



TRIAL BY MEDIA: AN IMPEDIMENT IN ADMINISTRATION OF JUSTICE

By Apurva Bangale

From New Law College, B.V.D.U., Pune

ABSTRACT: -

Even though freedom of the press is not expressly guaranteed as a fundamental right, it is implicit in the freedom of speech and expression.¹ By the rectitude of this freedom, media reports their findings or publishes them in the form of articles concerning about the matters which are sub-judice pending before the court of law and, through their action's media can cause pre-judice to the trial affecting the execution of justice which will lead to the abortion of justice.

Media can directly impact the opinion of the masses and thus, hold the power to mould the viewpoint through which society perceive various events. Heinous crimes must be called out and condemned in an unbiased manner and, without usurping the functions of judiciary. While a democracy can only thrive in the presence of an unshackled media, the implications of untouchable immunity are even more damaging.

Media trial erodes civil rights of the citizens under the pretext of liberty and, if left without any due diligence, may steer unbridled mayhem in the society.

INTRODUCTION: -

Constitution of India though notably doesn't mention 'Freedom of Press', the Indian courts acknowledged its existence from under Article 19(1)(a) i.e., the freedom of speech and expression. This consideration led to the genesis of another organ of the democracy. The freedom of press is an inherent essential to the speech and expression, as it encompasses a duty to ease up the flow of information within a democracy. Pandit Jawaharlal Nehru in his speech at Newspaper Editor's Conference remarked, "*I would rather have a completely free press with all the dangers involved in the wrong use of that freedom than a suppressed or regulated press.*"²

This right not being absolute in its nature is prone to certain reasonable restrictions being contempt of court and defamation among others stated in the clause (2)³ of Article 19. Lately, media's role into free-flow of information have garnered a lot of attention, resulting into a trend of media coming on front-footing to explore the truth. Trial by media² is a phrase popular in the late 20th century and early 21st century to describe the impact of television and newspaper coverage on a person's reputation by creating a widespread perception of guilt or innocence before, or after, a verdict in a court of law.⁴

In current times media holds a dominating stature as far as influencing the minds of people concerned. With such vast coverage throughout the territory, media's role can be said to lie in the shade of grey. Time and time again several judges have called out media

¹Printers (Mysore) Ltd. v. CTO, 2 SCC 434, (1994).

²Nehru on Indian Press, South Asian Research Centre for Advertisement, Journalism and Cartoon (Jan. 11, 2021, 03:31 PM), <https://www.sarcjic.com/nehru-on-indian-press.html>.

³Constitution of India.

⁴Trial by Media, Wikipedia (Jan. 07, 2021, 00:30 AM), https://en.wikipedia.org/wiki/Trial_by_media.



trials for causing psychological variations to public. The significant intervention caused by media in Jessica Lal's Murder case, Priyadarshini Mattoo's case, Bijal Joshi's Rape case and, Nitish Katara murder case depicts an unprecedented epitome of judicial and media activism in India. Whereas, on a much darker side, media attracted a lot of criticism for their reporting in the Aarushi Talwar's Murder case when it pre-empted the court and reported that her own father Dr. Rajesh Talwar, and possibly her mother Nupur Talwar were involved in her murder.⁵ Such pre-decisions given by media were disparaged as they were not backed by CBI in their investigation.

The criminal Jurisprudence in India perceives every individual to be innocent until proven guilty beyond reasonable doubt. Though in the current scenario this role has been reversed; as media trials often depicts an individual to be guilty even before the judgement is passed by the court. In certain scenario media keeps on pursuing with their campaign to portray someone as guilty even after one has been acquitted by the court. Media's coverage mostly extends to interviews of witnesses, accused/victim's family members, debate sessions of politicians or social activists, comments of members of the legal community; and a lot more. All such events create an impair trial proceedings and, also influences the perception of the viewers to such programmes. Media trial is challenging the very existence of criminal justice administration system and has made judiciary

