

ISSN: 2582-2942



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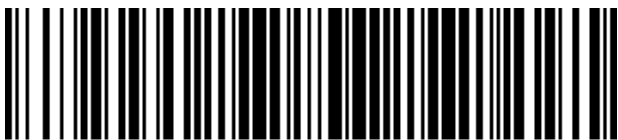
Legal Journal

Vol-II Issue- I

October, 2020

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Trial by the Media- Judgement Outweighs Justice

Piali Thatte and Kanika Adake

HEADLINING CONVERSATIONS INTO CONTREVERSIES

“A responsible media is the handmaiden of effective judicial administration”¹.

The media, or the press assuming the role of the Fourth Estate has unprecedented power today. With the advancing technology, its explicit capacity for advocacy and implicit ability of framing political issues has shattered the borders which were previously confining it only as a medium of information exchange. The media is now symbolic to the voice of the people. It puts forth the truth and trust of and by the people. The ultimate representation of public participation, as it should be, in any true democracy. However, there exists a very thin line between what constitutes public participation and that which amounts to a public spectacle.

“Does the Nation really want to know?”. This statement at the outset makes a lot of people take sides. With dinner table television news debate, being a prominent phenomenon and speakers representing parties, groups as well citizens making their point by shouting over the rooftop, sensationalism is the Indian audience’s guilty pleasure. Although, it’s unfair to say that the Media is completely wrong, a fair and reasonable counter to that is the need for a well – rounded and fact-checked information as the ideal expectation².

Envisage for a moment, a setting wherein an individual is accused of having done a criminal act. There is a complete disregard for the facts of the case, issues that are not allowed to be raised, arguments that are rarely advanced and procedure of law that does not exist. The one thing that does prevail is the intention of the accused which is presumed to be guilty by the persons sitting in judgement. The pursuit of conviction obscures fully the search for justice. One might believe that such a scenario would never occur in a democratic institution. A democracy, where the rule of the law is the supreme dictator of the land. Especially in a country like India, which has the world’s most powerful apex court. Unfortunately, the Media assuming the role of the Courts of law without the basis of the rule of law has become today’s harsh reality.

From fanciful words to powerful speeches, it can enhance and denigrate the perception of a person simultaneously. Trial by the media, which is one of the Media’s uglier multidimensional facets, has today become an everyday phenomenon. It is the process of declaring an accused person guilty of the crime before the judgement is given by the court. It is the widespread circulation and publication of

¹ Nariman, Fali S., *Are Impediments to Free Expression in the Interest of Justice*, Vol 4, CIJL Yearbook, (1995).

² Xinyi Zhou & Reza Zafarani, *A Survey of Fake News: Fundamental Theories, Detection Methods, and Opportunities*, ACM Comput. Surv. 1, 1, Article 1 (January 2020)

content that portrays a perception of that person as guilty and worthy of punishment even though the court proceedings are ongoing.

A perfect analogy as a point of reference and complete relevance through this article is such that the newsroom primetime debates can be compared to that of a jury in the Court of Law. As a matter of fact, the commonality in both these situations is such that the panellists and viewers of these roundtable media discussions on one hand and the jurors in the Courts on the other, are essentially people with a half-baked understanding of the law. The point of difference lies between the fact less opinions and decisions presented to the public that govern their perception of the case. The media provides them with the unwarranted 'golden opportunity' of unjustly deciding the fate of an innocent person. While the courtroom relies on factual points of law and evidence presented to the jurors to give a verdict according to the rule of the law supervised by the Judge who has the ability to see the society in accordance with the principles of natural justice.

The literature indicates that trial by media is a dynamic process through which people are exposed to public opinion where they are condemned without being heard³. This article attempts to analyse the impact of trials by the media in the name of public participation that are often reduced merely to a public spectacle. It seeks to throw light on the environment of victim shaming created by the media that ridicules the tenets of the freedom afforded to them as an institution. By adopting a nuanced perspective of scrutinising the relationship between a participative media as a cornerstone of democracy and the people as the jurors, similar to a courtroom framework albeit without any justice, equity or good conscience, it ventures to explore the constitutionality of media trials. Lastly, it also endeavours to examine the role of criticism in helping build a society that is a better and more progressive place, especially in the era of social media where the unfortunate wrath of the credibility of media is just a few fingertips away.

