




IMPACT OF MEDIA OVER JUDICIARY: AN ANALYTICAL STUDY

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ABSTRACT

In India there are three organ of the government legislative that make laws, executive that implement laws and judiciary which apply laws in different cases according to the facts of case and deliver justice but in the press and media in India are regarded as the fourth and most important essence of the democratic nation like India.

In the research paper researcher will be discussing about Media, what are the rights guaranteed by the Indian Constitution to press what are limit of the rights, what are the positive and negative effect of Media over the Indian judiciary with certain case laws.

Introduction

Media is considered as the most important and a 4th pillar of the country and the media plays a very important role in democratic country. Media promote democracy, among other things, like educating voters, protecting human rights and ensure accountability and transparency¹. In earlier times term 'Media' is normally used for Press, and electronic gadgets –Newspaper, Journals, Radio, Television. However, the term "media" now days refers to more than just this; it also includes social media and the internet. Both forms of media have widespread use in India, where they have a significant influence on how the public views certain issues. And one of the media's main responsibilities is to enlighten, reflect, and provide

the people with the unvarnished truth. Prominent modern intellectuals such as Nobel Laureate Amartya Sen characterize the press as a watchdog against both calamity and corruption. He said that a free press and the practice of democracy can greatly increase the impact of government responsiveness to public concerns by highlighting cases of famine and natural disasters...². Freedom of press is widely recognized in India and these rights are not absolute there are certain restriction under 19(2) over them so that there is no misuse. Although the media's rights aren't stated in the constitution specifically, they are frequently protected by Article 19. Some of these rights include ability to publish and distribute content, conduct interviews Under 19(2), limitations are

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granted to safeguard the nation and its integrity. Media is seen as the fourth essential component of a democratic country, press freedom is crucial.³ **Printer (Mysore) Ltd. V. Assistant Commercial Trade officer**⁴- Press freedom is indicated by the freedom of speech and expression, even if it is not an inalienable right.

In *India Express Newspaper Ltd. V. Union of India*⁵, Justice Venkatrana held that for democracies to function effectively press freedom is important.

Media and Judiciary

Media and judiciary are the two most important pillars in democratic society. While the three organs of government are given different functions to perform. The judiciary's primary function is to deliver justice to the people, ensuring that the rights and freedoms enshrined in the law are upheld and that disputes are resolved fairly. It protects the rule of law by making sure that laws are followed by the government and that people are treated fairly in accordance with the law.

Thus, Judiciary plays an important role in maintaining balance of power, upholding constitution, and safeguarding rights of citizens in a democratic society. Media is seen as the voice of the people and the fourth pillar of democracy. In case law **India Express Newspaper v. Union of India**⁶. In that the press is a vital component of the democratic machinery. Maintaining equilibrium between the two is crucial since they both play significant roles in society.

Rajendra Sail vs. Madhya Pradesh High court Bar Association and others⁷ Media and judiciary both are indispensable pillars of society. The

shared aim of these institutions is to uncover the truth and serve the best interests of the people. When both the judiciary and the press fulfill their respective functions with integrity and diligence, it fosters transparency, accountability, and ultimately, the welfare of society as a whole. Therefore, it is imperative for both organs to operate within their designated roles, ensuring that justice is upheld and that information is disseminated freely and responsibly.

The media has a big influence on how people think and behave. Media has disclosed several scams and fraud activities. Media has huge role in abolishing the bad practices such as child marriage or child labor. In case **Kishori Mohan v. State of west Bengal**⁸ It was stated that Media has a constructive impact, and as such the general public raises its voices and keeps updated on all government actions.

Media has great impact over the common people so the power cannot be misused for the TRP can be raised and the advantage of media cannot be forgotten but the misuse of the media power should be controlled⁹. Media has both positive and negative over the judiciary. In **Anukul Chandra Pradhan v. Union of India**¹⁰ held "it is essential for the maintained of dignity of the courts and is one of the cardinal principles of the rule of law in a free democratic country that the criticism or even the reporting particularly, in sub judice matters must be subjected to check and balances so as not to interfere with the administration of justice".

Positive Impact of Media over judiciary

There are many positive impacts over due to Media as there is lead to changes in laws or new laws are

made or introduced. There are several instances where the situation came to light because of the media. The issue sometimes surfaced when the media covered the occurrence or with the assistance of the media, whether it was on social media or by any other press outlet and there are numerous instances where the accused used money or power to obtain bail, or where he manipulated the facts to conceal information from the public. However, in many cases, the accused was held accountable for the crime they committed, and the media assisted in bringing the victim of the case to justice.

Mukesh & Anr vs. State for Nct of Delhi & ors/The Delhi gang rape case¹¹

Brutal gang rape in December 2012, Girl was raped in bus she was traveling in with her male friend, shocked nation and garnered global attention. After 11 days, the victim's health was so serious that she had to be sent to a hospital in Singapore for emergency care. In accordance with Indian laws that protect the identity of sexual assault victims, she was referred to as "Nirbhaya," meaning "fearless."

