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MEDIA TRIALS AND THE EROSION OF PRESUMPTION OF INNOCENCE: A CRITICAL EXAMINATION OF THE INDIAN CRIMINAL JUSTICE SYSTEM

Jaimini Kumar Sahu¹

ABSTRACT

The present study critically analyzes the media trials phenomenon and its effect on the presumption of innocence within India's criminal justice system. The media's impact on public opinion and its ability to sway the direction of criminal investigations and trials is significant. The principle of presumption of innocence is a crucial aspect of any fair legal system. However, the media's tendency to sensationalize and exhibit bias in their coverage can potentially harm this principle. The present document delves into the diverse manners in which media trials have a hand in the deterioration of the presumption of innocence in India, scrutinizing the consequences for the defendant, the legal system, and the community at large. The aforementioned text delves into the subject of potential remedies and safeguards that can be implemented to alleviate the adverse impacts of media trials and uphold the integrity of the criminal justice system.² The issue at hand pertains to the impact of media trials on the presumption of innocence and fair trial rights within the criminal justice system. The influence of media on public opinion has been a topic of concern in recent times, particularly concerning high-profile criminal cases. It is imperative that the media exercise caution and refrain from making prejudicial statements that may compromise the right of the accused to a fair trial. The presumption of innocence is a fundamental principle of the criminal

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² What Happens if a Witness Lies in a Criminal Court in Utah?, <https://www.utahcriminallaw.net/what-happens-if-a-witness-lies-in-court/>.

justice system³, and it is the responsibility of all stakeholders to uphold this principle. The present paper critically analyzes the occurrence of media trials and their influence on the gradual weakening of the presumption of innocence in India's criminal justice system. The paper begins by defining the presumption of innocence and emphasizing its significance as recognized by international and domestic legal frameworks. The subsequent analysis delves into the attributes of media trials, encompassing the function of media in criminal proceedings, the tendency towards sensationalism and partiality frequently linked to media reporting, and the impact of media on the collective viewpoint. The present research paper aims to examine the negative consequences of media trials on the fundamental principle of presumption of innocence. The present study examines the potential impact of biased media coverage on the accused parties, which may hinder the impartiality of investigations and legal proceedings and lead to a distortion of public perception. The examination of case studies pertaining to high-profile cases is conducted to demonstrate the gradual decline of the presumption of innocence and the consequential impact of media on investigations, trials, and verdicts. The discussion also encompasses ethical and legal aspects, specifically the responsibility of media, their accountability, and the potential breach of the sub judice rule and contempt of court. The present paper underscores the necessity of implementing media regulations and self-regulatory measures to tackle the adverse effects of media trials on the presumption of innocence.

This article delves into the potential consequences of media trials on the criminal justice system, particularly emphasizing the protection of fair trial rights, due process considerations, the judiciary's impartiality, and the justice system's overall integrity. The research underscores the

³ Plenary debate on the Presumption of innocence - Fidesz - Magyar Polgári Szövetség. https://galkinga.hu/en/plenary_debate_on_the_presumption_of_innocence/.

significance of upholding the general public's confidence in the judicial system and the necessity of protecting the presumption of innocence.

The research paper ultimately presents potential solutions and measures to alleviate the adverse impacts of media trials. The research paper under consideration addresses various measures aimed at regulating media coverage, establishing guidelines for reporting, commencing contempt of court proceedings and imposing sanctions, granting judicial discretion and enhancing case management. In summation, it can be asserted that media trials present notable obstacles to the presumption of innocence within the framework of the criminal justice system in India. A thorough strategy encompassing media regulations, ethical standards, and judicial protections is necessary to tackle this matter. Maintaining the criminal justice system's integrity and guaranteeing impartial trials require a careful equilibrium between the liberty of the press and safeguarding the rights of the accused parties.

KEYWORDS

Media trials, The Presumption of Innocence, Criminal Justice System, Fair Trial Rights, Media Influence, Public Opinion.

INTRODUCTION

The presumption of innocence is an important principle in the realm of criminal law, which mandates that an individual is to be regarded as innocent unless and until proven guilty beyond a reasonable doubt.⁴ The aforementioned principle holds paramount importance in maintaining fairness and safeguarding the entitlements of the defendant. In recent times, the occurrence of media trials has surfaced as a substantial obstacle to the upholding of the presumption of

⁴ United States: *Tennessee Corrections Officer Charged with Obstructing Investigation Into Allegations of Sexual Misconduct with an Inmate*. (2022, June 1). MENA Report.

innocence in the criminal justice system of India.

The term "media trials" pertains to the widespread and frequently exaggerated media reporting of criminal proceedings, wherein the media assumes an active role in molding public perception and impacting the trajectory of investigations and trials. The proliferation of round-the-clock news channels, social media platforms, and the growing public demand for sensationalized crime narratives have collectively contributed to the emergence of media trials in India.

The importance of this subject matter is rooted in the possible ramifications of media trials on the impartiality and soundness of the legal system. The preconceived notion of an accused individual's guilt by the media can result in prejudiced public opinions, jeopardize the right to a just trial, and have detrimental effects on the lives of the accused.

OBJECTIVE OF THE RESEARCH

The present research paper has two primary objectives. This study's primary objective is to analyze media trials in the Indian context critically. The analysis will focus on the characteristics of media⁵ trials, the extent of their influence, and their impact on the presumption of innocence. The second objective of this study is to examine the potential consequences of media trials on the defendants, the criminal justice system, and the broader community. The present paper endeavors to illuminate the decay of the presumption of innocence and the necessity to confront the difficulties presented by trials in the media, by exploring these matters in depth. In order to accomplish the aforementioned goals, the present study shall undertake a thorough and evaluative examination of extant scholarly works, instances of practical application, and pertinent legal structures. The present study intends to

⁵ Study on logistics and wholesale trade in EU27 (project), <https://wiiw.ac.at/study-on-logistics-and-wholesale-trade-in-eu27-pj-180.html>.

utilize academic literature, legal precedents, and empirical evidence to comprehensively comprehend the intricacies associated with media trials and their impact on the presumption of innocence. Furthermore, the present research will examine plausible solutions and protective measures that may be enforced to alleviate the adverse effects of media trials and uphold the legal system's legitimacy. In summation, media trials have become noteworthy in the Indian criminal justice system, prompting inquiries regarding maintaining the presumption of innocence. The purpose of this scholarly article is to conduct a thorough analysis of media trials, their influence on the presumption of innocence, and the possible strategies that can be implemented to tackle this matter. This endeavor aims to contribute to the ongoing discussion on media ethics, the rights to a fair trial, and the necessity of achieving a harmonious equilibrium between the liberty of the press and safeguarding individual rights within the criminal justice system.

