

Why India needs to think twice about media trial: A Contemporary Analysis

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“The news media are, for the most part, the bringers of bad news... and it's not entirely the media's fault, bad news gets higher ratings and sells more papers than good news”¹ – Peter McWilliams.

INTRODUCTION

It is relevantly undeniable of how media stems as a more powerful source of knowledge since time immemorial. It serves as one of the most impactful backbone to the Indian democracy. We owe a lot to the daily technological inventions and advancements for the more-developed surroundings we reside today in. With a click of a button, a post can make a huge difference, both good and bad. People are informed, educated, and entertained by them. They also have an impact on people's perceptions of the world and cause them to change their minds. The media keeps us up to date on what's going on in the world. It informs us of what is going on in our immediate environment as well as throughout the world. We gain a wealth of knowledge on a variety of topics thanks to the media. Information is disseminated largely through the media. The media has a critical influence in shaping public opinion. And why only blame social media, even print media also has a condescending impact on the protagonist of a particular news. Some call it a publicity stunt while some name it as an infringement of privacy. For a general reader and viewer, it serves the daily dose of information, but for the protagonist, it can be both proud and the most embarrassing moment or episode in their life. Now the essential question that arises as to whether media is important but is it so important that we allow it to jeopardise our privacy? or let it create and spread an unnecessary hate against an individual or a group.

In order to facilitate an effective understanding on this topic, the article will deal with the concept of media trial in details, with the emergence of the very concept, its main issues with regards to media trials procedure and in India, thereby briefly discussing the landmark cases, recent scenarios, its current impact on the general population and recommending a way forward.

¹ https://www.searchquotes.com/quotes/author/Peter_McWilliams/

EMERGENCE OF MEDIA TRIAL

Now that we have understood as to why and what significance daily media holds over the common man and influences the mass, it would be feasible to understand the concept with respect to criminal justice system better by talking about the very emergence of media trial. The practise of proclaiming an alleged offender guilty before the Court has rendered its decision is known as media trials². Media trial is nothing but a coverage of daily trial- something which used to take place behind the four walls of the court, is now being televised over TV's, radios, Youtube and without any doubt, the social media. The trial of former National Football League player, broadcaster, and actor OJ Simpson, who'd been tried and convicted on second - degree murder in June 1994, deaths of his ex-wife, Nicole Brown Simpson, and her friend Ron Goldman, dates back to the twentieth century. However, the media swayed public opinion and thereby Simpson was pronounced as guilty. But sadly, nowadays, this can even instigate an unnecessary sense of bias against a person, even if no final verdict had made him guilty to the dispute. But, under Art. 19(1)(a), the Right to Freedom of Speech, the Indian Constitution acknowledges and defends media freedom. The Indian media has gone through several periods, from being entirely run by the government to being set up by corporations that are mainly regarded as professionals. Earlier the media was generally unbiased in its coverage of events and has gone through many phases since the setting up of private new channels thereby giving a go the practise of 'aggressive journalism'. That being said, a major problematic situation unravels the country when media assumes the role of a judiciary and rather deviates from accurate and impartial reportage. A glaring example of such would be the current case of Sushant Singh Rajput and Rhea Chakraborty. The media trial has unquestionably continued its recent practise of unwarranted intrusion into the judicial system. Judges start considering media criticism when making decisions if they go against the media's point of view, like in celebrity cases, the verdict passed by the media becomes the final ruling. In circumstances such as national threat, article 19 (2) of the Indian Constitution is invoked to these media trials thereby restricting the same. Media trials are also sometimes termed as being 'Contempt of court' backed by the Contempt of Courts Act, 1971. As per the Act, contempt of court is defined as any publication that interferes with, obstructs, or tends to obstruct any proceeding, civil or criminal, and the course of justice, which is

² Vishwajeet Deshmukh, *Media trials in India: A Judicial View to Administration*, January 19, 2021, available at <https://www.jurist.org/commentary/2021/01/vishwajeet-deshmukh-media-trials-india/>, (Last visited July, 1, 2021)

actually a pending proceeding. The word ‘contempt’ is thereby used, since some of the acts that are disclosed even before court's judgement can deceive the public eye and jeopardize the fair trial right of the accused³. This same process goes against the very notion of “innocent until proven guilty” which is unjust for the accused. However, although in 2012 case of Sahara v SEBI, SC stated emphatically that such media trials are likely to harm the court's credibility and legal proceedings⁴, the current situation has gotten out of hand. Substantial media coverage of a suspected person before a trial hampers a fair trial or characterises him as a perpetrator of the crime, it may result in disproportionate intervention with the “administration of justice”⁵ necessitating contempt of court actions against the media. Although media aims of produce daily dose of unlimited content, one should differentiate between an accused and a convict so as to prevent himself or herself to step onto the ‘media judiciary’.

