# BALANCING ACT: MEDIA INFLUENCE AND JUDICIAL INTEGRITY IN THE PURSUIT OF JUSTICE

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#### **ABSTRACT**

The world of media has seen a change in the twenty-first century, and throughout this time, conventional print media like newspapers and television have given way to contemporary media like social media in terms of how we interact. Years ago, British MP Lord Macaulay referred to the media as "the fourth pillar of democracy." Since then, it has been frequently cited, and a free media is thought to be essential to a democracy. However, the media has changed since then. The nation suffers greatly as a result of media organisations' compromise of journalistic ethics and ideals due to a number of issues. In today's society, media involvement in cases that are still pending trial has become the standard. Judges are somehow forced to make decisions based on the media's subsequent criticism. For this reason, especially in numerous high-profile instances, the media's verdict is considered final in trial courts. reborn as a public tribunal, Investigative journalism independently shapes public opinion. It is evident that a free and healthy media role is necessary for the democracy to function extremely efficiently. However, the majority of the time, the Indian Constitution's subclause (2) of article 19 stirs up debate surrounding the right to free speech. It rejects the right to be in contempt of court. However, given the demands of the present, the media becomes heavily involved when justice is either completely withheld or postponed. While the media does have a role in social and political development, it is also occasionally observed that the media is involved in the profit-making industry.

This paper aims to evaluate the effects of the media trial and how it continues to interfere unfairly with the administration of justice under the guise of freedom of speech and expression.

The impact of the media trial on the rights to a fair trial, privacy, reputation, and legal representation is also examined in the paper.

**Keywords:** Media Trial, Right to Privacy, Judges, Contempt of court, Freedom of Speech and Expression.

#### INTRODUCTION

Every citizen has the freedom to write, talk, and publish. However, they also have responsibility for any misuse of this freedom that is specified by law. There are several ways to grant "Freedom of Speech and Expression," but as was previously said, there are some "reasonable restrictions" that can be placed on this freedom. similar to how "freedom of speech and expression" must be preserved in a democracy. Additionally, in order to preserve the social order, it is crucial to impose certain limitations on that freedom.

It is better for the media to just disseminate neutral information to the public rather than holding trials by the media, which could be at odds with a fair trial. The challenging situation peaks when the media extensively covers contentious issues and disseminates facts and opinions that clearly prejudice the interests of the parties involved in a lawsuit that is now in court. The judiciary as an institution is capable of conducting fair trials, hence media trials ought to be avoided to prevent interference with the judiciary's operations. There is cause for alarm regarding this "media trial" situation, and it must be handled. The press shouldn't be allowed to operate in a way that harms people or society as a whole. Since the media should behave responsibly, its freedom—like other freedoms—cannot be absolute.

## **OBJECTIVES OF THE PAPER**

- To examine the function of the media in a democratic society.
- To examine the development of India's freedom of speech and expression.
- To examine the aftermath of a media trial and how it conflicts with various implications in the Indian judiciary.

#### METHODLOGY

The doctrinal approach is the research methodology employed in this study. The study will make use of a wide range of secondary sources that are available on the subject, including books, journals, newspaper articles, internet sites, research articles, statutes, conventions, etc. In order to wrap up this research, the researcher will also consult a number of statutory legislation and the Law Commission Report of India.

## UNDESTANDING MEDIA TRIAL

The phrase "trial by media" was coined in recent times and is still up for debate when referring to a particular aspect of media activism. These are typically described as local or national news stories that use the criminal justice system for dramatic and entertaining purposes. Free press and an independent judiciary are both necessary for democracy based on the constitution. The scope and reach of media have greatly expanded in recent years due to the rise of cable television, local radio, and newspapers. Our news media organisers now have an unparalleled influence in influencing public opinions and preferences because to the steadily growing readership and viewership. Even the term "trial by media" is imprecise. The Criminal Procedure Code and the Civil Procedure Code both include no definitions for the term "trial." A trial is essentially a process that the courts have to adhere to. The media trial is an overbearing encroachment into the process of justice. It would be wise to make an effort to define "trial by media" before delving into the issue of whether or not a media trial is appropriate. The term "trial" suggests the dispensing of justice. In any judicial system, the accused's right to a fair trial is a basic component.

