

Right to speech and Expression and Media Trial – Critical Analysis

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Abstract:

This critical analysis examines the relationship between the right to speech and expression and media trial. The right to speech and expression is a fundamental human right that is protected under the Constitution; however, the rise of media trial has raised concerns about the potential negative impact it can have on this right. Media trial refers to the practice of conducting a trial in the court of public opinion, often through the dissemination of prejudicial or biased information in the media. This can lead to a person being deemed guilty before a fair trial has taken place, which can have serious consequences for their reputation and rights. The analysis explores the ways in which media trial can negatively impact the right to speech and expression, including the potential for self-censorship and the erosion of public trust in the judicial system. It also looks at potential solutions such as media regulations and better education on the importance of responsible reporting. Overall, the analysis highlights the importance of protecting the right to speech and expression while also ensuring that media trial does not undermine this right.

Keywords: *Right to speech and Expression; Media Trial; Article 19(1)a; Constitution Law.*

I. Introduction

Freedom of speech, in simple terms, can be explained as the freedom or liberty to speak or express what one thinks or feels on a particular topic, and it is considered to be one of the most important condition of liberty. When a person is free to express the thoughts in the form of words through any medium (written or oral), without any sort of restraints, that person is said to enjoy the freedom of speech. Its importance in society can be observed from the fact that this right is not provided by the Central or State Government, but it is acquired by the people. The primary objective of this freedom is to ensure free and unrestricted communication of the ideas or thoughts, which could lead to a situation of free discussions and unbiased opinions. Considering the importance of such freedom in democratic state, it is always considered necessary to back this right by law in order to ensure that no person is deprived of the right.

Apart from its recognition in the Constitution of various state all around the world, the same has been codified in various international documents, in order to specify it as a basic right of every individual, irrespective of the nationality or any other criteria. One of such instrument is International Convention of Civil and Political rights (ICCPR), 1966. Article 19 of the ICCPR, 1966 states that –

Everyone shall have the right to hold opinions without interference.

Taking it further in detail, it states that *everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.*

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However, it is undisputable that every right comes with certain restriction, as the right of a person should not be enjoyed at the cost of the other. Thus, a right to freedom of speech and expression shall be protected and respected only till it does not transgress or infringe the right of any other individual, or violates the security of the State. The same is specified under Article 19(3) of the ICCPR, which provides for the conditions under which such right can be restricted.

Similarly, right to freedom of speech finds its existence in the Constitution of India under Article 19(1) (a) in the form of fundamental right, which is available to each and every citizen of India. However, there are certain situations in which this freedom could be restricted, which are specified under Article 19(2).

However, Constitution of India does not specifically provide for freedom of press as a fundamental right. It is specified by the Supreme Court, in the case of *Sakal Papers (P) Ltd vs. Union of India*¹, that right to press is implied from the right to speech and expression under Article 19(1) (a), and here comes a main issue of conflict. These media houses, while enjoying the power of press, many time leads to biased information, which ultimately tarnishes a person's reputation. When this person approaches judiciary, for protection of his rights, these media houses try to hide under shadow of the duty to provide information to general public, and many times, they succeed in escaping this liability.

One cannot argue that media is not important for a country. Rather, it is irrefutable that this media is considered to be the "fourth pillar" of the democracy, as it provides a continuous information about the various wings of the country i.e. Legislature, Executive and Judiciary. Thus, it creates awareness about the various issues around the World. But, there are unforgettable instances where these media houses twisted the facts and presented a biased and partial report, in order to gain more and more public attention, with a simple objective of increasing their viewers. Thus, they tried to perform a 'social duty' along with 'filing their own pockets'. In many cases, these media house acted as an institution and took a self-claimed authority to pass verdicts on the issues, grievously ignoring the basic legal principles like 'presumption of innocence'.

Thus, media trail is a serious issue, which should be looked by various authorities in order to ensure that media is performing its own functions and is not entering into the domain or functioning of any other institution of the Country. Other than this, no person should be allowed to transgress into other's rights such as right to reputation, on the ground that such person (media) is under the duty of providing information.

From this paper, we can broadly analyze the freedom of media and its relation with the media trail, to observe how these media houses in some cases cross their freedom and then try to escape from the consequences under the umbrella of freedom provided under Constitution of India.

II. Freedom of speech – Art. 19(1) (a)

Constitution of India is the document which provides for fundamental rights, but the existence of right to freedom of speech can be observed even before the existence of the Constitution.

