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Media Trial and it's Impact on Judicial Trial during Covid 19 Pandemic

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ABSTRACT

Media is the main organ and fourth pillar of the democratic government. It plays a role in keeping check and balance of government authorities. Trial by media is the consequence of a trend known as 'Media Activism,' where the media and social media tools are used for various purposes, such as protests and demonstrations to raise public awareness and effect change. It provides an opinion to the public at large; diverts a situation that may be negative or positive. Sometimes it tries to creep in functions of the judiciary. Due to the media's interference judiciary has been taking much time to deliver justice. Suppose the media has unlimited or somewhat uncontrolled freedom in releasing facts about criminal cases. In that case, it affects the thinking of the public a lot leading them to decide on the guilt of the suspicious. A suspect seems like he would have already been proven guilty much before the Court's trial, and there will be severe prejudice against the suspect. We need a strict step towards professional conduct and provision for media. If we talk about pandemic time, media play a negative role, including covid news or high-profile cases like Tablique Jamat and Sushant Singh. However, it has also distributed awareness regarding vaccination and covid protocol positively. This paper covers the function of the media in our country in the scenario of covid 19. It talks about how effectively or adversely the media handles it. The research paper will address the critical question of how media trial impacts judicial trial during covid or pandemic.

Keyword: Media Trial, Judicial Trial, Covid-19, Pandemic, Coronavirus

I. INTRODUCTION

The public interest is likely to heighten when a severe issue is brought before the Court. The media, which includes newspapers, television networks, and websites, is always on the watch for breaking news and begins presenting its interpretations of events. It is referred to as investigative journalism, and it is lawful in India. "Media Trial" or "Trial by Media" refers to the persuasion that media coverage does on the perception among the mindset of the general

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audience on the innocence or guilt of an accused before the verdict by the court of law.

Over the last several decades, Today's media has evolved into a critical source of information, with a plethora of different types of newspapers, periodicals, and other means of newsgathering available in numerous languages. Media reach has been expanded by news channels, entertainment applications, and the internet nexus. The media has quickly transformed into a "public court" and has begun interfering with criminal trials. It ignores the essential distinction between a suspected and a sentenced individual, placing on the line the precious principles of "innocence until proven guilty" and "guilt beyond a reasonable doubt."³What we are observing at the moment is a media trial. Before the Court hears the issue, the media investigates and shapes public opinion against the accused. Because it affects the public, judges, the accused, who should have been presumed innocent, are supposed guilty, with all of his rights and liberties unrestrained.⁴ When it comes to the media industry, traditional mass correspondence systems, content producers, and other innovations for interceded human discourse are referred to as the media.⁵

This paper mainly outlines the primary situation in our country, which is the nationwide lockdown caused by the Covid-19 outbreak. The lockdown began on 26-03- 2020 when our PM Narendra Modi declared it on television. The covid pandemic was only supposed to remain 14 Apr 2020 at the time, but the crisis unfolded; the duration of the lockdown had to be extended. India's Health and Family Welfare Ministry confirmed its first crown incident in Kerala on 30 Jan 2020.⁶ Every morning, the media and news channels will display the number of people who died and the number of new cases, reinforcing anxiety in the public's mindset. Showing the number of recoveries may motivate the public and assist in the fierce battle against the outbreak. The media influences people's views that can have sound and harmful effects. The media is only willing to take part in manipulating people's minds.⁷ The media reporting under trial cases impacts the judiciary at a significant level. It interrupts judicial precedent. The methodology of this research paper follows the doctrinal study, e.g., books, newspapers, journals, websites, articles, and all other sources necessary for the research paper.

