



Media Trial in the Age of Internet: A Legal Analysis

Adv. Varsha P, Research Scholar, School of Law, VELS University of Science and Technology, Chennai

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Abstract

Recently, media trials have been in the headlines in India. A few cases have brought attention to the worries that the public's perception of our criminal system and judicial methods might be greatly influenced by the media. Our media was essential in achieving a balance between the conflicting demands for preserving the value of human rights and the objectives of disseminating information to the society. The public is greatly influenced by the social network system especially media which also seems to meddle in judiciary also. The media trial and fair trials are impacted about our legal as well as constitutional rights, has drawn a lot of attention. To make a balance between press freedom and citizens rights. This research article points out the concepts behind the standards in fair trial in media cases through examining how court rulings and public perception have evolved over time. On examination of Media trial in India, it reveals a difficult balancing act between the necessity to preserve the supremacy on our legal system and the importance of right to free expression as guaranteed on Art- 19 of the Constitution. This study examines the function of the media during a criminal prosecution. This essay attempts to explore the importance of media rights especially covering criminal cases. What are the rights upon who work in our criminal justice system have? How do the rights of such people and the media intersect? Additionally, the article attempts to determine how the judiciary monitors media coverage of criminal trials and related resources.

Keywords: Media Trials, Public Attitudes, Public Opinion, Criminal Justice Systems, Rights of Media, Media Exercises, Competing Claims, Media Reporting, Article 19, Mixed-Methods Quasi-Experimental, India.

I. INTRODUCTION

"Media trial" or "Trial by media" refers to the effect that newspaper and television coverage has on a person's reputation by generating a generalized sense of guilt or innocence even prior to the formal court ruling. The earliest known instance of a media trial occurred in 1921 when an American silent film actor was charged with murder; while being found not guilty, he nevertheless lost his career and reputation. A similar circumstance also arose in the notorious "Sheena Bora" case, in which Indrani Mukherjee, the mother of the victim, was accused of killing her daughter and thus almost shut out of society.

It is said that some benefits from media trials. Had it not been for the media's coverage, the Sheena Bohra murder case was dismissed as a case of a person going missing. Media trials are a dualism in this sense. Gendered narratives may be created just by the media, which is an extremely potent instrument. It is frequently charged with creating and/or enforcing preexisting notions which may be stereotypes. This depends on how individuals are portrayed in the media; trials can manipulate the feelings of their audience. The public and media investigate for the whole course of a criminal case that is now pending in court. Today's world is dominated by media in large part because of "digitization," which was brought about by globalization.

India also contributed to modernizing its infrastructure and establishing the nation on a worldwide scale. Among the

various areas that the media covers nowadays is the phenomena known as the "media trial," which has garnered notoriety recently. Some have criticized the phrase "media trials" for being in contempt of court.

The media is sometimes referred to as the fourth arm of government because of the crucial role it plays in preserving and advancing the values of a democratic and free society. Its importance is greatly appreciated and generally acknowledged. The Indian Constitution's Part III guarantees essential rights, one of among it is the "right to freedom of speech and expression," which is codified in Art 19(1) (a).

Although not totally unrestricted, this freedom may be looked with reasonable limitations, as in Art 19(2) of our Constitution under the "security of state" clause. The Indian Supreme Court ruled in the **Romesh Thapar vs State of Madras case** that press freedom is a subset of the most important aspect of freedom of speech and expression, because it is entitled to the same protections and limitations. However, preserving the media's freedom while guaranteeing its prudent use has proven to be contentious.

In India's past, our media has played a significant role. In special, when it has employed as a tool to secure India's independence during time of our British colonial era. Due to the impact of the media's growing power, the Indian colonial administration created some number of laws intended to control it. Since then, digital and audio-visual ways and these structures have achieved popularity over print media and other related areas. Its impact on people's lives has significantly increased on account of the developments.

Fundamental rights are human rights. They are those that one has by inbuilt blessing of being a person from birth. These presence of rights of people are unalienable. Human rights are also treated as inalienable rights. Humanity is defined by its human rights. That is the catchphrases that we encounter daily.

