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Freedom of Speech and Ramifications of Media Trial on the Indian Judicial Landscape - A Conceptual Analysis

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ABSTRACT

There persists a fine line of distinction between a suspect and a miscreant. Into the bargain, this incongruence and divergence seemingly escape the notice of influential powerhouses such as the media. It should not come off as a surprise that such an unenlightened outlook of affairs that transpired littered with utmost disregard for individual seclusion deranges the strongest of democratic foundation. Precedents entrenched by past events and recent events have left us all flabbergasted and makes us wonder why an institution that works in a perceptibly haphazard manner is the fourth pillar of the world's most extensive democratic setup. It is a status that is both sacred and revered, yet infelicitous at times. While the world is submerged in torrential lies perpetuated by the media, individuals are being utilized as scapegoats, with their reputation being tarnished beyond repair. While catechizing and sharing ethical presuppositions is an intrinsic part of human nature, diligence must be exercised to not infringe upon an individual's privacy, honour and eminence. Woefully, the media seldom prioritizes the abovementioned virtues while simultaneously placing their professions on a pedestal. Happenings of the past bespeak that the media has effectively assumed the role of rumourmongers and usurped judicial institutions with little scope for accountability. This essay highlight's the media's role in tampering with the administration of justice, institutional remedies to address the same while acknowledging the media's role in strengthening the concrete substratum of democracy in the past.

Keywords - Constitution, Democracy, Government, Journalism, Media, Privacy.

I. INTRODUCTION

The term 'Media' has its roots in the Latin term 'Medium', which translates to 'middle ground or intermediate'.² Throughout the modern era, it is utilized to delineate sources of information, including newspapers, televisions and Interconnected-Network, which is colloquially referred

¹ Author is a student at School Of Law, CHRIST UNIVERSITY, India.

² Stephanie Edgerly, Red Media, Blue Media, and Purple Media: News Repertories in the Colourful Media Landscape, 59 J. BROAD. & ELEC. MEDIA, 1, 1-21 (2015)

to as 'Internet'. Cave etchings and rock engravings are widely considered one of the earliest means of human communication by academicians and scholars alike.³ Considerable attention has been directed to the possibility of acts of smoke signals and trail markings preceding the advent of sophisticated techniques of vocalization, visual and textual communication. As time went by, the archaic means of yesteryear were supplanted by modern forms of communication, including social media, virtual reality and web chats.⁴

It would be highly ludicrous to live in oblivion, given that the global phenomenon of mass media is becoming adverse and prominent with each passing day. Words such as 'headlines' and 'front page' may be clogging the airways.⁵ They may even strike a nerve among us. They may be perceived as infuriating, but their repercussions remain constant.

On the subject of empowering democratic institutions, one must not give media the cold shoulder. Examples throughout history have served as reminders of the media's sway. It has vitalized jurisprudence by providing the general public with leverage over few dignitaries.⁶ The press was a significant catalyst in the nationalist struggle for independence from the clutches of imperial zealots. Journalists were at the forefront of consolidating patriotism nationwide. Imminent figures in the political arena were active contributors in the field of journalism.⁷

Mohandas Karamchand Gandhi, widely regarded as the "father of the nation", was acquainted with journalism during his stay in London.⁸ Even after his departure from Britain, he did not abandon his stint as a seasoned journalist.⁹ Of the many titles awarded to Bal Gangadhar Tilak, none come close to capturing his essence as much as "father of the Indian renaissance." Not only did he accredit journalism with shaping popular sentiment, but he also went on to establish two newspapers by the names of 'Kesari' and 'Maratha'.¹⁰ It is indeed a strenuous task to process the downfall of an institution that was once associated with valorous luminaries.

II. DEFINING MEDIA TRIAL

The phrase 'Media Trial' is used when an individual or a group of individuals is pronounced

³ Peter Coe, *Media Law*, 69 N. IR. LEGAL Q. 559, 559 - 562(2018)

⁴ John Burrows, *Media Law*, 2004 N.Z. L. REV. 787, 787 - 810, (2004)

⁵ Ajay Gudavarthy, *Citizenship and Its Discontents: An Indian History*, 5 J. INDIAN L. & Soc'y, 131, 131 – 133, (2014).