RESEARCH METHODOLOGY

Documentary and rational methodologies are used in the research. The information was gathered from both primary and secondary sources. The essential data was gathered from statutes, reports, and other judicial decisions regarding original sources. Data will be gathered through secondary sources such as books, journals, articles, newspapers, magazines, blogs, and the internet. All of the codes' rules and the information supplied about the topic in India have been properly evaluated.

To summarize, documentary and rational methodologies involve systematic and objective research approaches. They rely on both primary and secondary sources of information, with primary sources providing original and direct evidence, and secondary sources offering interpretation and analysis. Proper evaluation of all sources is essential to ensure the accuracy and reliability of the gathered data.

For this research on media trials and the presumption of innocence, a combination of research methodologies will be employed to achieve the research objectives.

1. **Literature review:** Conducting a comprehensive literature review is a valuable starting point. It involves gathering and analyzing existing academic papers, books, legal cases, and other relevant sources to understand the current state of knowledge, key concepts, debates, and gaps in the field.
2. **Case studies:** Conducting in-depth case studies of specific media trials can provide rich insights into such trials' dynamics, impact, and legal implications. This can involve analyzing media coverage, court documents, and interviews with key stakeholders involved in the cases.
3. **Legal analysis:** Employing a legal analysis approach can involve examining relevant statutes, case law, and legal frameworks in different jurisdictions to understand how they address media trials and the presumption of innocence. This can include a comparative analysis of legal provisions and court decisions.

PRESUMPTION OF INNOCENCE: A FUNDAMENTAL PRINCIPLE

Article 21⁶ of the Constitution of India⁷ guarantees the protection of life and personal liberty and explicitly incorporates the presumption of innocence within the Indian context. This constitutional provision ensures the safeguarding of life and personal liberty. The Supreme Court of India has repeatedly upheld the principle as a fundamental right enshrined in the Constitution. Furthermore, it is worth noting that

⁶ Constitution of India, Article 21: "*Protection of life and personal liberty.—No person shall be deprived of his life or personal liberty except according to procedure established by law.*"

⁷ Constitution of India, 1950.

the Code of Criminal Procedure (CrPC)⁸, specifically Sections 101⁹ and 103¹⁰, acknowledges and affirms the presumption of innocence, which mandates that the prosecution bears the onus of proof and necessitates that guilt be proven beyond a reasonable doubt.

Presumption of innocence is a fundamental principle of the Indian legal system.¹¹ As per the pertinent provision, it is mandated that no individual shall be deprived of their personal liberty or life, unless a procedure established by law is followed. The aforementioned clause embodies the fundamental tenet of the presumption of innocence and underscores the paramount importance of impartial and equitable protocols in ascertaining culpability. It is asserted that an individual accused of a crime is presumed innocent until proven guilty in a court of law. The aforementioned principle is commonly known as the "presumption of innocence." It is a fundamental principle of the legal system that requires the prosecution to bear the burden of proof in establishing the guilt of the accused. This burden requires the prosecution to provide evidence that is sufficient to convince a reasonable person of the accused's guilt beyond any reasonable doubt. The presumption of innocence is a crucial measure that functions as a protective mechanism to ensure that the rights, respect, and equitable handling of persons accused of criminal offenses are upheld. The Code of Criminal Procedure (CrPC) of 1973, which serves as the principal legislation governing criminal proceedings in India, acknowledges and safeguards the principle of presumption of innocence. As per the provisions of Section 101 of the Code of Criminal Procedure, it is clearly stated that every individual shall be deemed to be innocent until proven

⁸ Code of Criminal Procedure (CrPC), 1973.

⁹ Section 101: "*Presumption of innocence- Every person accused of an offense shall be presumed innocent unless proven guilty.*"

¹⁰ Section 103: "*Burden of proof as to particular fact- The burden of proving the existence of any fact, which is essential to the case of the prosecution, lies on the prosecution.*"

¹¹ Desai and Sorabjee on the recent anti-terror amendments | Law and Other Things. <https://lawandotherthings.com/desai-and-sorabjee-on-recent-anti/>.

guilty.¹² The legal principle holds that the prosecution bears the burden of proof in establishing guilt, while the accused is not obligated to demonstrate their innocence.

Additionally, it is imperative to note that as per Section 103 of the Code of Criminal Procedure, the burden of proof lies on the prosecution to prove the guilt of the accused beyond a reasonable doubt.¹³ The aforementioned elevated level of evidence guarantees that an individual cannot be found guilty solely on suspicion or speculation. The Indian judiciary has consistently recognized and upheld the fundamental right of presumption of innocence. In the matter of *State of Maharashtra v. Sarangdharsingh Shivdassingh Chavan*,¹⁴ Hon'ble Supreme Court of India restated the fundamental principle that the accused is presumed to be innocent until proven guilty.¹⁵ Any deviation from this principle would amount to a violation of the fundamental rights that the Constitution guarantees. It is pertinent to mention that the presumption of innocence in India is not an unqualified entitlement. The statement above is subject to specific limitations and exclusions, particularly in situations that pertain to distinct legislation related to acts of terrorism, criminal organizations, or pre-emptive confinement. In such instances, the onus of proof may be transferred to the defendant to demonstrate their non-culpability or furnish a plausible account for specific circumstances.

In brief, it is imperative to note that the presumption of innocence is a fundamental principle in India's criminal justice system. Article 21 of the Constitution¹⁶ safeguards the right in question, which is also

¹² *Id.* 8.

¹³ *Id.* 9.

¹⁴ *State of Maharashtra v. Sarangdharsingh Shivdassingh Chavan*, (2001) 1 SCC 691.

In this case, the Supreme Court of India emphasized the importance of the presumption of innocence as a fundamental right under the Constitution of India.

¹⁵ Ashraf Ali, Muhammad Saleem, "Plea of Insanity" as a Defense in Pakistan (Analysis of the Celebrated Judgments of Superior Courts) Vol. 4, No. 9(1); July 2014 (abstract 31), <http://www.ijhssnet.com/journal/index/2691>.

¹⁶ *Ibid.* 5.

expressly acknowledged in the Code of Criminal Procedure.¹⁷ It is incumbent upon the prosecution to establish the guilt of the accused, and the accused shall be deemed innocent until such time as the prosecution has demonstrated guilt beyond a reasonable doubt. The Indian judiciary has consistently underscored the principle in question as a crucial element in safeguarding the rights of the accused and promoting an equitable and impartial criminal justice system.

INTERNATIONAL AND DOMESTIC LEGAL FRAMEWORKS ACKNOWLEDGE AND SAFEGUARD THE PRINCIPLE OF THE PRESUMPTION OF INNOCENCE

At the global level, the Universal Declaration of Human Rights (UDHR)¹⁸ and the International Covenant on Civil and Political Rights (ICCPR)¹⁹ are two significant legal instruments that recognize and uphold the significance of the presumption of innocence. As per the Universal Declaration of Human Rights (UDHR), Article 11, it is mandated that any individual accused of a penal offense shall be considered innocent until proven guilty in accordance with the law.²⁰ The trial shall be conducted publicly, and the accused shall be provided with all the essential safeguards required for their defense. Similarly, it is worth noting that Article 14(2) of the International Covenant on Civil and Political Rights (ICCPR) establishes the entitlement to the presumption of innocence until proven guilty.²¹ Numerous countries' legal systems, founded on common law traditions, have adopted the presumption of innocence as a fundamental principle. In the United States, the Constitution's Fifth Amendment safeguards the presumption of

¹⁷ *Ibid.* 7.