To assure the presence and significance of Rule of Law, in society, everyone must acknowledge, defend, and uphold human rights. However, challenges to human rights can come from various part of society, including people, communities, organizations, state entities, and groups. Everyone supports human rights, yet it has come to light over time that we increasingly often violate, ignore, and treat them with disdain. Every person is now concerned that their rights may be violated by the state, other individuals, groups, and organizations.

The Violations of established principles underlying human rights will happen in many different forms. The issues on account of human rights violations are clearly obvious in a series of situations, including slavery, bonded labour, women's subjugation, extrajudicial executions, and disdain for one's own dignity and independence. In addition to being a personal tragedy, the denial of the value of human rights causes social unrest.

Information is communicated and topics that people discuss with one another are shaped by radio, television, and newspapers. Some crimes garner significant media attention, which poses a problem for the concerned parties in the process. Irrespective of how the role of media has covered the issue in the past, each juror should consider the evidence impartially. When giving information on specific instances, the parties could become involved with journalists and the media at large. There is a common belief that juries and witnesses respond differently depending on how the presence of media portrays specific judicial proceedings.

There are many initiatives to control the public discourse in the media worldwide, particularly by criminal justice systems. The freedom of the media to report on criminal matters is deemed conditional in many nation-states. Numerous legal systems, such as the Indian legal system, provide that a party's important right to freedom of speech and expression does not include in engaging in systemic contempt. It is necessary to ascertain whether the court systems' reasoning for restricting media freedom is connected to their perception of the media's influence on the criminal justice systems. It is important to determine how the media affects the systems.

The most important right to fair trial is one of the fundamental rights guaranteed by our Constitution, which is said to form its essential framework. Freedom of speech and expression grants the media the authority to broadcast views regarding specific people. Unfortunately, there are many limitations to this right.

As soon as the media reports lean on the part of defamation or having a biased reporting, the rules of justice are broken. Examples of how the media may occasionally pre-empt legal procedures include the reporting of famous death of Bollywood Actor, Sushant Singh's death and the young girl, Aarushi Talwar murder case, which may affect badly on the public opinion and court results prior to a verdict being rendered.

The media trials on which the journalists works as the juries and judges, usually violate both the essential principle that every parties are deemed to be innocent unless and until proven guilty and the right to an justifiable and impartial trial, these instances of various cases highlight the need to draw a balance between the freedom of the press media and the right to a fair and just trial.

There are five sections to this study. The first section is aimed to be introductory. The criminal justice system and the importance of the role of our human rights is the topics of the paper's second section. The final section covers topics including spectacular false news, media trials, and the criminal justice system. On account of the requirements of the Contempt of Courts Act, 1971, the next part of this section is of the study critically evaluates press freedom and contempt of court.

1.1 Human Rights and Indian Criminal Justice system

The importance of the value of our Human rights and its values has existed since the formation of society, but they became more widely recognized in the 20th century. Humans have always had a natural desire to protect their identity and belongings. Human rights can be viewed in two primary contexts: the legal and moral rights. Legislation is a tool for enforcing rights; it is not a blessing from any political authority, even if it is intended to protect and respect basic rights. Due to the, the State need to recognize each person's inherent rights and provide the mechanisms necessary to protect them. We can see several international agreements that highlight certain rights that are treated necessary for a human life deserving of dignity.

Additionally, basic texts require the States to reserve that our fundamental rights are trusted and protected in all relevant jurisdictions, free from discrimination of any kind.

Most of these rights can have unwelcomed effects of the Indian legal system. They are specifically mentioned in Indian Constitution and various legislation that deal with criminal law. Also, the judiciary has acknowledged and upheld them using a variety of interpretive techniques. When an individual interacts with our criminal judicial system, the Indian Constitution, through the triangle of Arts. 14, 29, 19, 30, 21, serves as a shield against violations of human rights. The importance and value of famous rule of law is given life by the rights to equality under Art 14, the six freedoms under Article 19, and at last the right to life and personal liberty, as stated in Article 21, which shields everyone from the government's infringement on their rights.

