

EXPLORING THE LEGAL MECHANISM OF MEDIA TRIAL

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ABSTRACT

The media is often regarded as a key institution in a functional democracy. Many sectors of society rely on various forms of media. When it comes to how individuals in a society react to news, the media may completely alter their perspective. If the media has started a pattern in which it actively supports the defendant's case, then they deserve praise. demonstration of the developing legal framework for media trials and victim protection. The outcome of the trial and the verdict might be impacted by this. Yet, the media do not have the power to decide the outcome of a lawsuit in any jurisdiction. The phrase "media trial" was developed to characterize the generally favorable or bad coverage in the media of an accused person during a case that is still under investigation. Considering the media's vital role in a functioning democracy, it's crucial that outlets maintain objectivity in their reporting.

Keywords: Legal, Media Trial, Freedom and Justice

INTRODUCTION

The media is a powerful force in shaping public opinion and is thus essential to a functioning democracy. It has the potential to alter how individuals understand the world around them. People's right to know about public issues depends on the media's ability to report on them, hence protecting that right is considered as essential to protecting people's freedom. The importance of a strong and independent media to a well-functioning democracy should thus go without saying. Yet, although the Constitution guarantees the right to free speech in Article 19(1)(a), it also allows the government to put reasonable restrictions on that right in Article 19(2) for the sake of certain interests. The freedom of the press is a crucial aspect of the freedom of speech.

It's a must-have in every functioning democracy. It's been pinpointed as a major part in the equation. As the "Fourth Estate," the media plays a crucial role in a free society. Each of the other three branches of government—the legislative, executive, and judicial—work together to ensure the rule of law. They are all guided by the principles of public and national interest and function within the bounds of the Constitution. Moreover, public opinion may be swayed by media campaigns, which can ultimately delay or prevent justice from being served in certain circumstances. Yet the constitution's authors have made sure that the press's First Amendment rights won't interfere with the separation of powers in the judicial system.

There are attempts being made to ensure that the media's exploitation of their power to undermine the independence of the court is not allowed to stand unchallenged. The media has a responsibility and an obligation to operate within the bounds of the Constitution and any applicable laws and standards. The Press Council of India, a government agency, formulates some of these guidelines. Some organizations seek to

regulate the media by outlining a set of ethical guidelines that must be met in order to ensure the media is afforded more protections in the name of free speech. Obviously, this requires a judicial system that is both impartial and free from political influence.

The media is the single most effective channel for disseminating information about criminal activity and judicial procedures to the general public. It's useful for bringing to light the violations of law wherever they may occur and helping to guarantee that everyone is treated fairly and justly in all situations.. The media's primary function is to provide as a source of news, analysis, and commentary for the public good. The media's ability to raise public awareness has frequently led to favorable outcomes for those seeking justice. There have been times when those who needed assistance the most were unable to adequately express their needs. Without the help of the media, they would have been denied or severely delayed justice.

LITERATURE REVIEW

Prakash, bhaswat. (2020). Articles, papers, periodicals, press releases, books, interviews, and other materials were carefully examined before this report was written. This research paper examines the many ways the media portrays trials, evaluates their quality, and provides examples. It also demonstrates the function and facets of trial by media in many high-profile instances, including as those involving crime, politics, scams, and other topics that have become part of the everyday entertainment and gossip of average Indians. Our contemporary society seeks for cutting-edge methods of mass communication. The 21st century ushered in a period of unprecedented innovation in the field of mass communication, marked by a sea change in emphasis from more conventional forms of media like newspapers and television to more recent innovations like social networking sites. Art: 19(1)(a) of the Indian Constitution guarantees the right to free expression, and as a result, the media regularly reports on and publishes articles based on interviews with witnesses and other parties in legal cases that are still ongoing in court. However, doing so may compromise the integrity of the judicial process and even lead to the dismissal of the case.