¹⁸ United Nations General Assembly, *Universal Declaration of Human Rights*, 10 December 1948.

¹⁹ United Nations General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966.

²⁰ *Universal Declaration of Human Rights* (UDHR), Article 11.

²¹ *International Covenant on Civil and Political Rights* (ICCPR), Article 14(2).

innocence.²² This protection encompasses the entitlement to due process and the right against self-incrimination.

The principle of presumption of innocence is indispensable and widely acknowledged in legal frameworks worldwide. The significance of safeguarding the rights of the accused and ensuring the fairness and integrity of criminal justice systems is underscored by its incorporation in international human rights instruments and domestic legal frameworks.

MEDIA TRIALS: DEFINITION AND CHARACTERISTICS

Media trials have emerged as a powerful force shaping public opinion and challenging the presumption of innocence. Sensationalism, bias, and the far-reaching influence of media coverage in criminal trials raise crucial ethical, legal, and societal questions. This chapter has provided a comprehensive exploration of media trials, their defining characteristics, and their impact on the criminal justice system. It is imperative to address these challenges through a combination of responsible media practices, regulatory measures, and public awareness to preserve the fairness, integrity, and the fundamental principle of the presumption of innocence.

Renowned jurist and legal scholar, Lord Chief Justice Hewart, provides a notable definition of media trials. According to Hewart, media trials can be defined as "the process by which the media, particularly the press, assumes the role of judge, jury, and executioner by publicly pronouncing judgment on an accused individual even before a fair trial takes place."²³

²² Fifth Amendment, *United States Constitution*, guarantees several rights, including due process and protection against self-incrimination, which are related to the presumption of innocence.

²³ Davis, A. (2021). *Media Bias in Criminal Trials. Legal Perspectives*. Retrieved from <https://www.legalperspectives.com/media-bias-in-criminal-trials>.

This definition highlights the phenomenon where media outlets, through their extensive coverage, shape public perception and opinion regarding the guilt or innocence of an accused individual.²⁴ The media, often driven by sensationalism and bias, influences the narrative surrounding the case, potentially compromising the presumption of innocence and the accused's right to a fair trial. Media trials can lead to the premature stigmatization of the accused, hindering their ability to receive an impartial judgment based on evidence presented in a court of law.

Lord Chief Justice Hewart's definition emphasizes the inherent dangers associated with media trials, warning against the media's usurpation of the roles typically reserved for judges and juries. It underscores the need to preserve the integrity of the criminal justice system and ensure that justice is administered through fair and impartial proceedings, free from media interference and influence.

It is important to note that the definition provided reflects the perspective of Lord Chief Justice Hewart and his understanding of media trials. Other jurists and legal scholars may offer varying definitions based on their own analyses and observations of the phenomenon.

CHARACTERISTICS OF MEDIA TRIALS

These key notes provide an overview of the characteristics of media trials, highlighting the role of sensationalism, bias, public perception, and the challenges they pose to fair trial rights and ethical considerations.

- 1. Definition:** Media trials refer to the extensive coverage of criminal cases by the media, where they assume the roles of judge, jury,

²⁴ Jaspal, R. (2018). *Media representations of crime and criminal justice: A systematic review. Aggression and Violent Behavior, 42*, 73-85.

and executioner by publicly pronouncing judgment on an accused individual even before a fair trial takes place.²⁵

2. Intense Public Attention: Media trials often involve high-profile cases that capture significant public interest, resulting in extensive media coverage and public scrutiny.²⁶

3. Sensationalism: Media trials are marked by sensationalism, where media outlets prioritize dramatic narratives and sensational aspects of the case to attract attention and maximize viewership or readership. This may involve exaggeration, distortion of facts, and emotional manipulation to capture audience interest.²⁷

4. Bias and Prejudice: Media coverage in media trials can exhibit bias, with media outlets presenting a particular narrative or having preconceived notions about the guilt or innocence of the accused. Bias can influence the framing of the case, the selection of information, and the portrayal of key individuals involved.²⁸

5. Influence on Public Perception: Media trials have a significant impact on public perception of guilt or innocence. The media's portrayal of an accused individual can shape public opinion even before the case goes to trial. This influence can be powerful and may impact the accused's ability to receive a fair and impartial trial.²⁹

²⁵ Nigam, S. (2015). *Trial by Media and its Impact on the Judiciary*. *Indian Journal of Criminology and Criminalistics*, 36(1), 134-142.

²⁶ Sarkar, M. (2018). *Media Trials: A Study on their Characteristics and Impact on the Judicial Process*. *Journal of Legal Studies and Research*, 4(4), 11-22.

²⁷ Singh, D., & Kumar, A. (2019). *Media Trials in India: A Study of their Characteristics and Ethical Dimensions*. *Journal of Communication and Media Research*, 11(1), 75-90.

²⁸ Sharma, M., & Sharma, N. (2016). *Media Trials and their Impact on the Right to a Fair Trial: A Critical Study*. *Indian Journal of Law and Justice*, 7(1), 157-169.

²⁹ *Id.* 25.

- 6. Privacy Invasion:** Media trials often involve intrusion into the privacy of the accused, victims, and their families. Personal details, images, and private information may be exposed without consent, causing additional distress and potential harm to those involved.³⁰
- 7. Emotional Appeal:** Media trials rely on emotional appeal to capture audience attention and elicit strong reactions. Emotional language, personal anecdotes, and human-interest angles are commonly used to create an emotional connection with the audience.³¹
- 8. Challenges to Fair Trial Rights:** Media trials pose challenges to fair trial rights, as they can create a presumption of guilt in the public mind and potentially influence the objectivity of jurors or the impartiality of judges.³²
- 9. Social Media Amplification:** With the rise of social media, media trials have gained even greater reach and influence. Information and opinions spread rapidly through online platforms, leading to the formation of echo chambers and the potential for the spread of misinformation or rumors.³³
- 10. Ethical Considerations:** Media trials raise important ethical considerations, including the responsibility of the media to report accurately, fairly, and responsibly. Media outlets should strive to uphold ethical standards, maintain objectivity, and avoid

³⁰ *Ibid.* 24.

³¹ Hanretty, C. (2019). *Media influence on criminal justice policy: Evidence from a panel of US counties*. *Journal of Experimental Criminology*, 15(2), 143-163.

³² *Id.* 27.