1.2 The Criminal Justice System, Fake News Sensationalism, and Media Trial

Most people have always relied on the role of media to be an active source of news, much before the development of contemporary media channels and technology. With the printing press, which Johannes Gutenberg invented, information could be copied in large quantities. During early 1800s, German printer named Friedrich Koenig initiated the printing process. Books and newspaper inserts evolved as the standard means of thought sharing. As a result, the medium was created and quickly gained popularity. The media has expanded beyond newspapers in the modern era. We live in an era with a wide variety of information sources. Print, electronic, digital, social media, and other media are the instances of these media kinds. The earliest and most fundamental types of mass communication is print media. Even with the development of the electronic media and technology, its role in material provision and information transfer remains crucial. It will be found in periodicals, newspapers, journals, pamphlets, and other formats.

The emergence of our electronic media expanded the realm of communication and the media. During 20th century, this method of information distribution gained a lot of popularity. It made information distribution and collection quick. The globe united into a global community. It simplified communication and altered the ways in which information was sent and received.

Electronic media includes broadcasts on television and radio. The emergence of the digital era occurred after the second part of 20th century. As the internet grew, it incorporated satellites, digital wires, and binary communications. These days, scientific and technological innovation is advancing and altering communication methods as well. Digital media may make different forms, but some examples include podcasts, films, digital art, and more.

(a) Sensationalism, Fair Trials, and Media Trials

The phrase "media trial" has gained a lot of traction in the contemporary context. Usually, it is contrasted with a fair trial. The term "media trial" is frequently used to characterize the effects of printed or visual media coverage on an individual's reputation both before and after a legal trial. These days, these reputations can also be built on social networking sites. The media trial has become overly prominent. It is to do with the media releasing information's about the suspect, an accused person, or a convicted person before the trial is over or after the sentence has been served.

(b) Hate speech and fake news

The rising incidence of false news is yet another concern that requires a much careful thought. Since the invention of the printing press, fake news was a problem. However, with the upcoming of technology, the internet, and social media, its reach has expanded. It is becoming into a legal issue as well as a social problem, creating a hostile environment that eventually sparks riots, lynchings, and a state of lawlessness. Fake news includes things like rumors, altered photos, unsubstantiated information, and purposefully fabricated articles. Approximately 448 million people in India use social media sites regularly. Social media sites have the power to witch-hunt anyone with the use of altered images, unreliable information, and other bogus sources.

1.3 Press Freedom and Criminal Disobedience

As was previously said, the media's function in the system of democracy is to guarantee accountability and openness. It also plays a vital role in educating the public and accelerating public awareness to make a venue for general discussions and debate. It is essential to the formulation of public policy and the upholding of punitive measures. Looking back on our history, we can see that a variety of media outlets played a vital role in the country's independence movement. Newspapers were a medium of communication utilized by liberation fighters like Mahatma Gandhi and Bal Gangadhar Tilak to spread the message of independence.

Because of the widespread usage of newspapers, the imperial government was forced to establish strict censorship restrictions on their publishing. The concept of Freedom of speech and expression was acknowledged as one of the essential liberties and the guardian of a democracy at the time the Constitution was written. This freedom of media and press has recognized and construed within the parameters of Art 19(1) even though it was not explicitly included (a).

Press freedom to disseminate ideas through publishing and distribution is covered under Article. 19 (1) (a) itself. The Hon'ble Supreme Court observed in Bennett Coleman case 101 that there are no publishing restrictions on the press's freedom of propagation and distribution. Art. 19(1)(a) protects this freedom, which also includes the right to express thoughts and opinions verbally, in writing, in images, etc

Therefore, even though clause(i) & (ii) especially address scandalizing or undermining the jurisdiction of the court as well as bias and inclusion in the very particular process of Judiciary under clause (iii) opens the door to any publication that impedes or threatens to impede the importance of securing justice in any other way. Understanding the term "administration of justice" in mean to the old traditional principal of criminal justice system is therefore fascinating. The Act contains no

definition for the term. The term "administration of justice" has a broader definition that encompasses management by other institutions and by the court. This follows one meaning of the term "administration of justice":

“...The administration of justice includes not only the courts but also law enforcement officials and other people whose jobs it takes to keep the courts operating efficiently. The administration of justice is concerned with maintaining rights and punishing wrongdoers in a fair, just, and unbiased manner in accordance with the rule of law.”