MAIN POINTS OF CONTENTION

Although it is well known that as per the provision of the Indian constitution, citizens have the right to information but the main issue that arises as to whether it is fair for everyone. In order to settle the dispute of fairness, it is necessary to consider the privacy of every witness or accused and their right to protect their private information. Out of all the major consequences that may arise due to the rather debatable concept of trial through media, in my opinion, the three main consequences one should consider are a) verdict manipulation b) hostility of the witness and c) privacy invasion.

I. Verdict Manipulation

The significant contention which might centre around is the media pressure coupled with the political polarization. This kind of trial has the capacity to impact popular sentiment and inflame public opinion against the accused⁶ or the court system's functioning by claiming that it is faulty or prejudiced against the accused and this has the potential to have a significant

³ Abhilash Kumar Singh, *Media Trial: Pressing for charges*, August 29, 2020, available at <https://www.indialegallive.com/cover-story-articles/focus/media-trial-pressing-for-charges/>, (Last visited July, 1, 2021)

⁴ Ahmed Raza, TRPs or Truth, Vol. 55, Issue No. 42, Economic and Political Weekly, October 17, 2020

⁵ Mohd. Aqib, Utkarsh Dwivedi, *Judiciary and Media Trial: A Need for Balance*, Indian Journal of Law and Human Behaviour Volume 5 Number 2 (Special Issue), May - August 2019

⁶ Shoronya Banerjee, Reflection of the media trial as a threat to our judicial system, May 12, 2021, available at <https://blog.ipleaders.in/reflection-media-trial-threat-judicial-system/>, (Last visited July, 1, 2021)

impact on people's attitudes and undermine their faith in the legal system⁷. Legal system stems as a backbone and the hope of last resort by any victim whether it is the party who has been cheated, the family of the victim or even the accused who might not possibly be the actual convict legally. The notion of '*innocent until proven guilty*' of an accused person is a legal presumption based on the natural justice principle that must not be shattered at the very outset by a public trial, especially when the inquiry is still ongoing and a final verdict has not been delivered yet⁸. In the landmark case of *Manu Sharma v. State (NCT of Delhi)*⁹, the court was of the opinion that dignity of court should be considered to be of vital consideration since it is the court which is ultimately deciding from the legal standpoint. What we see from our bare eyes may be wrong but can be legally right and what we see as right but might be considered and held to be legally a wrongful act. Moreover, it should be stressed and highlighted that India being a democratic country allows for voices to be heard and criticisms to be faced but it should not be at any point to be replaced by the actual judiciary. There's always a danger that judges will be swayed by the flurry of comments made about a particular issue. Since the matters are sub-judice, it is necessary to subject oneself to proper research, the system of democratic accountability through accurate checks and balances.

II. Hostility of the witnesses

The whole idea behind the witness procedure and cross examination is to delve deep into an incident which would effectively make the whole investigative and judicial process simpler and efficient. Therefore, even if we argue that trials through media are a necessary and of significance for public interest, we may instigate a grave error of privacy invasion of the witness taking such stand. In simpler terms, it will be safe to presume that when you drag the 'so-called accused' into the media limelight, you do the same with the others supposedly involved in it too who might not be wrong. Therefore, such incident resonates into a fear of witnesses being wrongly forced, induced or brainwashed coupled with the media pressure to become ultimately hostile which dismantles the whole democratic framework which we proudly pronounce of. In order to prevent any such form of hostility, what is needed is proper

⁷ Ibid

⁸ Muneeb Rashid Malik, *Media Trial: Guilty until Proven Innocent?* Available at <https://www.greaterkashmir.com/kashmir/media-trial-guilty-until-proven-innocent>, (Last visited July, 1, 2021)