Sharma, ajay. (2016). Media Trial: Protecting Free Speech or Undermining Justice? Sharma, Ajay Kumar These days, it's not unusual to read about or watch coverage of a trial's progress in the media; this is one way in which the media has become an increasingly important part of modern democracies. Because of the proliferation of television and cable, there has been a shift in how the news is reported, and this has led to the release of various stories that might have an adverse effect on suspects, defendants, witnesses, and even judges in criminal proceedings. A suspect or accused person is entitled to due process and is deemed innocent unless proven guilty in a court of law, in accordance with our legal system. By the time his case gets to trial, no one should be able to form an opinion about it or hold it against him.

Sanatan deshpande1et.al (2019) Article 19(1)(a) of the Constitution of India protects the freedom of the press, therefore newspapers and magazines may safely print stories regarding matters that are "sub judice," or "pending before a court of law," without fear of punishment. But, doing so may taint the case and prevent justice from being administered in an unbiased manner. It is possible that a miscarriage of justice may occur if the media's coverage of high-profile cases, including investigations and updates, influenced public opinion in a manner that compromised

the impartiality of the sitting judge. This research looks at how a trial covered by the media might test opposing principles including press freedom, due process, and judicial independence.

Gifti oommen (2014) In 1948, before India's independence, the country signed on as a signatory to the United Nations Declaration on Human Rights (UDHR). The press has strongly supported the public movement of Satyagraha and boycott of foreign commodities and other similar types of liberation struggle, playing an essential and beneficial role in the independence cause. The British were alarmed by the power of the printed word, which painted a vision of a united and prosperous India despite the reality of a fractured nation controlled by small, corrupt dynasties. Article 19(1)(a) of the Indian Constitution is based on Article 19 of the UDHR and, like Article 19 of the International Covenant on Civil and Political Rights of 1966, was written by people who were well aware of the tremendous influence of the printed word (ICCPR). The right to privacy is guaranteed under Article 12 of the Universal Declaration of Human Rights (1948) and Article 17 of the International Covenant on Civil and Political Rights (1966). Even though the right to free expression guaranteed by Article 19 of the Universal Declaration of Human Rights (1948) and the International Covenant on Civil and Political Rights (1966) is protected by Article 19(1)(a) of the Indian Constitution. In India, we could not locate any constitutional protections for personal privacy. In this country, privacy has no guaranteed protections under the law. Article 3 of the 1948 UDHR guarantees the right to life, liberty, and security of the person.

Srishti ramchandani (2020) The purpose of this paper is to examine the constitutionality of media trial in India in great detail. Article 19 of India's Constitution guarantees individuals' rights to free speech and the press even if doing so may compromise the integrity of the country's adversarial legal system, as well as the accused person's right to a fair trial, legal representation, and protection from the public's prying eyes. A secondary goal of this article is to highlight the ways in which media trials undermine the administration of justice and may lead to inaccurate portrayals and unfair outcomes. Because of the tremendous impact they have on the general public, the media must always maintain a strict policy of objectivity in their reporting. The paper's ultimate goal is to provide a remedy that would have the judicial system deliver justice and the media report on the issue without prejudice.

MEDIA TRIAL UNDER INDIAN LEGAL FRAMEWORK

The "right to freedom of speech and expression" is guaranteed to all Indian citizens, including the media¹⁸, by Article 19 (1) (a) of the Indian Constitution. However, Article 19(a)(2) stipulates that "nothing in paragraph (a) of paragraph (1) shall impair the implementation of any existing legislation or prohibit the State from enacting for the law imposes reasonable limits on the exercise of the right granted by that paragraph in the interest of:-

- India's Independence and Independence Day.
- Safeguarding the nation's security.
- Public safety, goodwill with other countries, and international stability are all priorities.

- Decency / morality.
- In court contempt.
- Slander.
- Inciting others to commit a crime.

The word "reasonable limitation" has been debated in the courts. At first, it wasn't clear whether a "fair limitation" meant a complete ban. On attempting to define "restriction," the judges in *A.K. Gopalan v. State of Madras*¹⁹ looked to the dictionary. According to Judge Das, the use of the phrase "limitation" means that the basic right is not completely eliminated, but that a passport is still available. According to Judge Patanjali Sastri, the phrase does not refer to a complete ban. The Chief Justice of Australia, Kania, defines it as "partial control" and contrasts it with deprivation.