II. LITERATURE REVIEW

(**Shaikh, S. 2020**) Our Media is frequently referred to as India's "fourth pillar" because of its critical role in sustaining democracy and engaging the general public. When it comes to informing and enlightening people, while sometimes media is crucial. In recent times, though, the media has overreached itself by penetrating courtrooms with its lens and staging parallel trials of its own. The media trial has become standard procedure because of the shift from responsible reporting to looking into several high-profile instances or cases of notorious crimes. The media has gone too far, from striving to maintain relevance in the face of change to pursuing the greatest television rating points.

(**Nityanand, V. 2021**) Suspects and miscreants continue to be distinguished by a narrow line. Also, it appears that powerful entities like the media are unaware of this discrepancy and incongruence. It should not come as a surprise that the strongest democratic basis is deranged by such an unenlightened view of matters that happened with the highest contempt for personal privacy. We are all stunned by the precedents set by both current and historical events, and we find ourselves wondering why the fourth pillar of the most extensive democratic system in this world is an institution that operates so haphazardly. This is a status that is occasionally indecent but also holy and respected.

(**Oommen, G. 2018**) Investigative journalism is a journalistic practice that extends beyond the mere reporting of news occurrences. It entails using initiative to obtain the necessary information to gather news. In this instance, the information is not available. The presence of Investigative journalism is the phrase made to describe the nature of additional work needed for this kind of news gathering. In India, this approach is becoming popular. This research is necessary because, despite being a signatory to UN Declaration of Human Rights and the following International Covenant on Civil and Political Rights (ICCPR 1966), India has not included privacy in its Constitution, irrespective of the fact that the press is acknowledged as a basic right.

(**Hassan, A. 2021**) The origin and development of television, cable networks, the internet, and social media has led to an alarming increase in the publicizing of misdeeds. This might lead to the unjust conviction of innocent people or deny the accused their right to fair and just trial. The right of the accused person to get a fair and good trial or their right to life and personal liberty cannot be violated in cases when the constitution protects press freedom. The "eyes and ears of the general public" are said to be the media.

2.1 Objectives of the study

- Examine Article 19 (1) (a) of our Constitution which guarantees the availability of freedom of speech and expression and Article 19 (2)'s reasonable limitations on it with relation to media reporting.
- Assess the judiciary's handling of the instances of the media trial with the light of media freedom and the defense of the right to a fair and just trial.

2.2 The Scope of the study

In the realm of India, the research on "*Media Trial in the Age of the Internet: A Legal Analysis*" may have a rather broad scope because it examines many facets of media and how they affect the judicial system. These are the summary of possible scope items:

Definition of Media Trial

- **Concept and Evolution:** What constitutes a "media trial," where it came from, and how it was changed in India.
- **Effect of the Internet:** How online news portals, social media, and other platforms have increased the impact of media trials.

Role of Media in Judicial Processes

- **Free Press vs. Fair Trial:** Preserving press freedom while upholding the Indian Constitution's guarantee of a fair trial (Article 19(1) (a) vs. Article 21).
- **Influence on Public Perception:** A synopsis of Indian laws pertaining to media and its trials, including.

2.2.1 Legal Framework Governing the Media Trials

- **Relevant Laws:** An overview of Indian legislation governing media trials, comprising:
 - The Contempt of Courts Act, 1971
 - Indian Penal Code (defamation, hate speech, etc.)
 - Cable Television Networks (Regulation) Act, 1995
 - Information Technology Act, 2000
- **Judicial Precedents:** Important rulings from Indian courts regarding the legitimacy of media trials.

2.2.2 Challenges Posed by the scenario of Internet and the social media

- **Virility and Misinformation:** How the internet allows news, ideas, and occasionally disinformation to travel swiftly, altering public opinion.
- **Echo Chambers:** The way biased narratives are reinforced by platforms powered by algorithms.
- **Trial by social media:** How remarks made on social media (hashtags, viral campaigns) might affect court cases or cause prejudice.