⁹ (2010) 6 SCC 1

governmental protection and as per the judgement in the case of Mahender Chawla and Ors. v. Union of India (UOI) and Ors¹⁰. It is essential to understand that it is highly unlikely for a person/witness who enter the pristine walls of the court as a witness to a crime or any other incident if he or she isn't sure that they're duly protected and looked over by the government personnel and that their safety is taken care of. The Hon'ble Court was pleased to allow the Special Investigation Team in the classic case of National Human Rights Commission v. State of Gujarat and Ors¹¹ to make a decision as to "which witnesses require protection and the kind of witness protection that is to be made available to such witness"¹² in light of policies and precedents regarding witness protection in several parts of the world and the lack of any such mechanisms in India. This will inturb be a fruitful measure taken up by the government in ensuring that justice is not denied and at the dame time, such arrangements are not misused.

III. Invasion of Privacy

Apart from the other two concerns, one of the main things we, being Indians are offered is the right to privacy under section 12 of the Indian Constitution. Landmark cases such as murder of Ms. Sheena Bohra and the well-known 2008 case of the Talwar's were both pursued by Indian media, and the sudden demise of SSR has sparked a similar debate, putting the basic human right to privacy in jeopardy once more.¹³ The advent of new technologies surely marked the progress in advancement of the country, but it would be foolish leave it at that. With new technical developments, nowadays, privacy has become an issue of grave concern. While we try to ensure cyber safety is maintained and no criminal offences are hence perpetrated through media and technology, the last thing to think of is the very same judicial authority allowing to break into a person's privacy. There have been numerous instances wherein the media had crossed boundaries over one's personal details and privacy matters. This issue becomes significant since India in its Penal code has a provision which restricts personal details of a rape victim and mandates the same as punishable under section 228 of

¹⁰ 2019 (14) SCC 615

¹¹ MANU/SC/0713/2009

¹² Sanjeev Kumar & Abhishek Goyal, *India: Witness Protection: Safeguarding the Eyes And Ears Of Justice**, April 23, 2020, available at https://www.mondaq.com/india/trials-appeals-compensation/914274/witness-protection-safeguarding-the-eyes-and-ears-of-justice#_ftn13, (Last visited July, 1, 2021)

¹³ Nikita Das, *Media trials in India: An unwritten carve-out to the right to privacy?* November 12, 2020, available at <https://iapp.org/news/a/media-trials-in-india-an-unwritten-carve-out-to-the-right-to-privacy/>, (Last visited July, 1, 2021)

the said Act¹⁴. In spite of there been a legislation at force, it would be worthy to note that in the TISS rape case, the media hype jeopardized the TISS victim's privacy and tarnished the deceased's reputation¹⁵. The media did not disclose the victim's name in the TISS instance, but instead it did reveal the university details and the course of the victim, thereby going against PCI standards¹⁶. All these as a part of media trial does more bad than good since, it not only destroys the victim's privacy who is either in tremendous shock and mental trauma by throwing him or her under the sudden media spotlight, but also brings into the table lots of unnecessary and irrelevant speculations usually stemming from digging deep into the personal details of the people involved in the case, which ironically might have 0% relation to the actual case just to suffice their daily content requirement quotas. Furthermore, determining someone's guilt or culpability while the case is pending creates irreversible harm to the suspect's life, image and undoubtedly, his or her career. Now the question that arises is to what extent can public interest and right to someone's privacy co-exist under the umbrella of democratic governance and fair judicial mechanism? Popularly, in the Harijai Singh Case, the Supreme Court of India expressed a similar attitude, stating that unrestrained freedom could result in anarchy and instability in society, as the individual freedom should not impinge on the rights of someone else¹⁷. Furthermore, the most crucial part for the media networks and channels to remember is that distribution of news of which the court has not given a final verdict on should not be permitted since it has the potential to cause unnecessary chaos and to avoid the same, it is an essential step towards it as laid down by the case of Y.V. Hanumantha Rao v. K.R. Pattabhiram and Anr¹⁸.

