



“Media Trial & Its Impact”

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ABSTRACT

This paper critically examines the phenomenon of media trial, highlighting how the media, in its role as the fourth pillar of democracy, often oversteps its boundaries and undermines the judicial process. Through detailed analysis and case studies like the Jessica Lal and Priyadarshini Mattoo trials, it reveals how excessive media coverage and premature judgments can distort public opinion, jeopardize fair trials, and violate individual rights such as the presumption of innocence. In examining the shortcomings of existing regulatory frameworks, the article highlights the constitutional conflicts and moral quandaries associated with free speech and the right to a fair trial. While acknowledging the media's role in exposing injustice and catalyzing legal reform, the study warns against its transformation into a “public court” that undermines judicial neutrality. It concludes with a call for a balanced approach—preserving press freedom while ensuring due process, protecting civil liberties, and upholding the sanctity of the legal system.

KEYWORDS - Media Trial, Freedom of Press, Right to Fair Trial, Judicial Interference, Public Opinion and Justice

1.1 Trial by Media- An Introduction

“Without a free press there can be no free society. Freedom of the press, however, is not an end in itself but a means to the end of a free society.”

-Justice Felix Frankfurter

Media plays a vital role in moulding the opinion of the society and it is capable of changing the whole viewpoint through which people perceive various events. The media is within its rights to demand that those responsible for these heinous actions face the consequences that are due to them. Still, news outlets must remain neutral and objective in their reporting; else, they risk usurping judicial powers. Democracy suffers when the media is unable to report freely due to government oversight, but the consequences of this lack of accountability are far worse. To stop media trials from undermining people's civil rights, we need to clarify the media's roles and responsibilities and give the courts the authority to penalize those who willfully violate them.

The media's meteoric ascent to centrality in modern life has not been devoid of challenges. Although the media plays a crucial role in today's interconnected society, its ever-expanding reach has touched on aspects of human existence that have recently been subject to critical examination. A lot of people have had to pause and think about the necessity to reevaluate the role of media at times when history is taking a different path because of the altered role of the media. In light of the current climate, the media must exercise extreme caution as it strives to fulfil its traditional role, according to the Indian perspective. Regardless, with all the speculation in the media, the general consensus appears to be that anything is rational when it comes to love, war, and breaking news.

The term "trial by media" first used in the late 20th and early 21st centuries to describe how exposure to a case in the media can affect a person's reputation regardless of the outcome in a formal courtroom. In every fair country, there is a heated debate between those who value an unfettered press and those who set a higher priority on the right to safety and a fair trial.

The media's role has expanded greatly with the advent of cell phones and televisions. Nowadays, the very moment that an accusation of misconduct is made, the corresponding evidence is made public. However, similar material carries its own weight, so there's not much to rejoice. The media's coverage of crimes and their suspects is becoming increasingly extensive. A free trial may not be an option for the guilty, but those who are blameless may have to face judgment. It is almost unbelievable for the accused to have a fair trial in high-profile court cases because the media creates an atmosphere of mass hysteria, either for or against him. What's more, once the media has declared him guilty, the public will no longer recognize him, regardless of the case's merit.

All parties involved, including the police and witnesses, feel the negative consequences of an exaggerated presentation, not only the accused and suspects. Both the subject and the onlookers' right to privacy are almost completely disregarded by the media. When people say things like "police have failed" or "examination organizations do not understand," it really brings down the morale of the police and makes people doubt their exams. The authorities feel pressured to comment on the case's progress and grant interviews in order to maintain their public profile. Occasionally, when things get heated, the police say they've nabbed a suspect and he's admitted; at that very moment, the 'BREAKING

NEWS' label appears on nearly all media outlets, and no one seems to be aware that a confession given to an officer is not admissible in court under Section 25 of the Indian Evidence Act, 1872.

Proponents of "media trial" argue that it aids in the equity conveyance framework and leads to guaranteed rights for the affected individuals. Opponents hold it responsible for various indecencies stemming from media trials, including the invasion of people's right to privacy. The Press Council of India issues rules from time to time, and some media outlets are required to follow them. However, generally speaking, the media is perceived as actively harming people.

A democracy's media are typically hailed as its fourth pillar, following the judiciary, the executive branch, and the legislature. If we want our democratic system to function, we need free and independent media. There are safeguards in our system that prevent abuse. To prevent any one branch from amassing unchecked authority, checks and balances are established among the legislative, executive, and judicial branches. The media, in contrast, are not subject to government oversight in our nation. So, it's up to the media to check its own objectivity. Nobody, not even the government, puts any kind of constraints on them.

The media landscape in our nation has changed dramatically in recent years. Individuals' lives can be profoundly impacted by it. Every major political party now acknowledges that the media may sway elections. It would be naïve to believe that the media is impartial and uncorrupted. While the practice of corporate ownership of media does not constitute a new phenomenon, it does create numerous concerns. The media's tendency to declare people guilty in court and make snap judgments in their studios without considering opposing arguments is one such concern. They have considerable sway over the judges as well. When a verdict is issued, some news anchors take on the role of judges or even activists, casting doubt on the system and showing absolutely no regard for it. When a case is under consideration in court, the media must adhere to the court's rules and regulations. The media must also use caution when covering matters of contempt of court. The problem is that media harm is usually permanent since the reach of the media is so wide.

Many examples come to mind when it comes to trial by media. **Aarushi murder case (Rajesh Talwar & Ors. Vs CBI & Ors)**¹ highlights how numerous media outlets portrayed Talwars as serial killers. People were led to believe that the Talwars were responsible for their daughter's murder due to the headlines and writing style. Many have already made up their minds, despite the fact that the case is still with the court. It is my sincere hope that the case's judge is not one of them. Another case that comes to mind is that of **Salman Khan Accident case (Salman Slim Khan Vs State of Maharashtra)**² on the street, where reports said Salman was driving the vehicle that ran over pedestrians and killed

¹ Cri.M.A.No. -16946 of 2013

² Criminal Appln no.-2467of 2003

them. Even the media have been named by Salman Khan as the reason his issue has not been resolved yet. He is so determined to have his voice heard that he has launched his own website.

Media outlets have also played an important role in making sure that when justice is denied, they speak out. In the murder cases of Jessica Lal and Priyadarshni Mattoo, the accused manipulated the courts and witnesses thanks to their influence in the media. I don't want to give the impression that the media shouldn't cover court proceedings; I just think they should be able to limit themselves. No matter how few examples there are, they need to draw the line and not go after just one person. Just treatment under the law is a fundamental human right. The media does not have the authority to assume guilt prior to a trial, and no one is guilty until proven guilty!

An enormous trial by media has taken place in India. The media's involvement prevented the acquittal of certain notorious criminals; these include Priyadarshini Mattoo, Jessica Lal, Nitish Katara, and Bijal Joshi.