At the Bar Council of India Meeting, Honourable Justice Kurian Joseph of the Supreme Court of India on July 26, 2015, in Chennai, a statement was made on the pressure placed on the judiciary during the Nirbhaya rape case. The statement suggested that media trials in ongoing cases be avoided in order to spare judges from the immense stress they cause. "Please till a case is resolved, cease attempting (cases) in the media. Never try a case in front of the media; judges are under a lot of strain and are also people. He recounted how a judge handling the case had once informed him that "had he not given that punishment, they would have hung him," making reference to "the amount of pressure that is built." "They would have hung me if I hadn't given that punishment, the media had already delivered their verdict, (like) it is going to be this only,"

the judge declared. But he went on, "It wasn't because the media stated so; rather, the judge who heard the Nirbhaya case had reasons to impose the punishment.<sup>1</sup>

The Hon'ble Supreme judicial characterised trial by media in R.K. Anand v. Delhi High Court<sup>2</sup> as the effect of newspaper and television reportage on a person's reputation by creating a general sense of guilt, independent of any judicial finding. In high-profile cases, the media is frequently accused of creating a climate of widespread indignation akin to a lynch mob. This is said to ensure that, regardless of the verdict, the accused is already presumed guilty in the eyes of the public and is therefore doomed to spend the rest of his life in close public view.

When prominent celebrities are involved, the media's sway has the power to significantly alter the perceptions of these celebrities' "fans". One such case is Rhea Chakraborty v. the State of Bihar, 2020 (the death case of Susant Singh Rajput), in which the accused brought up the topic of media trials and the media played a significant role.

#### **ROLE OF THE MEDIA**

The Indian Supreme Court clarified that the core tenet of "freedom of the press" is the people's right to know. "The primary function of the press is to provide comprehensive and objective information on all aspects of the country's political, social, economic, and cultural life," the Supreme Court declared. It can serve as a tool for mobilisation and education. It is crucial in influencing public opinion.<sup>3</sup> By granting the public access to all information sources, the "freedom of the press" advances the "right to know." It keeps the public informed about all the concerns so that they are prepared to make rational decisions about issues pertaining to society as a whole when the time comes. The two most important components of investigative journalism are: (1) "the subject should be of public importance for the reader to know"; and (2) an effort is being made to keep the truth from the public.<sup>4</sup> Transparency is the primary function of the media in a democratic society. The people can voice their opinions on matters of public concern thanks to the media.

#### **MEDIA TRIAL v ARTICLE 19**

During the debates in the Constituent Assembly, Dr. B. R. Ambedkar stated:

"Press has no special rights which are not to be given or which are not to be exercised by the citizens in his individual capacity. The editor of a press or the manager is merely exercising the right of the expression, and therefore, no special mention is necessary of the freedom of the press." 5

There is no mention of media freedom in Part III of the Indian Constitution. The Indian Constitution makes no such express guarantees on media freedom. Article 19 (1) (a) of the Indian Constitution, which guarantees "freedom of speech and expression," implies this freedom. Even in the event that this freedom is not specifically mentioned, it did not present any challenges for Indian courts in upholding media freedom. Media freedom is not unrestricted, and even devout liberals agree that free speech rights are not limitless, but they disagree on the precise boundaries that should be established. A licence to print and broadcast anything without limitations is not granted by the free press. The media has an obligation to ensure that the public is given accurate information that does not violate anybody else's rights. Consequently, the grounds for limiting "freedom of expression" are outlined in Article 19(2). Such "limits" stem from the laws governing "contempt of court," "right to privacy," and "right to reputation," among other things.<sup>6</sup>

A major factor in the formation of public opinion on social, political, and economic issues is freedom of speech, or Article 19(1)(a). As a result, it is possible to argue that speech rights are the foundation of all other freedoms. In accordance with the verdict in Indian Express Newspapers (Bombay) Pvt. Ltd. v. Union of India (1984)<sup>7</sup>, Justice Venkataramiah of the Supreme Court reiterated that, "Freedom of press is the heart of social and political intercourse. The press has now presumed the role of the public educator making formal and non-formal education feasible in a large scale particularly in the developing world, where television or modern communication devices are not still available for all sections of society." Therefore, the press must account to the law for any libel or slander committed while criticising an individual. Similarly, the "press" cannot violate an individual's privacy by invoking "freedom of speech and expression" as a shield. Additionally, when a trial is underway in a court of law, the press is not permitted to cover parallel trials. That will be considered "contempt of court."

