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Navigating through Perilous Waters of Media Trials in India

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ABSTRACT

The topography of media trials is often very complex, especially when viewed in relation with social media. While the Indian Constitution duly recognises right to free speech and expression under Article 19(1)(a), a crucial question looms- how far does this right extend? Legal scholars have time and again expressed concerns regarding unchecked media trials that hold the potential for catastrophic consequences. The Indian Judiciary has expressed apprehensions about media trials, delving into the consequential impact on the right to fair trial of the accused. This sparks an ongoing debate between the principles of free speech and expression and the imperative of ensuring a fair trial guaranteed under Article 21. This perpetual struggle prompts a deeper exploration into the hierarchy of fundamental rights, compelling us to ponder which right should take precedence over the other. Furthermore, the new age of social media has fuelled the persistent discourse surrounding media trials. Unlike traditional media trials, where reporters and new channels often possess formal training in media, the landscape of social media is dominated by amateurs motivated primarily by likes and followers leading to unethical media trials. Therefore, it is crucial to establish clear boundaries and mechanisms for accountability to ensure those participating in unwarranted media trials are held responsible. This research paper attempts to navigate through media trials in India while presenting a perspective on the debate between free speech versus fair trial. This paper endeavours to analyse the placement of social media trails in the Indian scenario. Additionally, it directs attention to the crucial aspect of accountability in the context of media trials.

Keywords: Media Trials, Free Speech, Fair Trial, Article 19(1)(a), Article 21, Social Media Trails.

I. INTRODUCTION

Media, an integral facet of the democratic system, stands as an inseparable component of India's democratic identity. Unlike in many parts of the world, where media often operates under substantial constraints, the Indian media continues to function with a notable degree of freedom. In the case of **Maneka Gandhi v. Union of India**, Hon'ble Justice Bhagwati stated

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*“Democracy is based essentially on free debate and open discussion for that is the only corrective of government action in a democratic set up. If democracy means government of the people by the people, it is obvious that every citizen must be entitled to participate in the democratic process and in order to enable him to intelligently exercise his rights of making a choice, free and general discussion of public matters is absolutely essential.”*² Further, The Hon’ble Supreme Court in **Re: Harijai Singh and Anr. v. In Re: Vijay Kumar** emphasised the significance of the freedom of press describing it as *“an essential prerequisite of a democratic form of government.”*³ This idea of freedom is deeply embedded in the Article 19(1) of the Indian Constitution⁴, however, this freedom is being greatly misused in the recent times.

Media Trial refers to a mock court set-up where the media assumes the role of the judiciary and passes verdict without thorough consideration. This practice undermines a fundamental principle of Indian law, i.e., the presumption of *“innocent until proven guilty”* and *“beyond reasonable doubt”*.⁵ The media trials start before court and pass a verdict before the court, the journalists, investigate the matter on their own, often known as *‘Investigative Journalism’* and start broadcasting the news without proper facts and evidence in such a peculiar way where the masses form an opinion about the parties involved before the actual trial takes place.⁶ These trials typically exert a negative influence on the legal proceedings in the court and possess the potential to sway the outcome of a case. They exert pressure on both the judiciary and the investigating authorities, thereby adversely affecting the right to fair trial for the parties involved. In the last few years, while the media has garnered acclaim for its role in raising awareness, it has faced frequent criticism, particularly for excessively invasive coverage especially in cases involving public figures.⁷

In the new era of social media, overseeing and controlling the media proves to be a complex and challenging task. Interestingly, or perhaps unintentionally advantageous for the media, there are currently no regulations enforced by the Indian Government. This absence of regulations has elevated the media to the most influential realm of mass communication. However, this freedom from regulation often leads to frequent violations of fundamental media ethics, much to the dissatisfaction of various stakeholders.⁸ The contemporary era is marked by an intensely

² Maneka Gandhi v, Union of India, AIR 1978 SC 597.

³ Re: Harijai Singh and Anr. v. In Re: Vijay Kumar, (1996) 6 SCC 466.

⁴ Neelam Kumari and Prof. Dr. Ramesh Chauhan, *Media Trial: An Overview in the context of Indian Media, Society and Judiciary*, 3 Intl. J.R.P and Rev. 64, 66 (2022).