³Devika Singh, Shashank Singh, *Media Trial: Freedom Of Speech Vs. Fair Trail*, 20 Journal Of Humanities And Social Science (Iosr-Jhss) At 88-94 (2005)

⁴Mohd. Aqib, Utkarsh Dwivedi, *Judiciary and Media Trial: A Need For Balance*. 5 Indian J Law Hum Behav IJLM At 155 (2019)

⁵Role And Accountability of Media In Indian Democracy- [Htto://Hdl.Handle.Net](https://hdl.handle.net), Accessed 18 Jan 2022

⁶Pallavi Kapur1 And Palak Mathur, *Role Of Media In Lockdown & Media Trials In India*, 4 International Journal Of Law Management & Humanities IJOLMH 1 (2021)

⁷*Trial By Media A Threat To Our Judicial System*, [Https://Www.Legalserviceindia.Com/Legal/Article](https://www.legalserviceindia.com/legal/article) last visited 27 Dec 2021

II. ORIGIN OF MEDIA TRIAL

Infiltration of the media is an ethical dilemma for undeveloped countries worldwide. The media's reluctance to uncover the truth has developed into a trend. In the early-20th century, the phrase 'trial by media' had been used to refer to the influence of newspaper and television reporting on an individual's reputation by producing a general impression of guilt or innocence before the verdict by the court of law.⁸ Recently, the phrase "media trials" was coined. However, this was inspired by the case of Roscoe "Fatty" Arbuckle, who had been judged not convicted by a criminal court but ruined all of his status, reputation, and employment because the media portrayed him "guilty." The trial of O.J. Simpson (1995) is a well-known example, which was aggressively publicized by the press, resulting in the minds of observers greatly influenced disregarding the Court's position. It is clear that the media greatly influences or supports the popular opinion.⁹

Numerous instances have happened whereby the media took matters into their own hands and rendered a judgment against an accused in violation of the fundamental right to a fair trial. Numerous well-publicized incidents have infuriated the public and affected the judiciary, such as the Jessica Lal case.¹⁰ The media emphasized their attempts to bring Jessica Lal's case to justice. The trial court found the defendant not guilty of all crimes. While in case of Priyadarshini Mattoo¹¹ a law student was raped and murdered, alleged inspired by the Media Trial.

In a recent example, Sudarshan News aired a highly contentious broadcast titled "Bindas Bol-UPSC Jihad" on Muslim applicants' incursion into the UPSC test. The channel has been restricted from broadcasting programs that defame a specific group or religion.¹² Before some time, there have been several occasions when the media has primarily exploited this right to enhance TRP ratings, resulting in the media, which feeds us with information and knowledge, being the vandal of fairness and justice in some scenarios. The press currently holds enormous power. Sometimes, it is used to gain an unfair advantage over competitors' political goals, leading to grossly unfair media trials for TRP and gaining an edge over competitors, which directly breaches the press's right to freedom of speech and expression. Just because the media

⁸ Ankuran dutta, & Anamikaray *Media Glare Or Media Trial: Ethical Dilemma Between Two Estates Of India Democracy*. Online Journal Of Communication And Media Technology OJCMT, 92-106 (1986)

⁹ *Media Trials In India* <https://Blog.Finology.In/Recent-Updates/Media-Trials-In-India> last visited 30dec. 2021

¹⁰ 2001 Iiiad Delhi 829, 2001 Crilj 2404, 90 (2001) Dlt 548

¹¹ 2007 Crilj 964, 133 (2006) Dlt 393

¹² *Sudarshan Tv's 'UpSC Jihad' Episode Is An Assault Not Just On Muslims But On The UpSC Too*, <<https://Thewire.In/Communalism/Sudarshan-Tv-UpSC-Jihad-Muslims-Civil-Services>> last visited 10 Jan 2022

has freedom of speech, it does not entitle them to use it unjustly or maliciously.¹³

The Honorable Supreme Court stated in “Zahira Habibullah Sheikh and Others v. the State of Gujarat” case that "Each has an inherent right to a fair trial in a criminal proceeding. Denying the suspect, a fair trial is unfair to both the accused and the victim and society ". A fair trial, of fact, would need an examination before an unbiased judge, a decent prosecution, and a judicially calm setting. A fair trial is when any partiality or prejudice towards the defendant, witness, or trial subject is eradicated.¹⁴