⁵Effect of Trial by Media Before Courts, Law Teacher (Jan. 07, 2021, 11:32 AM), <https://www.lawteacher.net/free-law-essays/commercial-law/effect-of-trial-by-media-before-courts-law-essay.php>.

a silent spectator and scapegoat under the banner of freedom of unbridled press.⁶

Media has taken the role of watchdog of the society and provides as a breeding ground for reforms, this often subjects the entire justice delivering machinery to public scrutiny. Under the scope of Article 19(1)(a) media impliedly lay claim to, the right to investigate, reveal, expose and criticize to create a constructive check. The debating platforms combined with free and fair reporting ease up the understanding of law and justice delivery system for the public. Freedom of press is a very vital organ in a democracy as the public holds the right to be informed about the happenings of their country. This burdens media with the duty to be extremely precautious while reporting their findings. The investigative role of press has been useful to set right the mal-administration of government, exposing crimes and unlawful acts and disseminating information of public interest. But the expression public interest has no fixed connotation.⁷

With the boom in growth of technology and, the ever-expanding role of media; which has enhanced the flow of information by a huge margin, media trial has become an acute problem.

EXPLORING THE LINEAGE

Inceptive Stage: -

The reason behind adaptation of Fundamental Rights in Part III of the Indian Constitution was neither in lieu of

⁶Prof. Dr. Mukund Sarada, Media Trial: Role of Media Under Indian Constitution, UGC, (2016).

⁷Sanatan Deshpande, Priyank Jagawanshi, A critical analysis of media trial and its effect on Indian judiciary, IJRAR, 1 (2019).



international sentiments nor as an aftermath to evolution of Human Rights after the Second World War. The need for Constitutional guarantees pertaining to Human Rights was first called for in 1895. A very eminent lawyer and a great freedom fighter Lokmanya Tilak proposed the freedoms guaranteeing to every citizen in the well proclaimed, The Constitution of India Bill, 1949, also referred to as the Swaraj Bill. This bill envisaged the freedom of press for the Indian Constitution along with the other freedoms. Decades later, The Swaraj Bill 1895 and the Nehru Report, 1928 had a similar effect in shaping Indian constitutional design.⁸

The Founding stone of press in India as laid down by the East India Company, with commercial interests in mind. The company orchestrated full functioning of press and had its top order under its control. But later, with time as the role of press witnessed major changes, it turned out in the heed of Indians, as press was used as a weapon to communicate information to the masses during the freedom fight movement.

The founding fathers were witness to, the waves of repressive measures during British rule, when the nationalist press was bludgeoned by sedition trials and forfeiture of security deposits, convinced them of the immense value of this right in the sovereign democratic republic which India was to be under its Constitution.⁹ They believed that for a democracy, freedom of expression and freedom of press is a must. They envisioned

that at the core of freedom of press lies the freedom of political opinion and right to criticize the government.

20th Century: -

The history of media trial could be dated back to the 20th century. One of the first celebrities in the 20th century to be arguably tried by media was Roscoe 'Fatty' Arbuckle who was acquitted by the courts but nevertheless lost his career and reputation due to the media coverage.¹⁰ Similar shades could be seen in the trial of O.J. Simpson, where the media's influence over public was far more than that of the courts.

The coverage of the press often, speaks the mind of the public. The responsibility weighing down on press has always been immense, as it directly affects the minds of public. The press has a duty to verify the information they receive and do a thorough screening to it. In many cases, acquaintances of those who were convicted have persuaded the masses by using the power of media to reopen the cases. One such instance was of Stephen Downing Case in Derbyshire, where due to a campaign run by a local area newspaper the matter was allowed for appeal and the convict was released from prison after 27 years.

CONSTITUTIONALITY OF MEDIA TRIALS

Article 19 of the Constitution of India grants certain freedoms under its ambit. One such freedom under the purview of the said Article is The Right to Freedom of Speech and

⁸Historical Constitutions, Centre for Law and Policy Research (Jan. 12, 2021, 02:20 PM), https://www.constitutionofindia.net/historical_constitutions.