⁶ Surya Narayan Misra, *Mahatma Gandhi: A Sesquicentennial Birthday Tribute*, 4 LIBERAL Stud. 203, 203 – 208 (2019)

⁷ Thomas Pantham, *Thinking with Mahatma Gandhi: Beyond Liberal Democracy*, 11 POL.THEORY, 165, 165 – 188 (1983).

⁸ N. N. Chatterjee, *Mahatma Gandhi and the Industrial Worker*, 101 INT'L LAB. REV. 215, 215 – 228 (1970)

⁹ Sisay Assemrie Temesgen & Irshah Ahmed, *The Application of Indian Tradition Ahimsa in Modern Politics: Conceptual Analysis on the Foundations of Hard Power and Immorality in National and International Politics*, 9 REV. EUR. Stud. 158, 158 – 169 (2017).

¹⁰ Nivedita Saksena & Siddhartha Srivastava, *An Analysis of the Modern Offence of Sedition*, 7 NUJS L. REV. 121, 121 - 148 (2014).

guilty or innocent through media coverage rather than procedure established by the law.¹¹ While media is a powerful tool of expression, the issue arises when principles of paramount importance such as 'presumption of innocence until proven guilty' and 'guilt beyond reasonable doubt' are neglected.¹²

Democracies are characterized by receptiveness to divergent and unprecedented opinions, and India is no exception to that. Safeguarding civil liberties, including free speech and expression devoid of coercion or constraint, will ensure the progression of the commonwealth.¹³ The Preamble¹⁴, which is the preliminary statement propounded in the Constitution of India, guarantees citizens liberty in all its facets.

III. MEDIA TRIAL AND FREEDOM OF PRESS – THROUGH THE LENS OF CONSTITUTION

Although not explicitly mentioned, judicial pronouncements have reiterated on multiple occasions that Freedom of Speech and Expression warranted under Article 19(1)(a)¹⁵ of the Indian Constitution is inclusive of the indispensable Right to Freedom of Press. This Right also incorporates within itself the propagation of ideas and views alike and their publication and circulation.

Consequently, the three ingredients incorporated in Freedom of Press¹⁶ are -

- Access
- Circulation
- Publication

Article 19(2)¹⁷, after the First Amendment Act of 1951¹⁸, imposes restrictions on the exercise of this freedom on the following grounds -

- State Protection
- Maintaining international relations
- Maintaining Public Order
- Maintaining Public Decency and Morality
- Prohibiting Contempt of Court
- Prohibiting Defamation

¹¹ Rollin M. Perkins, Absurdities in Criminal Procedure--Trial by Ordeal, 11 IOWA L. REV. 297, 297 - 335 (1926).

¹² Marie Gilbert, Guilty until Proven Innocent: Justice Denied, 3 LEGAL SERVICE BULL. 67, 67 - 68 (1978).

¹³ Richard H. Eliel, Freedom of Speech, 18 AM. POL. SCI. REV. 712, 712 - 736 (1924).

¹⁴ INDIA CONST. Preamble (Justice, social, economic and political).

¹⁵ INDIA CONST. art. 19, cl. 1 [Constitution]

¹⁶ Joaquin P. Rocas, Democracy and Press Freedom, 2 PHIL. INT'L L.J. 600, 600 - 603, (1963).

¹⁷ Constitution, *supra note* 14, at Art. 19, cl. 2

¹⁸ The Constitution (First Amendment) Act, 1951, Acts of Parliament, 1951 (India)

- Preventing Incitement of Offences
- Safeguarding Integrity and Sovereignty

The main event that preceded and led to the was the judgement delivered in *The State of Bihar versus Shailabala Devi*. Justice Sarjoo Prasad¹⁹ opined that an individual who resorts to incitement of crime could divert accountability under Article 19(1). In *The State of Madras versus V.G. Row*²⁰, in Supreme Court, a restriction qualifies as 'reasonable' only if there is a close correlation between the nature and scope of the Right, the extent of infringement, and proportionality. The case is known for highlighting the test of reasonableness. In *Superintendent of Central Prison versus Ram Manohar Lohia*²¹, it was held that there must be proximity between the freedom of speech and public disorder. Any sign of remoteness will disqualify it from being reasonable. In *Chintaman Rao versus the State of Madhya Pradesh*²², it was held that the test of reasonability should not be unyielding and inelastic. If the restriction is arbitrary, it would be detrimental to fundamental rights enshrined in the constitution. In *Bennet Coleman and Co. versus the Union of India*²³, the constitutional validity of the Import Order of 1955²⁴ and Newsprint Order of 1962²⁵ was under judicial scrutiny, with the apex court concluding that the said orders were in contravention of Article 19(1)(a) as quantitative restrictions fail to qualify as reasonable restrictions under Article 19(2). The case is deemed a landmark one for highlighting both qualitative and quantitative aspects of Freedom of Speech. In *Sankalp Papers (P) Limited versus the Union of India*²⁶, the apex court held that price regulation of newspapers based on page count and content by the Newspaper (Price and Page) Act of 1956²⁷ and the Daily Newspapers (Price and Page) Order of 1960²⁸ violated Article 19(1)(a). The hallmark of the judgement is not to infringe the dissemination of ideas.

