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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provide dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

ROLE OF MEDIA IN SECURING JUSTICE TO VICTIMS OF HUMAN RIGHTS

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ABSTRACT

Media is considered as an influential player in the thrust for justice by serving as an instrument for transparency and accountability. Media trials, marked by widespread and often exaggerated coverage of legal proceedings, have become a divisive concern at the juncture of media and justice. Though the media is vital for promoting transparency and holding institutions accountable, it is too much participation can compromise the fundamental rights of both the accused and the victims. This research paper tried to examine how media acts as a channel for raising awareness, facilitating access to justice, and influencing public opinion and policy change in human rights cases. The research aims to analyze the positive and negative impacts of media coverage on human rights issues, focusing on its ability to empower victims and hold perpetrators accountable.

The study reveal that media plays a dual role in human rights justice: it can be a powerful tool for advocacy and justice, but it also poses risks of sensationalism and misinformation. While media attention has accelerated justice in some cases by putting pressure on governments and judicial systems, it has also been criticized for focusing on certain violations over others, often influenced by political or commercial agendas.

This research work asserts that media can be a force for good in the realm of human rights, but it requires ethical standards, accountability, and sensitivity in its approach. The research highlights the need for responsible media practices and the importance of legal safeguards to ensure that media coverage doesn't undermine the pursuit of justice.

Key words: Media Trials, Freedom of Expression, Victims, Human Rights

INTRODUCTION

In a democratic society, the media plays an important part in creating public opinions and influencing public discourses. The media serving as a link among events and the common public, offering information, analysis, and interpretations of different concerns. One major area where media influence is especially pronounced is within the dominion of the criminal justice system. Media freedom plays a vital role in promoting transparency, ensuring accountability, and upholding fundamental human rights. With the rise of social media platforms, individuals now have greater opportunities to express their views and engage with people across the globe. This development has ushered in a dynamic phase of citizen journalism, where everyday individuals can highlight stories and issues that mainstream outlets may overlook, thus broadening the scope of public discourse.¹

India's Constitution upholds the freedom of the press, a subject widely debated in democratic societies over the years. The right to free speech is considered a cornerstone of democracy and is protected under Article 19(1)(a), which clearly states, "Every person shall have the rights to freedom of speech and expression." In alignment with this constitutional right, the media implicitly claims the authority to investigate, reveal, critique, and hold powerful entities accountable, functioning as a watchdog that supports democratic system.²

Articles 14, 19, 20, 21, and 22 of the Indian Constitution collectively make sure that every individual is entitled to a fair trial, free from any external interference or disruption that could compromise the principles of justice and equality. The judiciary has taken note of the significant differences and consequences that arise when media trials are conducted alongside or ahead of judicial proceedings. Media trials have not only been shown to sway final judgments but also to influence key intermediaries involved in legal disputes. A notable example is the Jessica Lal case, where renowned lawyer Ram Jethmalani defended the accused, Manu Sharma. During the proceedings, senior journalists from a major news channel boldly labeled the defense as an attempt to justify the unjustifiable. This narrative, widely broadcasted, shaped public perception by implying guilt well before a legal determination was made. It also introduced harmful assumptions, undermining the accused's right to legal representation and infringing upon the right to an impartial and fair trial.

¹ Sree Lekshmi, Impact of Media Trial on Rights of Accused and Victim, SEEJPH (2024)

² Rachit Garg, A critical analysis of media trial and its effect on Indian judiciary, Ipleaders, Apr 25, 2021

The strict legal system to curb the influence of media trials, a more extreme proposition suggests criminalizing the practice entirely. Legalizing or institutionalizing media trials, they argue, could grant the press unchecked authority, allowing it to overshadow the judiciary and even the Constitution itself. Freedom of speech remains a foundational component in shaping public opinion on social, economic, and political issues. It ensures that citizens stay informed about governmental actions and developments. Consequently, the right to free expression is often regarded as the most essential of all democratic freedoms, as it empowers the public to participate meaningfully in the governance process.³

STATEMENT OF THE PROBLEM

The role of media in securing justice for a victim of human rights violation is vital, as it serves as both a medium for awareness and an instrument for accountability. To investigate, report, and amplify stories of abuses, the media bringing attention to injustices that may otherwise go unnoticed or unaddressed, assisting to mobilize public opinions and pressure authorities to act. On the other hand, problems like bias, misinformation, and political influence can hinder the media's ability to effectively advocate for victims. A robust, independent media is necessary in guaranteeing that human rights violations are exposed, justice is pursued, and marginalized voices are heard, finally providing to the protection and promotion of human dignity.