⁹Sansar Singh, Media Trial and The Freedom of Speech and Expression Under Indian Constitution: A Study, 1 IJIM, 4 (2016).

¹⁰Nimisha Jha, Constitutionality of Media Trials in India: A Detailed Analysis, Academike, (2015).



Expression under Article 19(1) i.e., the right to hold opinions without any interference and the freedom to seek, receive, impart information, ideas of any kind regardless of the frontiers, either orally, or in writing, or even in print, or in any form of art, or through any other media of the person's choice. These freedoms are subjected to certain duties and responsibilities which prevents an individual's rights and reputation. Even though unlike United States of America, The Freedom of Press does not hold a separate stature in Indian Constitution; it still acknowledged as a freedom under the ambit of Article 19 by the Supreme Court of India. However, in certain cases, the Supreme Court has stated that the trial by the press, electronic media, social media, or any other way of public agitation are instances where they could be described as anti-thesis of the general rule of law leading to the miscarriage of justice.¹¹

The Constitutionality of media trial is directly proportional to the imprints it leaves on the society. For, the independence of judiciary and freedom of press both are *sine qua non* for the establishment of any rule of law.

- Media Trial v. Freedom of Speech and Expression: -

Freedom of speech and expression is very pivotal for the free flow of information. The people holding power in a democracy should be able to spread out their intent behind the policies and laws to the masses. Thus, freedom of speech plays a crucial role in the formation of public opinion on social, political and economic matters.

Venkataramiah, J. in *Indian Express Newspapers (Bombay) (P) Ltd. v. Union of India*¹² held freedom of press as the essence of social and political intercourse, further citing that, "The purpose of the press is to advance the public interest by publishing facts and opinions without which a democratic electorate [Government] cannot make responsible judgments."

This view of the Supreme Court garnered a lot of support from those who believed in the free flow of information. Further Supreme Court in *R. Rajagopal v. State of T.N.*¹³ held that freedom of the press extends to engaging in uninhabited debate about the involvement of public figures in public issues and events. Press is kept on the same pedestal as a layman. Neither it enjoys any special treatment (unless specified by the law) nor it can be subjected to any special restriction.

- Media Trial v. Fair Trial: -

Law is protected not by emotions but by senses, thus, as per the criminal justice system before sanctioning someone, the unlawfulness must be proven beyond reasonable doubt. With a grand portrayal of emotions media often forgets the amount of pressure it renders on the justice delivering machinery. The law is very adamant about the portrayal of an individual as innocent until proven guilty; whereas the trend that media follows is, to proclaim someone as guilty, right at the stage of arrest.

Journalism didn't show such traits few decades back, as the pressure of TRP Ratings was not there in the old times. The media has a major role in integrating the whole nation for the fight against the British showed a lot

¹¹Divya Rai, Constitutionality of Media trials, IPleaders Intelligent Legal Solutions, (2020).

¹²1 SCC 641 (1985).

¹³ 6 SCC 632 (1994).



of conviction and integrity in their reporting. They did not pronounce people guilty without making a serious attempt to study the charges, investigate them, and come to their own independent conclusions, without fear or favour.¹⁴ The fierce competition that came with time in the sector of journalism lead to the evolution of ‘Aggressive Journalism’ where discussions turned into debates and interviews turned into grilling sessions. It has been seen many times that executive officers find it very difficult to do their duty, with a horde of journalists crowding upon the scene for their so-called coverage.

