

ABSTRACT

A CRITICAL ANALYSIS OF TRIAL BY MEDIA

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Media is a powerful medium and aids in the exchange and communication of ideas and opinion. An independent media is a carrier of courage and plays an active role in the quest of truth in a democracy. But, a free press entails with it the responsibility to realize the consequences of its actions. The interplay between the right to freedom of speech and expression and the right to fair trial has resulted in a conflict between the competing rights. Media has a responsibility to ensure that the matter is thoroughly investigated and the facts are duly verified, analyzed and researched upon and a truthful account of the information is rendered to the readers.

The press cannot exercise its rights in a whimsical manner as the media coverage has a pervasive impression in the minds of the readers about the guilt or innocence of the accused. Any kind of fabrication of the truth adversely affects public opinion and in turn interferes with the smooth functioning of the judiciary and thereby disrupting the status quo. Such interference give rise to legal complexities which hinders the right to fair trial guaranteed by the Constitution. The issue at hand is that of a dichotomy of free speech and fair trial that is apparent in the case where restrictions are imposed on prejudicial publications affecting fair trial and the question is whether such restriction would curb and abridge the freedom of press. There is a dire need to curb the implications of media trial as it affects the criminal justice system and the public at large. To harmonize fair trial and free press, it is necessary to enforce the Contempt of Courts Act, 1971 efficiently. Until the verdict of the Court on a sub judice matter, the media has a duty to report fair and accurate facts with no prejudice whatsoever. Media has to understand the underlying legal consequences and principles of criminal justice system. This paper aims at analyzing the various facets of trial by media by throwing light on judicial pronouncements on the phenomenon of media trial and suggesting measures to combat this problem.

Keywords: Administration of justice, Contempt of Court, Democracy, Free Speech. Media Trial.