Mr. ValsonThampu, the Principal of St. Stephen School, says that he was the victim of a media trial and the media referred to his establishment because it is a minority institution. A student accused Mr. Thampu of molesting him and produced audio recordings as proof for the molestation. Mr. Thampu was also accused of pressuring him to drop the complaint against an instructor. Mr. Thampu claims that this is not the first time he has been attacked; he was targeted twice before, which turned out to be fake charges, and this is the third attempt on him. His father said his school was targeted because it was a minority school. Mr. Thampu, requests an investigation from the Central Bureau of Investigation.¹⁵

The media has an upper hand to publicly examine the judicial process and system. The media is considered as a defender of society and an agent for its transformation. Article 19(1) (a) affirms the media’s rights “to investigate, divulge, expose, and criticize to constitute a constructive check on democracy”. At the same time, media need to have commitment to report responsibly and accurately. Free and vigorous reporting, criticism, and discussion lead to more excellent knowledge of the rule of law and the overall judicial system among the general public.¹⁶An individual or an entity is not entitled to use the freedom of speech and expression to undermine the reputation of the Court in the eyes of the public. In the even of such incidents, it will lead to contempt of the Court. While Article 19(1) (a) affirms the freedom of speech and expression, Article 19(2) recognizes contempt of the Court as an exception to it. Further, Articles 129 and 215 empowers the Supreme Court and the High Courts to punish an individual or an entity on the charges of contempt of court. The primary premise of the contempt legislation is to ensure the neutrality of trial, eliminate the preconception and provide opportunity to defend

¹³ Siddhant Krishna Jaiswal, *Media Houses: Misuse Of Press Freedom And Its Effects*, Jus Corpus Law Journal Open Access Law Journal JCLJOAL, Issn 2582-7820, 2021

¹⁴ Nimisha Jha, "Constitutionality Of Media Trials In India: A Detailed Analysis" 2015, Academic < <https://www.lawctopus.com> . last visited 6 Jan 2022

¹⁵Sanatan Deshpande1, Priyank Jagawanshi, *A critical analysis of media trial and its effect on Indian judiciary*, 6 International Journal of Research and Analytical Reviews, IJRAR 173 2019

¹⁶ Justice R.S.Chauhan *Trial by Media: An International Perspective*, <http://www.supremecourtcases.com/index2.php>.,last visited on June 28,2016.

oneself.¹⁷

In the case of “Secretary, Ministry of Information and Broadcasting v. Cricket Association of Bengal”¹⁸ the Court stressed that every person has the right to transmit and broadcast to viewers any significant event through electronic media, giving freedom of speech and expression a broader meaning. Television and radio have also stipulated that the government has no monopoly on such electronic media, and this monopolistic authority of the government is not referenced elsewhere in the country's Constitution or other laws. As a result of this decision, the current broadcast media landscape has changed dramatically, and citizens now have access to this sector. The freedom of speech and expression ensures the right to collect and publish information. Self-expression, a core value dimension that reflects thoughts, emotions and beliefs, requires freedom of speech and expression. It enables individuals to take part in debates on social and moral topics and is the most acceptable method to discover the untainted form of anything honest, and it is one of the best ways to articulate the most extensive range of ideas. It is a way of political communication vital to democracy.¹⁹

III. CONTEMPORARY INSTANCES OF TRIAL BY MEDIA DURING THE COVID PANDEMIC

The media trial will impact the judiciary if news stories published by the media are false. The false narrative by media trial can intrude the minds of judges with some bias, resulting in misrepresentation of justice, interference with judicial governance, and weakening the judiciary independence. The consequences of media trials in India may be observed in the following notable cases, which influenced the courts positively and negatively. The ongoing lockdown due to the Covid-19 outbreak has given several difficulties, and issues can arise in front of us with the help of media. Unfortunately, there have been other instances where the media has played its cruel role and constantly acted like a reprobate. One such incidence was the Tablighi Jamaat, and the second was the circulation of false information. As we all know, the Tablighi Jamaat case occurred on 31 Mar 2020, when many people went to an event in Delhi's Nizamuddin, and only a few of them who were stuck there to the lockdown was later tested for coronavirus infection. The next day this incident flew on every media platform. The media takes complete responsibility for introducing this configuration of news. Their fearful and one-sided attitude