This heinous incident sparked widespread outrage not only within India but also worldwide, leading to numerous protests against the government's handling of the situation and its failure to ensure the safety of women. The media played a crucial role in amplifying the public's demands for justice and reform. As a result of the immense pressure and scrutiny, significant amendments were made to India's laws regarding sexual violence. These changes aimed to provide better protection for women, harsher punishment for perpetrators, and

improved support for survivors of sexual assault. The "Nirbhaya" case served as a catalyst for change, highlighting the urgent need to address issues of gender-based violence and ensure that justice prevails for victims of such atrocities.

Suo Motu v. State of Rajasthan¹²

A horrible incident of rape on a foreign tourist had shaken the conscience of the nation on 11th May 2005. The court took Suo-moto notice upon the news item reported in the regional newspaper of area.

Sidhartha vashisht @Manu Sharma vs. State (NCT of Delhi) \ Jessica Lal Murder¹³

Jessica Lal was harshly shot and killed by Manu Sharma, the son of former Union Minister Vinod Sharma, in 1999 when she denied to offer him and his buddy alcohol. The media took an instant interest in this well-known instance. The trial court first found the accused not guilty despite overwhelming evidence.

However, the acquittal sparked widespread public outrage and media scrutiny. The case became a prime example of how media coverage and public pressure can influence legal proceedings. In response to the public outcry and renewed scrutiny, the Delhi High Court reexamined the case. In 2006, due to the failure of the Delhi police to sustain the grounds of their case, the accused was acquitted. However, the relentless media coverage and public pressure led to a reevaluation of the evidence.

Ultimately Manu Sharma was convicted guilty of Jessica Lal's murder by the Delhi High Court. Sentenced him to life imprisonment. This case serves as a poignant reminder of the importance of media vigilance

Bikis Yakub v. Union of India\Bikis Bano case¹⁴

Bilkis Bano, a survivor of the Gujarat riots in 2002, was brutally gang raped and witnessed the murder of her family members. The media's coverage shed light on the case, leading to public awareness and subsequent convictions of the accused.

Saradha chit Fund Scam (2013)¹⁵

Media played a significant role in exposing the financial scam, leading to investigations and legal actions against those involved in the fraudulent schemes.

Vyapam Scam (2013)¹⁶

Scandals in Madhya Pradesh, the media's coverage of the scam exposed the corruption in the state's education and recruitment system, leading to arrests, investigations and legal actions against those responsible.

The Priyadarshini Matoo Case¹⁷

Priyadarshini was found dead on January 23, 1996. At first, it was believed that accused in this case was her senior, who had been harassing and stalking her. However, later revealed that accused in this case was Santosh, son of an IPS officer, who killed her and repeatedly smacked her face with a helmet, rendering her face unrecognizable. The Delhi High Court issued an order for Acquittal following a public uproar and media campaign against acquittal. This appeal in the High Court resulted in the conviction and death sentence.

Negative Impact of Media over judiciary

According to the phrase, "A person is innocent unless and until proven guilty," But in many cases, it has been observed that the media declares a person guilty before a case is heard, which has a

significant impact on the person's life even if the person is not the guilty party. The media shapes the public's perception of the person, sometimes leading to reputational damage and employment loss.

Justice K.S. Puttaswamy (Retd) vs. Union of India (2018)¹⁸

Court recognized; media trial can infringe upon the right of privacy of an individual.

Air India Urination case (2023)¹⁹

In this case the allegation was made a man that he had urinated on an Air India Flight. In this it was held that everyone has the right to dignity indeed in the race to be most popular the news channel forgets the individual life and his or her privacy and the court clearly showed its concern over the news channel for being "TRP-driven".

M.P Lohia v state of west Bengal²⁰

In current case, the Supreme Court strongly criticized media for interfering in the legal system by releasing an unfair piece that briefly discussed the merits of the case that was still ongoing in court.

Dr. Shashi Tharoor v Arnab goswami and Anr.²¹

In this case it was held that it's a duty of press to collect information and deliver information to people but by doing their role they should not pronounce anyone guilty before the fair trial conducted by the judges in the court of law and convicting someone before the actual pronouncement is unfair and it is against the concept of justice.

Barun Chandra Thakur vs. Master Bholu,\ Pradyuman Thakur Murder Case²²

In this instance, the second-class kid was found dead in Ryan International School washroom in Gurugram. According to first story, bus conductor was detained after allegedly sexually abusing kid and killing him. It was then discovered that boy had been slain by a student in the XI class who wanted to delay the examinations. Even though bus conductor was not found guilty in this instance, the bus conductor suffered a great deal of hostility and his career and reputation were destroyed as a result of the incident owing to the media trial.