But the media came under fire for their coverage of Aarushi Talwar's murder after they reported, before the court did, that her mother Nupur Talwar and father Dr. Rajesh Talwar were complicit in the crime. Once again, the Aarushi murder case has put the media in the spotlight. In theory, "Trial by Media" has been around for a while. Many high-profile instances, including the ones involving Priyadarshini Mattoo and Jessica Lal, sparked discussions over the media's role in these investigations. Many times, people have said that the media was already making up their minds about the case before the court even handed down its ruling. The courts are mainly responsible for carrying out the trial procedure. The media's role in the trial is clearly an excessive intrusion into the administration of justice. It would be prudent to attempt to define the term "trial by media" before exploring the question of whether or not it is justifiable. The very definition of the word "trial" conjures images of the judicial system. The right to a fair trial for all defendants is foundational to any system of justice.

Now that it is reborn as a "public court" (Janta Adalat), the media is actively meddling in judicial processes. The fundamental difference between an accused person and a convicted one, which involves the important concepts of "presumption of innocence until proven guilty" and "guilt beyond reasonable doubt," is utterly disregarded. The current phenomenon is known as "Trial by Media," in which the media conducts its own investigation and shapes public opinion against the accused prior to the court taking notice of the case. This biases the public and, at times, even the courts, leading to the wrongful assumption of guilt and the subsequent unrestricted exercise of liberty and rights for the accused, even if they may be innocent. Unlawful interference with the "administration of justice" can be established by launching contempt of court proceedings against the media if the pre-trial publicity surrounding a suspect or accused person is so extensive that it prejudices the trial or paints him as the real culprit. Regulating journalistic conduct is a necessary evil, but current laws fail to protect citizens' civil liberties.

The media's involvement in ongoing court proceedings is also now par for the course. Somehow, judges feel pressured to base their decisions on the media's subsequent criticism. The media's announcement of a verdict often serves as the ultimate decision in trial courts, particularly in situations involving prominent individuals. Independently, the media initiate investigations and shape public opinion in their new role as public courts. In order for a democracy to function properly, it is essential to have a free and healthy media functionary. In most cases, however, subclause (2) of article 19 of the Indian Constitution is at the centre of debates over free speech. It rejects the right to be held in contempt of court. However, in light of the present climate, the media becomes heavily involved in cases where justice is either completely disregarded or severely delayed. The media can be a force for positive social and political change, but it is also all too common for them to be involved in profiteering. Media outlets prefer to report the news rather than run with circulation and TWT. Human values are promoted through the "mission to profession to creation" or "passion to fashion" process. An attempt at an analysis of the media's vital role in bringing about social justice, this report is short and to the point.

Particularly in less developed nations, the role of the media in a case's trial is a hotly contested topic. The comment of William Pfeifer gives a new direction to think—'the rapid growth of social media and online networking has had a significant impact in the courtroom, particularly concerning jurors. Some jurors have triggered mistrials and new trials as a result of inappropriate social media activity during trials. A few jurors have even faced charges of contempt of court for their posts and activities on Facebook or Twitter during trials. In the developed countries the thinking into a new dimension has been started which is far cry in the developing counties, especially in India.

Media intrusion is an ethical dilemma for the developing nations of the globe. It has grown up to be a trend that media come forward to investigate the truth. 'Trial by media' is a phrase popular in the late 20th century and early 21st century to describe the impact of television and newspaper coverage on a person's reputation by creating a widespread perception of guilt or innocence before, or after, a verdict in a court of law. As the judiciary system has the key responsibility in the society, there have been established various courts at all levels to get the justice properly in stipulated time. Legal system exists for litigants. Nonetheless, practically it is now hardly seen. It has become the coin in the hands of lawyers, judges and of course authoritative and influential persons. Not only people wait to obtain justice for years, but also they sometimes become bound for oblation to buy the justice. The agony of the litigants is almost not felt by anyone. 'Justice delayed is justice denied' (Dutta & Ray, 2012). In the developing countries, Trial by Media is getting prominent day by day. It has seen that though the political parties are not much favor of the Trial by Media, but due to the extreme pendency problem and decreasing trend of faith on the judicial system, public supports the trend of trial by media. In a recent news, Pakistan People's Party (PPP) leader Rehman Malik says in reference to the Muttahida Qaumi Movement (MQM), that the 'Trial by Media' should not be conducted. Talking to media persons recently, Mr. Malik said that the image of any leader should not be affected by 'Trial by Media'

("Rehman Malik Rejects Altaf Hussain's 'Trial by Media'", 2014). Muttahida Qaumi Movement (MQM) Coordination Committee has said that the party and its chief are being subjected to a Trial by Media ("Trial by Media being orchestrated against MQM, says Coordination Committee | Pakistan | Dunya News", 2014). Bangladesh also gets involved in the discussion carried out on the role of media in the cases on trial in the respective courts. Criticizing the role of media in the war crime trial, Rahman (2012) says, 'the Bangladesh media has demonstrated a complete lack of moral standards ever since the International Crimes Tribunal was originally formed. Newspapers such as the Daily Star and Prothom Alo are ever ready to propagate the government's version of history.... Unless and until the media rises to the challenge of questioning authority, investigating the truth and documenting it honestly, the citizens of Bangladesh will be failed by this mockery of a trial.'

Although, the subject of 'Trial by Media' is discussed by civil rights activists, constitutional lawyers, judges and academics almost every day in recent times. With the coming into being of the television and cable-channels, the amount of publicity which any crime or suspect or accused gets in the media has reached alarming proportions. Innocents may be condemned for no reason or those who are guilty may not get a fair trial or may get a higher sentence after trial than they deserved. There appears to be very little restraint in the media in so far as the administration of criminal justice is concerned. We are aware that in a democratic country like ours, freedom of expression is an important right but such a right is not absolute in as much as the Constitution itself, while it grants the freedom under Article 19(1) (a), permitted the legislature to impose reasonable restriction on the right, in the interests of various matters, one of which is the fair administration of justice as protected by the Contempt of Courts Act, 1971. If media exercises an unrestricted or rather unregulated freedom in publishing information about a criminal case and prejudices the mind of the public and those who are to adjudicate on the guilt of the accused and if it projects a suspect or an accused as if he has already been adjudged guilty well before the trial in court, there can be serious prejudice to the accused. In fact, even if ultimately the person is acquitted after the due process in courts, such an acquittal may not help the accused to rebuild his lost image in society. If excessive publicity in the media about a suspect or an accused before trial prejudices a fair trial or results in characterizing him as a person who had indeed committed the crime, it amounts to undue interference with the "administration of justice", calling for proceedings for contempt of court against the media. Other issues about the privacy rights of individuals or defendants may also arise. Public figures, with slender rights against defamation are more in danger and more vulnerable in the hands of the media. After the judgment in **R. Rajagopal v. State of Tamil Nadu**³. The UN Special Rapporteur on Freedom of Expression and Opinion received a submission from the British Irish Watch against a very sustained attack by the press on Mrs. Bernadette and Mr. Michael McKevitt who had been advocating national sovereignty for Ireland and who were claiming the Irish people's right to self-determination through a Committee. It was the media which started linking these two persons to the Omagh bombing of 15th August, 1998 which