¹⁷ Article 129- “The Supreme court shall be a court of record and shall have all powers of such a court including the power to punish for contempt of itself”

Article 215- “Every High Court shall be a court of record and shall have all the powers of such a court including the power to punish for contempt of itself”

¹⁸ Dr. Durga Das Basu. *Shorter Constitution of India*, Wadhwa, Nagpur, Lexis Nexis, 278, 2009,

¹⁹ 78 Bombay. LR, 1976, 125

toward one network has had a notable effect on the perception of inhabitants sitting at home. For example, information has been broadcasted on TV, smart phones, and technological devices. A piece of similar news is effectively available in the papers that are flowed strictly and with safety measures.²⁰

Honorable Supreme Courtsaid that during covid -put lockdown in March 2020, and the Tablique Jamaat Ulema-i-Hind filed a plea opposing the communalization of their gathering in Delhi. The plea stated that the media trialhad "demonized the Muslim community" or demanded that those who spread racism and communal hate face severe consequences.²¹ According to Bar and Bench, the Supreme Court chastised the Central government for presenting an affidavit claiming "there were no instances of inaccurate reporting" on the Jamaat gathering. Because a junior-level officer prepared the affidavit, the Court slammed Solicitor General Tushar Mehta. "You cannot treat the court how you are treating it," CJI Sharad Arvind Bobdesaid, "Freedom of speech is one of the most abused freedoms in recent times."²²

Mr. Shashi Tharoor's late wife's death is one of the most famous cases, in which media houses indulged in dramatization, hurting individuals' mental abilities, making false statements, and degrading journalistic standards. Mr. Arnab Goswami was even warned by the Delhi High Court not to speak to the accused as a criminal because neither the Police nor the Trial Court had issued a murder charge sheet against him and told the channel to tone down the rhetoric the language.²³

IV. RIGHT TO PRIVACY VIS- A -VIS SUSHANT SINGH RAJPUT

For understanding a media trial When freedom of speech and expression is fundamental and it is only suitable to clarify further. The Supreme Court deconstructed the critical aspects of the right to free speech. In the famous case "Shreya Singhal v. Union of India";²⁴ Understanding this topic requires discussion, advocacy, and agitation. Even if a cause is unpopular, it should be discussed and even advocated for; but, if such debate or advocacy leads to incitement, it should be prohibited by legislation. To apply this concept to the current situation might be argued that it is permissible when debate or advocacy in an inquiry is confined to ensuring a

²⁰ Pallavi Kapur And Palak Mathur, *Role Of Media In Lockdown & Media Trials In India*, 4 International Journal Of Law Management & Humanities, IJLMH Issue 1 2021

²¹ Jamiat Ulama-I- Hind & Ors Vs. Union of India & Anr (2020)

²² Devika Sharma, Supreme Court [Jamiat Ulama-I- Hind & Ors Vs. Union Of India & Anr (2020)] <https://www.sconline.com>, last visited 6 Jan 2022

²³ Sunanda Pushkar Case: *Cannot Have Parallel Probe By Media, Hc Tells Arnab Goswami* <<https://indianexpress.com/article/india/arnab-goswami-sunanda-pushkar-case-delhi-court>, last visited 7 Jan 2022

²⁴ (2015) 5 SCC 1.

free, fair, and transparent investigation and trial. When such discussion or advocacy leads to encouragement to conduct a parallel unsupervised and uncontrolled media trial, it is a case that should be prosecuted.

