

## **MEDIA TRIAL**

India is a democratic country. For making it independent and democratic we have basically four important pillars! These four important pillars are:

- I. Legislature
- II. Executive
- III. Judiciary
- IV. Media

These four pillars perform their assigned respective work. The fourth pillar media works as bridge between the three pillars of democracy and common man of the society. Media is the only way through which the public gets to know about each fact. Media acts as a mirror and puts forward those facts in front of the public, which they must know. Media acts as a voice to society. Media is that platform which offers an opportunity to even a common man as well, who are generally ignored to become their voice. It is often said that a bullet loaded from a gun can't change human mind perception but a word or any act from the ink of the writer can change the whole world. And that's the main point of consideration that an ink from a journalist pen is more powerful. And this is the reason media have been given the status of fourth pillar and enjoys the freedom of press under Article 19(1)(a) of Constitution but with certain reasonable restrictions.

However there are several instances when Media is said to encroach the function of judiciary in dispensing non-bias decision by forming the one-sided opinion of the public in favour or against one party to the trial. It was came into light when before the trial could start in case of the death of actor Sushant Singh Rajput, the media started spreading over all the social media, television and newspapers distressing videos and images and leaked chats of Rhea Chakraborty just for the sake dirty TRP.. The manner in which an actor's death case has been excavated and thrown mud at by the media in the country is going to make it extremely difficult for the channels to repair their soiled reputation. This is what termed as "Media Trial"

Media Trial is defined as that process in which the media take a case in his own hand and declare the person either as guilty or not guilty. In simple words, it means taking a case in his own hand and declaring that who is guilty, even before the court has declared. Therefore, it is contrary to the idea of fair trial as the Hon'ble Supreme Court held that right to fair trial is fundamental right

under Article 21 of Constitution. Trial is a word which is associated with the process of justice. It is the essential component on any judicial system that the accused should receive a fair trial.

The media drew criticism in the reporting of murder of Aarushi Talwar, when it preempted the court and reported that her own father Dr. Rajesh Talwar, and possibly her mother Nupur Talwar were involved in her murder. The media has again come in focus in its role in Arushi Murder case. The concept of media trial is not a new concept. The role of media was debated in the Priyadarshini Mattoo case, Jessica Lal Murder Case and likewise many other high profile cases. There have been numerous instances in which media has been accused of conducting the trial of the accused and passing the 'verdict' even before the court passes its judgment. Trial is essentially a process to be carried out by the courts. The trial by media is definitely an undue interference in the process of justice delivery.

Media has now reincarnated itself into a 'public court' (Janta Adalat) and has started interfering into court proceedings. It completely overlooks the vital gap between an accused and a convict keeping at stake the golden principles of 'presumption of innocence until proven guilty' and 'guilt beyond reasonable doubt'. Now, what we observe is media trial where the media itself does a separate investigation, builds a public opinion against the accused even before the court takes cognizance of the case. By this way, it prejudices the public and sometimes even judges and as a result the accused, that should be assumed innocent, is presumed as a criminal leaving all his rights and liberty unrepressed. If excessive publicity in the media about a suspect or an accused before trial prejudices a fair trial or results in characterizing him as a person who had indeed committed the crime, it amounts to undue interference with the "administration of justice", calling for proceedings for contempt of court against the media. Unfortunately, rules designed to regulate journalistic conduct are inadequate to prevent the encroachment of civil rights.

Media, the fourth most important pillar of our democracy is the heart and soul of our system. It's the backbone of our society. So, it's our duty to correct its limitations.

- The public should also not trust all the media news blindly.
- A person's right to privacy should not be interfered due to any problem of the media.

In a country like India, people have been given many fundamental rights. So, we can't completely deny the rights of the media. Because it would probably be against our principles of the

Constitution. As Our Constitution of India has provided us with the freedom of expression and speech as our fundamental right. And besides that to maintain peace in our country, the legislature has tried to maintain a balance too by imposing restrictions on the freedom of speech and expression. Media should understand that its role is to raise issues which the public is facing. Media can be a voice for those who can't speak for themselves. Media should not deliver judgment because in India we have a judiciary for this purpose.