¹⁴ § 228, IPC

¹⁵ Sonal Makhija, Privacy and Media Law, July 19, 2020, available at <https://cis-india.org/internet-governance/blog/privacy/privacy-media-law#3>, (Last visited July, 1, 2021)

¹⁶ Ibid

¹⁷ Anurag Singh and Astyutya Prakhar, *The Conundrum of Media Trial: Is There a Need for a Paradigm Shift from Self-Regulation?* May 27, 2021, [The Conundrum of Media Trial Is There a Need for a Paradigm Shift From Self-Regulation - JURIST - Commentary - Legal News & Commentary.pdf](#), (Last visited July, 1, 2021)

¹⁸ Aayushi Kiran, *Do Media Trials Serve Any Purpose?* October 20, 2020, available at <https://www.latestlaws.com/articles/do-media-trials-serve-any-purpose/>, (Last visited July, 1, 2021)

LANDMARK CASES & JUDGEMENTS – A precedential analysis

The major threat that the judiciary fears is the miscarriage of justice that is likely to emanate from these trials. The classic case of **R Rajagopal v. State of Tamil Nadu**¹⁹ also reiterates the same position wherein the court is of the opinion that except in the case of limited circumstances, such as the identity of a rape victim, injunctions could not protect public officials, public acts, or public records from disclosure. Now the question arises as to whether what is portrayed on media is always the truth or significant? This can be fairly articulated by the famous murder case of Mrs. **Sheena Bora** wherein her mother Indrani Mukherjea along with her husband were alleged to be the murders of Ms. Bohra. But aside from the relevant facts or ratio of the full case, the media also delve deeper and bounced around with personal details of the accused and her husband and what one prefers to keep private and something which has “no relation with the investigation of the murder of Sheena were under the public lens of scrutiny through media thereby throwing the journalism ethics again under the controversial debate due to their meddling with the personal matter of the accused”²⁰.

Another case of legal significance is the **Jessica Lal case** wherein the victim Ms. Lal was a barmaid at a well-known South Delhi bar, who was shot after a heating controversy by non-other than the Union Minister’s son Manu Sharma. Following the murder, when the accused was exonerated by the trial court, the matter received immediate media attention.

Significance of this case lies on the fact that it was the media which influenced the court in this case. Moreover, although initially, the murderer was released on the account of Delhi police not procuring any sufficient evidence to construct a legitimate case, the judicial system had announced him life imprisonment.²¹ Lastly, the case which makes a mark even to this day is the murder case of a child named **Pradyuman Thakur** who attended RIS was murdered by a senior student of the very same school. Initially when the case went out to media, under the pressure of media outcry, a sexual assault charge was brought against the school bus driver, even though later it was discovered that he was not guilty. This case revealed the true picture of media trial which can bring upon unimaginable consequences upon one’s life.

¹⁹ (1994) 6 SCC 632

²⁰ Diganth Raj Sehgal, *Famous cases of media trials in India*, March 10, 2021, available at <https://blog.ipleaders.in/famous-cases-media-trials-india/>, (Last visited July, 1, 2021)

²¹ Diganth Raj Sehgal, *Famous cases of media trials in India*, March 10, 2021, available at <https://blog.ipleaders.in/famous-cases-media-trials-india/>, (Last visited July, 1, 2021)

IS IT ALL ABOUT TRP?

To reach a large number of people, news coverage is selectively intensified and exaggerated in accordance with the ideological and political agenda. With more than 50 thousand newspapers and over multiple channels in multiple languages vying for attention and survival, it's no surprise that there's a lot of competition. As can be drawn from the Simpson case and from the very fact that 'First impression is the last impression', as popularly known, can make the whole idea of media trial look trashy. Viewers watch what they want to watch. It would be easier to understand that the common mass will always believe what they watch even if it goes against the common legal knowledge. Common citizen, such non-law professionals, being laymen will certainly incline much towards the local hearsay and media circus due to the lack of requisite legal acumen that ultimately decides on whether accused can be finally pronounced as a convict. This also makes a way for media professionals to even use these cases or parts of it to generate contents which might not even be related or even for that matter significantly associated with the main cases at the court, thereby leading to mixed thoughts and opinion of the public. Media control over the impartial functioning of the judiciary can be deemed to be unfit for a fair trial which everyone irrespective of any differences, is entitled to. This is also considered as a right to fair trial under articles 14, 19, 20, 21, and 22 of the Indian Constitution. The right to a fair trial is a basic human right granted to the accused and victims alike, and it is acknowledged as a key component of justice. Another remarkable incident of the Talwar family case had the similar implication. Even though legally, no final verdict was placed forth by the court, media had already announced who is the convict in this case²². It would be fair to consider that what media captures is nothing but a daily content or updates which might more often not be true as well. Furthermore, to contribute to this technical misery, political affiliation has become a competitive advantage for the media, as a simple mechanism to attract a large number of TRP from ideologically and politically motivated viewers²³. The TRP game has exploded in India over the last ten years, as top media firms have covered matters as per the rigorous ideological adherence and unwavering loyalty to parties²⁴. This could essentially lead to hindering the notion of a fair trial. In order to safeguard from malicious media activities, a