MEDIA: THE FOURTH ESTATE

Media is considered as the fourth pillar of a democracy and it acts as the very fabric and mirror of the society. It has the power to influence and revolutionize the masses. It acts as a facilitator along with being an expediter on many matters including those affecting the collective conscience of society⁴.

³ Greer, C., & McLaughlin, E., *This is not justice: Ian Tomlinson, institutional failure and the press politics of outrage*. British Journal of Criminology, 52(6), (2011b). Doi:10.1093/bjc/azr086

⁴ Singh, Arun & Kumar, Anil, *Media Trials in India*, (December 1, 2014). Available at SSRN: <https://ssrn.com/abstract=2552426> or <http://dx.doi.org/10.2139/ssrn.2552426>

The Freedom of the Press is one of the most indicative portrayals of a democracy. The criticism by the Press ensures citizens have an informed opinion. As a matter of fact, the Press acts as one of the most influential tools. Although historically the meaning of Press was very limited, but now, its expansion into an industry is commendable. Journalists truly represent the fears and opinions of the citizens. A journalist is said to strike the perfect balance in the representation of the inhibitions of the people and the blatant truths of the administration. Press Criticism serves the public source with stories that matter.

MEDIA AS A MATTER OF RIGHT

The Constitution of India, one of the most extensively written documents existing in the world, is an amalgamation of an evolving set of rights transcending national, social and cultural thresholds. These rights are virtually absolute subject to certain limitations to maintain the sovereignty, integrity and security of the country. The necessity for an independent provision for the freedom of press was widely debated in the Constituent Assembly, especially with the first amendment to the Constitution of the United States of America guaranteeing autonomy to the freedom of press in the backdrop. However, the ambit of Article 19(1)(a) guaranteeing the freedom of speech and expression was considered sufficiently far ranging to include the press.

Article 19 of the Constitution holds a place of supreme significance in the functioning of the country as a democracy. The right to freedom of speech and expression is a repository for a bundle of rights. The freedom of press being one of its multifarious aspects has been expounded by the judiciary through the years. It is the heart of all social and political intercourse⁵. It is of the essence, to note that the Media in the society is to stand at the fault lines to repair them and construct a stronger, fearless and much more reliant society. This right of the press is recognized as a fundamental right⁶ and it includes within its purview the right of acquiring and imparting ideas and information that are matters of common interest⁷ along with their publication and circulation⁸. It encompasses within itself the right to express one's convictions and opinions freely, orally or in written form by way of printing, pictures or electronic media or in any other manner⁹. It consists of the right to criticize even on matters

⁵ Indian Express Newspapers V Union of India, 1985 SCR 2 287

⁶ *Maneka Gandhi Vs Union Of India*, 1978 SCR 2 621

⁷ Hamdard Dawakhana v. Union of India, 1960 2 SCR 671

⁸ Romesh Thapar v. State of Madras, AIR 1950 SC 124

⁹ Life Insurance Corporation of India v. Manubhai, 1992 3 SCC 637

considered to be controversial¹⁰, to receive information, to expression beyond national boundaries, to report proceedings of the court and legislature, of advertising and of rebuttal.

In the age of information, media offers a democratic society an opinion based on the functioning of society and the government. Democracy¹¹ is not merely an armchair ideal, it is a system of governance that ensures equitable representation and public participation from all sections of society. Only by way of a democracy, societies can work towards building themselves cohesively and progressively. It ensures that the free media can play their role of informing people about the happenings around them and more importantly, give them the option of making their own opinions and judgements based on the information. As a matter of fact, it is popularly believed that journalistic freedoms of a nation are often indicative of the health of the democracy.