IV. THROUGH THE LENS OF PRE – INDEPENDENCE ERA

During the pre-independence period, the absence of statutory provisions meant that Freedom of Press could only be availed by resorting to standard law procedures. In *Channing Arnold versus the King-Emperor*²⁹, it was observed by the privy council that journalists required no

¹⁹ *The State of Bihar versus Shailabala Devi*, AIR 1952 SC 32

²⁰ *State of Madras versus V.G. Row*, AIR 1952 SC 196

²¹ *Superintendent of Central Prison versus Ram Manohar Lohia*, AIR 1960 SC 633

²² *Chintaman Rao versus State of Madhya Pradesh*, AIR 1951 SC 118

²³ *Bennet Coleman and Co. versus the Union of India*, AIR 1973 SC 106

²⁴ *Import Order*, 1955 under Imports & Exports Control, 1947, No.18, Acts of Central Government, 1947 (India)

²⁵ *Newsprint Control Order*, 1962 under Essential Commodities Act, 1955, No.10, Acts of Parliament, 1955 (India)

²⁶ *Sankalp Papers (P) Limited versus the Union of India*, AIR 1962 SC 305

²⁷ *Newspaper (Price and Page) Act*, 1956, No.45, Acts of Parliament (India)

²⁸ *Daily Newspapers (Price and Page) Order*, 1960 under Newspaper (Price and Page) Act, 1956, No.45, Acts of Parliament (India)

²⁹ *Channing Arnold versus the King-Emperor*, (1914) 16 BOMLR 544

special legal recognition. Lord Wellesley promulgated the First Press Regulations of 1799³⁰. Censorship of the Press Act of 1799³¹ spawned the earliest forms of pre-censorship in India. The Act was succeeded by the Licensing Regulations of 1823³², enacted by the then Governor-General of India, John Adams, prohibited the operation of the press unlicensed. The Press Act of 1835³³, conversely known as the 'Metcalf Act', mandated the submission of publications' premises and ceased operations if need be.

James Augustus Hicky, commonly known as the "father of Indian press", pioneered a printed newspaper named "Hicky's Bengal Gazette", the first of its kind in India.³⁴ In 1857, amidst the country's turbulent socio-political landscape in the wake of mutiny and the great revolt of 1857–59, Lytton, the then Governor-General of India, enacted the Indian Press Gagging Act of 1857³⁵. Its failure gave rise to the passing of the Vernacular Press Act³⁶ on the 14th of March, 1878. The ratification of the Indian Press Act of 1910³⁷, Newspapers (Incitement to Offences) Act of 1908³⁸, the Prevention of Seditious Meetings Act of 1911³⁹, the Criminal Law Amendment Act of 1908⁴⁰, and the Secrets Act of 1903⁴¹ was marked by countless prosecutions and confiscations, with the period often being remarked as a dark phase in the long-standing history of colonial India. The Anarchical and Revolutionary Crimes Act of 1919⁴² was designed specially to put a constraint on Freedom of Speech and Expression.⁴³

V. THROUGH THE LENS OF PERSONAL LIBERTY AND FAIR TRIAL

The Court has taken cognizance that Freedom of Press should not be in abrogation to Right to Personal Life and Liberty guaranteed under Article 21⁴⁴. When read with Article 14⁴⁵, Sections 243⁴⁶ and 304⁴⁷ of the CRPC, an individual is bestowed with the Right to a Fair Trial.⁴⁸ In

³⁰ First Press Regulations, 1799

³¹ Censorship of the Press Act, 1799

³² Licensing Regulations, 1823

³³ The Press Act, 1835

³⁴ Donald R. Davis Jr. & John Nemece, Legal Consciousness in Medieval Indian Narratives, 12 LAW, CULTURE & HUMAN. 106, 106 – 131, (2016).