²² Abhilash Kumar Singh, *Media Trial: Pressing for charges*, August 29, 2020, available at <https://www.indialegallive.com/cover-story-articles/focus/media-trial-pressing-for-charges/>, (Last visited July, 1, 2021)

²³ Ahmed Raza, TRPs or Truth, Vol. 55, Issue No. 42, *Economic and Political Weekly*, October 17, 2020

²⁴ Ibid

legislation known as the Contempt of Court Act, was brought into places. The sole objective of this act is to ensure that the media cannot publish anything and everything as a part of media work just because it has the freedom to do so. Nowadays, media trial is brought under the purview of ‘contempt of court’. While conducting fair trial, the accused will be first seen as a normal individual and will be tried as any other individual, irrespective of how much fame and wealth he or she might have under their belt. Thus it is always preached to allow the trial of the accused to be free and fair without being unduly influenced by the media. If not rectified today, soon the thread of transparency and fair justice will soon be lost from the woven of the democratic structure of India.

‘MEDIA TRIAL’ -A problematic approach(?)

More and more leeway to the media on a particular case, especially in case of a media trial gives more opportunity of the data and evidences being misused by those professionals. Since there remains narrow scope of performing accurate checks and balances used by the media houses to deliver the daily news, the authenticity of the same data still remains a matter of deep scepticism thereby ultimately creating an unnecessary panic among the common mass. India’s failure on regulating self-regulation has also been admitted by Justice Kulkarni in the Nilesh Navalakha case²⁵. The account of the recent events has clearly portrayed as to why authenticity and legitimacy has to be central in judging and determining a particular case. Ironically in some way or the other the old saying of the ‘television being the idiot box’ holds true on account of these events although in recent times it is also largely circulated over social media as well. While the respecting the freedom of press is essential at the same time, contentions or reports backed by sufficient court evidence is also essential for before it spreads across the general mass. This is highly applicable with respect to the contemporary situation wherein anything can be circulated and spread in form of a fake news in order to terrorize the common population of something which might have not happened or has a mere chance of taking place. According to the latest news, it has also been brought up that during the popularly-known Sushant Singh Rajput case, claims were made wherein it was alleged that SSR’s then partner Rhea Chakraborty performed black magic on their son/brother (Sushant). Ultimately, in the guise of news, what proceeded was a

²⁵ Anurag Singh and Astyutya Praxhar, *The Conundrum of Media Trial: Is There a Need for a Paradigm Shift from Self-Regulation?* May 27, 2021, [The Conundrum of Media Trial Is There a Need for a Paradigm Shift From Self-Regulation - JURIST - Commentary - Legal News & Commentary.pdf](#), (Last visited July, 1, 2021)

vortex of misinterpreted facts, manufactured lies, and pure amusement. Provoking stories with insignificant headlines were often broadcast on media outlets and news networks²⁶. There have been numerous occasions where media proved to be at its sensationalist peak especially when “While the investigation of the Aarushi-Hemraj double murder case was on, media channels were busy asking viewers to send SMSs guessing who the murderer was”²⁷. Nowadays, content creation through media trial have put on a ruthless mask of dramatic and politicised exaggeration. Moreover, in a country where corruption takes huge leaps every year, trial by media can result in problematic consequences.