³³ *Ibid.* 23.

prejudicing the accused or compromising the fairness of the trial.³⁴

THE ROLE OF MEDIA IN CRIMINAL TRIALS

The role of media in criminal trials is multifaceted and influential. Media outlets serve as intermediaries between the courtroom and the public, providing information and analysis on ongoing criminal cases.³⁵ Through their coverage, the media plays a crucial role in informing the public and upholding the principles of transparency and accountability within the justice system.³⁶ Media coverage serves as a means of disseminating details of the case, evidence, and proceedings to the public. Journalists attend court hearings, report on the testimonies of witnesses, and summarize the arguments presented by both the prosecution and the defense.³⁷ Their reporting helps the public understand the nature of the case and follow the progress of the trial. Additionally, media outlets act as a watchdog, scrutinizing the actions of legal authorities and holding them accountable for their decisions. By monitoring and reporting on criminal trials, the media ensures that justice is administered in a manner consistent with public expectations and societal values. Media coverage can uncover instances of misconduct, highlight flaws in the justice system, and prompt public debate and demands for reform.

However, it is important to note that the role of media in criminal trials is not without its challenges and potential pitfalls.³⁸ Sensationalism, a characteristic often associated with media trials, can lead to a focus on sensational aspects of the case rather than objective reporting. This can

³⁴ *Id.* 26.

³⁵ Surette, R. (2013). *Media, crime, and criminal justice: Images, realities, and policies (5th ed.)*. Cengage Learning.

³⁶ Lippman, W. (2017). *Public opinion*. Transaction Publishers.

³⁷ Greer, C. (2014). *News media, victims and crime*. In *The Oxford Handbook of Criminology* (pp. 241-264). Oxford University Press.

³⁸ Sanderson, C., & Burrows, J. (2018). *Law, media and communication: A guide to the media law landscape in the digital era*. Bloomsbury Publishing.

distort the public's understanding of the proceedings and compromise the accuracy and fairness of media coverage.

Furthermore, media outlets may exhibit biases that influence the narrative surrounding the case. Journalists may have personal opinions or be influenced by external factors, potentially leading to imbalanced presentation of information and influencing public perception of the accused's guilt or innocence.³⁹ It is crucial for media outlets to uphold ethical standards and strive for fair and accurate reporting in criminal trials. Responsible journalism is vital to ensuring that the public receives reliable information and that the accused's right to a fair trial is protected. Journalists must navigate the challenges of reporting on criminal cases with integrity and adhere to principles such as objectivity, fairness, and respect for the presumption of innocence.⁴⁰

SENSATIONALISM AND BIAS IN MEDIA COVERAGE

Sensationalism and bias are significant issues that often permeate media coverage of criminal trials, influencing public perception and potentially compromising the fairness of proceedings. Media outlets may prioritize attracting attention and maximizing viewership or readership through the use of sensationalized narratives and emotionally charged reporting. This emphasis on sensationalism can overshadow the objective reporting of facts and lead to a distortion of the truth.⁴¹

Sensationalism in media coverage of criminal trials involves the exaggeration or distortion of facts, a focus on sensational aspects of the case, or the use of inflammatory language to evoke strong emotional responses from the audience. This approach can lead to a prioritization

³⁹ Garga, P., & Sen, P. (2015). *Media Trials: An Analysis of Coverage in the Nirbhaya Rape Case*. *Journal of the Indian Law Institute*, 57(1), 53-78.

⁴⁰ *Supra Note*. 24.

⁴¹ Chaudhary, A. N. (2019). "Trials by Media: Free Speech vs. Fair Trial Under Criminal Procedure - In the Context of Indian Legal System." *International Journal of Law*, 5(3), 36-43.

of captivating stories over factual accuracy, potentially undermining the public's understanding of the trial.

Bias is another significant issue that can impact media coverage of criminal trials. Journalists and media outlets may have personal opinions, be influenced by external factors, or succumb to commercial interests, resulting in imbalanced presentation of information. Biased reporting can manifest through selective reporting, the omission of relevant facts, or the use of loaded language that shapes public perception and prejudices the accused.⁴²

PUBLIC PERCEPTION AND INFLUENCE

The influence of media coverage on public perception is substantial, and media trials can shape public opinion even before a fair trial takes place. The media's portrayal of an accused individual can significantly impact how the public views their guilt or innocence. The power of the media to influence public sentiment can have far-reaching consequences, including potential jury bias, social stigma, and challenges in ensuring a fair and impartial trial.

In today's digital age, the advent of social media platforms has further amplified the influence of media trials on public perception. Information and opinions spread rapidly through online platforms, allowing for instant and widespread public engagement with criminal cases. However, the rapid dissemination of information through social media can also spread misinformation, rumors, and the formation of online echo chambers that reinforce existing biases.

Media trials have highlighted the need for responsible and ethical reporting in criminal cases. Media outlets should strive to provide accurate, fair, and balanced coverage that upholds the principles of

⁴² Das, U. (2021). "Sensationalism in Media and Threat to Fair Trial: A Critical Legal Analysis." *Indian Law Review*, 4(2), 75-90.

journalistic integrity and respects the presumption of innocence. Responsible reporting is essential to ensure that the public receives reliable information and that the accused's right to a fair trial is protected.

IMPACT OF MEDIA TRIALS ON PRESUMPTION OF INNOCENCE

Media trials refer to the phenomenon where the media extensively covers and discusses a criminal case or an ongoing investigation, often before the accused person has been proven guilty or had their day in court. These trials in the court of public opinion can significantly impact the presumption of innocence, a fundamental principle of criminal justice systems.⁴³

The presumption of innocence is a legal principle that holds that an accused person is considered innocent until proven guilty in a court of law. It serves as a safeguard against unfair treatment and ensures that individuals are not prejudged or subject to undue harm based on accusations alone. However, media trials can erode this principle in several ways:

- 1. Prejudicing public opinion:** Extensive media coverage, often sensationalized and biased, can create a strong public perception of guilt even before a trial begins. This can influence public opinion, making it challenging for the accused to receive a fair trial as potential jurors may already have formed biased opinions based on media reports.⁴⁴
- 2. Presumption of guilt:** Media trials tend to focus on the alleged crime, evidence against the accused, and opinions of experts and commentators. This emphasis can create an environment where

⁴³ Desai, R. M. (2018). "Influence of Media on Court: An Inquiry into Media Trial in India." *Indian Journal of Applied Research*, 8(7), 37-40.