⁵ S. Devesh Tripathi, *Trial by Media: Prejudicing the Sub-Judice*, 6 RMNLU L.Rev., 12, 12 (2022).

⁶ Srishti Ramchandani, *The Constitutionality of Media Trials in India- A Critique*, 10 Penn Acclaims, 9, 11 (2020).

⁷ Samyak Mordia, *Media Trials: A Bane or Boon for Democracy?*, 5 Int’l J.L. Mgmt. & Human. 190, 190 (2022).

⁸ Shivangi Gupta, *Role of Media Trials in Criminal Justice System: An Analysis*, 5 Int’l J.L. Mgmt. & Human. 835, 836 (2022).

competitive environment, where news channels are fiercely vying against each other to ascend the TRP ladder. The original purpose of the media, which was primarily to raise awareness, has undergone a shift. Instead, the focus has now shifted towards generating sensational content that can assist these channels in achieving higher TRP ratings.

Further, much to the dismay of everyone, the “*janta ki adalat*” operated with impunity,⁹ disseminating inaccurate information encroaching upon the functioning of the courts.¹⁰ The lack of consequences for these actions sends a troubling message to the public, suggesting that such behaviour is acceptable and justified. It is essential to understand that mere ethical guidelines defining the conduct of media cannot aid the worsening situation. What is imperative now are stringent guidelines that precisely outline the boundaries of media, explicitly detail the repercussions for those accountable, and clearly identify the parties responsible, in case the violation occurs as the news and media circuit entail multiple participants from inception to conclusion.

In this paper, the author shall navigate through the perilous waters of media trials in India while closely examining the debate surrounding freedom of speech and right to fair trial. The paper will also critically study the scenario of social media trails in India and how have they aggravated the already worsening situation. Lastly, this paper shall also provide a fresh perspective on the looming questions around accountability in case of harm caused by media trials.

II. FREE SPEECH VERSUS FAIR TRIAL

It is frequently asserted that lawyers today, particularly in widely publicized cases are required to advocate for their client not only within the confines of the courtroom but also in the public sphere. Their audience extends beyond the jury to encompass the media, and consequently the broader public as well.¹¹ The increasing inclination of the media to act as quasi-courts significantly limits the options available to the parties and their legal representatives. This situation gives rise to a discussion on the tension between the right to free speech and the right to fair trial. The importance of free speech lies in its ability to inform the public about matters of public significance, provided that this dissemination of information does not negatively impact the court proceedings.

⁹ Shreya Sahi, *Conflict between Freedom of Speech and Expression and Right to Reputation in the Light of Media Trials*, 4 Int'l J.L. Mgmt. & Human. 5259, 5260 (2021).

¹⁰ RAM JETHMALANI, ET AL., *CASES AND MATERIAL ON MEDIA LAW* (1st ed. 2010).

¹¹ David A. Strauss, *Why it's not Free Speech Versus Fair Trial*, University of Chicago Legal Forum 109, 111 (1998).

(A) Freedom of Press: Need or a Manipulation?

The Indian Constitution through Article 19(1)(a)¹² ensures the fundamental right to freedom of speech and expression. In contrast to United States, there is no explicit mention of freedom of press throughout the Constitution. However, the Supreme Court has acknowledged that the freedom of the press is encompassed within the broader scope of freedom of speech and expression. The Hon'ble Supreme Court in **Romesh Thapar v. State of Madras** stated that “Article 19(1)(a) includes the right to information and the right to disseminate through media, whether print or electronic or audiovisual means.”¹³ The media serves as an institution dedicated to advancing public interest by disseminating information that empowers citizens to understand their elected government better. Frequently, the media plays a critical role in scrutinizing governmental actions, pinpointing policy loopholes, and offering constructive criticism. This, however, prompts the government to attempt curbing the freedom granted to the media. It becomes imperative for the judiciary to safeguard press freedom, overturning any laws that undermine or infringe upon this liberty, in accordance with constitutional principles.