The Supreme Court later construed the word to imply "complete ban" where the limitation was acceptable in another ruling. It is maintained that the restriction is on the "practice" of the right, not the "basic right" itself, which is unaltered.

When the limitation is appropriate, it only limits the right's expression, but when it's not, it has no effect on the right itself. This limitation on the right's exercise may be either partial or total, depending on the circumstances. ²⁰ Further, the test of reasonableness in the case of reasonable restrictions depends on the nature of the right allegedly violated, the underlying purpose of the restriction imposed, the extent and urgency of the harm to be remedied, the disproportion between the taxation, and the conditions prevailing at the time of the imposing of such a restriction.

i) Reasonableness of Restrictions

Article 19 of the Constitution establishes safeguards against arbitrary government intrusion on fundamental liberties, but only under certain circumstances (1). These requirements must be met by any legislation that infringes upon these liberties. Any limitations on a right must be fair and limited to furthering the stated goal of the provision authorizing the limitation. The phrase "reasonable limits" does not have a clear meaning under the Constitution. Although there is no universally applicable standard of reasonableness, the reasonableness test must be implemented on a case-by-case basis. ²¹ The Supreme Court of India reaffirmed many criteria in *Narottamdas v. State of M.P.*²² that are used to assess whether or not limitations on rights protected by Article 19 are, in fact, irrational.

- For a limitation on a person's freedom of action to be considered "fair," the limitation must be neither arbitrary nor disproportionate. The court should look at the specifics of the limitation and the statute's mechanism for carrying it out to determine whether or not it is a reasonable law.
- When deciding whether or not a legislation is reasonable, both its substantive and procedural aspects must be considered. Determining whether or whether a limitation is reasonable requires an impartial analysis from the perspective of the public interest, rather than the perspective of the people subject to the restriction or of

abstract concerns.

- It is the responsibility of the court, not the statute that permits the limitation, to determine whether or not the restriction is reasonable. Even though a rule seems sense in theory, the freedoms it limits may not be fair.
- Prohibition cases are included in the definition of "restriction," and the state may prove that even while a statute seems to violate a person's constitutional rights, it is, in fact, just an appropriate limitation under certain conditions.
- The Indian Constitution provides fairly specific general guidance on reasonableness. The criterion of reasonableness of the restriction must be examined in each case in the light of the nature of the right infringed, the purpose of the restriction, the extent and nature of the harm to be suppressed and the social and other in force. conditions at the time.

Restrictions that are necessary to attain the goals outlined in the "Directive Principles of State Policy" may be justified. A citizen has no basis for challenging the lawfulness of a limitation that is not imposed by law but instead derives from a contract that was willingly engaged into by the citizen.

As the government is the best authority to evaluate and take preventative actions against a danger of breach of peace, an expansion of powers to the government's subjective satisfaction cannot be regarded a fair limitation.

Whether or not a law applies retroactively is a consideration in determining whether or not it is reasonable. You can't just assume that a limitation is inappropriate just because a retroactive transaction spans a large time span.

ii) Emergency and Press Censorship

"Freedom of expression nearly always leads to a reduction that makes difficulties unneeded; almost equally, the ban of this freedom merely makes agitation more hazardous, since it pushes it underground."

The first emergency was declared on October 26, 1962, during the Indochina War, and it lasted until January 1, 1968, when Pakistan was at war with India. The second state of emergency was announced on December 3, 1971. On June 26, 1975, a third emergency proclamation was issued. It was dated June 25. The major emergency caused by internal instability was proclaimed.

Mrs. Indira Gandhi's administration started changing the constitution and a number of laws to protect her power and authority. To prevent the President from issuing conflicting emergency proclamations in response to foreign aggression or domestic problems, Congress in 1975 approved the 38th Amendment Act. The President has the authority to issue this proclamation with regard to all or part of India and to extend the emergency process to additional areas under the 42nd Amendment to the Constitution, which took effect in 1976. It was well-known that the 42nd Amendment changed the nature of Indian democracy and constitutional rule. The 42nd amendment effectively nullified the effects of the Keshavanand Bharathi ruling²⁵, which had restricted Parliament's ability to alter the Constitution's fundamental structure, by

providing that Parliament now has unrestricted authority to alter the Constitution's external appearance. In the case *Minerva Mills Ltd. v. Union of India*, the Supreme Court of India ruled that all of these regulations violated the country's constitution.