The Supreme Court reaffirmed in Printers (Mysore) Ltd. v. CTO<sup>8</sup> that although press freedom is implied in the freedom of speech and expression, it is not expressly guaranteed as a basic right. Press freedom has traditionally been a highly valued privilege in all democratic nations, and it is fitting to refer to the press as the fourth chamber of democracy. It is the primary responsibility of all national courts to uphold this freedom and invalidate any laws or administrative actions which interfere with it or are in violation of the constitutional mandate. As a result, it received the generous support of all those who believe in the free flow of information and people's participation in the administration.

The Supreme Court of India ruled in R. Rajagopal v. State of T.N.<sup>9</sup> that free speech in the media includes debating prominent personalities' participation in matters of public interest. However, in terms of their private lives, a correct balancing of press freedom, privacy rights, and maintained defamation must be carried out in accordance with the democratic way of life outlined in the Constitution.

Target Rating Point (TRP) was introduced, and since then, media outlets have become more competitive, which has put a lot of pressure on journalists. Before the implementation of this TRP, journalists were known for their bravery, honesty, and objectivity. However, the media war has intensified because to the necessity of raising TRP scales. The Press Council of India establishes standards and rules for media regulation.

## CONFLICT OF JUDICIARY AND MEDIA TRIALS

Media trials have become important in India. In a number of instances, the media has misrepresented case into their own hands and issued a ruling against an accused person in violation of the right to a fair trial in court. Notable cases that shocked the public and had an effect on the judiciary include the Jessica Lal case, 2010<sup>10</sup>, when the trial court cleared the accused of all charges, and the media celebrated their efforts to bring justice to Jessica Lal. In the Priyadarshini Mattoo case from 2006<sup>11</sup>, a law student was sexually assaulted and killed. It was considered that the media trial had an impact on the case's verdict.

In a Suo moto case<sup>12</sup>, the Delhi High Court noted that the Indian legal system operates very slowly and that, in the meanwhile, there is little recourse available to an "innocent" party who is put through a media trial. As a result, it is uncommon to find someone requesting redress from a court of law in the form of an "injunction" or "damages" in a case of "trial by media." The Court further stated that, by being more watchful and proactive, all courts have a major obligation to safeguard people's rights and reputations against an unjustified "trial by media." The courts have to, in a way, revitalise the "rule of law." Even though it puts more work on the criminal courts, it is crucial to shield citizens from being mistreated by the media. In the unlikely event that someone is detained on suspicion of committing a crime, the media should refrain from calling them guilty or innocent since that is not their place. The judiciary is responsible for this function. Hence, the "trial by media" has an impact on the court's decision while also harming the accused, who ought to be treated as innocent unless and until he is proven guilty.

The judiciary is not without flaws, either. Given that they are human, judges and other judicial officials cannot be considered perfect. Additionally, they may be "subconsciously influenced" by media coverage or trials. As a result, it becomes crucial to establish laws governing media coverage during or after a trial.

## NEXUS BETWEEN RIGHT TO BE REPRESNTED AND MEDIA TRAIL

Through the media trial, pressure has begun to build on the solicitors to refuse to take on cases involving the accused in an attempt to force these individuals to go to trial without a defence. Does this not go against natural justice principles? No one has the authority to deny someone the ability to appear before the adjudicating court and present their case using the attorney of their choice. For example, renowned attorney Ram Jethmalani faced mockery from the public when he chose to represent Manu Sharma, a major accused in a murder case. CNN-IBN's senior editor referred to Sharma's legal representation as an effort to "defend the indefensible." This was but one instance of the campaign against the accused that the media instigated. As is well known, the state's attorney in that case was none other than Gopal Subramaniam, one of the top attorneys in the nation, whereas Manu's case was handled by a subpar attorney.