RESEARCH OBJECTIVES

- To examine the influence of media coverage on policy response in cases of human rights violations in India.
- To evaluate the role of media in mobilizing public support and empowering victims of human rights violations.
- To analyze the effect of media pressure on legislative and judicial responses to human rights violations.
- To examine legal and ethical challenges related to media trials

MEDIA AND HUMAN RIGHTS

The media, a free press, a functioning legislature, and an independent judiciary are the foundational pillars of a democracy. The press provides a crucial platform for political discourse, which is essential for the proper functioning of any democratic government. It is

³ Bhongale, Jay, Media Trial: Role of Media under Indian Constitution, SSRN (Aug 13, 2021).

the responsibility of the press to circulate information to the public, thereby influencing public opinion. In developing nations like India, the pressing human rights issues and social challenges require media intervention. Particularly, the media plays a vital role in highlighting social issues that impact human rights, acting as a safeguard against violations within the social system.⁴

A significant role of the media today is to raise awareness about the importance of human rights, which are critical in shaping human values. The media is tasked with promoting peace, non-violence, the elimination of discrimination, and the maintenance of ecological balance, while also addressing environmental concerns such as pollution and climate change. Furthermore, the media must advocate for the respect of human rights, regardless of caste, color, or creed. It is also their responsibility to highlight violations of human rights, ensuring that such issues reach the attention of the public and the government. The media's duty extends to following up on these issues until they are resolved.

In addition, the media plays an important role in publicizing individuals and organizations that work to address human rights issues. By highlighting their positive contributions, the media can inspire others to follow suit. The media serves as a powerful tool for the people, often acting as the voice of the voiceless, empowering citizens to protect their rights through advocacy. As a mediator and communication bridge, the media connects the government with the people, effectively drawing attention to the government's responsibilities and obligations toward its people.

MEDIA'S ROLE IN PROVIDING JUSTICE TO VICTIMS

One of the key roles that the media playing in the changing media landscape is delivering justice to victims of human rights violations. Media performs as an important tool for raising awareness and holding perpetrators accountable.

Exposing Injustice: Through investigative journalism, the media can expose human rights abuses, such as police brutality, religious persecution, and gender-based violence.

Advocating for Victims: The media can amplify the voices of victims, giving them a platform

⁴ Wisdom Peter, Media as a defender of Human Rights issues in India: Myth or Reality? IJSSHR (2019)

to tell their stories and demand justice. For example, media coverage of communal riots, gender violence, or land rights abuses can spark public outrage, leading to legal action or policy change.

International Attention: The media can illustrate worldwide attention to human rights issues in India, prompting global bodies such as the United Nations and Amnesty International to interfere.

LEGAL FRAMEWORK

The Press and Registration of Books Act, 1867 was enacted during British colonial rule in India to regulate the printing and publication of books, newspapers, and periodicals. Its primary objective was to ensure that all printed material was properly registered and could be traced back to its source, ostensibly to control the dissemination of information and curb the spread of anti-colonial sentiments. The Act mandates the registration of every printing press and requires the submission of a copy of each publication to the government. It also laid down penalties for non-compliance, including fines for individuals or presses that failed to register or submit required copies of publications to designated authorities. These provisions, while ensuring government oversight, were largely used to stifle dissent and suppress the flow of information that might have posed a challenge to the colonial administration.⁵

Press Council of India Act, 1978 was established to create an autonomous body that would oversee the functioning of the press in India, ensuring its independence and upholding the journalistic standards of ethics and responsibility. The Act led to the formation of the PCI, tasked with promoting a free and fair press, and safeguarding the rights of journalists, while also addressing complaints against the media for unethical or biased reporting. The PCI has the authority to issue guidelines for journalistic conduct, adjudicate complaints about media practices, and ensure that the press adheres to principles of truth, accuracy, and fairness.

The IT Act 2000 contains several key provisions that impact mass media laws and the digital landscape in India. Section 3 of this Act recognizes the legality of digital signatures, ensuring the security of electronic transactions. Section 4 validates electronic records as legally acceptable evidence, ensuring that digital documents hold the same weight as physical records.

⁵ Manish Kumar, *Contempt of Court in India* (Corvette Press, 2023)

Section 79 sets the framework for holding intermediaries (such as social media platforms) accountable for unlawful content, while providing exemptions from liability if they act in good faith.

The Act defines various cybercrimes, including hacking (Section 66), identity theft (Section 66C), and data theft (Section 43), and outlines the penalties for these offenses. Section 69A of IT Act grants the government the authority to block access to websites or content that are considered a threat to national security or public order.⁶ Although the Act does not provide comprehensive data protection, it lays the groundwork for addressing privacy and security concerns in electronic communications. Section 48 establishes a tribunal to resolve disputes related to the IT Act, providing a mechanism for redressal.⁷

The IT Rules, 2021, are designed to regulate digital media platforms, including social media intermediaries, OTT services, and digital news publishers. These rules require intermediaries to appoint grievance officers, ensure traceability of messages, and remove illegal content within a specified timeframe. They also establish a three-tier regulatory framework for digital news publishers and OTT platforms, emphasizing adherence to a code of ethics and effective grievance resolution. The rule allows important social media intermediaries that provide messaging services to ease access to the originator of any information, aiming to curb the spread of fake news and illegal activities on messaging apps. Although, cyber security experts worry that this may compromise end-to-end encryption, potentially leading to a surveillance state and significant privacy violations, which many messaging apps promote as the major characteristic.