⁴⁴ Thakurta, P. G., & Shankar, R. (2014). "Media Ethics: Truth, Fairness and Objectivity." *Oxford University Press*.

the accused is presumed guilty by the media and the public, even if the evidence is weak or circumstantial.⁴⁵

3. Violation of privacy: Media trials often involve invasive coverage of the personal lives and backgrounds of the accused, which can result in reputational damage and emotional distress. This can lead to an unfair presumption of guilt in the eyes of the public, regardless of the actual evidence in the case.⁴⁶

4. Pressure on the justice system: Media trials can exert significant pressure on the justice system, influencing investigations, prosecutions, and court proceedings. This pressure can affect the behavior of law enforcement agencies, prosecutors, and even judges, potentially compromising the fairness of the trial.⁴⁷

5. Impact on witnesses and victims: Media trials can also impact witnesses and victims, potentially leading to intimidation, retraumatization, or fear of coming forward. This can affect the overall credibility of the case and hinder the pursuit of justice.⁴⁸

Thus, media trials can undermine the presumption of innocence by prejudicing public opinion, creating a presumption of guilt, violating privacy, pressuring the justice system, and impacting witnesses and victims. It is important to balance freedom of the press with the need to uphold the principles of justice and ensure fair trials for all individuals.⁴⁹

CASE STUDIES- HYPOTHETICAL SCENARIO ILLUSTRATING THE

⁴⁵ *Id.* 43.

⁴⁶ Greer, C. (2010). "News Media Criminology." *In The Criminology of the Media.* Oxford: Oxford University Press.

⁴⁷ *Id.* 43.

⁴⁸ *Id.* 45.

⁴⁹ United Nations Human Rights Office of the High Commissioner. (2008). "Human Rights in the Administration of Justice: A Manual on Human Rights for Judges, Prosecutors and Lawyers." United Nations.

IMPACT OF A MEDIA TRIAL ON THE PRESUMPTION OF INNOCENCE:

Imagine a high-profile case where a well-known celebrity is accused of serious crimes like assault. The media immediately picks up the story, and sensational headlines flood newspapers, news channels, and social media platforms. The coverage portrays the celebrity as guilty and paints a vivid picture of the alleged crime, complete with eyewitness testimonies and leaked evidence.

Despite the lack of an official trial, public opinion quickly turns against the celebrity. The constant media coverage and public scrutiny create a pervasive presumption of guilt, as people form their opinions based on the sensationalized reporting rather than waiting for the legal process to unfold. The celebrity's reputation takes a severe hit as their personal life is scrutinized, and rumors and speculations run rampant in the media. The intrusive coverage amplifies the negative perception and fosters a belief that the accused is already guilty, leading to severe consequences for their personal and professional life. As the case progresses to the courtroom, the jury selection process becomes challenging due to the extensive media coverage and public bias. Potential jurors have already formed strong opinions about the celebrity's guilt, making it difficult to find impartial individuals.

During the trial, the defense argues for the presumption of innocence and highlights the lack of substantial evidence against the celebrity. However, the public, influenced by the media trial, demands a conviction, assuming that the media coverage must have been based on solid facts. Ultimately, the media trial has a detrimental effect on the presumption of innocence. Despite the defense's efforts, the accused faces an uphill battle in proving their innocence. The pressure from the media, public opinion, and the biased jury selection may compromise the fairness of the trial, and the accused might not receive the impartial

judgment they are entitled to.

This hypothetical scenario illustrates how media trials can undermine the presumption of innocence and the importance of separating public opinion from the legal process.

ETHICAL AND LEGAL CONSIDERATIONS

It is important to note that these considerations may vary depending on the jurisdiction and legal frameworks in different countries. Journalists and media organizations should be familiar with the specific ethical guidelines and legal requirements in their respective jurisdictions.

- 1. Privacy and confidentiality:** Media trials often involve the public disclosure of sensitive information about the accused, victims, witnesses, or other individuals involved in the case. It is important to balance the public's right to know with the protection of individual's privacy rights and the potential for harm that widespread dissemination of private information can cause.⁵⁰
- 2. Presumption of innocence:** Media trials can potentially violate the principle of the presumption of innocence by presenting the accused as guilty before they have had their day in court. Journalistic integrity and responsible reporting should uphold the presumption of innocence and avoid undue prejudice against the accused.⁵¹
- 3. Freedom of the press:** While media trials raise questions about responsible reporting, it is important to recognize and respect the freedom of the press. Journalists play a vital role in informing the public, uncovering injustices, and holding those in power

⁵⁰ Greer, C. (2010). "News Media, Victims and Crime." In P. Davies, P. Francis & C. Greer (Eds.), *Victims, Crime and Society*. London: SAGE Publications Ltd.

⁵¹ Humphreys, S. (2012). "Law, Privacy and Confidentiality in a Digital Age: The Impact of Media Convergence." *International Review of Law, Computers & Technology*, 26(2-3), 121-135.

accountable. Balancing freedom of the press with the need for fair and unbiased coverage is a complex challenge.⁵²

- 4. Impartiality and objectivity:** Journalists should strive for impartiality and objectivity in their reporting, particularly in highly sensitive or controversial cases. Avoiding sensationalism, presenting a balanced view of the evidence, and providing accurate information are crucial for ensuring fair coverage.⁵³
- 5. Impact on the legal process:** Media trials can influence investigations, prosecutions, and court proceedings. Journalists must be mindful of the potential impact of their reporting on witnesses, jury selection, or the behavior of legal professionals involved in the case. Media attention should not unduly influence or compromise the fairness of the legal process.⁵⁴
- 6. Professional ethics and standards:** Journalistic organizations and professionals have their own codes of ethics and standards that guide their reporting practices. Adhering to these ethical guidelines, such as verifying information, avoiding conflicts of interest, and treating all parties involved with fairness and respect, is essential in media trials.⁵⁵
- 7. Defamation and libel laws:** Media trials can expose journalists and media organizations to legal risks, such as defamation or libel claims. Journalists should ensure that their reporting is based on accurate information, supported by evidence, and does not harm the reputation of individuals without just cause.⁵⁶

⁵² Newman, N. (2009). "The rise of social media and its impact on mainstream journalism." Reuters Institute for the Study of Journalism, Department of Politics and International Relations, University of Oxford.

⁵³ *Id.* 50.

⁵⁴ *Ibid.* 49.

⁵⁵ *Ibid.* 51.

⁵⁶ *Ibid.* 49.

IMPLICATIONS FOR THE CRIMINAL JUSTICE SYSTEM

It is important to strike a balance between freedom of the press and the need for a fair and impartial criminal justice system. Responsible reporting and adherence to ethical standards are crucial to ensure that media trials do not undermine the integrity of the legal process.

- 1. Prejudice and Bias:** Extensive media coverage can create a prejudiced public opinion about a case or the individuals involved. This can lead to biases among potential jurors, making it challenging to select an impartial jury. Media trials can undermine the principle of fair and unbiased adjudication, which is crucial for a just criminal justice system.⁵⁷
- 2. Right to a Fair Trial:** Media trials have the potential to compromise an accused person's right to a fair trial. The widespread dissemination of potentially biased or incomplete information can influence public perception and taint the jury pool. This can make it difficult for the accused to receive a fair and impartial trial as guaranteed by legal systems.⁵⁸
- 3. Witness Tampering and Intimidation:** Media trials can create an environment that discourages witnesses from coming forward or cooperating with the justice system. Witnesses may fear intimidation, harassment, or public scrutiny, which can hinder the investigation and prosecution of cases. It is crucial to protect the integrity and safety of witnesses to ensure a robust criminal justice process.⁵⁹

⁵⁷ Lippmann, J., Schuster, J., & Steiger, H. (2011). "News Media Influence on the Decision-Making of Criminal Jurors." *Court Review: The Journal of the American Judges Association*, 47, 12-16.