## MEDIA TRAIL'S EFFECT ON PRIVACY

The right of an individual to privacy is recognised by the law, which protects his right to private and his personal space. These days, it's common to see privacy as a right and a necessity. It is the result of a culture that is becoming more individualistic and has moved its emphasis from society to the individual. The UDHR's Article 12 goes as follows. "No one shall be the target of arbitrary attacks on his honour or reputation, or of meddling with his family, home, correspondence, or privacy." Everyone is entitled to the protection of the law from these kinds of intrusions or assaults. The Apex Court of India declares the "right to privacy" to be a "fundamental right." 13

Although it is not a distinct fundamental right in India, the right to privacy has been recognised by the constitution. Article 19(2) lists a number of acceptable constraints on the right to freedom of speech and expression, but "privacy" is not one of them. This gap, however, hasn't stopped the court from interpreting the rights to life under Article 21 and to freedom of movement under Article 19(1)(d) in a novel way, thereby defining a fundamental right to privacy.

State of Uttar Pradesh v. Kharak Singh<sup>14</sup> was the first case involving the right to privacy. The majority in this case rejected the notion of acknowledging a right to privacy, arguing that there could be no basic right to defend someone's simple emotional sensitivity. However, the Court later recognised a restricted right to privacy in Govind v. State of M.P<sup>15</sup>. The Supreme Court addressed the right to privacy of the individual in Sheela Barse v. Union of India<sup>16</sup>, Prabha Dutt v. Union of India<sup>17</sup>, and State v. Charulata Joshi<sup>18</sup> in relation to journalistic intrusions. In each of these instances, reporters requested permission from the Supreme Court to speak with and take pictures of the detainees. The court implicitly recognised the right to privacy even if it did not address it directly when it held that the media could only interview or take pictures of a prisoner with his permission.

#### MEDIA TRIAL v FAIR TRIAL

The UDHR's Article 10 opines that. "Everyone has an equal right to a fair and public trial before an impartial, independent tribunal for the purpose of determining their rights and obligations and whether or not they are facing criminal charges." Every person accused of a criminal act "has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence," according to Article 11 of the UDHR. The "right to fair trial" is likewise safeguarded by Articles 14 and 16 of the "International Covenant on Civil and Political Rights," which is obligatory for all member nations.

The Indian legal system incorporates the international commitment to a fair trial, which is reflected in both procedural law and the constitution. The "right to life" protected by Article 21 of the Indian Constitution implicitly mentions the "right to a fair trial" in a "criminal prosecution." <sup>19</sup>

Due to the fact that the media trial entails a struggle between two fundamentally important public ideals, freedom of the press and free trial, it has become a "problem." The public's right to participate in the day-to-day decisions that impact them is the foundation of press freedom in a democracy. This serves as the rationale behind campaign and investigative journalism.

The "Right to Fair Trial," or the ability to have a trial free from outside influences, is recognised as a fundamental component of Indian justice at the same time. The Contempt of Courts Act, 1971 and Articles 129 and 215 of the Indian Constitution (Contempt Jurisdiction, i.e., the power of the Supreme Court and High Court to penalise for contempt of itself, respectively) contain legal provisions intended to secure the aforementioned privilege. Media outlets are particularly

concerned about limitations placed on discussing or publishing issues pertaining to the merits of cases that are currently in court. Therefore, whether the proceedings before the court are criminal or civil, a journalist may be held in contempt of court if he publishes anything that could compromise a "fair trial" or the impartiality of the court to decide a case on its merits.<sup>20</sup>

The media goes beyond what is allowed when it publishes items that are known to be biassed against a suspect or accused, such as pertaining to the accused's personality, the release of confessions, articles that discuss or evaluate the case's merits, images, police actions, imputed innocence, fostering a biassed environment, criticism of the criminal justice system in India and witnesses. It also includes the rights to be deemed innocent till proven guilty, to have guilt established beyond a reasonable doubt, and to have senses—not feelings—rule the legal system, the right to a fast trial, the right to legal representation, the right to be free from coercion to testify against oneself, the right to a public trial, the right to be present during the trial and cross-examine witnesses, etc.

According to Articles 14 and 20, 21 and 22 of the Indian Constitution, everyone living inside the territory of India has the absolute right to a fair trial. The right to a fair trial is obviously more significant because it is an inalienable right derived from Article 21 of the Constitution, which should be interpreted in conjunction with Article 14. The freedom to speech and expression is included in the Constitution's Article 19. The Indian Constitution's Article 19(1) (a) protects the basic right to freedom of speech and expression. Only in the "interests of the sovereignty and integrity of India, the security of the State, friendly relations with Foreign States, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence," as stated in Article 19(2), may this right be restricted by law.