A right to have a trial which is not overshadowed by any external forces is a very reasonable ask for justice. Provisions aimed at safeguarding this right are contained under the Contempt of Courts Act, 1971 and under Articles 129 and 215 of the Constitution of India.¹⁵ Media often during their panel discussions publishes information into the public realm, which may create a prejudice in the mind of the people during an ongoing case. A journalist could be held guilty for contempt, if the actions compromise a ‘Fair Trial’. Editors can’t presume themselves to be investigators and prejudice the court with their findings. In *Zahira Habibullah Sheikh v. State of Gujarat*, the Supreme Court explained that a “Fair Trial means a trial in which bias or prejudice for or against the accused, the witnesses, or the cause which is being tried is eliminated.”¹⁶

The media time and time again over-steps their bounds to get into the lime light and

publishes information relating to the suspect or accused, such as; confessions, statements or comments on the merit of the case, executive’s activities, character assassination of individuals who are of significant importance to the case. Such acts not only create a prejudice but also questions the credibility of the whole trial and its key participants.

- Right to Privacy: -

“Civilization is the progress towards a society of privacy. The savage’s whole existence is public, rule by the laws of his tribe. Civilization is the progress of setting man free from man.”¹⁷

Privacy is an individual’s unviolated space and the law of privacy works to safeguard it. In modern times privacy is a need, but with the invasion of media into this bubble it may soon become a luxury. Privacy is a by-product of modern individualistic phenomenon. One person’s right to know and be informed may violate another’s right to be left alone.¹⁸

In August, 2017, a nine-judged bench of Supreme Court in the case of *K.S.Puttaswamy v. Union of India* acknowledged the legitimacy of Right to privacy under the constitution of India. The judgement was premised on the principle and analysed by Dr. D. Y. Chandrachud J. that, “Privacy is the ultimate expression of the sanctity of the individual.”¹⁹

¹⁴S. Devesh Tripathi, Trial by Media: Prejudicing the Sub-Judice, RMNLU.

¹⁵Id. at 10.

¹⁶ 2 SCC 75 (2005).

¹⁷ Ayn Rand, *The Fountainhead*, (1943).

¹⁸Dr. S. Krishnan, Trial by Media: Concept and Phenomenon, IJAR, (2018).

¹⁹Justice K.S. Puttaswamy v. Union of India, 10 SCC 1 (2017).



Prior to 2017 when the Right to Privacy did not enjoy fundamental right's status, it was exploited a lot by the media by availing this loophole. The sudden boom in the outreach of media has led to their steps into the courtrooms as well. The journalists enjoy the privilege to attend the court room proceedings on behalf of the general public under the pretext to keep them updated on the information of public interest. However, this right to attend the court room hearings is not certainly in its entirety. While publishing their reports the journalists need to be fair and, also considerate about revealing the identities of the parties involved; for instance, rape victims, juveniles, women etc. The restriction is put into place to safeguard them for exploitation ascribed to their vulnerable position in the society.

Therefore, if the court may feel the rights of the parties involved being endangered, they may hinder the publication of court room proceedings. In certain cases, the court has exercised its power under Section 151 of Civil Procedure Code, 1908, to order a trial to be recorded, so as to prevent the publication of the trial and verdict in a distorted manner.

With the spread of electronic media into every layer of the society, a sudden boom can be seen into issues related to privacy. The surge into excessive reliance on media has brought the private lives of people into public domain. Exposing individuals' personal space and risking it.

- Medial Trial intertwining with Contempt: -
In India, contempt is categorized into: Criminal Contempt and Civil Contempt. Criminal Contempt is further disintegrated

²⁰A.I.R. AP 30 (1975).

into scandalizing, prejudicing trial, and, hampering the administration of justice. The law regarding the subject matter has been elucidated by Chief Justice of Andhra Pradesh High Court, Gopal Rao Ekkbote in the case of Y.V. Hanumantha Rao v. K.R. Pattabhiram and Anr²⁰, where Hon'ble Justice held that;

"...When litigation is pending before a Court, no one shall comment on it in such a way there is a real and substantial danger of prejudice to the trial of the action, as for instance by influence on the Judge, the witnesses or by prejudicing mankind in general against a party to the cause. Even if the person making the comment honestly believes it to be true, still it is a contempt of Court if he prejudices the truth before it is ascertained in the proceedings."