During the covid pandemic and recent media trials, much interfere in the case of Sushant Singh Rajput case breaches the right to privacy of the deceased and the suspect. When the media began insulting persons who were not even directly involved in the situation, we saw an apparent violation of the right to privacy. His private life became a pathetic joke when even the dead bodies did not protect. As he read out his journal on national television, everything spiraled out of hand. To add fuel to the peril, 'paranormal specialists' were summoned, who claimed to have spoken with the soul of the deceased. In this case, we saw how media outlets leaked the accused's WhatsApp chats, back A/c details, some private videos and images, and much other private information and essential information like CCTV footage of the accused going to visit her flat and further such entry details. Such actions by the media violate the individual's privacy and degrade the fundamental element of our criminal sphere. However, we continue to see dissonance media trials, such as the Sushant Singh Rajput death case, broadcast on many news networks. Specific news organizations have gone too far rather than being a facilitator of justice or a voice for the victim. They are conducting a public trial, frequently with a jumble of evidence and a great deal of melodrama. The Press Council of India has noted with concern that various news organization's coverage of a famous Bollywood actor's alleged suicide violates the Press Council of India's Norms of Journalistic Conduct and urges the media to adhere to these standards. The press must not represent the news so that the general public is persuaded to believe in the involvement of the individual named. The media may not publish or broadcast rumors or other material about an ongoing investigation into a crime committed by the official agency such as the CBI, NCB, or ED. Daily, journalists should refrain from focusing exclusively on corruption-related stories. They should not speak on the evidence until they have received the facts. Such publicity and reports may stress the judiciary, eventually leading to a miscarriage of justice.²⁵ Misreported facts, falsehoods, and interviews with baked stories filled the internet with the promise of guaranteed entertainment. News networks used provocative titles like "Rhea ne Sushant per Kiya jaadutona?" to prove their goals.²⁶

In that scenario, the media's freedom of expression is trumped by the deceased's right of being

²⁵Samhita.S.Mysore And Dr. Bhargavi.D.Hemming, *A Critical Study On Trial By Media With Special Reference To Sushant Singh Rajput Case*, 5.16 International Journal Of Multidisciplinary Educational Research IJMER January:2021

²⁶Arushi Talwar To Rhea Chakraborty: *A Tale Of Two Media Trials And Zero Lessons Learnt*, <https://thewire.in/Media/Rhea-Chakraborty-Sushant-Singh-Rajput-Aarushi-Talwar-media-Trial>>last visited 9 Jan 2022

treated with dignity and respect. Following demise, the need to guarantee that the inquiry of the crime remains on course holding on to the right of the suspect for fair trial and the right not to be convicted based on media claims, without being swayed by "investigative journalism."

In that case, the Press Council of India also issued specific rules, one of which is that publishing suicide deaths must be governed by legislation, and comparable binding directions on writing suicide deaths do not exist for electronic media; another concern is that the lack of such laws could result in the dead's integrity being breached with permission. We believe it should never have been here, partly because the actor's demise was accompanied by uncultured, improper, and repulsive coverage by some tv channels.²⁷

One of the most prominent Justice Uday U Lalit, the Supreme Court of India said, "In Indian Country, we consider the rights of the press to be of such level, the eminence that we do not curtail them. No statute can curtail freedom of the press. That does not mean that there is complete lawlessness. There is self-regulation that the press must have."²⁸

Even after suffering problems because of coronavirus pandemics, another recent occurrence, the Hathras gangrape,²⁹ was prominently disseminated by media channels. The presence of the caste system and the secret burial of the victim's remains provoked public outrage over the case. The media ensured that every bit of information was delivered to the public, highlighting the evil in society in the twenty-first century.

V. JURISTS STATEMENT ON MEDIA TRIAL DURING COVID PANDEMIC

Any media story, with its proclivity for tipping the balance against a fair and impartial administration of justice, has the potential to create a mockery of the justice delivery system, rendering truth obsolete." The press must ensure that news is published grounded on an accurate and factual account of events worthy of reporting precisely and without distortion, as well as without taking sides, cannot be overstated.³⁰ **“What resonates in our ears now is whether the right guaranteed under Article 19(1)(a) is the most abused right in recent times?”** Responding to this statement, Court said that "it is a reminder of what has at times been the unsavory past of the media in India crossing the proverbial 'Lakshman Rekha.'"³¹

²⁷ *Bombay Hc On Media Reporting, Obligation Of Investigators, Media Trial, Freedom Of Press And The Proverbial 'Lakshman Rekha' For Media Houses*, <https://www.scconline.com/blog/?P=242448> last visited 15 Jan 2022