The overwhelming success Mrs. Indira Gandhi had in the 1971 elections was followed by a steady decline in her popularity as a result of both her own actions and those of her government, such as the entrance of her son Sanjay Gandhi to politics. primary policymaking. Election results were terrible for his party, and Raj Narain successfully challenged his election to represent Allahabad in Parliament. It was her job to keep working even after Supreme Court Judge Krishna Iyer, acting in his capacity as a "holiday judge," suspended the Allahabad High Court judgment that had disqualified him as Prime Minister. She was not entitled to any of her parliamentary privileges, including the ability to vote or take part in parliamentary proceedings or to collect her salary

When Ms. Indira Gandhi issued "illegal and immoral directives," Jayaprakash called for national disobedience and urged the police and armed forces to ignore them. Indira Gandhi requested a state of emergency after Jayaprakash's encouragement to a rebellion. Arraignments in the hundreds have been ordered. To proclaim the emergency, Gandhi addressed to the nation over All India Radio and the power was disconnected to all media buildings in India. All constitutional protections are now on hold. After the passage of the Preservation of Internal Security Act in 1971, tens of thousands of people were jailed in every state alongside opposition party leaders.

Sovereignty and Integrity of India

In order to limit the freedom given by Article 19 (1) (a), the term "sovereignty and integrity of India" was introduced as a foundation for relying on Article 19 (2). This was done as a result of the tense climate around the nation. In 1960, Chinese invasions to the north and east started. 36 About around the same time, Master Tara Singh, who was on her side, was calling for a second Sikh nation. The Dravida Munnetra Kazhagam (DMK) advocated for the breakaway of the states of Tamil Nadu (now Chennai), Malabar (now Mysore), Kerala (now Andhra), and Karnataka (now Tamil Nadu) from the rest of India. On January 21, 1963, the Minister of Justice, Ashoke Kumar Sen, proposed a bill to the Lok Sabha, explaining its goal as providing "the proper ability to impose limitations on people or groups wanting to secede from India or dissolve India in order to win elections'. The modification was made so that Parliament may pass laws in this area without fear of having them challenged as being against the constitution under Article 19 (1). (a). As a result of the change, the Criminal Law Amendment Act of 1967 and the Prevention of Illegal Activities Act of 1967 were enacted, criminalizing the actions or words of any individual or group that desired or supported the cession of any part of the territory of the Republic of India or the secession of the same thing.

iii) Security of the State and Public Order

Yet, "public order" and "state security" are two different concepts. One might think of these ideas as three concentric rings, with "law and order" at the outermost level, "public order" in the middle, and "state security" at the innermost level. Hence, anything that affects "public order" need not violate "public order," and something that is likely to prejudice "public order" need not threaten "state security." 38.

According to a Supreme Court ruling from *Madhu Limaye v. Subdivisional Magistrate 39*, "public order" encompasses not only the lack of rebellion, unrest, turbulence, or violent crime but also the absence of any act harming the security of the State, as stated by the French. Yet, this does not cover behavior that disrupts the peace just for other people.

Friendly Relations with Foreign States

Defamation of foreign dignitaries is prohibited, as is advocating for an alternative to the government of a foreign country after India has recognized the government of that country, or advocating for war with a country that is now at peace with India. There is no present law that addresses this issue head-on. Yet, good ties with other governments may be negatively impacted by different laws' prohibitions on forms of speech. The Cinematograph Act of 1952, the Cable Television Regulatory Act of 1995–1953, and the Right to Information Act of 2005 are all examples of such laws regulating the media.