THE CONFLICT AMONG FREEDOM OF THE PRESS AND THE RIGHT TO A FAIR TRIAL

UDHR encourage the rights to freedom of expression and freedom of the press through Article 19. This provision affirms that all individuals are entitled to express their thoughts and opinions freely. It encompasses the right to hold opinions without interference, as well as the freedom to access, share, and communicate information and ideas via any form of media, irrespective of national boundaries. Conversely, the right to a fair trial is protected by both Article 10 of

⁶ Tanwar, Parth and Poply, Jaispriya, An Analysis of the Impact of Indian IT Laws on Media Law, SSRN, 2023

⁷ Tanwar, Parth and Poply, Jaispriya, An Analysis of the Impact of Indian IT Laws on Media Law, SSRN, 2023

UDHR and Article 6 of the ECHR. These provisions guarantee that every person has the right to a just and open hearing conducted by a neutral and independent judicial body.⁸

When media cover up current court cases, there exists a possible menace to the integrity of the judicial processes, as such reporting may compromise the person's rights to a fair trial. This risk arises because media coverage can shape public perceptions and potentially bias jurors, who might be influenced by media narratives before any evidence is formally presented in court. The ICCPR acknowledges this tension among press freedom and the right to a fair hearing. According to Article 19(3) of the ICCPR, the right to freedom of expression is accompanied by specific responsibilities and obligations. Consequently, it may be legally limited when such restrictions are necessary to protect the rights or reputations of others, maintain national security, preserve public order, or uphold public health or moral standards. This clause suggests that, although the media has the freedom to report on judicial matters, this freedom is not without boundaries. It must be weighed against the imperative to maintain judicial impartiality and fairness. In practical terms, this necessitates responsible journalism, particularly in relation to active court proceedings, to prevent the dissemination of content that might unfairly influence the outcome of a case.

JUDICIAL APPROACH

In the *Vijay Singhal v. Government of NCT of Delhi* case⁹, it was argued that the primary goal of a trial is to achieve justice. When there is a conflict among the right to freedom of expression and the right to a fair trial, the right to a fair trial should take precedence over freedom of expression in order to protect the integrity of the judicial process.

In the *Nipun Saxena v. Union of India* case¹⁰, the Court addressed the issue of when it is permissible to disclose the identity of a victim. The ruling emphasized that no individual, whether through print, digital, or social media, is allowed to disclose the name of a victim or reveal any information that could potentially identify the victim to the public. This restriction extends to any detail, however minor, that might indirectly lead to the victim's identity being exposed.

⁸King, M. (2017). *The Right to a Fair Trial in International Law*. Oxford University Press.

⁹ WP(C) 195/2013

¹⁰ (2019) 2 SCC 703

Sidhartha Vasisht v. State (NCT of Delhi)¹¹ The murder of Jessica Lal attracted significant media attention, with the media playing a pivotal role in the case. Her tragic situation catalyzed a nationwide movement for justice, driven by the impartial media's coverage. The Jessica Lal case stands out as a prime example of how media investigations, when conducted properly and with integrity, can substantially advance the pursuit of justice. This outcome was controversial, as nearly all the witnesses had turned hostile and claimed ignorance regarding the accused. The acquittal led to widespread public outrage, with many believing that his father's political influence played a crucial role in the verdict. The growing pressure on the judiciary led the Delhi High Court to review and overturn the initial decision.

In the case of Sahara India Real Estate Corporation Limited vs SEBI¹², the Supreme Court of India addressed the issue of media trials and their impact on the fairness of legal proceedings. The Court emphasized that mass media must exercise caution and restraint when reporting on ongoing legal cases to prevent influencing public opinion in a way that could prejudice the trial.

In Ajay Goswami vs Union of India¹³, the Court criticized the Press Council for its inability to bring about meaningful changes in media regulation. It pointed out that the Council only had the authority to "warn, censor, or admonish" newspapers and lacked jurisdiction over electronic media platforms, limiting its ability to address issues effectively.