Indeed, there exists an ongoing struggle between the freedom of the press and the fair trial concept within the media landscape. Advocates of the media argue that in a thriving democracy, a free press is essential, stemming from the people's right to be informed about the daily operations of their elected government in issues that impact them directly. However, the media sometimes engages in the manipulation of facts, subtly distorting information for their benefit to boost viewership. This manipulation can frequently lead to a divergence from the judicial pursuit of justice. Striking a delicate balance becomes crucial to protect both the freedom of the press and the integrity of the judicial system.

The prejudicing of facts by the media infringes upon the rights of citizens, emphasizing the critical need to strike a balance between the press's right to free speech and the citizens' right to a fair trial. Ensuring a fair trial is paramount in a democratic society, paralleling the significance of press freedom. Media trials, if they sow doubt about the judiciary's competence in dispensing justice, pose a serious threat to the very foundation of democracy. Maintaining this delicate equilibrium becomes imperative to safeguard the principles of justice, democracy, and the citizens' right to unbiased legal proceedings. The challenge arises not from the media's role in exposing flaws in investigations or the underperformance of civil servants, but rather when the media exceeds its rightful boundaries. This occurs when it ventures into the territory

¹² INDIAN CONSTI. art. 19(1)(a).

¹³ Romesh Thapar v. State of Madras, 1950 SCR 594.

it should avoid, such as bringing sub-judice matters into the public domain, jeopardizing the sanctity of judicial procedures and compromising the 'right to life and dignity'¹⁴ of accused individuals and suspects. The evolution of media trials into media verdicts and punishments signifies an illegitimate exploitation of freedom, crossing the boundaries set by legal norms. It becomes essential to curb prejudicial publicity surrounding matters pending before a court, potentially allowing the imposition of restraint orders on the media in a legally permissible manner. This step is crucial in upholding the integrity of legal processes and maintaining a prudent demarcation of legal boundaries.

(B) Heart of the Indian Constitution: Fair Trial

The right to a fair trial is an absolute entitlement for every individual within the territorial limits of India, as stipulated by Articles 14, 20, 21 and 22 of the Constitution. This right holds paramount importance, particularly as it emanates from Article 21, to be read in conjunction with Article 14.¹⁵ While freedom of speech and expression, as outlined in Article 19(1)(a), is acknowledged, it is subjected to 'reasonable restrictions' under Article 19(2)¹⁶ and Section 2(c) of the Contempt of Court Act.¹⁷ The prioritization of one's with dignity over the right to freedom of speech and expression is evident. One of the most concerning aspects of media coverage is the handling of sexual offense cases, where the media often delves into the intimate details of the victim's sexual history, occasionally choosing to publish this sensitive information. Such actions can contribute to the perpetuation of deep social stigma and, tragically, may even lead victims to contemplate suicide, as observed in several cases. The media's treatment of both the accused and victims as mere news items places their reputations at significant risk, undermining their right to privacy and dignity. Striking a stability between freedom of the press and ethical responsibility to handle such cases with sensitivity is crucial to prevent further harm and preserve the well-being of those involved.

The impact of media trials on the right of the accused to a fair trial is indeed significant. The pressure exerted by media coverage can sometimes influence lawyers, discouraging them from representing a particular party. This coercion can lead to the accused party facing trials without proper legal representation which infringes the right to be defended by a counsel of their choice under Article 22(1).¹⁸ A poignant example is the case of **Ajmal Kasab**,¹⁹ while the evidence

¹⁴ INDIAN CONSTI. art. 21.

¹⁵ Rattiram v. State of Madhya Pradesh, (2013) 12 SCC 316.

¹⁶ INDIAN CONSTI. art. 19(2).

¹⁷ §2(c), Contempt of Court Act, 1971.

¹⁸ INDIAN Consti. art. 22(1).

