

Righteous of The Trials Conducted By Social Media

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Abstract- *Media trial has become a normal affair in society. Due to media criticism judges are somehow compelled to take decision according to the follow up created by media. Due to this, the declaration of verdict given by media becomes the final verdict. This trend is seen especially in many high profile cases. Media in such cases have turned out to be a re incarnation of public court. On the basis of this notion it has started conducting its own investigation and start creating a public opinion. Though media functionary is required to run democracy in a healthy mechanism, but most of the time the freedom of expression is taken as a hand maiden of free will. This paper is an effort to analyze the extent of media involvement and how it can play a crucial role to ensure justice in society*

I. INTRODUCTION

What is fair and what is unfair are not absolute and immutable ideas. They change according to time and place. What was unfair few hundred years ago may become fair now. The trial by media is one such concept. However it has been condemned by civil rights activists, lawyers, judges and academicians.

The media is a powerful tool for social engineering. It draws its power from Article 19(1)a of the Constitution which guarantees freedom of speech and expression. As a pillar of democracy it has the duty to use this right judiciously. The burden becomes heavier because it has the power to mould public opinions and change the way people perceive the justice system.

II. ADMINISTRATION OF JUSTICE BY SOCIAL MEDIA

The problem of unfettered use of this freedom becomes apparent if we look at the interference of media in "administration of justice". This interference can be summed up in the phrase "trial by media" which basically means the impact that media has on a trial proceedings. This impact can be through prejudicing, forming perception or characterizing person in a certain way.

An accused is declared guilty by the media at the time of arrest, blatantly ignoring the doctrine of presumption of innocence of the accused until proven guilty beyond

reasonable doubt. For example in the Aarushi murder case the Talwars were declared murderers by media even before the judgment. Another example is of Asaram Bapu. Though just charged under Protection of Children from Sexual offences Act, 2012, he was declared guilty by the media. Media portrays the accused in such a way, by using assertive style of writing, which the public is made to believe the story of the media.

III. TRIAL BY MEDIA – AFTEREFFECTS

The trial by media is not legal in any way. The interference can have serious effect on the life of the person who is directly impacted. It makes difficult for such persons to restore their life when they are found not to be guilty without societal scrutiny which is the result of the pre-judgments by the media.

Moreover it is very well recognized that a judge presiding over a matter that has gained media hype is likely to be effected subconsciously if not consciously. This may manifest in either the judge being apprehensive about public reaction after he passes a judgment against the "media verdict" or when he feels pressurized to act according to the story of the media, gravely wrecking the impartiality that he/she is expected to uphold. Such impact on judges is affirmed by 'Aarushi', an investigative book by journalist Avirook Sen which claims that the judge wrote the 'verdict' even before the defense finished its argument. Not only accused but sometimes other functionaries like police are shown in a bad light which degrades their reputation.

VI. RELATION BETWEEN MEDIA AND FREEDOM OF SPEECH

Law Commission of India in its 200th Report on TRIAL BY MEDIA FREE SPEECH AND FAIR TRIAL UNDER CRIMINAL PROCEDURE CODE, 1973 analyzed the relation of trial by media with freedom of speech under Article 19(1)a, reasonable restrictions and Contempt of Court laws. Section 2 of the Contempt of Courts Act, 1971 defines criminal contempt. It includes publication of any matter which prejudices or interferes in any way in the judicial proceedings or administration of justice. Two recommendations of the Commission are worth pondering. Firstly, the High Court

should be given power to postpone publication of any news that has the potential to prejudice. Secondly, the contempt should be from the date of arrest and not from the date of filing the charge sheet.

Importance of the work or suggest applications and extension

[9] TRIAL BY MEDIA AND TRIAL OF MEDIA
<http://www.rtrd.nic.in/MassMediaIndia2009.pdf>

[10] Right to Privacy in Sting Operations of Media

VI. CONCLUSION

The justification by media is that they act as catalysts to the otherwise sluggish judiciary. They say that they merely represent the views of the society and not shape them. Though there are a lot of vulnerabilities attached to trial by media it would be incorrect not to give media due credit for exposing various scams and its work in bringing justice in cases where it was under the influence and pressure of the rich and powerful. For example the Jessica Lal case. Therefore the need of the hour is to put reasonable restriction on media so that it not only is able to exercise its right of speech but at the same is prevented from exceeding its arena of legitimate jurisdiction.outcome and everything for which media usually stands i.e. for the right would be lost and would always start transgressing the natural principles of justice.

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