THE INTERNATIONAL SPECTRUM

Position of India with respect to the circus of media trial will be well understood when we look at the concept of trial by media with a global lens. That being said, the first common-law country to come to our mind is United Kingdom. While India and the UK might have its differences in various other things, but the thread holding their knot of commonality is their understanding of how cruel the media business can be especially from a law-suit point of view. The UN-based concept on the judicial independence, as stated in a human rights act under its provision as per article 6, states that it is the responsibility of the judiciary to assure that legal procedures are done properly²⁸ and most importantly fairly without denying any party their respective rights. The well-known case of *Samuel Shepperd* and Attorney General v. BBC²⁹ places to a great example in the light of the ongoing media trial from an international perspective. Both these cases reflect how the prejudicial media exposure can serve as a bias against the parties involved in the suit. Apart from the noteworthy English cases, even the American legal forum is of the same opinion. While judging a second-degree

²⁶ Prena Lidhoo, Aarushi Talwar To Rhea Chakraborty: A Tale of Two Media Trials and Zero Lessons Learnt, September 01, 2020, available at https://m-thewire-in.cdn.ampproject.org/v/s/m.thewire.in/article/media/rhea-chakraborty-sushant-singh-rajput-aarushi-talwar-media-trial/amp?amp_js_v=a6&_gsa=1&usqp=mq331AQKKAfQArABIIACAw%3D%3D#aoh=16249051393210&referrer=https%3A%2F%2Fwww.google.com&_tf=From%20%251%24s&share=https%3A%2F%2Fthewire.in%2Fmedia%2Frhea-chakraborty-sushant-singh-rajput-aarushi-talwar-media-trial, (Last visited July, 1, 2021)

²⁷ Ibid

²⁸ Ayush Verma, International perspective to trial by media, September 28, 2020, available at [https://blog.ipleaders.in/international-perspective-trial-media/#Situation in English courts](https://blog.ipleaders.in/international-perspective-trial-media/#Situation%20in%20English%20courts), (Last visited July, 1, 2021)

²⁹ Ibid

murder case, in the classic case of *Sheppard v. Maxwell*, as agreed by the US Supreme Court, deprivation of a proper fair trial was attributed to the failure of the trial court which allowed for a media publicity while the prosecution was still ongoing, thereby disrupting the 14th Amendment of the US Constitution³⁰. In this case, “The Court laid down the test of “reasonable likelihood” of prejudicial news prior to the trial preventing a fair trial”³¹. The “Reasonable chance”³² test of unfavourable news being released before to the trial, barring a fair trial. The conviction should be reversed if such a realistic prospect arises. As a result, the Court changed its standard from “presumed prejudice”³³ to “reasonable likelihood.”³⁴ The Maxwell case also laid the foundation on dealings with unnecessary media circus and publicity. Firstly, it suggested for a need to i) restrict the media's participation at courtroom sessions. Secondly, it has also mentioned that ii) the witnesses should have been protected by the court. During the trial, this entails safeguarding and isolating the witnesses. Thirdly, If the trial's fairness is jeopardized by media coverage, a fresh trial should be conducted. Finally, an attempt to keep police and legal officers, witnesses, and lawyers (both petitioner and respondent) from leaking information, personal details, statements and rumours to the press must be taken forthwith. Extra - judicial comments by any advocate, party, or any other official that revealed adverse information may have to be prohibited by the trial court. This scenario is quite significantly also followed in the United Kingdom wherein, when criminal court proceedings are jeopardized by negative media publicity and adverse press, courts often put a stop to the proceedings. When the “rules of evidence”³⁵ prevent the disclosure of certain facts during a trial, and if the jury constituents during the time are privy to the same information, inferred by the English courts³⁶ that fairness of justice has been tainted and thus they follow the test of ‘presumed prejudice’.

RELOCATING TO A COMMON GROUND

³⁰ Justice R. S. Chauhan, *Trial by Media: An international Perspective*, September 13, 2020, available at <https://www.scconline.com/blog/?p=235735>, (Last visited July, 1, 2021)