RESPONSIBLE MEDIA: A MYTH

It is the fundamental duty of the judiciary to uphold this bundle of rights and to invalidate all such actions that interfere with it against the mandates of the constitution. However, when this freedom in itself becomes an obstruction to the principles of the constitution, there arises a need for prompt action. The press and the media while rightly embodying this freedom, often becomes tyrannical in its pursuit of continuously churning 'content'.

When there are rights to be assigned, there are also corresponding duties that come with it. The role of a responsible media is essential in a democracy. The primary function of the media is bringing an event into the consciousness of the people, not of taking the law into its hands and declaring the right from the wrong. When the media begins to become the right arm of anarchy, it jeopardizes the fundamental principles of our Constitution. Although Article 19 does empower the media to a large extent, it does not include the tenets of a media trial. This freedom, like all freedoms is limited by reasonable restriction, which in this case is preventing such interference done with the intention of outwitting the state¹².

When the right to receive and impart information is used to brazenly publish and broadcast material for the interest of the public, and not in public interest. When the right to opine and criticize on any matter freely is used to undermine the confidence of the public in the judicial system. When the right

¹⁰ Anand Chintamani v. State of Maharashtra, (2002) 2 Mah L J 14

¹¹ Sarkar P, *Role of Media in Strengthening Democracy in India*, J Adv Res Jour Mass Comm; 4(3&4): 111-115, (2017)

¹² Ray. A.& Dutta. A, *Media glare or media trial: Ethical dilemma between two estates of India democracy*, Online Journal of Communication and Media Technologies, 5(2), 92-106, (2015).

to express ideas is used to mobilise the masses against a particular individual or institution of the country. When the right to report court proceedings is applied to instigate a trial by the public and declare an accused guilty, completely neglecting the purpose of having a court system in place at all. When the freedom of the media attempts to overthrow the very justice system from which it derives its powers, there comes the need of having some control and limitation over this right. With the absolute absence of fact checking of any and all information, as not just a matter of due diligence, but as a matter of responsibility, the lines of ethicality and morality are blurred.

Media trial is one such hostile feature of freedom of press. The fourth estate has the capacity of bullying itself into the lives of others with a complete abandon of their rights and be voyeuristic about it. Its interference with the rights of other individuals, endangers the foundations of the country and threatens to overthrow the sanctity of the constitution. This naturally necessitates the curtailment of this freedom to a certain extent. While it could be reasonably argued that the freedom to air one's view is the lifeline of any democratic institution and any attempt to stifle or suffocate it would sound a death knell to democracy. It is also equally necessary to acknowledge its antipode. The irony is that the untethered use of this freedom made by the media to obstruct justice, its indifference towards the consequences of its actions, and the general neglect for the principles of natural justice is in itself autocratic.

JURY'S OUT

With pseudo-adjudication being the dominant feature of the trials by these juries on the media, there is a clear violation of justice. The inherent and apparent powers and function of courts of law have merely been reduced to decision delivery modes that will be ultimately challenged by the popular opinion of the media. When in the name of freedom it professes to share, broadcast and declare content as the gospel truth. The media, from playing its conventional role of being a medium of expression has gone a few more steps ahead. Today, it attempts to play the role of the legislation, executive and the judiciary all together. It attempts to assume the role of god, even bigger than the judiciary and bounds of the rule of law. It needs no facts, asks for no evidence and plays by no procedure. It takes an opinion and the freedom to express the same and presupposes the conviction of guilt, without ensuring the reality of it.

It has been observed in many instances that judicial bodies have had to interfere and mediate the media to demarcate between the freedom and abuse of freedom. The media is dutybound to adhere

to certain guidelines¹³ while reporting matters that are sub judice in court. While the right of media by way of open justice does indeed instil faith of the public in the judicial system. However, this right is not absolute and can be restricted in certain cases by the inherent jurisdiction of the court¹⁴.

When rights of equal weight clash, Courts have to evolve balancing measures based on re-calibration under which both the rights are given equal space in the Constitutional Scheme.