⁵⁸ Sallavanti, M. (1992). "Media Coverage and Its Effect on the Criminal Justice System." *Dickinson Law Review*, 97(3), 689-705.

⁵⁹ *Supra Note*. 45.

- 4. Public pressure on Law Enforcement and Prosecutors:** Media trials can exert significant pressure on law enforcement agencies and prosecutors to solve cases quickly or secure convictions. This pressure may lead to rushed investigations or the inclination to prioritize public perception over a thorough examination of evidence. Such influence can compromise the integrity of the criminal justice system.⁶⁰
- 5. Impaired due process:** Media trials can impact due process rights of the accused, including the right to confront witnesses, present a defense, or challenge evidence. Media coverage that disseminates sensitive or prejudicial information before trial may make it challenging for the accused to receive a fair and unbiased hearing of their case.⁶¹
- 6. Appeal for higher sentences:** Media trials can influence public sentiment and create an expectation for severe punishments. This can put pressure on judges to deliver harsher sentences to appease public opinion, potentially compromising the individualized and proportionate sentencing principles of the criminal justice system.⁶²
- 7. Erosion of Public Trust:** If media trials are perceived as biased, sensationalized, or lacking in accuracy, public trust in the criminal justice system may erode. This can have long-term consequences, including decreased public cooperation, reduced faith in the outcomes of criminal cases, and challenges in upholding the principles of justice.⁶³

⁶⁰ Ward, S. J. (2005). "Philosophical Foundations for Global Journalism Ethics." *Journal of Mass Media Ethics*, 20(1), 3-21.

⁶¹ *Id.* 56.

⁶² *Id.* 57.

⁶³ Ward, S. J., & Wasserman, H. (2010). "Media Ethics Beyond Borders: A Global Perspective." *Routledge*.

BRIEF DESCRIPTION OF THE IMPLICATIONS OF MEDIA TRIALS FOR THE CRIMINAL JUSTICE SYSTEM, TAKING INTO ACCOUNT BOTH INDIAN AND INTERNATIONAL PERSPECTIVES

- 1. Prejudice and bias:** In both Indian and international law, the principle of a fair trial is fundamental. Media trials can introduce prejudice and bias, jeopardizing the accused person's right to be presumed innocent until proven guilty. Such prejudice can infringe upon the right to a fair trial as enshrined in Article 21 of the Indian Constitution⁶⁴ and in various international legal instruments, such as the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR).
- 2. Right to privacy:** In India, the right to privacy is recognized as a fundamental right under Article 21 of the Constitution.⁶⁵ Media trials can intrude upon an individual's privacy, especially when personal information, unverified details, or images are disseminated without consent. This can raise concerns regarding the violation of privacy rights as protected by Indian law. Internationally, the right to privacy is safeguarded under Article 17 of the UDHR⁶⁶ and Article 17 of the ICCPR.⁶⁷
- 3. Free and fair trial:** Both Indian and international legal frameworks emphasize the importance of a free and fair trial. Media trials have the potential to influence public opinion, which

⁶⁴ *Supra Note. 5.*

⁶⁵ *Supr Note. 40.*

⁶⁶ United Nations General Assembly. (1948). Universal Declaration of Human Rights (UDHR), Article 17. United Nations-“ (1) *Everyone has the right to own property alone as well as in association with others.*

(2) *No one shall be arbitrarily deprived of his property”.*

⁶⁷ United Nations General Assembly. (1966). International Covenant on Civil and Political Rights (ICCPR), Article 14. United Nations-“ *All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law”.*

can impact the fairness of the trial.⁶⁸ Indian courts have recognized that media reporting should not interfere with the administration of justice or infringe upon the rights of the accused. Similarly, international human rights instruments emphasize the right to a fair trial, including the right to an impartial tribunal and the right to be heard.

- 4. Defamation and contempt of court:** Media trials may raise concerns regarding defamation and contempt of court laws. Journalists and media organizations should adhere to the principles of responsible reporting and avoid making false or defamatory statements about individuals involved in criminal cases. They should also be cautious about not interfering with the administration of justice or undermining public confidence in the judiciary, as it could lead to contempt of court proceedings.⁶⁹
- 5. Witness protection:** Witness protection is crucial for the effective functioning of the criminal justice system. Media trials can compromise the safety and willingness of witnesses to come forward, hindering investigations and prosecutions. In India, witness protection has gained significant attention, and various guidelines and legislative measures have been introduced to ensure the security of witnesses.⁷⁰
- 6. Public trust and confidence:** Both the Indian and international legal systems rely on public trust and confidence in the criminal justice system. Public trust can be eroded if media trials are perceived as biased, sensationalized, or lacking in accuracy. Maintaining public confidence in the fairness and impartiality of

⁶⁸ Bhushan, P. (2018). "Media Trials: A Threat to the Administration of Justice?" *Indian Journal of Constitutional Law*, 9, 70-91.

⁶⁹ Basu, D. D. (2010). "Commentary on the Constitution of India." 8th edition. Lexis Nexis.

⁷⁰ Ganguly, A. (2016). "Witness Protection in India: An Analysis." *Indian Journal of Criminal Law*, 3(1), 149-165.

the legal process is vital to uphold the rule of law and ensure the criminal justice system's effectiveness.⁷¹

COMPARATIVE ANALYSIS: INTERNATIONAL PERSPECTIVES ON MEDIA TRIALS AND PRESUMPTION OF INNOCENCE

International perspectives on media trials and the presumption of innocence vary across jurisdictions. Here is a comparative analysis highlighting some key considerations and lessons from different legal systems:

- 1. United States:** In the United States, freedom of the press is highly valued, and media trials are common. The First Amendment protects freedom of speech and press, which allows extensive coverage of criminal cases. However, concerns have been raised regarding the potential impact of media trials on the presumption of innocence and fair trial rights.⁷² Courts often rely on jury selection and instructions to mitigate the influence of media coverage. Lessons from the U.S. context include the importance of jury instructions, robust defense strategies, and public education on the legal process to counterbalance media influence.⁷³
- 2. United Kingdom:** The U.K has a legal framework that recognizes the right to a fair trial and the importance of the presumption of innocence. However, the U.K also has a vibrant and competitive media landscape, which can contribute to the phenomenon of media trials. U.K courts have been cautious about the potential prejudicial effects of media coverage and have taken measures to

⁷¹ Goel, A. (2017). "Fair Trial under the Indian Constitution: New Horizons and Challenges." *International Journal of Legal Insight*, 2(1), 115-127.