²⁸ "Media Must Self-Regulate When Reporting On Criminal Trial, Says Supreme Court Judge Uu Lalit" <https://www.financialexpress.com/> last visited 25 Dec 2022

²⁹ *Backstory: The Hathras Gangrape And Four Media Challenges*, <https://thewire.in/media/backstory-hathras-gangrape-four-media-challenges> last visited 2 Jan 2022

³⁰ The Division Bench Of Dipankar Datta, Cj And G.S. Kulkarni, J.,

³¹ *Bombay Hc On Media Reporting, Obligation Of Investigators, Media Trial, Freedom Of Press And The*

honorable Chief Justice of India, Mandakolathur Patanjali Sastricommunicated that "the right to speak freely of discourse and the press established the framework of all equitable association, for without free political conversation, no state-funded training, so fundamental for the best possible working of the procedures of famous government, is conceivable." Every journalist has it to the public to educate the community by reporting on reportable occurrences in a fair, accurate, trustworthy, and responsible manner and, most importantly, by adhering to the standards of their profession." As a result, the temptation to deceive should be resisted.³²

Respected Chief Justice of India Manepalli Narayana Rao Venkatachaliah said, "The interaction between the Court and the media is a delicate relationship. In some cases, courts have objected to media coverage of court proceedings as not being truly reflective of what happened. However, this should not mean that media should not be allowed in courts or not know what is happening in the courts. The press has to discharge its duty dispassionately and rigorously."³³

Physical attacks on judicial authorities have been more common in recent years. If parties do not receive a favorable order, there are sometimes organized press and social media attacks against judges. These assaults appear to be organized and sponsored. Law enforcement authorities, particularly specialized organizations, must effectively react to such harmful assaults. Consequently, unless the Court intervenes and issues directions, the rules cannot pursue the inquiry. The government is obliged and expected to maintain a safe atmosphere where judges and judicial personnel operate without fear.

Honorable Chief Justice India N. V. Ramana brought up the issue of media trials, stating that they cannot be used as a determining element in cases. Another factor affecting the judiciary's fairness and independence is the growing frequency of media trials. New media technologies have much power, but they do not distinguish between right and wrong, big and terrible, genuine and phony. He said that trials in the media could not decide cases. The CJI stated that the Constitution provides considerable room for reform as the country progresses as a democracy in explaining the judiciary's new and recurring difficulties.³⁴

Justice D Y Chandrachud throughout the Court's assessment of the Sudarshan TV case, stated explicitly that a legal restraint could be used as a "nuclear missile" as the last resort. The High

Proverbial 'Lakshman Rekha' For Media Houses, <https://www.scconline.com/blog/?P=242448> last visited 4 Jan 2022

³²Nilesh Navalakha V. Union Of India, 2021 Sc Online Bom 56, Decided On 18-01-2021 <https://www.scconline.com>, last visited 8 Jan 2022

³³Aryan Khan Case: *The Media On Trial*, <https://www.indialegallive.com>, last visited 7 Jan 2022

³⁴Cji N V Ramana, *Attacks, Media Trials Among New Threats To The Judiciary*: <https://www.business-standard.com>, last visited 4 Jan 2022

Courts in Delhi and Mumbai have indeed taken up the issue of media trials. As per sources, a plea has already been filed in the Bombay High Court to rewrite the statutes governing wrongful discharge. According to a similar report in an online forum by Meera Emmanuel, the goal is to expand "Section 3(2) of the Contempt of Court Act to include publications impeding the judicial process in litigation from the stage of FIR submission."³⁵

The necessity to develop "guidelines" on Court proceedings was referred to as a large Bench by the Kerala High Court in 2018. In various instances, the Supreme Court has voiced alarm about the situation. On television, any defendant is shown as a suspect, and any suspect is portrayed as a criminal. This can potentially impact the legal process, while it should not. According to research, the conviction rate for celebrity crimes is greater. Prejudice, bigotry, and the fear of 'public opinion' are all barriers to the legal system. Instead of pursuing the case, the media outlets should focus on the institutional and procedural flaws. There are several examples of the media playing a constructive and proactive role. Censorship can stifle the finer aspects of freedom of the press. A careful management must be achieved. The Supreme Court ruled in the Sahara case (2012)³⁶ "that the media may only be subjected to self-regulation." However, that was all will complete observation. Brutal crimes, unlucky suicides, and even everyday deaths are politicized, communalized, and commercialized.³⁷