It cannot be allowed to transgress its domain under the garb of freedom of speech and expression to the extent as to prejudice the trial itself and the time has come to regulate the unfettered power of media.

DEFENCE OF THE INDEFENSIBLE

“The right to a fair trial, the right to reputation, the right of the public of maintaining the sanctity and confidence in the law and order machinery of the state, etc. cannot be allowed to be compromised and besmirched by the unbridled and unrestricted freedom of the media¹⁵”.

The primary tenets of a criminal justice system are the presumption of innocence, the right to consult a legal practitioner and the right to have a fair trial. The implications of these principles are that every individual who is accused of a crime shall be presumed to be innocent until his guilt is proved beyond all reasonable doubt. The accused person has a right to be defended by a qualified legal practitioner of his choice. And this person is entitled to have a fair trial, within the territory of India vide Articles 14, 19, 20, 21 and 22 of the Constitution. Only when these qualifications are fulfilled does a criminal system deliver justice. And failure of complying with the same becomes ground for mistrial.

The Independence of the Judiciary, as guaranteed under Article 6¹⁶ of the UN Basic Principles on the Independence of the Judiciary state that judiciary is entitled and required “to ensure that judicial proceedings are conducted fairly and that the rights of the parties are respected.” It is an important tenet that ensures a ‘fair chance’ for the guilty to be heard in the Court of Law. It ensures the sanctity of the trials as well as the social standing of the parties involved. The presumption of innocence defines the course of a case and not the presumption of guilt.

¹³ Sahara India Real Estate Corporation Ltd. and Ors. Vs. Securities and Exchange Board of India and Anr (2012) 10 SCC 603.

¹⁴ Naresh Shridhar Mirajkar V. State of Maharashtra, AIR 1967 SC 1.

¹⁵ In Pursuit Of Justice Petitioner Versus .The Union Of India And Ors. PIL (Lodg.) No.3145 Of 2020.

¹⁶ UN Basic Principles on the Independence of the Judiciary, Art. 6, G.A. Res.146, U.N. GAOR, 40 1985.

'Premature Adjudication' by the Media, not only raises question on the credibility of an ongoing investigation, but also paints a very biased picture of the judiciary as well as the enforcement agencies. Passive Journalism, that is based solely on numbers and the blame-game truly raises questions on the ethical and moral code of conduct. The torchbearers of society have turned into propagandist, as a statement in itself speaks volumes.

QUESTIONABLE QUALIFICATION OF THE DINNER TABLE JURY

In a media trial, however, there is a complete disregard, if not an overthrowing of this rule of law. The accused person is declared to be the guilty person irrespective of the verdict of the court, and often even before the verdict comes in. The 'doctrine of innocence until proven guilty' is openly flouted and the fundamental right of the accused 'to have a fair trial' is put to dust. The media creates such a perception of the accused in the masses that he is deemed to be worthy of conviction. It neither looks at facts nor asks for evidence but mobilises the public into giving a judgement of guilty. It glorifies the media trial by perceiving it as the defence of the indefensible, thereby presuming the accused to be guilty of a crime that has not yet been proven.

Although, innocence and guilt are validated by Courts, but then too public trails have been a recent phenomenon that have garnered a lot of attention. The intention of these public discussions is positive and healthy, but the collateral damage of reputation caused to the parties involved is often detrimental. The underqualified panellists on many of these newsroom debates often give a judgement, based on the half-baked set of facts that are presented to them. Conspiracy theories are often perceived and portrayed as convincing arguments. The fact that the media, being a vital tool of the society, often decides to take sides, instead of presenting sides is one of the biggest problem. Media mistrust¹⁷ in the form these unwarranted trials and the conspiracy theories flouted around are often perceived and portrayed as convincing arguments.