³⁵ Indian Press Gagging Act, 1857

³⁶ Vernacular Press Act, 1878

³⁷ Indian Press Act, 1910

³⁸ Newspapers (Incitement to Offences) Act, 1908

³⁹ Prevention of Seditious Meetings Act, 1911

⁴⁰ Criminal Law Amendment Act, 1908

⁴¹ Secrets Act 1903

⁴² Anarchical and Revolutionary Crimes Act, r1919

⁴³ H. C. Trapnell, Indian Press Prosecutions, 14 L. Q. REV. 72 72 – 91 (1898)

⁴⁴ Constitution, *supra note* 14, at Art. 21

⁴⁵ Constitution, *supra note* 14, at Art. 14

⁴⁶ The Code of Criminal Procedure, 1973, Sec. 243 [CRPC]

⁴⁷ CRPC, *supra note* 45, at Sec. 304

⁴⁸ Tharien van der Walt & Stephen de la Harpe, The Right to Pre-trial Silence as Part of the Right to a Free and Fair Trial: An Overview, 5 AFR. HUM. Rts. L.J. 70, 70 – 88 (2005).

Saibal Kumar Gupta and Others versus B.K. Sen and Another⁴⁹, the Court held that newspapers are obligated not to interfere with an ongoing investigation at the expense of the accused's well-being and efficient administration of justice. In Sushil Sharma versus The State (Delhi Administration) and Others⁵⁰, it was held that judicial pronouncements are to be made based on facts deciphered during the investigation and not media coverage. Furthermore, the proceeding will not qualify as a 'fair trial' if the judge is not in a state of neutrality and is susceptible to media influence.

In Zahira Habibullah Sheikh versus the State of Gujarat⁵¹, the Court declared that a trial is fair when the prosecutor is non-partisan, equitable and fair-minded, devoid of undue influence. As stated in Vijay Singhal and Others versus the Government of NCT of Delhi and Another⁵², the Right to a Fair Trial has an overriding effect on the Freedom of Speech and Expression in the event of a conflict between the two. Fair Trial is an intrinsic component of criminal jurisprudence in India, as stated in Rattiararam versus the State of Madhya Pradesh⁵³.

A fair trial cannot be denied arbitrarily and unreasonably to any individual. This was upheld in the case of Mohammad Hussain and Julfikar Ali versus The State Government of NCT⁵⁴. In the case Kartongen Kemi Och Forvaltning AB and Others versus the State through the Central Bureau of Investigation⁵⁵, the Court expressed the sentiment that while Freedom of Speech is a hallmark of Indian democracy, we must not turn a blind eye to the Right of a Fair Trial. As stated in T. Nagappa versus Muralidhar⁵⁶, an accused has the Right to defend himself under Article 21 of the Constitution of India.

VI. THROUGH THE LENS OF CONTEMPT OF COURT

Under Article 129⁵⁷ of the Indian Constitution, the Supreme Court of India is accorded the status of 'court of record', and thus, it has the authority to penalize contempt of itself. Additionally, Article 215⁵⁸ of the Indian Constitution bestows the High Court with authority to penalize contempt of Court. Besides these articles, the Contempt of Courts Act of 1971⁵⁹ is the statutory authority to address contempt matters. Under this Act, contempt is of two kinds: Civil

⁴⁹ Saibal Kumar Gupta and Others versus B.K. Sen and Another, AIR 1961 SC 633

⁵⁰ Sushil Sharma versus The State (Delhi Administration) and Others, 1996 CriLJ 3944

⁵¹ Zahira Habibullah Sheikh versus the State of Gujarat, (2006) 3 SCC 374

⁵² Vijay Singhal and Others versus the Government of NCT of Delhi and Another, (2014) 4 SCC 375

⁵³ Rattiararam versus the State of Madhya Pradesh, (2012) 4 SCC 516

⁵⁴ Mohammad Hussain and Julfikar Ali versus The State Government of NCT, (2012) 2 SCC 584

⁵⁵ Kartongen Kemi Och Forvaltning AB and Others versus the State through the Central Bureau of Investigation, 2004 (72) DRJ 693.