³ AIR 1995 SC 264

killed 29 people. The media attack started even before the police questioned these two persons. The contents of the representation to the U. N. Rapporteur by the British Irish Watch quoted below, fits well into what is happening with the media in our own country. The representation stated: "Guilt by association is an invidious device. In the case of Bernadette and Michael McKeivitt, the media have created a situation where almost no one in Ireland is prepared to countenance the possibility that they may be innocent, notwithstanding the fact that neither of them has even been questioned by the police in connection with the Omagh bombing. They have demonized, such media campaigns are self-defeating. If the media repeatedly accuses people of crimes without producing any evidence against them, they create such certainty of their guilt in the minds of the public that, if these persons are even actually charged and tried, they have no hope of obtaining a fair trial. When such trials collapse, the victims of the crime are left without redress. Equally, defendants may be acquitted¹³ but they have lost their good name". The observations of Mr. Andrew Belsey in his article 'Journalism and Ethics, can they co-exist' (published in Media Ethics : A Philosophical Approach, edited by Mathew Kieran) quoted by the Delhi High Court in **Mother Dairy Foods & Processing Ltd v. Zee Telefilms**⁴ aptly describe the state of affairs of today's media. He says that journalism and ethics stand apart. While journalists are distinctive facilitators for the democratic process to function without hindrance the media has to follow the virtues of 'accuracy, honesty, truth, objectivity, fairness, balanced reporting, respect or autonomy of ordinary people'. These are all part of the democratic process. But practical considerations, namely, pursuit of successful career, promotion to be obtained, compulsion of meeting deadlines and satisfying Media Managers by meeting growth targets, are recognized as factors for the 'temptation to print trivial stories salaciously presented'. In the temptation to sell stories, what is presented is what 'public is interested in' rather than 'what is in public interest'.¹⁴ Suspects and accused apart, even victims and witnesses suffer from excessive publicity and invasion of their privacy rights. Police are presented in poor light by the media and their morale too suffers. The day after the report of crime is published; media says 'Police have no clue'. Then, whatever gossips the media gathers about the line of investigation by the official agencies, it gives such publicity in respect of the information that the person who has indeed committed the crime, can move away to safer places. The pressure on the police from media day by day builds up and reaches a stage where police feel compelled to say something or the other in public to protect their reputation. Sometimes when, under such pressure, police come forward with a story that they have nabbed a suspect and that he has confessed, the 'Breaking News' items start and few in the media appear to know that under the law, confession to police is not admissible in a criminal trial. Once the confession is published by both the police and the media, the suspect's future is finished. When he retracts from the confession before the Magistrate, the public imagine that the person is a liar. The whole procedure of due process is thus getting distorted and confused.¹⁵ The media also creates other problems for witnesses. If the identity of witnesses is published, there is danger of the witnesses coming under pressure both from the

⁴ IA 8185/2003 in Suit No. 1543/2003 dated 24.1.2005

accused or his associates as well as from the police. At the earliest stage, the witnesses want to retract and get out of the muddle. Witness protection is then a serious casualty. This leads to the question about the admissibility of hostile witness evidence and whether the law should be amended to prevent witnesses changing their statements. Again, if the suspect's pictures are shown in the media, problems can arise during 'identification parades' conducted under the Code of Criminal Procedure for identifying the accused. Sometimes, the media conducts parallel investigations and points its finger at persons who may indeed be innocent. It tries to find fault with the investigation process even before it is completed and this raises suspicions in the minds of the public about the efficiency of the official investigation machinery. The print and electronic media have gone into fierce competition, that a multitude of cameras are flashed at the suspects or the accused and the police are not even allowed to take the suspects or accused from their 16 transport vehicles into the courts or vice versa. The Press Council of India issues guidelines from time to time and in some cases, it does take action. But, even if apologies are directed to be published, they are published in such a way that either they are not apologies or the apologies are published in the papers at places which are not very prominent. Apart from these circumstances, basically there is greater need to strike a right balance between freedom of speech and expression of the media on the one hand and the due process rights of the suspect and accused. Art 19(1) (a), 19(2), Art 21 and Art 14 of the Constitution play a very important role in striking an even balance. As we shall be showing in the ensuing chapters, the present Contempt of Court Act, 1971 requires some changes in view of the law that has been declared by the Supreme Court at least in two leading cases, one is **A.K. Gopalan vs. Noordeen⁵** and the other is **Maneka Gandhi vs. Union of India⁶**. These judgments have struck a balance between competing fundamental rights which were not noticed or available at the time when the Joint Parliament Committee (1969) made some drastic changes in the Bill prepared by the Sanyal Committee (1963). These issues fall for consideration. 17 In addition, we have the judgment in Sunday Times case decided by the European Court on prior restraint on press publications, the (UK) Contempt of Court Act, 1981 and the Reports of Law Commissions in Canada, Australia, New Zealand and other countries which have tried to strike an even balance between competing fundamental rights. It is in the light of the problems mentioned, the drastic changes in the interpretation of Arts 14, 19, 21 of the Constitution of India that have come about on account of judgments of the Supreme Court and the reforms brought in or proposed in other jurisdictions, that we have taken up the subject suo moto. We shall be discussing a number of important issues relating to the freedom of speech and expression and the right to due process for a fair trial under the criminal law, in the ensuing chapters. (In this Chapter and in the ensuing Chapters, wherever we use the word 'due process' for fair trial in a criminal proceeding, we mean a procedure established by law under Art 21 which is fair, just and reasonable and not 18 arbitrary or violative of

⁵ 1969 (2) SCC 734

⁶ AIR 1978 SC 597

Art 14 of the Constitution of India as decided by the Supreme Court in (Maneka Gandhi's case above referred to).

1.2 Meaning, Concept and Scope of Media Trial

1.2.1 Meaning of Media Trial

Media is viewed as one of the most grounded mainstay of vote based system. Media with its wide running jobs in the general public has assumed an indispensable job in forming the assessment of the state and is likewise equipped for changing the manner in which individuals take a gander at different occasions. The media has likewise played another job which is propelling like a pattern where the media brings the denounced in a correctional facility.

It is essential to comprehend the importance of 'Media-trial'. The articulation 'trial by media' was characterized by the Hon'ble Supreme Court of India on account of **R. K. Anand v. Enlistment center, Delhi High Court** as: "the effect of TV and paper inclusion on an individual's notoriety by making a far reaching view of blame paying little heed to any decision in an official courtroom. Amid high attention court cases, the media are regularly blamed for inciting an air of open agitation much the same as a lynch horde which makes a reasonable trial almost outlandish as well as implies that, paying little respect to the consequence of the trial, in open discernment the charged is now held blameworthy and would not have the capacity to carry on with a mind-blowing remainder without serious open examination." (State Vs Sajeev Nanda)⁷.