Sushant Singh Rajput Case²³

In this case the media has portrayed Rhea Chakraborty, the late actor's girlfriend as mastermind in planning murder of actor; the media has been disseminating her chats and other irrelevant information. Additionally, numerous media trials have established Riya's guilt in the matter, even though the court did not pronounce judgment on the matter. Nevertheless, numerous journalists have stated that Riya is the one who killed or had planned to murder Sushant Singh.

State of Bihar v. Lal Krishna Advani²⁴

It was declared in this instance that 'Right to life' includes 'Right to reputation'. Everybody has right to a good reputation, but in a media trial, accused loses all of those rights when media openly debates his past, present, and future. If media finds accused guilty, they portray accused as a criminal or guilty, and even if accused not found guilty by court, public begins to view him/her as criminal.

Media had negative impact over judiciary also many times media show person in such a way that even if he is not actual accused the media show and by conducting media trial proves that a person is a

guilty this leads to big hairdressing in justice system because in this cases person basic rights are getting infringed and it is said that a person is assumed innocent until he/she proved guilty but because of unwanted interference of media many times justice are not done in true sense. Additionally, if a person is freed from court supervision because they have not committed any crimes, they are sometimes viewed as foreigners or treated differently by society, which may result in grief or even suicide. In *Sushil Sharma v. The state (Delhi Administration, and Ors. 1996*²⁵ held punishment must be given according to evidence not according to media trials. *State of Maharashtra v. Rajendra Jawanmal Gandhi, 1997*²⁶ in this particular case it was held by court that unwanted interference of media in legal matter may result injustice.

Conclusion

Media is considered as the most important in democratic country Media is responsible or has primary duty to distribute information to the general public. In India no specific or separately mentioned rights are given to the media but Freedom of press is widely recognized in India and t rights are not absolute in nature there are certain restriction over them so that there is no misuse of power under 19(2) restrictions can be imposed. Although the media's rights are not specifically mentioned in the constitution, it is considered that these freedoms fall under 'Freedom of Speech and Expression.' Some rights of media include freedom to publish and circulate, to conduct interviews, and to advertise. However, these rights are not absolute under 19(2), certain restrictions are given

in order to protect the nation and its integrity. These restrictions can be imposed in the event that there are threats against the nation's sovereignty and integrity.

Media has both positive as well as negative impact over judiciary and in many cases court has held that media should work in their respective field and should not unnecessarily interfere in the judiciary because in India judiciary is independent and unwanted interfere of media effect in the delivering of justice. And it affects not only the judiciary but also infringed the rights of the individual.

Endnotes

- ¹ Dr. Rattan Singh and Dr. Shruti Bedi, Law and Media, Published by Allahabad Law Agency 2019, 17.
- ² Dr. Rattan Singh and Dr. Shruti Bedi, Law and Media, Published by Allahabad Law Agency 2019,18.
- ³ <https://www.drishtiiias.com/blog/freedom-of-press-in-india>
- ⁴ Printer (Mysore) ltd. V. Assistant Commercial Trade officer,1994

- ⁵ India Express Newspaper Ltd. V. Union of India,1984
- ⁶ India Express Newspaper v. Union of India,
- ⁷ Rajendra Sail vs. Madhya Pradesh High court Bar Association and others,1996
- ⁸ Kishori Mohan v. State of west Bengal,1972
- ⁹ https://blog.iplayers.in/media-trial-boon-or-bane/#Media_trial_boon_or_a_bane, visted on Feb 10,2023@10:00p.m.
- ¹⁰ Anukul Chandra Pradhan v. Union of India,1997
- ¹¹ Mukesh & Anr vs. State for Nct of Delhi & ors,2017
- ¹² Suo Motu v. State of Rajasthan,2019
- ¹³ Sidhartha vashisht @Manu Sharma vs. State (NCT of Delhi),2008
- ¹⁴ Bikis Yakub Rasool vs. Union of India,2023
- ¹⁵ Saradha Group scam,2013
- ¹⁶ Glenn Paul vs. The State of Madhya Pradesh,2014
- ¹⁷ State (through Chi) vs Santosh Kumar Singh,2006
- ¹⁸ Justice K.S Puttaswamy (Retd) vs. Union of India,2018
- ¹⁹ Air India Urination case ,2023
- ²⁰ M.P Lohia v state of west Bengal,2005
- ²¹ Dr. Shashi Tharoor v Arnab goswami and Anr,2019
- ²² Barun Chandra Thakur vs. Master Bholu,2022
- ²³
- ²⁴ State of Bihar v. Lal Krishna Advani,2003
- ²⁵ Sushil Sharma v. The state (Delhi Administration, and Ors, 1996
- ²⁶ State of Maharashtra v. Rajendra Jawanmal Gandhi,1997