When it comes to delivering justice, the courts have to consider the long-laid principle of natural justice; and prejudicing a trial is contrary to that principle. Media having a very strong influence on the minds of public can attempt to create prejudice with respect to an ongoing trial. If such actions are allowed to go unchecked, a lot of innocent people would be held captive for the crimes they have no partake in. Contempt of court acts as a custodian to prevent such unjust and unfair trails from happening. No publication, which is calculated to poison the minds of jurors, intimidate witnesses or parties or to create an atmosphere in which the administration of justice would be difficult or impossible, amounts to contempt.²¹

Immunity under the Contempt of Court Act, 1971: An act can only be categorized as contempt if it obstructs the course of justice with respect to any civil or criminal matter,

²¹A.I.R.Lah 329 (FB) (1943).



which is actually 'pending' before the court. For an act to be determined as contempt it is an essential for it to have occurred during the course of the case. Hence, pre-trial publications are rendered immunity from contempt proceedings. Any speculations caused due to a publication, before the court delivers the verdict are said to be of contemptuous nature, because they are in contradiction to the right to fair trial. The publications may be unfair towards the rights of the accused to have a fair trial, as character assassination or bringing a party's past into the picture, may cause prejudice.

One such instance of immunity granted to media was during the case of Aarushi Talwar. The media went totally berserk with this case, they made models of Talwar's residence in their studio and were trying to re-create the murder as a mean to their own independent investigation. Fingers were raised on Aarushi's parents even before the arrests were made. Despite of such hysterical reporting, media groups were granted immunity from any legislations.

BY-PRODUCTS OF MEDIA'S INTERVENTION TO A TRIAL

The origin of the concept of prejudicial trial can be traced back to the principle of Natural Justice, 'every accused has a right to a fair trial' combined with the principle that, 'Justice may not only be done, it must also seem to be done.' A trial can be prejudiced in a multiple way, and if they are allowed to go unchecked it would lead to an erred judgement. Any publication, which is calculated to poison the minds of jurors, intimidate witnesses or parties or to create an atmosphere in which the administration of justice would be difficult or impossible, amounts to contempt.

Media's vast spread has granted them a position in the society where they can influence the judgement by creating a prejudice in the minds of the parties involved;

- *Influence on Accused: -*

During their reporting, if media projects a suspect or an accused as if they had been held guilty, even before the court has passed their judgement. In such a scenario even if the person is acquitted by the court after the due process, even though the justice has been delivered but the lost reputation of the accused can't be rebuilt. Excessive publicity in the media characterizing him as a person who indeed committed the crime, it amounts to undue interference with the administration of justice, calling for proceeding for contempt of court against the media.

- *Influence on Witnesses: -*

It is very important for the witness' identity to be kept hidden. If the witness' identity gets revealed, it may bring him under pressure from both police and the accused. The witnesses often want to get out of the proceedings without getting any mud on them. Witness protection is a serious concern in today's time. Due to excessive pressure from the media witnesses may even turn hostile. This undue pressure may make it more difficult for the administration of justice.

- *Influence on Judges and Court: -*

We often forget to comprehend the fact that judges are human beings too, they are also susceptible to be influenced or prejudiced. A judge is supposed to keep his guard up at all times, and not get vulnerable to media's or public's pressure, but at times the view of the masses may subconsciously affect a judge. Hon'ble Justice D. M. Dharmadhikari also asserted that, "There is always a chance that judges get influenced by the flowing air of



remarks made upon a particular controversy.”

The media’s portrayal of a case creates such a strong prejudice in people’s mind that if the court’s judgement is against the ‘Media’s Verdict’, the judge is name-called either as corrupt or biased.