As per Ray Surette, 'trial-by-media' have "three fundamental flavors": "Wicked Rich sort", "Detestable Stranger, insane executioners" and "Maltreatment of Power trial". For example, the head cleric of Kanchi Kamakoti, Jayendra Saraswati, was blamed for killing two plant laborers as penance, in light of on media reports. The Andhra Pradesh High Court in Labor Liberation Front v. Territory of Andhra Pradesh held that, the realities of the writ appeal which was recorded so as to put weight on the insightful specialists weren't right and ought to have been checked upon. The court saw that "once an occurrence including noticeable individual or establishment happens, the media is swings without hesitation, for all intents and purposes leaving almost no for the arraignment or the Courts". The media allure made in the Jessica Lal murder and Priyadarshini Mattoo assault cases would be delineations of the 'Evil Rich sort' and 'Maltreatment of Power trial'.

1.2.2 Concept of Media Trial

In an advanced express, the 'principle of law' and the 'job of law' are the twin factors that have a significant impact in the lives of individuals. As it is said that rights and obligations go connected at the hip, along these lines while the law perceives certain rights and freedoms, it, in the meantime, throws certain commitments and puts restrictions upon the activity of those rights. As indicated by Immanuel

⁷ (2012) 8 SCC 450

Kant, "Law is the group of conditions whereby the desire of each can coincide with the desire of others, as indicated by an all inclusive law of freedom."

Law itself, said Kant, is worried about the outside pragmatic relations of one individual to another. These relations, to be requested by any means, include the requesting of the assertion of each man on others, in the light of the idea of opportunity. Kant along these lines continued to join from the earlier idea of opportunity and discretion: "law is the aggregate of the condition under which the intervention of one is good with the mediation of others as indicated by the general law of opportunity." Therefore, while one is allowed to express his wants and effectuate his will and exercise his rights, it is additionally occupant upon him to comply with the confinements set somewhere around law. The traditional standard of freedom holds that the law is advocated in meddling with direct when that lead undermines the freedom of different people. It must be observed that totality is an idea outsider to human presence. No privilege or freedom can be outright, howsoever significant it might be.

Law just directs the lives of individuals to guarantee a general public where an individual can make the most of his opportunities without undue obstruction. Hobbes says: "The utilization of law, which are nevertheless standards isn't to tie the general population from every single deliberate activity; yet to direct and keep them in such a movement as not to hurt themselves by their own reckless wants, carelessness, or rashness, as fences are set, not to stop the voyager, however to keep them in the manner."

Found in this unique circumstance, it fills some need to understand that people who are occupied with 'media trial' ought to comprehend that their perceived opportunity isn't endless and they need act inside sensible confinements to find out non-impedance with the privileges of regular man who are similarly qualified for a portion of the rights, perceived by law. One of the flip sides of media trial is the manner in which it influences the respect and freedom of a person in its visually impaired interest to hoard the spotlight. What's more, in this setting it winds up pertinent to recall that the Preamble to the Universal Declaration of Human Rights, discusses a human family where every one of the individuals thereof have inborn nobility alongside equivalent and natural rights. These two elements structure the 'establishment of opportunity, equity and harmony on the planet'. The articulation 'human family' means a request where the happiness regarding certain natural rights isn't bound by any limits, where people carry on with an existence with respect. Also, just in such a request, opportunity flourishes, equity rules and harmony wins.

The Preamble to the Universal Declaration of Human Rights likewise observes and helps the humankind to remember the results that pursue if the human rights are neglected. It visualizes an existence where individuals 'will appreciate the right to speak freely and conviction, and opportunity from dread and need'. It underlines the need to ensure the human rights by the standard of law if 'man isn't to be constrained to have plan of action, if all else fails, to resistance to oppression and abuse'. In a general public sans principle of law wins oppression and the resulting infringement of human rights.

In the texture of the prelude are intertwined sure grand thoughts and standards like 'confidence in key human rights', 'equivalent privileges of people', 'widespread regard for and perception of human rights and essential opportunities' among others. Accentuation on the word 'principal' indicates the possibility that an individual ought to have in any event certain essential rights and opportunity to carry on with an actual existence of pride. In any case, 'a typical comprehension of these rights and opportunities is of the best significance for the full acknowledgment of the vow' that we find in the presentation. Sacred nobility and freedom are the two hallowed components of human presence. They ought to be desirously made preparations for any exertion which compromises their survival.

In any case, numerous a period, 'Media Activism' accidentally or attentively strips individuals of their freedom and damages their pride in its enthusiasm to be over-dynamic without monitoring the anticipating results. This is a risky sign. In any case, there is no denying the way that job of media has been essential at times.

1.3 Scope of Media Trial

1.3.1 Freedom of press

Article 19 of the International Covenant on Civil and Political Rights, 1966 (ICCPR), consolidates the privilege to the right to speak freely, that is, "everybody will reserve the option to hold suppositions without impedance and the opportunity to look for, get and bestow data and thoughts of numerous sorts, paying little respect to outskirts, either orally, recorded as a hard copy or in print, as craftsmanship, or through some other media of his decision."

In any case, this opportunity has a rider appended to it that the activity of this correct accompanies "extraordinary obligations and duties" and is liable to "the rights or notoriety of others". Accordingly this suggests even the ICCPR does not grant a free appropriate to discourse to the general population, the privilege is made subject to the notoriety of others.

The Constitution of India under Article 19(1)(a) has conceded the privilege to the right to speak freely and articulation. Despite the fact that the constitution does not give explicitly the opportunity of press not at all like the United States of America at the same time, the Supreme Court of India has as a rule perceived and allowed the opportunity of press as a privilege under the privilege of the right to speak freely and articulation as communicated under Article 19(1)(a) of the Constitution of India.

In Re: Harijai Singh and Anr. v. Re: Vijay Kumar, the Supreme Court had one such event to choose the extent of opportunity of press, the Hon'ble court remembered it as "a basic essential of a law based type of government" and in the meantime viewed it as "the mother of every other freedom in a fair society". The privilege as given under Article 19(1)(a) instills the privilege to data and furthermore the privilege to circle data through every conceivable type of media.

Additionally, for the situation of *Hamdard Dawakhana v. Association of India*, it was held by the pinnacle court of the nation that the opportunity of press as a privilege incorporates the privilege to assemble and scatter thoughts and significant data about issues of basic concern.

The Supreme Court of India has held that trial by media, press or trial by method for an open misery are all specimen that can, best case scenario be clarified as the counter postulation of principle of law as they for the most part lead to unfairness being done to denounced. In the perspective on the Hon'ble court, a Judge needs to monitor himself against all such weight. In *Anukul Chandra Pradhan v. Association of India*, the Supreme Court saw that "No event ought to emerge for a feeling that the exposure appended to these issues (the hawala exchanges) has would in general weaken the accentuation on the fundamentals of a reasonable trial and the essential standards of law including the assumption of honesty of the charged except if found blameworthy

1.3.2 The public's right to know

The Supreme Court has clarified that the fundamental thought behind the opportunity of press is the privilege of the general population to know. Explaining, the Supreme Court detailed, "The essential capacity, in this way, of the press is to give complete and target data of all parts of the nation's political, social, financial and social life. It has an educative and preparing task to carry out. It assumes a significant job in trim popular assessment".