The question of a media trial is more than just judicial, and is a political issue as well. On one hand, it throws the judicial system into disarray. On the other hand, it diverts the general public's attention, the 'public in the republic,' away from pressing concerns such as economic disasters, unemployment, and the rising unfreedom. Distraction ministries are always present in authoritarian governments, and they reveal themselves through the media that they hire. Democracy necessitates constant attention.

VI. MEDIA TRIAL: GOOD OR BAD

According to the earlier article research, the media experiments have had a negative rather than a good influence. Courts must govern the media correctly. While a government-controlled media is terrible for democracy, the consequences of unaccounted publications are far worse, not only for the person's reputation but also for the Court's decision. As a result, media trials have only aided people in a few situations, but not all of them, necessitating the imposition of limits. Many people consider the media to be the public's eyes and ears.

³⁵ *what can be done about trial by media*, <https://www.newindianexpress.com>, last visited 20 jan 2022

³⁶ *Sahara India Real Estate v. Securities & Exch. Board Of India & ...* on 11 September, 2012

³⁷ *What Can Be Done About Trial By Media?* <https://www.Newindianexpress.Com> last visited 21 Jan 2022.

It is our society's backbone. Moreover, accountable media are expected to consider the public's trust in them and the public's confidence and faith in the news they report. The existence of responsible media is required. There can be no total freedom, no matter how holy. The press is not only bound by the laws of the state, such as those prohibiting contempt and libel, but it is also accountable to the society it serves. To fulfill its mission, it must take on specific duties.

The press has a voluntary and self-imposed obligation to adhere to specific standards of decency and decorum in the presentation of accurate news and fair commentary and to refrain from using vulgarity, obscenity, character assassination, invasion of citizen privacy, and incitement to crime, disorder, and disintegration of the country. The media is enraged by the sub judice rule, claiming that judges interpret it during hearings.

However, it is critical to liberalize the sub judice rule, limiting its application to significant instances that are likely to impact the trial and not to each conduct that has a distant chance of influencing it. The public's interest is another major restraint on media trials. If the public benefit is missing and either private or deceitful motives emerge, the media loses support and incurs the Court's anger.

VII. Suggestions

Media Norms for any Media Trial to Avoid Issues on the Constitutional Path of Justice:

- Every effort should be made to prevent opinion-based writing, i.e., supporting or defaming any individual before it is reported and viewed by the general public.
- When it comes to court reporting, accuracy is critical.
- Reports that are only based on suspicion or personal opinion should be withheld from the public.
- The headline should not be overly dramatic or offensive; it should be acceptable for the text beneath it.
- In an error, a correction must be issued immediately.

VIII. CONCLUSION

Usually, the media has served as a check and operation for all government departments to develop into a platform for notable voices and viewpoints. Due to the ongoing pressure to remain competitive in the market, media outlets have overstepped their boundaries during the investigative stage, committing contempt of court, engaging in reckless journalism and press coverage on judicial matters. The media, under the cover of "Media Trial," conducts investigations on its own and tries to influence the mindset of the public with false idea

against the accused before the case is observed by the court. Also, the media trial has the potential to implant a biased knowledge about the accused in the minds of judges, whereas the accused is perceived to be innocent until proven guilty. The media is critical to the judicial administration and contemporary trends in investigative journalism, and solid competition within their industry to influence the public with their tales poses significant intimidations to the proper judicial administration. It frequently places a greater emphasis on crimes, criminal activities, trials, and case development, which can lead to the acquittal or conviction of the accused, all of which impact the fairness of the problem. The media trial also affects the witness; witnesses' depositions may change in response to media coverage and inflamed public opinion. Due to continual media attention, witnesses may become deceived by what they see or hear.