¹⁹ Mohd. Ajmal Amir Kasab v. State of Maharashtra, (2012) 9 SCC 1.

pointed towards his guilt, the principle of a fair trial remains fundamental. Abbas Kazmi, Kasab's lawyer, expressed deep distress over the harassment he faced from the media and the Public Prosecutor. The media, often sensationalizing the case, highlighted Kazmi's religious affiliation with the accused and labelled him a "Terrorist Lawyer," thereby creating a prejudiced environment. Such actions not only undermine the accused's right to a fair trial but also contribute to the broader challenge of maintaining the integrity of legal proceedings in the face of media influence.²⁰ The 200th Report of the Law Commission titled "**Trial by Media: Free Speech v. Fair Trial Under Criminal Procedure (Amendments to the Contempt of Court Act, 1971)**" was initiated suo moto, reflected apprehensions about the pervasive media coverage of criminal cases and disseminating of information regarding suspects and accused individuals.²¹

a. The Right that Prevails

The report drew attention to the case of **Harijai Singh .v Vijay Kumar** wherein the court emphasized that extends beyond the rights available to other citizens stated that the media does not enjoy any special right of freedom of expression and cannot be constructed beyond what is available to other citizens.²²

In conclusion, media trials and verdicts cannot be justified under the guise of free speech and expression, especially when they significantly impact the lives of the parties involved. Article 19(1)(a) was never intended to serve as a license for selling sensationalised and distorted versions of reality in the name of free speech. The principle underlying Article 19(1)(a) is to safeguard genuine freedom of expression for betterment of society, fostering open discourse and the responsible dissemination of information. It does not condone the media's potential misuse by sensationalizing stories at the expense of individuals' lives, nor does it provide a blanket immunity to infringe upon the rights of others.

III. SOCIAL MEDIA: THE NEW COURT

The internet, with its rapid information access and the ability to broadcast thoughts to millions, has given rise to web-based social networking or social media services. Prominent platforms like Facebook and Twitter fall under this category. Social media encompasses websites and

²⁰ Mohd. Aqib and Utkarsh Dwivedi, *Judiciary and Media Trial: A Need for Balance*, 4 IJL H. B 2454, 2556 (2019).

²⁰The Hindu, <https://www.thehindu.com/news/national/kasab-did-not-get-free-and-fair-trial-counsel-tells-court/article2847493.ece> (last visited 6 March, 2024).

²¹ Law Commission, Report, "*Trial by Media: Free Speech v. Fair Trial Under Criminal Procedure (Amendments to the Contempt of Court Act, 1971)*" (200, 2006).

²² Harijai Singh v. Vijay Kumar, AIR 1997 SC 73.

applications that facilitate the swift and efficient sharing of content, seamlessly integrated into the daily lives of individuals through smartphones, computers, and tablets. Aristotle's notion of man as a social animal finds a modern expression in social media, providing an easily accessible platform for interpersonal connections. However, the influence of the media on under-trial cases has become a widespread phenomenon. Social media's role in this context is significant, enabling individuals to freely express their opinions without communication barriers. The absence of such barriers means that these opinions are disseminated on a global scale, potentially exerting a substantial impact on the perspectives of others. Social media serves as a dynamic space where individuals can engage in open discourse, shaping and influencing collective opinions on a global level.

(A) Justice Administrators May Succumb to Social Media?

Justice G.S. Patel sharply observed, denouncing a phenomenon as a “*mob judgment*” that stands in stark contrast to the principles of democracy and legal governance.²³ In emphasizing the challenges faced by judges, he pointed out that while many judges withstand such pressures, particularly in the lower courts or initial stages of legal proceedings, there remains an unfair strain linked to public perceptions. Justice Patel emphatically stated that no judge should be compelled to make determinations under the weight of such circumstances, deeming it an absurd operational method. Furthermore, he questioned the rationale behind allowing journalists to garner public support in a manner that can potentially compromise the independence and impartiality of the judicial system.

Justice Sikri highlighted the profound transformation of social media in the technological age, emphasizing the current prevalence of “paid and fake news.”²⁴ In this era, characterized by extensive digital reach, social media possesses the potential to significantly sway individual opinions. The media's portrayal of an accused individual's past misdeeds during legal proceedings not only prejudices the minds of jurors but also shapes public perceptions. Furthermore, delving into the social and economic aspects related to legal cases creates obstacles to maintaining impartiality. Social media, being an influential force, stands as a powerful tool capable of moulding and steering public viewpoints. By disseminating and making inadmissible material publicly available, the media runs the risk of drawing the judge's and the public's attention to information that should not influence the case's decision. This oversight may inadvertently impact the judge's verdict. Individuals acquitted by the court due

²³ Shazia Sheikh, *Law and Media Trial in India*, 7 Journal of National Law University, Delhi 23, 25 (2019).