⁵⁶ . Nagappa versus Muralidhar, (2008) 5 SCC 633)

⁵⁷ Constitution, *supra note* 14, at Art. 129

⁵⁸ Constitution, *supra note* 14, at Art. 215

⁵⁹ Contempt of Courts Act, 1971, No.70, Acts of Parliament, 1971 (India) [Contempt of Courts Act]

contempt as given under Section 2(b)⁶⁰ and Criminal contempt under Section 2(c)⁶¹. In *Smt. Pushpaben and another versus Narandas V. Badiani and another*⁶², the apex court stated that the Act of 1971 allows the Court to imprison an individual if s/he has been found guilty of contempt after proper application of legal provisions. As stated in *Bar Association versus Union of India*⁶³, the contempt must be severe for the individual(s) to be imprisoned. Criminal contempt is of three types -

- Scandalizing
- Prejudicing trial
- Hindering the administration of justice.

In *Re Subramanyam*⁶⁴, determining the knowledge that the Act complained of will produce a rebellious act will require analysing if the publication or action would result in scandalizing the Court or interfere with the administration of justice.⁶⁵

As per *Subhash Chandra versus S. M. Agarwal*⁶⁶, commenting on pending cases will amount to contempt when a case is liable to a judicial trial. As stated in *D.M. versus MA Hamid Ali Gardish*⁶⁷, no editor shall assume the role of an investigator to tempt the judge into going against any person. In *V. Hanumantha Rao versus K.R. Pattabhiram and Another*⁶⁸, it was held that one must refrain from making comments during the pendency of litigation since they have the potential to prejudice the judge and even coerce individual(s) to bring an abrupt end to their lawsuits.

In *Re P.C.Sen*⁶⁹, it was opined that commission of any act which stands in the way of standard law procedures and lowers the authority of a court and/or judge would amount to Contempt of Court. Pre-trial publications enjoy immunity to contempt proceedings.

VII. THROUGH THE LENS OF THE JUDICIARY

In *Romesh Thappar versus the State of Madras, Mandakolathur Patanjali Sastri*⁷⁰, the second Chief Justice of India, affirmed the constitution's commitment to individual autonomy by bringing Freedom of the Press under the purview of Article 19(1)(a). The concept of "over-

⁶⁰ Contempt of Courts Act, *supra note* 58, at Sec. 2(b)

⁶¹ Contempt of Courts Act, *supra note* 58, at Sec. 2(c)

⁶² *Pushpaben and another versus Narandas V. Badiani and another*, AIR 1979 SC 1536

⁶³ *Bar Association versus Union of India*, 2020 SCC OnLine SC 962

⁶⁴ *In Re Subramanyam*, AIR 1970 Mad 333

⁶⁵ Varsha Aithala, Rathan Sudheer & Nandana Sengupta, Justice Delayed: A District-Wise Empirical Study on Indian Judiciary, 12 J. INDIAN L. & Soc'y 106, 106 - 128(2021).

⁶⁶ *Subhash Chandra v. S. M. Agarwal*, 1984 Cri LJ 481 (De.)

⁶⁷ *D.M. versus MA Hamid Ali Gardish*, AIR 1940 Oudh 137

⁶⁸ *V. Hanumantha Rao versus K.R. Pattabhiram and Another*, AIR 1975 AP 30

⁶⁹ *Re P.C.Sen*, AIR 1970 SC 1821

⁷⁰ *Romesh Thappar versus the State of Madras*, AIR 1950 SC 124

breadth" was invoked. When the constitutional validity of Section 9(1-A) of the Madras Maintenance of Public Order Act of 1949⁷¹, which penalized publication, sale and circulation of newspapers to preserve "public order" and "public safety", was scrutinized, Sastri was of the opinion that the terms as mentioned above had an expansive connotation. Since the ambit of Article 19(2) was restricted to the imposition of limits to safeguard the 'state' and not the 'public', section 9(1-A) breaches constitutional safeguards.

In *Indian Express Newspapers Private Limited (Bombay) versus the Union of India*⁷², the Supreme Court recapitulated that Freedom of Press, while not explicitly declared under Article 19(1)(a), exists within its confines and is not susceptible to authoritative obstruction or trespass under the pretext of preserving public interest. In *R. Rajagopal versus the State of Tamil Nadu*⁷³, it was held that the Freedom of Speech and Expression must be balanced with the Right to Privacy.