⁷² Bierschbach, M. (2016). "Media, Trials, and Truth Commissions: 'Trial Watch' in Comparative Perspective". *Law and Contemporary Problems*, 79(4), 97-125.

⁷³ Brusckke, J. (2018). "A Comparative Analysis of Media Trials in the U.S.: Historical and Contemporary Perspectives". *Crime, Media, Culture*, 14(3), 315-334.
doi:10.1177/1741659018756524

manage media influence, such as issuing reporting restrictions and granting anonymity to the accused or witnesses in some instances.⁷⁴ Lessons from the U.K include the use of legal mechanisms to balance freedom of the press with the right to a fair trial.

3. Canada: Canada places significant emphasis on the right to a fair trial and the presumption of innocence. Canadian courts have recognized the potential prejudice that media trials can create and have developed legal doctrines to address this issue. Courts may issue publication bans or impose restrictions on media coverage to safeguard the fairness of trials⁷⁵. Lessons from Canada include the use of judicial discretion to manage media influence and the importance of striking a balance between freedom of expression and fair trial rights.

4. European Union: The European Court of Human Rights (ECHR) has acknowledged the potential impact of media trials on the right to a fair trial. The ECHR has emphasized that the media should exercise self-restraint in reporting ongoing criminal cases to avoid prejudicing the presumption of innocence.⁷⁶ The Court has recognized that media freedom must be balanced with other rights, such as the right to a fair trial and the reputation of individuals involved. Lessons from the European context include the need for responsible reporting and the importance of legal safeguards to protect fair trial rights.⁷⁷

⁷⁴ Davis, H. (2013). "Courts, Public Opinion, and Media in the United Kingdom: Balancing Rights in High-Profile Criminal Cases". *International Journal of Law, Crime and Justice*, 41(2), 119–134. doi:10.1016/j.ijlcj.2013.02.001

⁷⁵ Fair Trials. (2018). "Presumption of Innocence: The Principle and its Application". *Fair Trials International*.

⁷⁶ Larson, B. (2010). "Inside the Juror: The Psychology of Juror Decision Making". Cambridge University Press.

⁷⁷ Meyn, K. (2018). "The Media and the Accused: How the Canadian Press Frames Wrongful Convictions". *Canadian Journal of Criminology and Criminal Justice*, 60(1), 1-

Thus, international perspectives and lessons on media trials and the presumption of innocence highlight the need for a delicate balance between freedom of the press and fair trial rights.⁷⁸ Courts, legislatures, and media organizations in different jurisdictions have implemented various measures to manage media influence and protect the criminal justice system's integrity.⁷⁹ Adhering to ethical guidelines, promoting responsible reporting, and ensuring public awareness of the legal process are key elements in maintaining a fair and impartial criminal justice system in the face of media trials.⁸⁰

RESEARCH QUESTIONS

These research questions can serve as a starting point for exploring various aspects of media trials and their implications for the presumption of innocence.

1. How does extensive media coverage of criminal cases impact public perception and attitudes towards the presumption of innocence?
2. What are the ethical considerations and challenges faced by journalists and media organizations when reporting on criminal cases before the accused has been proven guilty?
3. What are the legal frameworks and safeguards in different jurisdictions that aim to protect the presumption of innocence in the face of media trials?
4. What are the potential effects of media trials on the fairness and impartiality of jury selection and trial outcomes?

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⁷⁸ Klip, A. (2012). "European Criminal Procedure". *Intersentia*.

⁷⁹ Robinson, N. (2015). "Media Coverage of Trials, High-Profile Cases, and the CSI Effect". *American Criminal Law Review*, 52(4), 959-985.

⁸⁰ Weinrib, E. (2016). "Canada's Free Press and the Fair Trial". *International Journal of Constitutional Law*, 14(4), 885-912. doi:10.1093/icon/mow060.

5. How do different countries' legal systems address the potential prejudice caused by media trials and ensure the right to a fair trial?

FINDINGS

- ❖ **Research Question 1:** How does extensive media coverage of criminal cases impact public perception and attitudes towards the presumption of innocence?

To answer this question, a mixed-methods approach will be employed. Quantitative methods, such as surveys or content analysis of media coverage, will be used to gather data on public perceptions and attitudes towards the presumption of innocence in the context of media trials. Qualitative methods, such as interviews or focus groups, will be conducted to gain in-depth insights into how media trials influence public perception and understanding of the presumption of innocence. Existing studies, empirical data, and case examples will be analyzed to identify the impact of media coverage on public attitudes and potential shifts in perception.

- ❖ **Research Question 2:** What are the ethical considerations and challenges faced by journalists and media organizations when reporting on criminal cases before the accused has been proven guilty?

This research question will be addressed through a qualitative research approach. In-depth interviews and focus groups will be conducted with journalists, media professionals, and legal experts to explore the ethical considerations and challenges they encounter when reporting on ongoing criminal cases. The discussions will focus on topics such as balancing the right to a fair trial, responsible reporting practices, the impact of media

trials on the presumption of innocence, and the ethical guidelines or codes of conduct followed by journalists and media organizations. Case studies and analysis of existing ethical frameworks will provide additional insights into the ethical challenges faced by media professionals.

- ❖ **Research Question 3:** What are the legal frameworks and safeguards in different jurisdictions that aim to protect the presumption of innocence in the face of media trials?

This research question will be addressed through a comparative legal analysis. Legal frameworks, statutes, case law, and international human rights instruments from different jurisdictions will be examined to identify legal provisions and safeguards aimed at protecting the presumption of innocence during media trials. The analysis will focus on factors such as publication bans, reporting restrictions, contempt of court laws, and guidelines for media coverage. A comparative approach will provide insights into legal frameworks' similarities, differences, and effectiveness in ensuring the right to a fair trial and upholding the presumption of innocence in the face of media influence.

- ❖ **Research Question 4:** What are the potential effects of media trials on the fairness and impartiality of jury selection and trial outcomes?

This research question will be addressed through qualitative and quantitative methods. Empirical research, including surveys, interviews, or observations, will be conducted to explore the potential effects of media trials on jury selection, juror biases, and decision-making processes. Case studies and legal analysis will be used to examine how media trials may impact the fairness and

impartiality of trial outcomes, including factors such as juror behavior, verdicts, and potential challenges to the right to a fair trial. This interdisciplinary approach will provide insights into the complex dynamics between media trials and jury fairness.

- ❖ **Research Question 5:** How do different countries legal systems address the potential prejudice caused by media trials and ensure the right to a fair trial?

This research question will be addressed through a comparative analysis of legal systems. Legal frameworks, case law, statutes, and jurisprudence from different countries will be analyzed to identify how each jurisdiction addresses the potential prejudice caused by media trials and ensures the right to a fair trial. The comparative approach will explore factors such as publication bans, restrictions on reporting, procedural safeguards, and legal remedies available to mitigate the impact of media trials. This analysis will provide insights into the various approaches different legal systems employ to safeguard fair trial rights in the face of media influence.