²⁴ Dr. Vikas Poonia, *Social Media Trial: A Fate to Criminal Justice System and the Society*, 6 Int'l J.L. Mgmt. & Human. 1990, 1994 (2023).

to a lack of proof beyond a reasonable doubt find themselves defamed on social media, grappling with the challenge of restoring their reputation in society. In its quest for sensationalism, the media often disregards the fact that such revelations jeopardize the right of the accused to a dignified life.

The second dimension to contemplate is organizational equity, where biases and impediments to fairness can sway the court's decision. In adherence to the fundamental tenet that a suspect or defendant is entitled to an impartial trial and is "presumed innocent until proven guilty in a court of law," preconceptions manifest as a societal transgression that influences public perceptions. A prominent illustration of public opinion shaping legal outcomes is evident in the landmark **K.M. Nanavati case**,²⁵ wherein the conviction of the defendants was notably impacted by prevailing public sentiments. In the instance of **Uma Khurana**²⁶, a Delhi school teacher faced a near-fatal encounter with a hostile crowd, fuelled by suspicions that she had "allegedly" coerced her students into prostitution. Despite being exonerated due to insufficient evidence, this incident underscores the potential harm inflicted by social media, where even the innocent are not spared. There is a pressing need for accountability in the realm of social media, emphasizing the importance of a robust legal framework that enhances public understanding of the law. Only through such measures can we hope to address and rectify the serious issues arising from the unchecked influence of social media on individuals' lives.

(B) Integrating Social Media Trials under the Indian Legal Framework

The phenomenon of social media trials remains inadequately regulated, but the Contempt of Courts Act of 1971 provides the Judiciary with the authority to intervene in specific media trials. Section 3 of this Act²⁷ plays a crucial role in empowering the judiciary to address such situations. Instances have arisen where the intersection of Article 19(2) and the Contempt of Courts Act has become a matter of contention and consideration. While social media falls under the umbrella of the fundamental right to freedom of speech, there is a recognized need for laws and regulations to govern its use. Striking the right balance in this regard is a delicate task, as any infringement on this fundamental right is likely to trigger widespread public outrage. Achieving a nuanced approach that safeguards individual liberties while curbing potential misuse remains a complex challenge in the evolving landscape of digital communication.

Section 66A of the IT Act, 2000,²⁸ amended by the IT (Amendment) Act, 2008, delineates the

²⁵ K.M. Nanavati v. State of Maharashtra, 1960 SCC OnLine SC 31.

²⁶ Court On Its Own Motion v. State, 2007 SCC OnLine Del 1662.

²⁷ §3, Contempt of Courts Act, 1971.

²⁸ §66A, Information Technology Act, 2000.

regulations pertaining to the transmission of objectionable messages through social media and electronic devices. It specifies that individuals using a computer or electronic device to disseminate offensive, menacing, or knowingly false information with the intent to instigate hatred or ill will can be penalized with up to three years of imprisonment. More recently, Electronics and I.T. Minister Ravi Shankar Prasad presented “*The Information Technology (Guidelines for Intermediaries and Digital Media Ethics Code) Rules, 2021*” as a “*soft-touch oversight*”²⁹ mechanism to tackle problems such as the widespread circulation of fabricated news. However, concerns have been raised by the Software Freedom Law Centre, India (SFLC.in), stating, these rules may compromise the values of an open and accessible Internet, constitutionally protected right to privacy, and freedom of speech and expression. While both sets of rules could potentially govern social media, especially in the context of active case-related discussions, a clear regulatory path has yet to be established. The debate over whether social media platforms should engage in self-regulation further complicates the regulatory landscape.

a. Outcomes of the Self-Proclaimed Courts

Certain media channels exhibit clear biases against individuals accused of crimes, often emphasizing the sensational aspects of the allegations. In this process, fairness, objectivity, and impartiality are compromised. The global reach of such messages magnifies the potential for public distress and agitation. In the most severe instances, these online posts disseminated through platforms like blogs and social networks can go viral, subjecting our client to intense hostility, contempt, and public ridicule.³⁰ The impact of such virality exacerbates the challenges our client faces, underscoring the need for responsible and ethical journalism to uphold the principles of justice and fair representation.