2.2.3 Impact on the Judiciary and Legal Processes

- **Judicial Independence:** How public opinion might influence judges or legal institutions to act in certain ways through media scrutiny.
- **Prejudicial Reporting:** Case studies where undue media attention caused a fair trial to be disrupted or prolonged legal processes.
- **Sensationalism and Ethics:** Ethical issues with sensationalist reporting in the area of media and the "race for breaking news".

III. METHODOLOGY

This particular research will utilize primary and secondary sources.

3.1 Primary Sources

- **Judicial decisions:** Evaluating judicial rulings, particularly those in well-known cases that have been impacted by media trials (such as the Sushant Singh Rajput and Aarushi Talwar cases, among others).
- **Interviews:** Interviewing public policy analysts, media workers, and legal experts (judge, attorney, and scholar).
- **Surveys:** Assessing the public's opinions, the role of media and freedom speech and expressions.
- **Target Groups:** The general public, journalists, law students, and mass communication majors.

3.2 Secondary Sources

- **Legal texts and statutes:** Examining court rules on media behaviour, statutory regulations (Contempt of Courts Act, 1971), and constitutional provisions (Article 19 - freedom of speech and expression).
- **Academic literature:** examining the body of research on media trials and their effects on society at large.
- **Media content:** Content analysis of social media messages, TV discussions, and news stories about well-known incidents.
- **Comparative Studies:** comparing the circumstances of media trials in various jurisdictions (UK, USA).

3.3 Sampling Techniques

- **For Interviews:** To choose important informants, purposeful sampling will be employed (judges, top attorneys, journalists).
- **For Surveys:** Respondents are categorized according to age, occupation, and educational background in stratified random sampling, which guarantees a broad representation of different societal strata.

3.4 Data Analysis

- **Qualitative Analysis:** We will do a thematic analysis of court records and interview replies to find reoccurring them media shapes public opinion and legal procedures.
- **Quantitative Analysis:** Statistical study of survey data to find trends in the public's impressions of the media trials (using SPSS or a comparable program).
- **Case Law Analysis:** Examining rulings to see how courts have addressed media trials and their effects on due process and fair trials.

3.5 Legal Framework Analysis

The effectiveness of India's legal system in preventing excessive media influence will be examined, including:

- The Right to a just and a good fair trial (Article 21) vs The freedom of press (Article 19(1) (a)).
- The employment of the instances of contempt of court rules in controlling media overreach.

The famous Press Council of India has made rules on media behaviour, findings from the Law Commission, and Supreme Court guidelines.

IV. CONCLUSION

Being considered as the fourth pillar, in democracy, it was expected that the role of media would work together to

assure that the high pioneer of rule of law is upheld. To build the foundations of democracy and the justice, the general media will take on the position of educator for the ignorant people of that age. A free and open public discourse is essential to our democratic government's correct operation. People trusted and looked up to the role of media for its ability to act as the check on the state authorities, as seen in cases where it exposed gaps in police authorities investigations, busted rackets, and decide the people accountable for their own actions. However, in modern times, media trials have given way to media verdicts and judgements, upon which the media issues verdicts and sentences without conducting a thorough investigation to uncover the truth. In addition to the legislative, executive, and judicial branches of government, the media works as the fourth estate and is hence essential to our society.

This is an essential information source that protects democratic ideals, makes and molds the public opinion, also raises public knowledge irrespective of any language or location. Our constitution authors saw the requirement of right to freedom of speech and expression for the press after independence, and thus enshrined these rights in Article 19(1) (a). To avoid such abuse, this rights, are not unqualified and perhaps will be limited in tune with Article 19(2). Although an independent and free press is vital, its unchecked influence can violate people's rights, including their right to privacy. The modern media landscape has grown dramatically, with both beneficial and detrimental effects. Although it informs the public on government policies and activities, it frequently goes too far by getting involved in court cases, holding media trials, and possibly jeopardizing the impartiality of legal procedures. Such acts may distort public perception, impede the legal system, and infringe upon the accused person's constitutional right to have a just and fair trial.

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