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Through its publications, *White Black Legal – The Law Journal* seeks to foster critical legal thinking and contribute to the development of law as an instrument of justice, governance, and social progress, while expressly disclaiming responsibility for the application or misuse of published content.

# **TRIAL BY MEDIA IN THE DIGITAL AGE: A THREAT TO FAIR TRIAL RIGHTS**

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## **ABSTRACT**

In the contemporary world, the conflict between the speech and the right to a free fair trial has been a complex and contentious issue, particularly because nowadays media is influencing on legal proceeding a lot. This abstract is focusing in exploring the delicate balance between the constitutional guarantee of free speech and expression and the imperative to ensure a fair and impartial trial. From the late 20<sup>th</sup> and early 21<sup>st</sup> centuries the impact of television and newspaper coverage on a person's reputation have been widely increased creating a widespread perception of guilt or innocence before and after a verdict in court. In recent times there have been numerous cases where the media carried out the trial of a defendant and delivered the verdict even before the court handed down the sentences. The clash between free speech and the right to a fair trial has become a complicated and controversial issue, especially with the influence of media on legal cases. This article looks into the tricky balance between the constitutional protection of free speech and the need to ensure a fair and unbiased trial.

## **INTRODUCTION**

The media is considered the fourth pillar of democracy, after the legislative, executive, and judiciary branches. The term "fourth pillar" was coined by Thomas Carlyle.

A responsible press is essential for an effective judicial system. The press goes beyond just reporting on cases and trials; it also holds the entire justice system (including police, prosecutors, lawyers, judges, and courts) accountable by exposing its workings to public scrutiny. This free flow of information, criticism, and debate enhances the public's understanding of the rule of law and the justice system as a whole.

In today's world, where news spreads instantly and opinions go viral, the courtroom is no longer the only place where guilt and innocence are discussed. More and more, it's the television

studio, Twitter feed, and online headlines that influence public opinion—often long before the legal process has had a chance to unfold. This growing trend of media trials poses a significant threat to the right to a fair trial guaranteed under Article 21 of the Indian Constitution.

The right to a fair trial is essential. It ensures that no one is declared guilty unless proven so in a court of law, based on evidence, legal procedures, and unbiased judgment. However, in high-profile cases, we now witness parallel trials being conducted by the media, where facts are distorted into narratives, suspects are depicted as criminals, and public emotions are stirred before the truth can be established in court.

### **Freedom of media and abuse of freedom by media.**

Freedom of the media is a fundamental aspect of democracy, serving as a watchdog that ensures accountability, transparency, and dissemination of information. In India, this freedom is derived from Article 19(1)(a) of the Constitution, which guarantees the right to freedom of speech and expression. Courts have emphasized the importance of this right, stating that an independent and free media is essential for the functioning of a healthy democracy.

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### **The Role of Press Freedom in Democracy**

In *Romesh Thappar v. State of Madras (1950)*, the Supreme Court recognized the critical role of press freedom in shaping public opinion and sustaining democracy. However, this freedom is not absolute and is subject to reasonable restrictions under Article 19(2) to maintain public order, decency, morality, and prevent defamation or contempt of court. The Importance of Media in Justice Delivery while media plays a crucial role in justice delivery and raising awareness, there are instances where this freedom is misused, leading to adverse consequences. Sensationalism, biased reporting, and trial by media are common forms of abuse that undermine justice.

In *Sahara India Real Estate Corp. Ltd. v. SEBI (2012)*, the Supreme Court observed that media

trials could prejudice judicial proceedings and affect the administration of justice. The Court introduced the concept of "postponement orders," allowing courts to delay media reporting of cases where such reporting could impact the fairness of trials. This judgment highlighted the delicate balance between media freedom and judicial integrity.

### **Protecting Privacy and Dignity Rights**

Another example of media abuse is evident in cases where victims' privacy and dignity are compromised for sensational stories. In *R. Rajagopal v. State of Tamil Nadu* (1994), the Supreme Court recognized the right to privacy as part of Article 21 and held that unauthorized publications violating an individual's dignity could not be justified under the guise of press freedom.

Media's tendency to sensationalize sensitive cases, especially those involving vulnerable groups, often results in irreparable harm, illustrating the need for stricter regulations and ethical journalism.

### **Avoiding Mob Mentality Influence**

Unchecked media practices also risk creating a "mob mentality," influencing public opinion and pressuring judicial processes. In *State of Maharashtra v. Rajendra Jawanmal Gandhi* (1997), the Supreme Court criticized the role of media in sensationalizing high-profile cases, cautioning against the influence of public sentiment on judicial independence.

These cases underscore the need for a balanced approach where media freedom is exercised responsibly, ensuring that it does not encroach upon other fundamental rights or compromise the integrity of democratic institutions.

### **Media trials and society.**

The way society mould there perspective is actually influenced by the media in some way or through other ways. In India everyone is having own derived judgements from what they where exposed through the media. Even before conducting investigation media trail begins and people will create an image of the accused and thus directly violating privacy and a fair trial. Thus making the society to look after the accused with pre-judged norms even before court declare them as guilty.