Independent judges, open hearings, the assumption of innocence, the right to be represented, and numerous other elements are necessary for a fair trial. To guarantee a fair trial, judges must preside over court proceedings in an unbiased, independent, and competent manner. Therefore, the right to a fair trial is crucial for the efficient administration of justice in a democracy. Denying an accused person a fair trial is unfair to all parties involved—the "accused," the "victim," and the "society."

The media has once again come under scrutiny for its role in the Jessica Lal murder case trial<sup>21</sup>. The court ruled that, despite the importance of print and electronic media in today's world, it is not only desirable but also the least that can be expected of those in charge of field operations to guarantee that the media trial does not interfere with the investigating agency's ability to

conduct a fair investigation and, more importantly, does not in any way jeopardise the accused's right to a fair trial If any of these prevents the agreed-upon impartial, prudent inquiry and trial, it will be a farce of justice.

In sub-judice cases, Indian courts have the authority to issue prior restraint orders or prepublication or pre-broadcasting injunctions. Before directing a delay in publishing, the twopronged test of necessity and proportionality must be satisfied. Furthermore, the issuance of an injunction order needs to occur only in cases when the risk in question cannot be mitigated by reasonable alternatives. The defendants must electronically notify the plaintiff in writing before airing any article involving him, requesting his version. The item will air with a disclaimer stating that the plaintiff has declined to speak in defence if he declines to speak or does not respond within a reasonable amount of time.

#### MEDIA TRIAL AND ITS NEXUS WITH CONTEMPT OF COURT

It is widely known that the Indian Constitution's "right to freedom of speech and expression" is "not absolute" and that "reasonable restrictions" may be placed on it for a number of reasons, including "contempt of court."

The public's confidence in the openness of court processes is increased when the media shares information about what is happening in courts with the general public. As was previously mentioned, there may occasionally be a significant risk of prejudice arising from fair and accurate reporting of the trial—let's say a murder trial—not in the trial that is currently ongoing but in a related or subsequent trial. Other than postponement orders, there are no other realistic options in these situations to reduce the possibility of prejudice to a subsequent or related trial.

Publications made in connection with free trials are shielded from contempt charges under the Contempt of Courts Act, 1971. Nonetheless, publishing anything that meddles in, impedes, or threatens to impede any legal action—civil or criminal—as well as the ongoing administration of justice is considered contempt of court. The reason it's called contempt is that certain of the actions that are made public prior to the court's decision have the potential to mislead the public and violate the accused's right to a fair trial. These kinds of publications could be about his prior crimes, his police confession, or they could just be character assassination of the accused. Therefore, inaccurate reporting of court proceedings will only be considered contempt if it can be demonstrated, based on the specific facts of a case, that there has been a significant disruption of the administration of justice. The Contempt of Court Act of 1981, Section 4 was

created to give the individual who publishes the information a privilege as long as it is truthful and fair. The premise of "open justice" in courts serves as the foundation for this.

Even before the trial officially started, the media had already determined who was guilty and who wasn't in the well-known Aarushi Talwar murder case<sup>22</sup> from 2013. The public went into hysterics over the notion that her own parents were the reason behind her death, and there were widespread protests. But even if the media went crazy in this instance, they are also granted immunity. It is well known that these periodicals have operated unregulated in the absence of legislative intervention.

#### MEDIA TRIAL AND ITS INADVERTENT INFLUENCE ON THE JUDGE

One of the main criticisms during the "media trial" and a concerning aspect is that it is unfair to the judges who are handling a given case. There are claims that the "media trials" are influencing the judges, which is a severe cause for concern. In this regard, the Anglo-Saxon and American perspectives are different. The first viewpoint holds that "Jurors" and "Judges" are immune to the influence of media publications. The second viewpoint contends that judges may be subtly influenced by media content without realising it, leading the public to believe that judges are affected by it.<sup>23</sup>

Any publication that aims to contaminate the judge's thoughts ought to be considered contempt of court. Although the judiciary relies on unbiased and capable judges, media trials that could potentially affect judges' subconscious minds nonetheless need to be handled carefully. It is impossible to deny the media's ability to shape behaviour and the way prejudices and opinions are expressed. According to the statement made in In Re: P. C. Sen<sup>24</sup>, the real risk of biassed statements made in newspapers or by any other mass media that needs to be avoided is the impression that such remarks might give the judge or even witnesses for a litigant.