In Navlakha vs Union of India¹⁴, the High Court provided guidelines for TV news channels in reporting on current legal proceedings. This case stemmed from public interest petitions filed against news channels for their inappropriate coverage following the death of actor Sushant Singh Rajput. The petitions argued that certain media outlets conducted media trials, which negatively influenced the legal process. The Court agreed that such reporting had infringed upon the rights to a fair trial, as guaranteed by Article 21 of the Constitution, and issued a strong reprimand to the news channels. It also set forth guidelines to balance the freedom of the press under Article 19(1)(a) with the right to a fair trial under Article 21 when reporting on ongoing legal cases.

¹¹ [2010] 4 SCR 103

¹² (2012) 10 SCC 603

¹³ Ajay Goswami v. Union of India, (2007) 1 SCC 143

¹⁴ PIL (ST) No. 92252 / 2020

ISSUES AND CHALLENGES

India has witnessed dramatic changes in its media landscape in recent decades, driven by technological advances, economic growth, and shifts in social and political dynamics. These changes have had significant implications for human rights in the country. Media plays a crucial role in ensuring the protection of human rights by acting as a watchdog, advocating for marginalized communities, and informing the public about injustices. However, the evolving media landscape has also posed challenges, particularly regarding issues like press freedom, censorship, safety of journalists, and the digital divide. This evolving landscape presents both opportunities and risks for the protection and promotion of human rights in India.¹⁵

Article 14 of the Indian Constitution guarantees the principle of equality before the law and ensures equal protection under the law for all individuals, prohibiting any form of discrimination. Article 21 affirms the fundamental right to life and personal liberty, safeguarding every individual's right to live with dignity.

Similarly, Article 19 of ICCPR upholds the right of every person to freely hold opinions without interference. It also affirms the freedom to seek, receive, and share information and ideas through speech, writing, print, or any other chosen medium, regardless of borders. This emphasizes the global recognition of free expression and access to information as essential human rights. The privileges are put through accountabilities and to the rights and reputation of other party. In *Re: Vijay Kumar*¹⁶, the Supreme Court identified freedom of expression as a vital part of democracy and in regards to media as principal of all other freedom in democratic nation. The judiciary stated that Articles 19(1)(a) comprising the rights to information and rights to broadcast via every type of media. Articles 14,20,21 and 22 gives different privileges to persons via which they may exercises their privileges to fair trials and the media can't exceed their right to emphasize their right.¹⁷

¹⁵ Bhup Singh and Binoyjyoti, *Analyzing the Challenges to Human Rights in India: A Socio-legal Perspective*, JHSS (2022)

¹⁶ (1996) 6 SCC 466, paras 8, 9 and 10

¹⁷ <https://www.dhyeyaias.com/current-affairs/articles/the-relevancy-of-media-trial-in-democracy>

CHANGING MEDIA LANDSCAPE INTERSECTS WITH HUMAN RIGHTS IN INDIA

The digital revolution has transformed India's media landscape, creating new avenues for expression and information sharing. The rise of the internet, social media platforms, and smartphones has enabled a more inclusive media environment, where information is accessible to a broader population, particularly in rural and remote areas.

Access to Information: The ability to access real-time news and information online allows citizens to make informed decisions about their rights, engage in advocacy campaigns, and participate in democratic processes.

Citizen Journalism: The proliferation of social media platforms like Twitter, Facebook, and YouTube has empowered ordinary citizens to become journalists, reporting on issues of human rights violations, corruption, and injustice in their communities.

Human Rights Activism: Activists and NGOs are leveraging digital platforms to amplify their advocacy efforts, bringing attention to issues like gender violence, discrimination, and environmental degradation. Social media movements like #MeToo have led to widespread discussions about gender-based violence and accountability.

CONCLUSION

The media serves as a bridge among the victims and the justice delivery system by reporting on injustices, raising awareness, and mobilizing public support. By highlighting human rights abuses - whether by state actors, private individuals, or institutions - the media helps bring issues that might otherwise remain hidden into the public eye, prompting responses from authorities and the legal system.

The major ways media contributes to justice is through investigative journalism and sustained coverage of critical cases. Numerous instances in India show that when media persistently reports on a case, it often results in expedited trials, policy discussions, and institutional accountability. Digital and social media have further amplified this effect, enabling rapid sharing of stories, grassroots activism, and public engagement, often leading to renewed interest or action in stalled cases.

The rise of "media trials," sensationalism, and lack of journalistic ethics in some cases has led to prejudicial narratives that may harm the victims or interfere with the legal process. This creates tension among freedom of the press and the right to a fair trial. Moreover, coverage is often uneven - focusing disproportionately on urban, high-profile cases while ignoring rural or marginalized voices, thereby limiting equitable access to justice through media exposure.

The media in India has emerged as a crucial stakeholder in the pursuit of justice for victims of human rights violations. While there is a need for regulatory checks and adherence to ethical standards, its potential to influence change and support victims remains significant. Clear legal boundaries must be established to prevent media trials and protect the rights of both victims and accused. Regulatory bodies should monitor and address violations effectively.