Notwithstanding, the Chief Justice of India has commented, "opportunity of press implies individuals' entitlement to know the right news", and yet he likewise conceded that "papers can't peruse like an official periodical and must have a tinge of melodrama, excitement and uneasiness".

1.3.3 Public participation

A few researchers legitimize a 'trial-by-media' by recommending that the media just voices the perspectives on the open which the as of now have and furthermore that the crowd attitude exists in the brain of the open autonomous of the media. Straightforwardness is basic in a majority rules system. Without a free press, we will relapse into the dull times of the Star Chambers, when the legal procedures were directed cryptically. All these inescapable SMS crusades and open surveys just give a platform to the general population to express its perspectives. It is producing open exchange with respect to issues of open significance. Squashing this voice will add up.

1.4 Case Studies in India and the Debate

It was an old father whose appeal for justice for his murdered daughter was answered. It was the turn of a sister to feel vindicated. A mother's tear got justice at last. She was a 34 years old model had been hired to work as a celebrity bartender at the Tamarind Court restaurant in Mehrauli. A 24 years old boy asked for a drink from her at around 2 o'clock at night and offered 1000 rupees. But she refused. Then and there the sound of two firing was heard, and one of them hit her and she died. She is none

other than Jessica Lal. Identified as the culprit by several witnesses, Manu Sharma was been able to hide and to dispose of the attack weapon. He had very influential background, for which near about three hundred attendees of the party tried to escape taking the responsibility of the witness. The three key witnesses were either bribed or threatened. As the charge sheet was submitted by August 3, 1999 and in February 2006, all accused were acquitted due to lack of proper evidence. The whole duration of the trial revealed the loopholes of the Indian legal system. It showed that the high-class opponent could get rid off from any kind of crime. So, in case of Jessica justice was not delivered, it was denied. That was the time when the media and public come forward together and compelled the prosecution to appeal in Delhi High Court to fast track the proceedings. Thousands of emails and SMSs on the petition were forwarded by the media to the President of India for seeking justice (Alvarez, 2011). Eminent lawyer Ram Jethmalani's decision to defend Manu Sharma became an object of public derision. CNN IBN termed as "defend the indefensible". He had been specifically targeted and maligned before and during the proceedings by the fourth estate very crucially. Jethmalani was declared as accountable even after the acquittal by the trial court (Bhankatesen, 2010). Rejecting this argument, the Bench said, "Certain articles and news items appearing in the newspapers immediately after the date of occurrence did cause certain confusion in the mind of the public as to the description and number of the actual assailants/suspects. It is unfortunate that trial by the media did, though to a very limited extent, affect the accused, but [was] not tantamount to a prejudice which should weigh with the court in taking any different view" (George, 2010). The breakdown of the Indian judicial system was termed as 'miscarriage of justice' by the media. In front of the India Gate, in support of demanding justice, a candle vigil was organized by media. Tehlka went for a sting operation, which exposed that the witnesses were bribed and the story was broadcast by Star News. Public pressure built up with newspapers splashing headlines such as "No one killed Jessica". At that time the Hindustan Times went for a poll, which exposed the common people faith in the judiciary by measuring it as near about 2.7 (on a scale from 1 to 10). Intense media and public pressure results the guilty life sentence. The justice was finally delivered delayed but not denied (Nandi, 2011). This is the case where it clearly proves the corruption of the Indian judiciary system as well as the influence of money and power. Without media's intervention, it would have not been possible to get justice for a common man.

There is another incident. **Santosh (State vs Santosh Kumar Singh⁸)** entered in the house in the Vasant Kunj area of New Delhi with the help of a domestic servant. After that, he raped her strangling with an electric wire. At last, he thrashed her head with a helmet. It was January 23, 1996, a black day for Mattoo's family. He was arrested based on witness, testimonies, DNA report, the finger print sample, helmet along with other relevant evidences. Santosh Singh was the son of the Joint Commissioner of Police in Delhi. Charging that he was stalking Priyadarshini, a complaint was lodged two years back. It did not even give more fruitful result. Though there was enough reason to nail him.

⁸ Criminal Appeal no. 233 of 2006

Additional Sessions Judge acquitted him by giving the benefit of doubt. It was clearly understood that the evidences were fabricated; the background of acquittal works a lot (Nandi, 2011).

In this case, also the spark of massive public protest and media intervention could be found. Media was publishing and broadcasting Chamman Lal Mattoo (father) interviews seeking for justice. In the course of few years, Santosh got married, become father. Gradually he started his career as a lawyer in Delhi. But the media did not give up digging the truth. Investigation by media exposed numerous lapses in the murder case and case was compelled to reopen. Virendra Prasad, the domestic servant with whose help Santosh entered in the house, was missing, and that was the reason to weak the case. However, after reopening the case, the journalists traced him from a village in Bihar. Pubic became frustrated demanding answers of the loopholes in the law. Public anger through the media has been able to pressurize the judiciary system for justice. Awaited to intense media coverage on February 29, 2000, CBI submitted an appeal against the verdict of the District Court in the Delhi High Court. Media's scrutiny fast tracks the case on a daily basis. Due to media's intervention with the help of a speedy trial by 42 days (on October 17, 2006) Santosh was awarded death sentence by the verdict of court. After appealing, the death sentence was converted into a life sentence (Nandi, 2011). He would have to continue a free happy life after committing brutal crime taking advantage of weakness of the judiciary system where it is always said the law is blind. It depends on evidence not on emotion. In Mattoo's case the justice would have been denied but only the blessings of media, finally the right justice was delivered- delayed but not denied.

Several instances of media involvement like Nitish Katara murder case and Bijal Joshi rape case have assumed significant as well as indispensable option for getting justice. Common people gradually are losing the faith on law and order. Media has been considered as the public court. Media has assumed the role of an opinion maker and creator of public opinion. We have seen that the power of press is to bring about social and political change. We can refer the victory of Tehlka, when a special CBI court convicted the former BJP president Bangaru Laxman, of the charge of accepting money, to facilitate government contracts, who posing as arms dealers. It was filmed in a sting operation in 2001 ("Ex-BJP press Bangaru Laxman convicted in Tehlka sting", 2012). "The Supreme Court on Wednesday pronounced prominent criminal lawyer R K Anand guilty in connection with the NDTV BMW exposé case. The court found him guilty of criminal contempt of court for attempting to influence the course of justice in the infamous BMW hit-and-run case. The sting exposed Anand persuading key witness Sunil Kulkarni to change his testimony to save prime accused Sanjeev Nanda. The apex Court also held that the sting operation carried out by NDTV two years ago was not a typical case of trial by the media but undertaken in public interest. Several noted lawyers have also welcomed the judgment saying that it would help clean up the system" (NDTV).