This assumption and interplay of the media turns the trial into a public spectacle. It encroaches upon the fundamental rights of the accused persons. It influences people to denounce the accused as convicted and his lawyer as an evil mastermind set on unleashing the guilty monster out of the prison and into the public. It has the power of mobilising public opinion to an extent wherein the masses

¹⁷ Sanfilippo, Madelyn & Yafit Lev-Aretz, "Breaking news: How push notifications alter the fourth estate." *First Monday* 22 (2017).

begin to demand the conviction of a person without having knowledge of the facts. While doing this it violates the fundamental rights of the accused and the very morality of the criminal justice system. The courts have held several times the conviction of any person is solely based on the facts of the case and not because the media wants the person to be declared as guilty¹⁸.

The fact that the media does help in bringing the concept of justice a little closer to the common man cannot be denied. There have been several instances where public support in the media led to the appealing of certain cases and judgements were overturned. It certainly aids the masses on its path to justice. However, more often than not, it forgets its responsibilities towards the people as a fair medium of information sharing. The lines between a responsible media and a media only concerned with media trials are easily blurred.

One's fundamental right should not be used as a tool to transgress upon those of others. Our journalistic road rollers should remember that freedom for anyone in the country is within the framework of the Constitution. Anybody trying to trespass this will need to be put in place and media is no exception to this¹⁹.

SOCIAL MEDIA: A THIRD SIDE

World over, social media is known to have a conversation power, which is important in promoting citizenship engagement²⁰. The internet has ensured the global reach and access to information. It has ensured and enabled the emergence of tools like blogs and social media which have created a moment when one might logically conclude that for every big news story reported, and for many not-so-big stories, a healthy accumulation of criticism follows quickly—nearly in real-time—in its footsteps. The rather explosive growth of the internet has ensured journalists as well as the citizens an open platform for discourse, discussion and debates on issues that are “trending”. Although, on the fall side, it can be said that matters of national importance or humane relevance often take a backseat, the internet and the people at large, ensure some if not complete representation of issues.

¹⁸ [Sushil Sharma v. The State \(Delhi Administration and Ors.\), 1996 CriLJ 3944](#)

¹⁹ Hon'ble Mr. Justice G. S. Singhvi, *Trial By Media: A Need To Regulate Freedom Of Press*, Bharati Law Review, Oct-Dec, 2012.

²⁰ Banaji, S., & Buckingham, D., *Young people, the Internet, and civic participation: An overview of key findings from the CivicWeb Project*, International Journal of Learning and Media, 2(1), 15-24, (2010).

Globally, the relevance of independent²¹ media has developed as some of the most powerful forces in the struggle to change closed, repressive regimes into open and productive societies. The representation of ‘stories’ of people from different walks of life, makes the media as one of the most reliable as well as relatable sources of communication. India is a land, that not only has a diverse population, but also has a polarised point of view.

In the recent past, mainstream media which relies heavily on ratings and viewership has turned towards social media as a tool to create the ‘hash-tagging’ culture to start a virtual social movement. Many of these polls are biased and backed by certain propaganda that benefits the political interest and vested interests of the media houses. The virtual battle between the mainstream media discrediting the power of social media has often proved to the loss of the former. Social Media is solely based on real-time reaction which is neither tweaked and nor run by media agencies. The internet ensures a certain sense of transparency for the social media to thrive and sustain to stand as a threat to the future of mainstream media. Big Media has lost its monopoly of the news. Now that it is possible to publish in real time to a worldwide audience, a new breed of grassroots journalists are taking the news into their own hands²².

CRITICIZING MEDIA SCRUTINY

“Criticism is certainly scrutiny, but it is more than that. Press criticism is—or should be—an ongoing process of exchange and debate about the role and performance of the press. This process occurs among members of the press, but many contend that it should also occur between the press and its audiences. Importantly, press criticism is not simply coverage of the journalism industry, although some organizations employ reporters and columnists whose title is critic. To count as criticism, the work must go beyond reportage to enter the realm of judgment²³”

The thin line of difference that exists between criticism and scrutiny, is often the most glaring mistakes that is made by the Media. The general notion about journalism is that of – “everyone’s a critic” Scrutiny leaves room for conspiracy and fake news, whereas criticism leaves room for food for thought. One of the major concerns that exists is in the manner in which this public scrutiny becomes