Incitement of an Offence

There is no legal definition of "offense" in the Constitution. It is defined as "any act or omission punished under a law in effect to date" in the general legislation of 1897 on the provisions. For a law to be considered reasonable under Article 19 (2), it must prohibit conduct that is "connected to an existing crime, that is, the incitement must be of an act that is, at the moment, an offense punishable under existing law,"⁵⁶ and it must target a specific offense. If the publication now tends to incite or promote the commission of the crime, then simply applauding or appreciating the act of murder or automatically comes under the scope of this limitation. In order to evaluate this pattern, the court must consider the specifics of each case. goal, audience, time between events and publishing, impact on readers, setting, word choice, etc.

Morality, Obscenity and Censorship

Human nature's foundation requires a thorough read. Like this brave guy, who hoped to keep the crows out of his park by shutting the door, those who try to banish wicked doctrine by issuing licenses accomplish nothing but a little miracle. Lords and Commoners of England, think about the kind of country you belong to; one that doesn't cultivate complacency but rather a sharp, fast, and perceptive intellect. In no way should it be confined. Provide me, above all other liberties, the liberty to learn as much as I can, to communicate with others, and to debate issues as I see fit, in accordance with my conscience. ⁵⁸

Television has unleashed a barrage of film, historical reenactments, dance, and dramatic stage productions onto society. Pornography may be seen in its crudest form on a computer connected to the Internet. Teens' attention spans are utterly consumed by the multi-channel visual magnificence of television. The fact that it may be used to transmit filthy and indecent stuff in the name of entertainment obscures the fact that it can be used for educational and informational purposes. Article 19 (2) includes considerations of public morals and safety as a limitation. This ban is intended to safeguard human dignity and respect for women in media representations. If people stop caring about doing the right thing, society will decline. Hence, constraints have been placed on freedom of speech and expression, which may otherwise be exploited

to casually erode public morality. Commercials, series themes, reality TV, and repeated screenings of movies all include images of women that may have a profound impact on the brains of today's youth. Television, the most potent and effective carrier of thinking at the present, has amplified the influence of songs like "Munni Badnam Hui," "Sheela Ki Jawani," etc. Being a worldwide information infrastructure, the Internet facilitates communication and is often hailed as a means of expanding the right to free expression.

Decency and Morality

Standards of right and wrong are fluid and culturally relative, changing with time and with societal changes. What one group considers to be ethically acceptable might be considered scandalous by another. The Supreme Court noted in the case of Chandrakant Kalyandas Kakodkar v. State of Maharashtra⁶⁰ that these concepts differed from nation to country based on the moral norms of modern society. Yet even within the same nation, and especially in the culturally varied and contrasting nations of India, moral standards differ greatly. This makes it very difficult to pin down or define these ideas.

According to Section 292 (1) of the Indian Penal Code of 1860, something is obscene if it is "of lascivious or attractive interest" or if its effect, or (if it includes two or more distinct elements) the effect of any of its elements, is, taken as a whole, so as to have a tendency to deprave and to bribe susceptible persons who have, in turn, a tendency to deprave and to bribe others.

CONCLUSION

Trial by media, it might be stated, has evident repercussions. The animal has to use extreme caution in all of its actions. The answer is not to crack down on press freedom, but to hold the media responsible. Involved parties in criminal cases should not be subjected to public scrutiny and judgment. Everyone should be presumed innocent unless proved guilty. This is a pillar and fundamental premise of criminal law. Media The trial is an unusual example of overlapping legal protections. Freedom of the press, as William Blackstone put it so eloquently, "consists of not imposing limitations before to publication and not being banned for unlawful activities at the time of publication." With little to no oversight, Indian courts have amassed the greatest authority of any judicial system on the planet. Yet mistakes may be made in any organization, including the legal system. Black judges and corrupt judges may be found in any profession, including the judicial system. Human judges populate the judicial system, and their decision-making might be influenced by factors other than a strict adherence to the letter of the law and the spirit of justice. It would be irresponsible to suggest that not some of them are sometimes driven by factors such as ideology, association, inclination, prejudice, and even nepotism. This weakness in human nature is ripe for the picking by corrupt media trials.

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