/2023-03/Sanchita%20Gupta%20@%20Shilpi%20v.%20Scroll%20Media%20&%20Ors..pdf>

¹⁸ <https://www.emerald.com/insight/content/doi/10.1108/eemcs-04-2023-0091/full/pdf?title=air-india-pee-gate-case-need-for-comprehensive-sops-in-customer-management>

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