²¹ Frederick W. Schieck, *Independent Media’s Role in Building Democracy*, <http://igmlnet.uohyd.ac.in:8000/InfoUSA/media/ijge0203/gj02.htm>

²² Nic Newman, *Mainstream media and the distribution of news in the age of social discovery*, Reuters Institute for the Study of Journalism

²³ Wendy N. Wyatt, *Press Criticism*, *The International Encyclopaedia of Journalism Studies*

the basis of the judgement of the public. Crucifying the innocent, even before proving his guilt, is a sad reality extremely biased and an unfair portrayal.

The role of a responsible media in a democratic country is an indispensable one. It is tasked with the function of being the connecting factor between those sitting in the high seats of the organs of the government and the common people. It has the authority to present to the people facts, the reality. To bring into the consciousness of people awareness about things that affect their daily lives. It has the power to criticise when those in authoritative positions step out of line. It is empowered to be the voice of the people.

THE CANCEL CULTURE CONUNDRUM:

With social media, the freedom of speech and expression has found a completely new meaning. Opinions on issues are now measured by the number of shares and likes rather than facts and reasoning. It has been the birthing place of the absolutely obnoxious notion of ‘cancel culture’. It is a harsher variant of the ‘call out culture’ that involves completely boycotting, or ‘cancelling out’ an individual or idea who is deemed to have acted in a controversial manner.

It has mostly extremely negative connotations attached to it. With access to social media available to the media and the public alike, blurring the lines between criticism and scrutiny is simply a matter of a few clicks. In contrast to the ‘call in’ culture which encourages putting the same idea forward while also being more accountable, in a more humane, humble and bridge building manner. The cancel culture is yet another opportunity for the participative media to indulge in ruthlessly cancelling out the reputation, innocence and dignity of a fellow human. In the era of media trials, the cancel culture adds to the mob mentality when one trending hashtag becomes the torch bearer of justice.

“The function of journalism is often to comfort the afflicted and afflict the comforted”²⁴. Breaking the wall beyond the news and ensuring that people can actually think based on the facts presented to them, will ensure for comprehensive and comprehensible news. The freedom of the Press should not merely be restricted to be means to an end of providing information, but should be the beginning to enable the ordinary citizen to think and engage in a conversation.

The concept of ‘pull content’ vs ‘push content’ should be the basis on which the audience fairly and squarely decide the information that they want to expose themselves to. ‘Push Content’, often refers

²⁴ Finley Peter Dunne & Mr. Dooley, *The Chicago Years by Charles Fanning*, (1902)

to the presentation of and by the mainstream media. The mainstream media collectively always seeks to monopolise mindsets by ensuring that the same headline is doing the rounds. Ratings govern the basis of mainstream media and not the truth. 'Pull Content' on the other hand, gives the viewer the option of choosing the information that he or she wants to seek. It is often observed through platforms on the Internet that are run by journalists that are working towards providing a relatively unbiased and less polarised²⁵ side of the same story, along with the other relevant issues.

THE MEDIA MARKET: THE PINNACLE OF UNPROFESSIONALISM

The Freedom of Speech and Expression enjoyed by the Press has now turned into a barrage of the creation of an "Era of Aggressive Journalism". Although the establishment of the Press Council of India has had a significant influence on regulating the power of the press to prevent it from publishing prejudiced content. Even so, the role of a responsible media is largely being replaced by the media that is irresponsible, indifferent and only seeks to sensualize events in the race of being the first to report them. The propaganda that is driven by ensuring that every piece of news that is delivered as the final evidence is either "breaking" or not there on mainstream media at all, is the entire problem.

The morality of investigating and seeking the truth of any case has diminished to such a large extent. Moreover, validating 'fake news' and not claiming to do so later, by hiding under legal loopholes, ensure that the media in more ways than one is abusing their freedom of speech and expression. The explosive growth in fake news and its erosion to democracy, justice, and public trust has increased the demand for fake news detection and intervention. It would not be totally wrong to implicate the media of 'contempt' under the Contempt of Courts Act, 1972 that is not merely restricted to the Courts but also extended to the public.