¹ AIR 1962 SC 305

The freedom of speech had its existence in the Constitution of India Bill, 1895, which permitted citizens to express their thoughts in the form of words or writings and could publish the same without liability to censure. However, the freedom was not absolute, as the citizens were held to be answerable in case of any kind of abuses, which they may commit in the exercise of this right.

After Independence, during deliberations of the Constituent Assembly, discussions were initiated to include this freedom under the Constitution of India. After several discussions, the same was accepted and included as a fundamental right under Art. 19(1) (a). The language of the Article states that –

“All citizens shall have the right to freedom of speech and expression.”²

This freedom is fundamental and plays an important role as it leads to the exchange of thoughts and distribution of information, and also includes expression of opinions and views through any medium of communication, such as by words of mouth, in writing, or through presentation such as picture, printing or movie etc.³ which ultimately helps in generating public opinion or view regarding any matter, which is of public importance. The same was specified in the case of *Maneka Gandhi vs Union of India*,⁴ that -

“Democracy is based essentially on free debate and open discussion, for that is the only corrective of government action in a democratic setup. If democracy means government of the people by the people, it is obvious that every citizen must be entitled to participate in the democratic process and in order to enable him to intelligently exercise his right of making a choice, free and general discussion of public matters is absolutely essential”

Thus, it can be said by the above extract that right to freedom of speech and expression includes the freedom of propagation and exchange of ideas within its ambit.

However, a right should only be upheld until it is transgressing into other’s rights. Similarly, this right is also subjected to certain restrictions, which have been mentioned under Art. 19(2) of the Constitution of India, which states that –

“Nothing in 19(1) (a) can prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub – clause in the interest of the sovereignty and integrity of India, the security of the State, friendly relations with foreign states, public order, decency or morality, or in relations to contempt of Court, defamation or incitement to an offence.”

Thus, it allows the Government to create certain restrictions on this right, as well as to create legislations in respect of Contempt of Court, Defamation etc. A detailed study of the restriction can be summarized as –

- ***Security of the State:*** – It means the absence of serious and aggravated forms of public order. It is different from the instances of ordinary breaches of public order, or events

² Article 19 (1) (a) of Constitution of India

³ M. P. Jain, INDIAN CONSTITUTIONAL LAW, 6th ed. 2010,

⁴ AIR 1978 SC 597

related to public safety, but it should be a rebellious act against the government, such as violence intended to overthrow the government⁵.

- *Friendly relations with foreign states*: – The reason of imposing this restriction is to avoid any situation, which might affect the friendly relations with any foreign States, as it might cause embarrassment to India.
- *Public Order*: – This restriction was added under Constitution (First Amendment Act), 1951, because of the judgment of Court in the case of ***Romesh Thappar vs State of Madras***⁶ as Court held that restrictions can be imposed only on the grounds mentioned under Article 19(2) of the Constitution of India.
- *Decency and Morality*: – There is no exact definition for the both the terms decency and morality under the Constitution of India. According to M.P. Jain, it keeps on varying from time to time and society to society based on the standards of morals, which are in existence in the contemporary society. The same can be observed in the case, where Supreme Court gave a wide meaning to both the terms⁷.
- *Contempt of Court*: - Even after having freedom to speech and expression, no one can lessen the prestige or authority of the Court, or to obstruct the due course of justice. Judges cannot be criticized unless it impedes the administration of justice.
- *Defamation*: - When a statement harms the reputation of a person, then it amounts to defamation. It is both crime as well as a tort. No one can use the “right to freedom of speech and expression” to injure the “right to reputation” of any other person. In India, Sec. 499 of the IPC deals with the defamation. Supreme Court, dealing with the issue of defamation, stated that – “*freedom of speech and expression is the life blood of democracy, but this freedom is subject to certain qualifications. An offence of scandalizing the Court per se is one such qualification.*”⁸
- *Incitement of an offence*: - Having a right does not give a person a license to incite other people to commit any offence. For the purpose, Offence is taken as defined under General Clauses Act.
- *Integrity and Sovereignty of India*: - This restriction was added through Constitution (Sixth Amendment) Act, 1963. No person can use the right of freedom of speech to challenge the “integrity and sovereignty of India”

III. Right to Press – Facet of Article 19(1) (a)

⁵ *Santokh Singh v. Delhi Administration*, (1973) 1 SCC 659.

⁶ AIR 1950 SC 124.