The sheer fact that judges are human people contributes to the judicial system's fragility, since the logical process of judgement can be distorted by the excessive effect of careless speech. The Court condemned the practice of "trial by media" in Rao Harnarain v. Gumani Ram<sup>25</sup>, noting that journalists could not act as investigators while a case was pending and then attempt to sway the Court. The Indian judiciary has implicitly rejected media influence over judges.

# 200th LAW COMMISSON REPORT

In its 200th report, "Trial by Media: Free Speech Vs. Fair Trial," the "Seventeenth Law Commission" The Criminal Procedure (Amendments to the Contempt of Courts Act, 1971)"

has issued a number of suggestions aimed at addressing critical concerns in India with the concept of "criminal justice" being in concern. After examining the extensive coverage of crimes and information pertaining to accused and suspects in the "print" and "electronic media," the Law Commission decided to take up this matter of a media trial Suo motu.

The way news is published has changed as a result of the growing popularity of television. A lot of these publications have negative effects on "accused," "suspects," "witnesses," judges, and most importantly, the "administration of justice." The Indian legal system stipulates that a fair trial must take place and that a person who is suspected of a crime must be considered "innocent" until and until a court of law finds him to be guilty.

The Law Commission Report notes that both the Supreme Court and the House of Lords have acknowledged that biassed publications about a suspect or accused person have an unconscious effect on the judges. It might occur during the trial or at the point when bail is granted or denied. The terms "civil" and "criminal" contempt was not defined under the Acts of 1926 and 1952, in contrast to the Contempt of Courts Act of 1971. Common law rules were used up until 1971 to consider "prejudicial publications" that were published even before someone was detained as contempt. Even worse, some courts considered disparaging publications that were released following the filing of a First Information Report (FIR) to be "criminal contempt."

The Law Commission states that the Joint Committee removed the reference to "imminent" procedures were erroneous since the A. K. Gopalan case<sup>26</sup> ruling was not brought to the Committee's notice. Following the Supreme Court's decision designating the date of "arrest" as the "starting point" of a "pending criminal proceeding," the legislation was clear. The Apex Court struck a balance between the rights of the media to publish their work and those of the accused and suspect in this case. The Apex Court struck a compromise between the rights of the media to publish their work and those of the accused and suspect in this case. In this instance, the newspaper editor and others were found guilty of contempt due to their publication of disparaging remarks following the arrest, however A. K. Gopalan was found not guilty by the court. The court issued its statement following the filing of a formal complaint but before to the arrest.

## **CONCLUSION**

Since the media is a tool for communication, it aids in the dissemination of information and is crucial to democracies since it informs the populace about social, political, and economic developments. Instead of passing judgement, they are supposed to present the facts and deliver

news in an objective manner. However, the media occasionally tries to twist the truth and offer its opinion even before the court.

Even though the media is the fourth pillar of Indian democracy and is granted fundamental rights under Article 19(1)(a) of the Constitution, it is not permitted to overstep its bounds under the guise of freedom of speech and expression to the point where it taints the legal process. As such, legislation restricting the unrestricted power of the media is long overdue. The public's perspective and the environment of mob lynching are frequently sparked by media trials, but they also significantly contribute to shaping the psyche of the current generation and perform a fantastic job of exposing the offender. Despite the fact that the media just expresses the views that the general population already possesses. The media also helps with the issues brought about by famous persons or dishonest individuals buying off the law enforcement to avoid going to trial and so bravely exposing the truth in accordance with justice.

Any institution, including the legislative, executive, judicial, and bureaucratic branches, is susceptible to abuse if it goes beyond its lawful authority and duties. But occasionally, like with judicial activism, these extremely radical actions are really blessings in disguise. A commendable endeavour is the media trial, which goes hand in hand with the innovative sting operations. It closely monitors police administration and executive operations, including investigations. However, it must exercise reasonable self-control over its domain, place appropriate emphasis on a fair trial, and uphold the legal system with a sufficient sense of accountability. The media ought to admit that the things they publish have a big influence on the viewer. As a result, the media has a moral obligation to present the truth when it is appropriate.

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