1.5 Trial by Media in the Jessica Lal Case

(Siddhartha Vashisht vs. State (NCT of Delhi)⁹

The newspapers and the other media channels have quite been rejoicing over their 'successes in bringing Jessica Lal to justice. The trial court had acquitted Manu Sharma of all the charges depending upon the obvious lacunae in the prosecution case. The High Court however reversed the trial court judgment. The High Court has interpreted the evidence given by the witnesses differently as clear from the following sentence:

"The trial court grossly erred in the manner of appreciation of testimonies of the said witnesses by reading into the said testimony what was not there. The key witnesses' evidence which did not exist, for instance, while dealing with PW-20, the trial court arrived at a factually wrong finding, not borne out from the evidence on record, to the effect that she thought that he had fired a shot at Jessica Lal and that she was not an eye witness."

Basically what the high court did was do so just undo what the trial court had done. "The testimony of PW-6, Malini Ramani, has been discarded by the trial court being of little importance since she was not an eye witness. However, she is certainly a witness to identifying Siddhartha Vashisht @ Manu Sharma along with four or five persons present at the Tamarind Court as also having asked her for whisky and later misbehaving with her. We find it quite strange that at one stage the trial court has returned a categorical finding that four accused were present inside Tamarind Cafe and that finding has been given only on the evidence of PWs 1, 6, 20 and 24, yet their evidence has been doubted and that too without even making real analysis of their evidence."

The High Court held Beena Ramani's testimony to be clinching evidence against the accused. Then the court proceeded to view the testimony given by the other witnesses in the light of in its own interpretation placed upon the statement of Beena Ramani.

"This witness was cross-examined by counsel for Siddhartha Vashishta @ Manu Sharma, but to no meaningful end. In other words, her testimony remained unchallenged. The trial court while dealing with this witness has held that this witness does not further the case of the Prosecution as the witness was not an eye witness to the occurrence but a witness to the presence of Siddhartha Vashishta @ Manu Sharma, Amardeep Singh Gill, Alok Khanna and Vikas Yadav at the Qutub Colonnade. The trial court also held that the deposition of this witness was vague since she thought that Manu Sharma was carrying a gun and also felt that he may have shot Jessica Lal. The Court also held that mere feelings were not enough and did not mean that Siddhartha Vashisht @ Manu Sharma had actually fired a shot at Jessica Lal. The trial court further went totally wrong in holding that PW-20 had admitted not seeing Siddhartha Vashisht firing a shot at Jessica Lal, but it was only her feeling. With great respect to the

⁹ Criminal Appeal Nos. 157, 179 and 224 of 2007

learned Judge, we find this is 'a complete misreading of evidence'. There is no suggestion let alone an admission on the part of PW-20, Beena Ramani, that she had not seen the accused Siddhartha Vashisht firing a shot at Jessica Lal.”

The court found the testimony of Beena Ramani alone enough for convicting Manu Sharma for the murder of Jessica Lal. If we try to see through the judgment of the High Court we can see that the high court is proceeding with the assumption that Manu Sharman is guilty. The high court links all the evidence together and does not take into account the various lacunae in the prosecution case. The court has clearly been influenced by the popular opinion and the media publicity of the case.

If we look at the various comments in the newspapers after the trial of the judgment the whole thing becomes crystal clear. Even before the trial started the media started naming Manu Sharma as an accused in the Jessica Lal murder case. His photographs were flashed across the media and created practical difficulties in the test identification parade of the accused persons. This point has also been pondered over by the high court in its judgment.

The question that arises at this moment is that why was Manu Sharma acquitted by the court and then again convicted by the High Court on the basis of same facts. First we shall deal with as to why the trial court had to acquit Manu Sharma. If we look at the evidence the whole thing becomes clear. The car he came in to reach the restaurant was not recovered on the spot: the court does not know how he got there. The weapon he used was never recovered: the court cannot equate the fatal bullets with the gun he owns. Actually, the court does not even know if one gun or two guns were used in the shooting. The court has no site plan to help it understand where the shooter stood, where the empty cartridges were found or where Jessica fell. The restaurant floor was washed clean: the court does not know if there ever was a pool of blood. Indeed, there was no hard evidence of any celebration or party at the place: the booze bottles were gone, so why would Manu Sharma kill another guest? The post mortem report is way short on cause of death details. There are no eyewitnesses: no one saw the shooter. The man recording the first information report says he does not understand his own report because he is not particularly good with written Hindi (though we know he can speak well enough). Evidence-collection in the case has been seriously botched; the holes would take some filling. We don't have a chain of circumstances to connect Manu Sharma to the killing. Are we going to send a man to the gallows just because the police arrested the man? Evidence-collection in the case has been seriously botched; the holes would take some filling. The evidence isn't going to now appear just because the High Court has the power to introduce additional evidence.

The Judge possibly believed that if said facts were inconsistent and did not offer conclusive proof of the guilt of the accused, he was bound to give the benefit of the doubt to the accused. Prima facie, such a strictly judicial perception seems unexceptionable

However, persons well versed with the Cr.P.C. would know that Section 311 invests in the Judge the prerogative to summon suo moto more material witnesses in addition to those produced by the prosecution. This can be done at any stage of the trial. The Judge has also the authority to recall and re-examine any person already examined.

Section 311 is a potent weapon in the hands of a Judge who is confronted with a number of witnesses renegeing on their previous statements to the police. Public interest demanded that the trial Judge strain every nerve of the law to arrive at the truth. All reports indicate that Judge Bhayana did not appreciate the significance of the grave crime that had taken place and his own moral responsibility to arrive at the truth. Viewed in this light, the failure is not only that of the police but of the trial Judge as well. The reasons cited by the judge behind decision are:

Three key witnesses model-turned actor Shayan Munshi, one Karan Rajput and electrician Shiv Dass had turned hostile. They retracted their initial statement given to the Delhi Police. The weapon of murder was never recovered from the place of the crime. The CFSL, which examined the bullets one recovered from the spot and the other lodged in Jessica's body found they were not fired from the same weapon.

The above reasons basically compelled the judge to let go of the accused and once again put forth the loopholes in our legal justice system. It showed the inefficiency and lack of credibility in our Police force and also how easy it is for the 'high class' people to buy their freedom.

It is now quite clear that there was not adequate evidence to nail Manu Sharma in this case. Even in the lack of evidence in this case Manu Sharma was held guilty by the Delhi High Court. There is a clear influence of media as will become clear from some examples of Media Coverage given below. The coverage of the media is noteworthy in this case. Sify reported the incident as "Jessica Lal: Murder in jungle of Indian justice." Tehlka: reported that: The trial court gave Manu the benefit of doubt on his version that the Tata Safari was recovered from Karnal. The police says the 'court grossly erred' because the seizure memo records a Noida recovery "Is there any hope Jessica will get justice? Many do hope and groups are promising to keep the campaign for justice alive that both the police and the courts will ensure what every outraged voice is demanding: justice for Jessica, and thereby a change in the criminal justice system." The Delhi Police has finally gone in appeal against a trial court judgment that outraged the nation. But will the law continue pushing for justice once public focus shifts from the case?" "Justice for Jessica Is it realistic to expect convictions in this high-profile murder case?" Jessica Lal Case: Justice not served.

