

ABSTRACT

PREJUDICING IMPACT OF TRIAL BY MEDIA ON SUB JUDICE: A HINDRANCE IN ADMINISTRATION OF JUSTICE

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This paper is trying to illustrate one of the crucial issues concerned with the Criminal Justice System in India. As we know that freedom of press is an important right in a democratic country like India but it is not absolute right and subjected to reasonable restrictions in order to be exercised for public good in place of an unlimited privilege for media's own shake. According to Article 21¹ of the Indian Constitution an accused or a suspect is entitled to a fair procedure but excessive publicity in media about an accused before trial may prejudices a fair trial. This paper under the light of various National and International Laws elaborates that trial by media put at risk the due administration of justice by the extensive prejudicial coverage of crime. As per the observations of 200th report of Law Commission of India media cannot be permitted to usurp the powers of court and thereby undermine the confidence of people in Judicial System of the country.

Here an attempt has been made to emphasize on the necessity of maintaining a delicate balance between the freedom of Speech and Expression of the media and due process rights of the suspect and accused with the aim and object of proper and swift functioning.

Key Words: Trial by Media, Right of a Fair Trial, Freedom of Speech and Expression, Administration of Justice, Prejudicial Publications.

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