The paid news made by the political party and other big organistaion easily deviate media from their real ideology and sometimes they became puppet in the hands of powers. Sometimes these issues give birth to the media trials in which the media proof someone guilty before the judgement of the court.

### **MEDIA TRIAL AND JUDICIARY**

Nowadays media creates an unconscious pressures on a judge in high profile cases. The media often generates subtle yet powerful psychological pressures on jurors in high-profile trials. Jurors are acutely aware that their actions are subject to intense public scrutiny, which can influence their decision-making process. Their verdict is no longer confined to an assessment of evidence alone; instead, it becomes a symbolic statement directed at their families, colleagues, communities, and society at large. This heightened sense of visibility can elevate the verdict beyond its legal function.

The judiciary is entrusted with the constitutional responsibility of administering justice through impartial adjudication based solely on evidence and legal principles. However, the growing phenomenon of media trials, particularly in high-profile cases, poses a serious challenge to judicial independence and the integrity of the justice delivery system. When media outlets conduct parallel “trials” by speculating on guilt or innocence, they risk prejudicing ongoing judicial proceedings and undermining public confidence in the courts.

Media trials can exert both direct and indirect influence on the judiciary. Continuous media scrutiny, public opinion polls, and televised debates may create an atmosphere of pressure, especially in sensitive or politically charged cases. Although judges are trained to remain neutral, excessive publicity can affect the broader judicial process, including witness testimony, prosecutorial conduct, and even the pace of adjudication. The danger lies not in media reporting per se, but in sensationalism and premature conclusions that blur the line between information and adjudication.

Indian courts have repeatedly acknowledged the adverse impact of media trials on judicial functioning. In *State of Maharashtra v. Rajendra Jawanmal Gandhi*, the Supreme Court observed that a trial by media has the potential to cause prejudice and interfere with the administration of justice. Similarly, in *R.K. Anand v. Delhi High Court*, the Court emphasized

that media reporting must not transgress into the domain of the judiciary by conducting a parallel trial or influencing the outcome of pending cases.

At the same time, the judiciary recognizes the importance of a free press in a democratic society. Freedom of speech and expression under Article 19(1)(a) includes the right to report court proceedings and expose wrongdoing.

However, this freedom is subject to reasonable restrictions under Article 19(2), particularly to protect the authority of courts and the right to a fair trial under Article 21. The judiciary therefore seeks to strike a delicate balance between safeguarding media freedom and ensuring that judicial proceedings remain free from external pressures.

In the digital age, this balance has become increasingly complex due to social media, viral content, and instant commentary. Unregulated digital narratives can undermine judicial authority by creating public verdicts that precede judicial determination. Consequently, the judiciary has stressed the need for responsible journalism, adherence to media ethics, and, where necessary, judicial intervention through contempt proceedings or postponement orders to protect the sanctity of trials.

### **CONCLUSION**

Although the media traditionally functions as a watchdog of democracy and provides a platform to amplify public voices before society and the legislature, its role in contemporary times has increasingly deviated from this ideal. In the pursuit of higher viewership ratings and commercial gains, large sections of the media have resorted to sensationalism rather than responsible reporting. In certain instances, media narratives are influenced by political or financial interests, where selective reporting is carried out in exchange for monetary or ideological support. From this perspective, it becomes evident that media intervention in judicial matters has often produced a more negative impact than a positive one, barring a few exceptional cases.

Given this growing trend, there is a compelling need for judicial regulation of media conduct, particularly in relation to ongoing court proceedings. Court trials cannot be equated with sporting events or entertainment spectacles, and the media cannot be granted unrestricted

freedom within judicial processes.

Excessive and sensational media coverage risks prejudicing the administration of justice and undermining the right to a fair trial.

One of the most effective mechanisms to regulate such conduct is the exercise of the court's contempt jurisdiction. The Supreme Court has, in several cases, upheld the use of contempt powers against media houses that violate basic standards of journalistic ethics and interfere with judicial proceedings. While freedom of speech and expression under Article 19(1)(a) is fundamental, it cannot be exercised in a manner that compromises the fairness of a trial or obstructs the course of justice.

Moreover, media attention in high-profile cases is often fleeting and driven by sensational appeal rather than sustained public interest. Certain cases are aggressively publicized for short periods, dominating news cycles across channels, only to be abandoned once the initial excitement subsides and newer sensational stories emerge. Such inconsistent and superficial engagement reflects a prioritization of "masala" news over meaningful legal reporting, regardless of the gravity of the issues involved.

Media sensationalism has a tangible impact on judicial proceedings. In high-profile cases, persistent media criticism and public opinion may exert indirect pressure on judges, particularly at the trial court level. As a result, verdicts pronounced by the media often shape public perception even before judicial determination, creating a dangerous situation where media narratives are perceived as final judgments. This phenomenon poses a serious threat to judicial independence and the principle of fair trial, necessitating stricter ethical compliance and judicial oversight of media conduct.