The media has consistently expressed its stance on criminal procedures, but the contemporary difference lies in the multiplier impact of social networks. When an individual is brought into focus, the detrimental effects reverberate across various networks. Social networks serve not only as sources of information but also as platforms for the formation of opinions. The concern, from my perspective, is that in the absence of proven facts, these networks have the potential to shape opinions that may run counter to the rights of individuals undergoing criminal proceedings. Considering the aforementioned points, it is crucial to remember that every person,

²⁹ Ministry of Electronics and Information Technology, <https://mib.gov.in/sites/default/files/IT%28Intermediary%20Guidelines%20and%20Digital%20Media%20Ethics%20Code%29%20Rules%2C%202021%20English.pdf> (last visited 5 March, 2024).

³⁰ Prerna Priyanshu, *Media Trial: Freedom of Speech v. Fair Trial*, 3 IJLLJS 284, 287 (2015).

whether charged or not, possesses the right to the presumption of innocence, privacy, honor, and protection of their image. This becomes particularly concerning in light of the content published on social networks, fostering a culture of parallel judgment. The widespread use of social networks has contributed to an increase in the number of users not only seeking information but also attempting to influence criminal proceedings. This ubiquity underscores the importance of carefully considering the impact of social media on the fair treatment of individuals involved in legal processes.

The case of Sushant Singh Rajput serves as a quintessential example of the challenges associated with social media influence. On June 14, 2020, the Bollywood actor was discovered hanging in his Bandra apartment.³¹ This incident attracted widespread attention, particularly from social media enthusiasts who engaged in a parallel investigation, involving politicians, actors, police, and even doctors in their speculative narrative. Despite a clear clarification from a doctor at AIIMS, affirming that the death was unequivocally a suicide with no indication of murder,³² the self-appointed social media justice advocates remained unconvinced. Fabricating stories from the confines of their homes, they propagated narratives without verifying the actual facts behind the unfolding events. This case highlights the potential dangers of unchecked information dissemination on social media, where speculation can overshadow verified information and contribute to the spread of misinformation, thereby, adversely impacting the rights of the parties involved.

IV. THE ONUS OF RESPONSIBILITY: THE REPORTER OR NEW CHANNEL

The Hon'ble Bombay High Court **Rhea Chakraborty v. Union of India**, Justice Dipankar Dutta underscored "*The duty of the press/media to have news items printed/telecast based on true and correct version relating to incidents worth reporting accurately and without any distortion/embellishment as well as without taking sides, cannot, therefore, be overemphasized*".³³ The responsibility to report with integrity and sensitivity is blatantly disregarded by the media in the Indian landscape, particularly when covering criminal cases and those involving high-profile personalities.

(A) No Regulations, No Accountability

The audacity to exploit these situations arises directly from the deficiencies in the existing legal

³¹The Wire, <https://thewire.in/law/sushant-singh-rajput-death-bombay-high-court-media-trial> (last visited 7 March 2024).

³²Samhita S. Mysora and Dr. Bhargavi D. Hermmige, *A Critical Study Ontrial By Media With Special Reference To Sushant Singh Rajput Case*, 5 Intl. Journal of Multidisciplinary Educational Research 101, 104 (2020).

³³ Rhea Chakraborty v. State of Maharashtra, 2020 SCC OnLine Bom 925.

framework. The absence of explicit accountability measures and consequences for violations in the event of media trials further compounds the problem, allowing unchecked sensationalism and potentially prejudicial reporting to persist. The lacuna in the legal system provides room for such misconduct without adequate repercussions, emphasizing the need for comprehensive reforms to address these shortcomings and uphold journalistic ethics.

In the harsh reality, reporters and news channels have been observed openly violating the law by disclosing the names of rape victims for the world to see. This egregious breach not only undermines legal protections but also perpetuates a culture that compromises the privacy and dignity of the survivors. Such actions not only contravene legal safeguards but also contribute to a broader societal challenge in maintaining the confidentiality and respect owed to victims of such sensitive crimes. Addressing and curbing these violations is imperative to uphold the rights and well-being of those affected by such heinous acts. It is noteworthy to mention herein that the Hon'ble Supreme Court, imposed fine on 12 media houses for disclosing the name of the victim³⁴ of the **Kathua Gangrape and murder case**.³⁵

(B) Who Must Bear the Responsibility?