As with every sector or line of business, for the press is after all in the media business, there is intense competition, the fight to reach the top and politics of survival. Dragged into this rat race of wanting to be the first network to bring certain news to the fore, the media forgets the sanctity of the freedom of speech and expression. It blurs the lines between professional and ethical news reporting and highly unprofessional, unethical and often immoral ways of achieving its ends. As the Supreme Court has rightly reiterated on multiple occasions, stated trial by the press, electronic media, social media, or any

²⁵ Barkha Dutt, *Pressure on Media in a polarised environment*, The Hindu, February 05, 2020

other way of public agitation are instances that could be described as anti-thesis of the general rule of law leading to the miscarriage of justice.

THE COURT OF MEDIA AND THE MOBILISED JURY

The media holding a public trial is no different from the public execution that was prevalent in the ancient times, when the law of the land was the law of the jungle. Assuming the role of a court of law when it pronounces an unfair denunciation of an alleged assailant, it brings into question its professionalism and ethics. It is also frequently accused of instigating public hysteria in court cases similar to a lynch mob²⁶ Public opinion is the sentiment of the public at large. With social media²⁷, being at the epicentre of the media trial discussions that don't take too long to turn into trending movements, it is imperative to critically analyse the need to know the right information. Audiences at large, often believe what is portrayed to them. Mobilising public opinion, based on what should be trending is not what the means of ethical journalism, but surely will lead to its end.

The legality of media functioning should not merely be restricted to ensuring a free trial but should also be extended to a certain moral and ethical code of conduct that needs to be followed by the Media. The game of viewership numbers of the primetime is not remotely indicative of the realities and the significance of a case. Media trials are not merely constitutionally immoral but also pose grave questions of ethical and professional principles. It has the responsibility in the kind of content it shares, the sort of opinions it circulates in the name of facts and all the guilty judgements it does not hesitate to declare in the name of justice. The mandate of the press is limited to placing a matter in the consciousness of society without any presumption being given. Courts are the right forums for such decisions and they must be allowed to function without spreading prejudice in the public opinion.

²⁶ Berryessa, C. M., *Judicial perceptions of media portrayals of offenders with high functioning autistic spectrum disorders*. International Journal of Criminology and Sociology, 3, 46-60 (2014).

²⁷ Akash Shaw, *Role Of Social Media In Social Mobilization (With Special Reference To Shabbag And Hokkolorob Movements)*, Summer Issue/June-2016/Vol. 7/No. 1 Global Media Journal – Indian Edition (2016).

LET THE JUDGE BE THE SOLE JURY

“Freedom of press is the ark of the covenant of democracy because public criticism is essential to the working of this institution. Never has criticism been more necessary than today, when the weapons of propaganda are so strong and so subtle. But like other liberties this must also be limited²⁸.”

Trials are meant to be in the Court. Judges often determine the course for the society. Media is supposed to be with the citizen of the society. However, the transgression of the media to act as a judicial body by overstepping often results in a complete state of abuse of this freedom. Premature convictions and false accusations are the by-product of media trials. The propaganda driven fusillade that fails to provide a well-balanced and fact – checked argument, often violates the basic fundamental rights of the parties involved in these media trails. The immorality that is meted out to the person so accused is often worse than the punishment. Ignorance of law is not an excuse in the court of law, but certainly is wrongly used as a convenient exception by the media. Newsroom debates are meant to present opinions by experts on issues of relevance that enable the ordinary citizen to have a nuanced perspective. Virtues of civility, dignity and respect are upheld in the society. Media trials often transgress upon all of these principles and deliver a populous judgement that hardly has a legal outlook. To hasten the delivery of a judgment often delays and completely denies justice. The implications of justice outweigh the judgement, that ensure and enable the society to be just, fair, sane and rational.

²⁸ Re: S. Mulgaokar, 1978 3 SCC 339