LAW COMMISSION’S 200TH REPORT

The Freedom of Speech guaranteed to every citizen of India under Article 19(1)(a) of the Constitution is subjected to some reasonable restrictions under Article 19(2) of the constitution and, ‘Contempt of Court’ is not prone to it. Article 19(2) does not refer to ‘administration of justice’, but interference to the administration of justice is clearly referred to in the definition of ‘criminal contempt’.²² In case of a publication causing hinderance with the administration of justice may amount to criminal contempt under the Act and, if a provision is enforced to execute reasonable restriction on freedom of speech, then such restrictions would be held valid. As of now, Section 3(2) of the Contempt of Courts Act, 1971, grants full immunity to any publication which happened not during the course of criminal proceedings i.e., if charge sheet or challan is not filled or if warrants or summons are not issued by the court, during the time of the publication.

The Law Commission in its 200th report, Trial by Media: Free Speech versus Fair Trial Under Criminal Procedure (Amendments to the Contempt of Courts Act, 1971), has suggested the need of a legislation to debar the media from publishing anything of prejudicial nature, to safeguard the rights

of the accused in criminal cases, from the time of arrest to investigation and trial.

The commission has said, “*There is today a feeling that in view of the extensive use of the television and cable services, the whole pattern of publication of news has changed and several such publications are likely to have prejudicial impact on the suspects, accused, witnesses and even Judges and in general, on the administration of justice.*”

The Commission made certain recommendations to promote fair trial; prohibiting any publication that is tend to create a sense of prejudice. The report mentioned that as per the current provision a publication would be liable for contempt only if it is made after the filing of charge sheet, in case of a criminal trial. The commission recommended that the periphery to instigate a contempt proceeding should rather be started from the time the arrest is made, than to when the charge sheet is filed. The reasoning of the commission behind this was to prevent the media from prejudicing a case. Another controversial recommendation suggested was to empower the High Court to direct a print or an electronic media to postpone publication or telecast pertaining to a criminal case and to restrain the media from resorting to such publication or telecast.²³ The 17th Law Commission has made recommendations to the Centre to enact a law to prevent the media from reporting anything prejudicial to the rights of the accused in

²²The Contempt of Courts Act, 1971.

²³Devika Singh and Shashank Singh, Media Trial: Freedom of Speech VS. Fair Trail, 20 IOSR-JOSS, (2015).



criminal cases from the time of arrest, during investigation and trial.²⁴

LEGISLATIONS INVOLVED

Apart from Contempt of Court Act, 1971; there are certain other legislations in power to regulate the publications by media houses. They specify norms and censors the publications if required, to prevent prejudice or interference with the court proceedings.

- *The Press Council of India Act, 1978: -*
The powers bestowed to the Press Council of India are to censor any inappropriate publication by any media house. If any individual or an organisation has reason to believe that a publication or media house has committed any professional misconduct, the council, if finds the accusation to be true, “warn, admonish or censor the newspaper”, or direct the newspaper under Section 14(1) of the Press Council Act, 1978, to “publish the contradiction of the complainant in its forthcoming issue”.

The shortcoming faced by the application of this act is that, the cause of action only arise after publication of the material is done, so even if a contradiction is rendered by the publisher, the damage is already done. The punishments are not harsh in nature, thus their effectiveness in preventing the prejudicial reports is very limited.

Norms of Journalistic Conduct: Press Council have also established a set of suggested norms required to maintain Journalistic Conduct. These norms emphasize the importance of accuracy and fairness and encourage the press to “eschew

publication of inaccurate, baseless, graceless, misleading or distorted material.”²⁵ The norms suggest the reporting to be impartial, free from bias and have a sober tone at all times. The norms emphasize on any criticism dealing with judiciary to be dealt with utmost caution. The legal enforcement of these norms is a far cry. Thus, they are often found to be ignored by the media houses.

The Council if finds the publication to be prejudicial in nature, can also initiate criminal contempt proceedings against the publisher. However, the limit of council’s contempt powers is only restricted to pending civil or criminal contempt cases. This limitation does not take into consideration the pre-trial reporting, and the impact it could cause of administration of justice.