What Law says?

According to the law fraternity, Media has started interfering into court proceedings overlooking the golden principles of 'presumption of innocence until proven guilty' and 'guilt beyond reasonable doubt'. In the present day media intervention, the media itself does a separate research and exploration, try to form a public opinion poll to establish the guilt of the accused even before the court takes cognizance of the case (Trial by Media, February 20, 2012). The media in India is not spotless. Its motive is not at all doubt-free. It has become impish in its pretensions, and uses to focus many unlawful practices. Large section pampers dishonesty due to special interest. Unethical thoughts use to institutionalize by the biggest players with fancy labels like "private treaties" and "paid news". The guilty in the media too should one day be brought to justice (Media is amoral, but it works, 2010). According to 200th Report by the Law Commission of India, if media exercises an unrestricted or rather unregulated freedom in publishing information about a criminal case and prejudices the mind of the public and those who are to adjudicate on the guilt of the accused and if it projects a suspect or an accused as if he has already been adjudged guilty well before the courtroom procedure, there is a possibility which can indulge accused prejudice ("Trial By Media", 2006). In fact, even if ultimately the person is acquitted by the court, but at that time it becomes mostly impossible for the accused to clear his reflection. Extreme and unnecessary media hype may misguide the fair trial and results in characterizing the suspect as a guilty. This media trend can be considered as the undue interference with the 'administration of justice', and this practice is treated as contempt of court.

According to UN especial reporter on freedom of expression and opinion –the person, who is really guilty or criminal, can get the chance to flee way from the crime place. The pressure on the police from the media builds up and reaches a stage where the police feel compelled to say something or the other in public to defend themselves. As a result to avoid the public pressure the police introduce a story that they have nabbed a suspect who has confessed. Then the item of breaking news gets its place. Most of the time media persons ignore the fact that the confession in front of police is not acceptable in the courtroom. But the wrong information of the confession (by police and media) of the suspects becomes the reason to destroy his/her future. The real fact sometimes gets hidden and the whole incident distorts. The media also creates other problems for witnesses. The disclosing of witnesses' identity endangers their life as well as the truth of the case ("Trial By Media", 2006). V. Venkatesan has also highlighted these same problems in a report.(Cover Story, Frontline, Volume 27, Jan-16-29, 2010)

"The Law Commission's 200th Report (2006) on Trial by Media points out that in several countries, including the United Kingdom, Australia and New Zealand, any publication made in the print or broadcast on the electronic media after a person's arrest, stating that the person arrested has previous convictions or that he has confessed to the crime during investigation or that he is indeed guilty, and the publication of his photograph are treated as prejudicial and as violative of due process required for a suspect who has to face a criminal trial. The Law Commission observed: "If media exercises an

unrestricted or rather unregulated freedom in publishing information about a criminal case and prejudices the mind of the public and those who are to adjudicate on the guilt of the accused and if it projects a suspect or an accused as if he has already been adjudged guilty well before the trial in court, there can be serious prejudice to the accused. In fact, even if ultimately the person is acquitted after the due process in courts, such an acquittal may not help the accused to rebuild his lost image in society." The Law Commission's concerns are understandable, but the process of India's criminal justice system is lengthy and its many flaws favor the accused rather than the victim. Therefore, there is a need to balance the rights of the accused to a fair trial with the rights of the media and the public to expose these flaws".

Voice of Asia Pacific Human Right Network shared their views based on the Indian Law Commission's report entitled Trial by Media: Free Speech vs. Fair Trial Under Criminal Procedure (Amendments to the Contempt of Court Act, 1971) which has offered suggestions for dealing with the negative impact of sensationalized news stories on the fairness of the court system. Although the report has not been released to the public just yet, there have been indications that the Commission has suggested a ban on anything that could be seen as damaging to the accused, a limitation that would be enforced beginning with the arrest. In criminal proceedings, the High Courts have the power to order the postponement of publication or broadcast. Judicial institutions have also felt the effects of sensationalized press. The commission declares, "today there is feeling that in view of the extensive use of the television and cable services, the whole pattern of publication of news has changed and several such publications are likely to have a prejudicial impact on the suspects, accused, witnesses and even judges and in general on the administration of justice" (Udwala, 2007). In brief, According to Y K Sabharwal, a former Chief Justice of India, the media trial has been strongly criticized by India's legal community because judges are influenced by how the media covers their cases. "If this continues, there can't be any conviction. Judges are confused because the media has already given a verdict" (Chief justice expresses concern at trial by media, 2006).

Fake sting operations and media intrusions can cost society a lot, and that's just from a legal standpoint. This is seen by the Uma Khurana case. At the Sarvodaya Kanya Vidyalaya in Delhi's Old City, she taught elementary school students. A crowd severely assaulted her and threw her into Tihar Jail after she was falsely implicated in a sting operation by Live India (a TV program) that accused her of coercing her students into prostitution. However, the true offender was apprehended and she was released thanks to the assistance of thorough investigations. Her reputation took a hit because of the media's judgment, and no amount of money will fix that (False Sting Operations, 2013). The media members in India are constantly bringing up Article 19 (1) (a) of the constitution, which states that everyone has the right to free speech. Many people now choose to disregard Article 19 (2), which states that certain restrictions may be imposed on the aforementioned right in order to protect the integrity and sovereignty of India, public safety, morality, public order, decency, or in cases of defamation or incitement to crime (Katju, 2012). Emotions have no place in the legal system; only the

senses do. In spite of the media's best efforts to portray an emotional side, the facts remain. The case's presiding judge is under extreme strain as a result (Tripathi, 2013). The judge is expected to be swayed or perplexed. Is he even qualified to be called a "judge" now that he's been swept away by public opinion as a result of news stories?

1.6 Justice Delayed is Justice Denied

At a judicial conference, India's chief justice stated that the public views the backlog of cases in Indian courts as indicative of the "inability of the Indian judiciary to cope with the caseload is an overstatement and an uncharitable analysis", adding though that people in the country know that "when things go wrong, the judiciary will stand by them". There is an obvious and pressing need to clear the backlog of cases in India's courts, which, according to recent statistics, amounts to crores of cases across all levels of the system. What follows is essential information.

How Many Cases Pending?

Delivering the keynote address at the India-Singapore Mediation Summit, **CJI NV Ramana** cited the "often-quoted statistic that pendency in Indian courts has reached 45 (4.5 crore) million cases". In April of last year, news broke that the total number of cases pending in all Indian courts had surpassed 4.4 crore, an increase of at least 19% from March of previous year, when factoring in the lockdowns and restrictions caused by the COVID-19 pandemic.

There are currently around 69,000 cases outstanding in the Supreme Court, 58.5 lakh in the several high courts, and 3.9 crore in the district and subordinate courts, according to sources that quoted statistics from the National Judicial statistics Grid.

Former Supreme Court judge Justice (retired) Markandey Katju had said in an article in The Tribune in 2019 that "it is estimated that if no fresh case is filed, it will take about 360 years to clear the backlog" of cases in all the India courts. The total number of cases still pending was approximately 3.3 crore when he wrote this.