Journalism transcends the mere dissemination of fake news for the sake of garnering TRP. With positions of influence come responsibilities, and if such transgressions are allowed to persist unchecked, they pose a threat to the affected parties and hinder their pursuit of justice through proper channels. It is imperative to let the courts, comprised of qualified individuals, perform their duties.

In instances of misinformation, media channels must bear full responsibility since reporters operate on behalf of these channels, and therefore, vicarious liability is applicable. This accountability is underscored by the actions of the Supreme Court, which has affirmed the acceptability of holding media houses responsible for disseminating incorrect information. If court proceedings are adversely affected and the rights of involved parties are jeopardized, media channels that publish and circulate information without proper verification must assume responsibility for the repercussions of their actions.

V. CONCLUSION

In summary, every freedom, including the press freedom, must be subject to certain limitations in order to protect the public interest. Granting unbridled freedom to any institution within a

³⁴ The Quint, <https://www.thequint.com/gender/indian-laws-on-disclosing-rape-survivors-victims-identity> (last visited 10 March, 2024).

³⁵ The State of Jammu & Kashmir & Ors. v. Shubam Sangra, 2022 SCC OnLine 1592.

democracy is prone to abuse, whether it be the legislature, judiciary, or the executive. While acknowledging the commendable efforts of the media in scrutinizing police investigations and conducting sting operations, it is advisable for the media to exercise a degree of self-regulation within its domain. This entails respecting the right to a fair trial and refraining from interference in court procedures. In the technological era, social media holds a significant role, offering a platform for real-time opinions on national and international issues, effectively shaping public opinion. Crime-related content circulates widely, and consistent posting and commenting contribute to influencing public sentiment. Social media mobilizes consciousness by portraying real events through sound, images, and words, often sparking movements beyond virtual boundaries. Its influence is evident in incidents like the Ankita Bhandari and Sushant Singh Rajput cases, impacting public opinion and sparking societal discussions on platforms like Indian streets. Therefore, the Media and Judiciary constitute the latter pillars, respectively, of a democratic framework, both essential for its seamless operation. The Judiciary should acknowledge the Freedom and Right of the Media to cover and circulate news about court proceedings in an open justice system. Simultaneously, the Media must exercise due diligence and extreme caution in reporting, preserving the sanctity of the Judiciary and guarantee a fair trial. Unnecessary clash over reporting on sub-judice matters is unwarranted; instead, they should collaborate, respecting each other's domain and independence.

(A) Suggestions

In unveiling the misuse of press freedom under the guise of awareness generation, the author of this paper has shed light on critical concerns. In response to the issues expounded upon, the ensuing recommendations are presented to guide and address these intricate matters:

1. The legislature ought to proactively address the issue of media trials by enacting stringent laws. The absence of explicit provisions creates loopholes that contribute to flagrant violations. Implementing clear and robust regulations is imperative to curb such instances and ensure fair and responsible media practices.
2. In high-profile cases, the court could designate a spokesperson to manage media responses, facilitating clear communication about the case's actual status. This proactive measure aims to prevent misinformation and sensationalized news, fostering a more accurate public understanding of the proceedings.
3. Efforts should be made to engage in discussions with the victims of media trials, gaining insights into the actual impact on their lives. This approach aims to highlight the tangible consequences and, in turn, strengthen the resolve to enact clear laws addressing the

issues surrounding media trials.

4. Social media trials require specific attention within the framework of the Information Technology Act (IT Act). The swift escalation of matters by social media amateurs can lead to bullying and other adverse consequences. Addressing this phenomenon explicitly in the IT Act is essential to curb online abuse and ensure responsible digital conduct.
5. Heavy fines must be imposed on media channels and houses for violations committed by either the organization or its reporters. If, despite three warnings, a casual attitude persists, the ultimate consequence should be the closure of the media house. This practice aims to serve as a deterrent, ensuring that media houses and journalists adhere to ethical reporting standards and contribute to maintaining the integrity of news dissemination.