- *Content Code: -*
For the pre-recorded programmes such as Television Serials, or commercials, Broadcasting Content Complaints Council is present. It is a self-regulatory body to review the content telecasted on Television, but its scope is restricted to non-news channels. Since, news is broadcasted live, the impact caused due to the telecast can’t be reversed, leading to which many news channels often find themselves in trouble with defamation law suits. Thus, due to the lacuna of a proper regulatory mechanism, the Information and broadcasting ministry formulated the Content Code.

The Content Code lays out a three-tiered censorship system. The first-tier deals with appointment of a content auditor in the channel, who will indulge with complaints and feedbacks from the public’ and also act as a link between the channel and the ministry

²⁴Id. at 14.

²⁵Nitesh Tripathi, Media Trial: An Impediment in Fair Trial, JCIL, (2018).



in case of any violations to the code. The second-tier comprises of formulating a consumer complaint committee, comprising of consumers, industry representatives and members of civil society group. The committee will hold the authority and the power to stop the telecast of a programme, edit objectionable content, direct the broadcaster to add a disclaimer or warning to the telecast. The last tier deals with directing the complaint to Broadcasting Regulatory Authority of India, which have the power to take the programme off the air, ban the channel or even penalize the broadcasters.

These proposed regulations which are spelt out in the Broadcasting Bill (2007) were to be introduced in the Parliament.²⁶ But the News Broadcasters Association and other bodies quickly got together to draw up their own Code of Ethics and Broadcasting Standard which they said would function on the principle of self-regulation.

• *The Cable Television Networks (Regulation) Act, 1995:-*

The Act deals with the regulation of cable network in the territory of India. It lays down certain reasonable restrictions regarding the streaming of programmes on the television, such as;

- (i) To not contain any obscene, defamatory, deliberate, false and suggestive innuendos and half-truths.
- (ii) Not likely to encourage or incite violence or contain anything against administration of law and order or which promotes anti-national attitudes.
- (iii) To not contains anything amounting to contempt of court.

- (iv) To not criticize, malign or slander any individual in person or certain group, segments of social, public and moral life of the country.

CONCLUSION

Freedom of speech and expression is an imperative right in every democracy. Media also enjoys these rights and due to their wide reach and a more effective approach towards the public, they are called the fourth pillar of democracy. Any and every institution is prone to be abused if it exceeds its legitimate jurisdiction. At times these ultra-virus activities may be a blessing in disguise as media have also contributed into delivering justice by their revolutionary techniques such as sting operations. But there need to be a reasonable check upon the scope of media's functioning as it's interference may lead to an unfair and prejudiced trial.

Media's role as a custodian has done commendable job in the old era. But since few decades it has started over stepping its bounds by becoming an agenda setter and a law enforcer. The application of investigative journalism is a pressing concern as in doing so media personnel often set aside the ethical principles. From the above account it is clear that media outcome is inclined more towards negative influence over the society.

The influence of media with respect to administration of judicial proceedings is a lot different from telecast of some sports event. The stakes are very high for the publications regarding court proceedings. Media not only stops at publication or delivery of information; media trial has now taken the form of media verdict and, the punishment

²⁶Kumar.K.J., Mass Communication in India, Jaico Publications, (2010).



inflicted by the media on an individual is an illegitimate application of freedom.

In the current times, the press is reporting incidents even prior to them coming into police's knowledge. This extent of aggressive journalism in the race to push up TRP ratings comes at the cost of the reputation of the parties involved in a trial. Even if acquitted by the court, the verdict delivered on the reputation of an accused by a media trial may haunt the person for his whole life. The judiciary has been critical of the overactive and prejudicial reporting by the media. In the Labour Liberation Front case, Justice L. Narasimha Reddy lamented the "*abysmal levels to which the norms of journalism have drifted.*" The courts have even cautioned the editors and reporters on their publications which were sub judice, thus interfering with the administration of justice. A publication derives its credibility from its source, and to make an information immune, it has to be unbiased and free from any prejudicial touch. It should be in the larger interest that the direction of justice is neither impeded nor undermined.