What are the Main Reasons?

In his address on the topic, 'Making Mediation Mainstream: Reflections from India and Singapore', CJI Ramana said among the several factors that contribute to delays in courts is "an Indian phenomenon called 'luxurious litigation'".

The CJI said "it is a specific type of litigation wherein parties with resources attempt to frustrate the judicial process and delay it by filing numerous proceedings across the judicial system", adding that "undeniably, the prevailing pandemic has also contributed to our woes".

Another factor that is often blamed for delays is the existence of vacancies across the judicial system. Reports suggest that there are more than 400 judges' 5,000 judgeships in the lower judiciary are

unfilled, and 25 high court positions are vacant as well. There are also four openings on the highest court. According to a statement from the Department of Justice, five positions on the Supreme Court were unfilled as of April 1, 2021.

Experts in the field of law have also identified subordinate courts' poor infrastructure as a major cause of the backlog. "Courts in the country do not have basic facilities for litigants. Most subordinate courts lack basic infrastructure for judges, court staffs, and litigants," the then CJI **Dipak Misra** had said in 2018.

Another factor blamed for delays is the "culture of seeking adjournments". **President Ram Nath Kovind** had said in 2018 that "there is a culture of seeking adjournments as a norm rather than an exception", while also noting that "new thinking is gradually taking place on frequent adjournments. The judiciary is making sincere efforts to curb this practice".

CONCLUSION

"Justice delayed is justice denied" is a well-known saying that is frequently used while discussing the continuing lawsuits, and legal experts in India point out that the growing backlog of cases is preventing the country from fulfilling some of its basic constitutional goals.

In response to a query regarding measures implemented to decrease delays in the delivery of justice, the Union Justice Ministry had stated that the Central government was "committed to speedy disposal of cases and reduction in pendency of cases", The establishment of the National Mission for Justice Delivery and Legal Reforms was approved by the Union Cabinet in 2011, and since then, "many strategic initiatives" have been put in place to achieve that goal.

Among the measures implemented, the Ministry of Law reported an increase of 3,800 in the number of court rooms, from almost 16,000 in 2014 to over 19,500 in 2020, all due to an effort to improve the physical plant of district and subordinate courts.

The use of digital technology to facilitate the final disposition of cases is another noteworthy development. Between 2014 and 2020, the number of computerized district and subordinate courts rose from 13,672 to 16,845 according to the Centre, which stated it has been executing the e-Courts Mission Mode Project nationwide.

The Law Ministry also said that 'Arrears Committees' have been set up in the High Courts to "clear cases pending for more than five years". District judges also have the authority to establish arrears committees, which have been "constituted in the Supreme Court to formulate steps to reduce pendency of cases in High Courts and district courts".

Jurists have placed a premium on creating a strong alternative dispute settlement process. Justice (retd.) Katju points out that US authorities are dealing with an increasing backlog, "took radical action

by creating a system of alternative dispute resolution mechanisms arbitration, mediation, conciliation, etc.". He added that "every court has attached to it arbitration and mediation centres and often civil and minor criminal disputes are resolved there".

In addition, the Centre said that in 2015, the Arbitration and Conciliation Act, 1996, was amended to "expediting the speedy resolution of disputes by prescribing timelines".

REFERENCE/BIBLIOGRAPHY

ACTS

1. Criminal Procedure Code, 1973
2. Indian Penal Code, 1860
3. Press and Registration of Books Act 1867
4. The Cable Television Network (Regulation) Act I 995.
5. The Cinematograph Act 1952.
6. The Code of Criminal Procedure (Amendment) Act 2010.
7. The Constitution of India, Reprint, 2015.
8. The Contempt of Court Act 1971.
9. The Dowry Prohibition Act 1961.
10. The Informatory Act 2000.
11. The Police Act I 944.

BOOKS

1. Agarwal H.O., International Law and Human Right, (17th edition) Central Law Publication, Allahabad, 2008.
2. Bakshi D.M., The Constitution Law of India, Publishing universal Law Publishing Co. Delhi 6th Ed. 2005.
3. Basu D.D., Law of the Press, Publishing - Western Law House western Kutchery Road Meerut, (UP) 2002.
4. Charles Beard, Social Responsibility: Theory and Practice, Edited by Theodore Peterson, published by University of Illinois Press, 1956.
5. Das Dr. Ajay, Sting Operations and Law, Discovery Publishing House, New Delhi, 2007
6. Gaur Dr. K.D, India Penal Code (2nd edition). Universal Law Publication, New Delhi, 2013.
7. Iyer, J.V.R. Krishna., The Regional Media and the Democratic Process. Off the Bench, (Reprint) Universal Law Publishing co. Pvt. Ltd., New Delhi, 2005.
8. Jain Prof M.P., Indian Constitution, 5th Ed. (Reprint), Law Publishing - Wadhwa and Company, Nagpur, 2004.
9. Kakde, Vinayak D., Criminal Trials., Universal Law Publishing Co. Pvt. Ltd., New Delhi, 2009.

10. Lakshmanan, Justice on constitution of Law, Universal Law Publishing Co. Pvt. Ltd., New Delhi, 2012.
11. Menon K Bil, Media Trial and Interference with Administration of Justice: A Dangerous Trend, Oxford University Press, London, 2012.
12. Noorani, A.G.S, Indian Political Trials. Sterling, New Delhi 1976.
13. Paranjape Dr. N.V., Code of Criminal Procedure, Publishing- Central Law Agency, Allahabad, 2008.
14. Rajagopalan, S., Famous Murder Trials., Tripathi, Bombay, 1968.
15. S.N. Mishra, The Code of Criminal Procedure (17th edition) Publishing, Central Law Agency, Allahabad, 2010.

ARTICLES

- Abhinav, Shrivastava, "Effect of media in the adjudication of criminal trials", Criminal Law Journal, New Delhi, 2005.
- B. Shiva Rao, "Tire Framing of India's Constitution", Select Documents, Vol. II, The Indian Institute of Public Administration, New Delhi, 1967.
- Challa, Dr. Kaumudi., "Media coverage of legal proceedings vis-a-vas freedom of speech and expression and its influence on criminals", Nagpur University, Nagpur, 2010.

SOURCES

- Constitution of India
- Contempt Courts Act 1997
- Trial by trickery –keith hunter

Websites

- <http://lawcommissionofindia.nic.in/reports/rep200.pdf>
- <https://indiankanoon.org/search/?formInput=trial%20by%20media>
- https://en.wikipedia.org/wiki/Right_to_a_fair_trial
- <http://www.lawteacher.net/free-law-essays/commercial-law/effect-of-trial-by-media-before-courts-law-essay.php>
- <http://www.legalserviceindia.com/article/l237-Trial-By-Media.html>
- <http://lawinfowire.com/articleinfo/trial-by-media>
- <http://www.civilserviceindia.com/subject/Essay/trial-by-media2.html>