By employing appropriate research methods and conducting thorough analyses, this study will provide accurate and comprehensive insights into the impact of media trials on the presumption of innocence, ethical considerations for journalists, legal frameworks across jurisdictions, effects on jury fairness, and approaches to ensure fair trials in the presence of media influence.

CASE LAWS

Each of these cases provides significant insight into the balance between the freedom of the press, the right to a fair trial, and the preservation of the integrity of the judicial process.

- 1. United States** - *Sheppard v. Maxwell*, 384 U.S. 333 (1966): This is one of the most cited cases in American jurisprudence regarding media influence in criminal trials. It held that excessive media publicity should not compromise the right to a fair trial. Dr. Sam Sheppard was convicted for the murder of his wife, and the Supreme Court of the United States later ruled that the trial judge failed to protect Sheppard's right to a fair trial amidst a "carnival atmosphere" created by the press.⁸¹
- 2. United Kingdom** - *Attorney General v. English*, [1983] AC 116: This case involved the contempt of court for a newspaper, which published an article about an ongoing trial. The House of Lords emphasized the importance of preserving the integrity of the judicial process and held that the publication was in contempt of court because it created a substantial risk of prejudice to the proceedings.⁸²
- 3. India** - *Sahara India Real Estate Corporation v. Securities and Exchange Board of India*, (2012) 10 SCC 603: This case exemplifies how the Supreme Court of India attempted to balance the right to a fair trial and freedom of speech and expression. The Court recognized the principle of postponement orders (i.e., deferring the media's right to publish information about a trial) as a means to ensure that the administration of justice is not prejudiced by excessive media coverage.⁸³
- 4. Canada** - *Dagenais v. Canadian Broadcasting Corp.*, [1994] 3 S.C.R. 835: The Supreme Court of Canada held that a court could order a publication ban if it's necessary to prevent a real and substantial risk to the fairness of the trial, and if the salutary

⁸¹ *Sheppard v. Maxwell* 384 U.S. 333 (1966)

⁸² *Attorney General v. English* [1983] AC 116.

⁸³ *Sahara India Real Estate Corporation v. Securities and Exchange Board of India* (2012) 10 SCC 603

effects of the publication ban outweigh the deleterious effects to the free expression of those affected by the ban.⁸⁴

- 5. Europe - *Sunday Times v. United Kingdom* (1979) 2 EHRR 245:** The European Court of Human Rights held that while freedom of expression is important, it should not prejudice the parties' rights in litigation or undermine the authority and impartiality of the judiciary.⁸⁵

INDIAN CASE LAWS

These cases highlight the Supreme Court's perspective on media trials in India and underscore the need to balance the right to free speech and the right to a fair trial.

- 1. Manu Sharma v. State (NCT of Delhi):** Also known as the Jessica Lal Murder Case, it is one of the most notable instances of a media trial in India. The Supreme Court recognized the influence of media in shaping public opinion during the trial. However, it warned against the potential for media trials to interfere with the administration of justice.⁸⁶
- 2. Zahira Habibullah Sheikh & Anr vs State Of Gujarat & Ors.:** Also known as the Best Bakery Case, the Court noted the media's role in highlighting the issue, but also stressed on the importance of ensuring that the media does not interfere with the court proceedings.⁸⁷
- 3. Nupur Talwar v. CBI & Ors.:** In the Arushi Talwar murder case, the Supreme Court expressed concerns over media trials affecting the investigation and influencing public opinion. The Court noted

⁸⁴ *Dagenais v. Canadian Broadcasting Corp* [1994] 3 S.C.R. 835.

⁸⁵ *Sunday Times v. United Kingdom* (1979) 2 EHRR 245.

⁸⁶ *Manu Sharma v. State (NCT of Delhi)* [(2010) 6 SCC 1].

⁸⁷ *Zahira Habibullah Sheikh & Anr vs State of Gujarat & Ors* [2006 (3) GLR 2027].

the media's duty to act responsibly and adhere to ethical guidelines while reporting criminal cases.⁸⁸

4. Romila Thapar v. Union of India: In this case, the Supreme Court criticized the media trial and noted its potential to prejudice the trial. The Court emphasized the importance of free and fair trial, and the necessity of the media to maintain self-regulation while covering sub-judice matters.⁸⁹

5. In Re: Destruction of Public & Private Properties: The Supreme Court observed that media trials tend to influence the administration of justice and can prejudice the accused's fair trial rights. The Court reiterated that the media must avoid conducting its own parallel trial or making its own predictions about the outcome of the cases.⁹⁰

CONCLUSION

Preserving the presumption of innocence in the Indian criminal justice system is crucial to uphold the principles of fairness, justice, and the right to a fair trial. Media trials, characterized by extensive coverage and sensationalism, pose challenges to this fundamental principle. However, the presumption of innocence can be safeguarded by implementing certain measures and adopting a collaborative approach.

1. Firstly, strengthening legal safeguards is essential. Reviewing and enhancing existing legal frameworks to restrict media coverage of ongoing criminal cases and setting stricter guidelines for responsible reporting can help prevent the erosion of the presumption of innocence.
2. Secondly, judicial oversight and case management play a vital role. Courts should actively monitor media bias, issue clear

⁸⁸ *Nupur Talwar v. CBI & Ors* [Criminal Appeal No. 68 of 2012].

⁸⁹ *Romila Thapar v. Union of India* [W.P. (CrI.) No. 225 of 2018].

⁹⁰ *Destruction of Public & Private Properties* [(2009) 5 SCC 212].

instructions to jurors regarding the presumption of innocence, and take necessary actions to address contempt of court when media coverage interferes with fair trial rights.

3. Public education and awareness initiatives are another key aspect. Increasing public understanding of the presumption of innocence and the importance of fair trials through educational campaigns and media literacy programs can counteract the negative influence of media trials.
4. Media self-regulation is crucial for responsible reporting. Encouraging media organizations to adopt ethical guidelines, provide training to journalists, and establish independent bodies for addressing complaints can promote responsible coverage and mitigate the adverse effects of media trials.
5. Collaboration between stakeholders is vital in addressing this issue. Engaging in constructive dialogue and joint initiatives between media organizations, legal professionals, and civil society groups can help develop guidelines and protocols that strike a balance between press freedom and the protection of fair trial rights.
6. Continuous review and evaluation of the impact of media trials are necessary. Regular assessments through empirical research, case studies, and stakeholder feedback will help identify improvement areas and ensure the effectiveness of implemented measures.

By implementing these recommendations, the Indian criminal justice system can work towards preserving the presumption of innocence, upholding fairness, and maintaining public trust in the rule of law. It requires a collective effort from all stakeholders to protect the rights of the accused and ensure that justice is served while respecting the principles of a fair and impartial criminal justice system.

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