³¹ Ibid

³² Ibid

³³ Ibid

³⁴ Ibid

³⁵ Ibid

³⁶ Ibid

The fair trial right of a person or an accused has long been acknowledged as the cornerstone of criminal law and one of the most fundamental aspects of democratic governance. While sound recordings, media storage, images and videos are the shreds of evidence and thus forms an essential part of the case, the judicial system in India should try harder to lower the prospects of any misuse of such documents since earlier there have been instances wherein all such documentary evidences (which are usually attained for the court proceedings) were brought into the hands of the media houses which later on broadcasted it over live television throughout theirs as well as the other news channels. This concern-able issue takes us back to the case of Mr. Tarun Tejpal who was alleged to have sexually assaulted his own employee. Although it was barred by the trial court to announce any relevant details of the case through publication, it didn't put forth any such restriction for on-screen trial. This approach of the trial court is problematic in the sense that first, barring publication will have no impactful effect unless and until some stringent restrictions are placed on these types of on-screen trial occurrences. Barring publication won't stop the media to move from one part of the continent to the other, especially in the new digital era and secondly, because later on the media released a footage of both the parties whereby continuously bringing it up on various news channel. Although may might take a strong position putting up the card of Right to information, the real question to ask would be whether we are ready to go with it while keeping the privacy of the parties involved in the case at stake. Although the common population might be intrigued by it especially when the case involves a celebrity in it. But it is essential to realize that even they are entitled to the basic right to privacy just like any other citizen of the country. Both media and the judiciary serve as the significant stakeholder for justice in India, with one deciding matters or any other highly concern-able issues through a legal lens and while for the other (i.e, the media), it is to highlight the recent happenings that have significant impact in our lives without infringing someone's right to privacy. That being said, it is imperative to note that celebrity paparazzi can in no way be justified with a right to information placard. Furthermore, nobody can and should not utilize the other to carry out its obligations. To harbour a more acceptable approach of right to privacy and fair trial with right to information, it is vital to accept that platforms such as media should only perform journalistic tasks and not serve as a special agency for the court. Due to the prejudiced nature of certain media coverage, freedom of speech and expression is inadmissible because it

interferes with the justice system³⁷. As agreed by the court in the Rajagopala case, however, it must be remembered that there must be a healthy balance between press freedom and the right to privacy, and any defamation must be done in accordance with the Constitution's democratic values.³⁸ If not corrected soon, every other cases allowed to be conducted through media trial will face just what the Aarushi Talwar's case has been through, thereby media releasing its own verdict; manipulating the common viewers and keep on adding to the collapse of the country's justice system. While it goes without mentioning that media information is necessary to be up-to-date with what's happening around us, there is a need to find a middle between right to information and right to privacy. This can be achieved if both media as well as the judiciary perform their respective and media restricts itself from assuming the function of the judiciary at place. Moreover, this will also facilitate later on in preventing media and political corruptions in India as well.

CONCLUSION

The public benefits from media freedom. However, because people frequently have high faith in what the media broadcasts, this benefit might turn out to be unpleasant if the news broadcasted is misinterpreted and unduly influenced. As a result, it is the media's job to review and rectify every report and present it without compromising accurate occurrences. Although there were occasions wherein the media did uncover some very important cases such as the "HDW(Howaldswerske) marine case"³⁹, Narsihma Rao bribery case⁴⁰ and etc, which needed to be brought into the limelight, recent events have proved how media trials are more of a bane than a boon. Role of media should be to remove the veil of injustice by reporting the current news and overall developments in a just and unbiased manner which should be not done by hindering and infringement unnecessary private details and reporting every move of a person which has no linkage with the actual issues of the case. Crafting one's own mythologies and dilutions through media in order to mislead and terrorize the

³⁷ Vishwajeet Deshmukh, *Media trials in India: A Judicial View to Administration*, January 19, 2021, available at <https://www.jurist.org/commentary/2021/01/vishwajeet-deshmukh-media-trials-india/>, (Last visited July, 1, 2021)

³⁸ Aayushi Kiran, *Do Media Trials Serve Any Purpose?* October 20, 2020, available at <https://www.latestlaws.com/articles/do-media-trials-serve-any-purpose/>, (Last visited July, 1, 2021)

³⁹ Devesh Tripathi, *Trial by media prejudicing the sub judice*, available at http://www.rmlnlu.ac.in/webj/devesh_article.pdf, (Last visited July, 1, 2021)

⁴⁰ Ibid

general population with false conspiracies can turn into heavier and unhealthy consequences. Furthermore, to be concise, the continuation of the media's flagrant abuse of power would be detrimental to the public interest, perhaps resulting in chaos and violence at any time. On account of recent circumstances, it would be safe to conclude that media and the judiciary should put the 'right-foot' forward since media sensationalization in media trial cases, in particular, not only infringes an individual's right to privacy but at the same time, in various ways, threatens the life as well.