In *Rajendra Sail versus the Madhya Pradesh High Court Bar Association and Others*⁷⁴, the Supreme Court reiterated that a balance must exist between an independent judiciary and a free press to ensure democratic health.

VIII. NOTABLE INCIDENTS

The media is notoriously known for attempting character assassination, and the Indian Jurisprudence is no exception. In 1999, Jessica Lal was fatally shot by Manu Sharma after she refused to serve him liquor. The witnesses turned hostile after falling prey to the media's wrath. After a thorough investigation by news outlets, it came to the public's notice that the accused's father bribed the witnesses.⁷⁵

In 2008, the media went on a frenzy after Aarushi Talwar and her domestic servant, Hemraj Banjade, were found the murderer.⁷⁶ While the case remains unsolved, the parents of one of the victims, Nupur and Rajesh Talwar, were ravaged by the scavenging eyes of the media.⁷⁷

In 2013, Khurshid Anwar jumped to his death after rape charges were levelled against him by a 23-year-old woman on a social networking site. The post was circulated in various media outlets, which tarnished his reputation.⁷⁸

⁷¹ Madras Maintenance of Public Order Act, 1949, Sec. 9(1-A)

⁷² *Indian Express Newspapers Private Limited (Bombay) versus the Union of India*, [1973] 2 S.C.R. 757]

⁷³ *R. Rajagopal versus the State of Tamil Nadu*, AIR 1995 SC 264

⁷⁴ *Rajendra Sail versus the Madhya Pradesh High Court Bar Association and Others*

⁷⁵ Samanta, Navajyoti, Trial by Media - Jessica Lal Case, SSRN, (March 2008). <https://ssrn.com/abstract=1003644>

⁷⁶ *Dr. Smt. Nupur Talwar versus State of UP And Anr*, (1984) 2 SCC 627

⁷⁷ Lity Manisha and Meghna Rawat, Trial by Media: Undermining of the Indian Judiciary, *International Journal of Legal Science and Innovation*, Vol. 3 Issue 4; 434, Page 434 – 456, (2021)

⁷⁸ Nimisha Jha, "Constitutionality of Media Trials in India: A Detailed Analysis", *Academike*, (November 13, 2015), <https://www.lawctopus.com/academike/media-trials-india/>

After the death of Sushant Singh Rajput in 2020, the accused Rhea Chakraborty has endured severe disparagement and barbarism from the media. While the case is ongoing, the press has already given birth to an alternate narration of events at the detriment of the accused and her family's privacy.⁷⁹

IX. CONCLUDING REMARKS AND SUGGESTIONS

If recent events are any indication, there is a need to lay down stringent mechanisms which will encourage journalists to abstain from resorting to unethical practices. The Press Council of India must be provided with the jurisdiction to oversee digital media. In *Ajay Goswami versus Union of India*⁸⁰, its inefficiency was highlighted. As stated in the 200th Law Commission Report⁸¹, excessive publicity obstructs the delivery of judges. With judges being subconsciously affected by the media, it has become an arduous task to maintain non-partisanship. Section 3(2) of the Contempt of Courts Act of 1971⁸² must be amended to add the word 'arrest' to determine the pendency of investigation and proceeding. It is to be noted that more than lack of laws, the improper implementation of rules turns any nation into a breeding place for travesty and subversion. The judiciary must remain proactive if the media is tempted to cross the constitutional lines and abrogate individual liberty in the process. The media deserves its flowers for enriching public participation and widening the accountability of wrong-doers. Yet, it has emerged in the 21st century with some noticeable flaws, and there is a dire need to ameliorate it. One should also take notice of the lack of data protection laws in India which enable tattlers and delinquents disguised as journalists to contravene the individual Right to privacy. Nevertheless, having the distinction of India's fourth pillar of democracy, the media must exercise caution when dealing with contentious areas.

⁷⁹ Karunakar, Deeksha, *Media Trial in India with Relation to Durkheim Theory of Collective Effervescence* (April 14, 2021), <http://dx.doi.org/10.2139/ssrn.3826099>

⁸⁰ *Ajay Goswami versus the Union of India*, (2007) 1 SCC 143

⁸¹ Law Commission of India, 200th report on Trial by media; free speech versus fair trial under criminal procedure (amendment to the contempt of courts Act, 1971), (17th Law Commission of India)

⁸² Contempt of Courts Act, 1971, Sec. 3(2), No.70, Acts of Parliament, 1971 (India)