⁷ *Dr. Ramesh Yeshwant Prabhoo v. Prabhakar Kashinath Kunte*, AIR 1996 SC 1113

⁸ *Narmada Bachao Andolan v. Union of India*, AIR 1999 SC 3345, 3347

With the passage of time, Judiciary upheld and specified the importance of this right in various legal pronouncements. Judiciary actively expanded the scope of this Article, in order to ensure that no person is punished for exercising his right to speech. Thus, it included various acts or rights under the purview of this Article, such as Freedom of publication, right not to speak, freedom of circulation⁹ etc. One of these rights is the right to press, which was not specifically mentioned under the Constitution of India, but the same was included under Art. 19(1)(a) by the Judiciary in the case of *Romesh Thappar vs State of Madras*¹⁰, in which CJ Sikri specified that

“Freedom of Speech and of the Press lay at the foundation of all democratic organizations, for without free political discussion no public education, so essential for the proper functioning of the process of popular Government, is possible.”

Press and media is the fourth pillar of democracy, as it is a watchdog to the actions of the various departments of the government in order to bring people’s attention on various issues of the country, including weak points in functioning and administration, which works as a regular check on other three pillars of the democracy. As a result, government tries to regulate and suppress the powers of media regularly. It is, therefore, primary duty of the courts *to uphold the said freedom and invalidate all laws or administrative actions which interfere with the freedom of the press contrary to the constitutional mandate*¹¹

One of the landmark cases, to protect the press from the eyes of government is *R. Rajagopal v. State of Tamil Nadu*¹², in which the Court held “pre censorship” to be violative of freedom of speech and expression. Court also specified that there is non authority of the government under the law to impose any kind of prior restraint on a defamatory publication against its official. Any action can be taken only after publication, if proved to be based on false facts.

Similar observations were made in the case of *Express Newspapers v. Union of India*¹³, in which the Court held that any pre- censorship imposed or restriction in circulation or any newspaper from starting under law is violation of Article 19(1) (a)

As mentioned earlier, press plays an important role to provide the information about the various authorities and while doing so, they do share their thoughts, in order to encourage people to ask questions and stand against the wrong actions or non-functioning government. As a result of the same, this thought sharing by the press is to be protected as well, and the same was observed in the case of *Virendra v. State of Punjab*¹⁴, where court held that newspaper cannot be prohibited from publishing its own perspective or correspondent’s perspective on any burning topic of the day, and any prohibition will be violation of right under Art. 19(1) (a).

It can be undisputedly argued that freedom of press plays an important role in a democratic society, but it is the duty of the press, not to misuse the power granted to them. The most important fact which is to be borne in mind is that the “freedom of the press” is more for the

⁹ Sakai papers (Pvt) Ltd vs Union of India

¹⁰ *Supra* Note 6

¹¹ *Indian Express Newspapers (Bombay) Pvt. Ltd. v. Union of India*, AIR 1986 SC 515.

¹² (1994) 6 SCC 632.

¹³ AIR 1958 SC 578.

¹⁴ AIR 1957 SC 896

benefit of the general public than for the press itself because it is the right of the public to get the information, which is objective and nature and free from and biasness.

IV. Role of Media in Democracy

Media, in simple words, can be defined as a means of communication. One can refer to television, radio, newspapers, and magazines as the media.¹⁵ There are various modes through which the information is provided to the general public. With the emergence of Internet and use of the same as a mode of information, media has developed a lot and has gained more importance in the contemporary world, as it's easy for a person to check about the latest international, national and even regional updates from any part of the World.

It is an undisputed fact that media is considered to be the fourth pillar of the democracy. The importance of media should be inferred by this fact that it is considered to be as important as those Institutions, which are assigned with the task of ensuring law and justice and their proper application in the State. When such a great power is given, it brings a huge accountability with it. Thus, media has certain duties towards the society as a whole, which must be adhered to. Few of them are –

- Unbiased information: - As media plays a very important role in moulding the people's perspective towards any issue, it is necessary to ensure that the information provided by them is not biased, as it might persuade the public at large to think in the direction, in which the media wants them to think. Thus, it is the duty of the press to provide comprehensive and objective information on all the aspects of the Country, whether political, social, economic or cultural.¹⁶
- Provide information of all important issues: - The 'freedom of press' is closely knitted with the people's 'right to know'. The main role of media is to make people aware about existence of all the issues and actions on the same, in order to ensure that the people, as a society, are able to form a neutral thought and to make a rationale decision, in matters involving interest of society at large. Thus, Media should not focus on any single issue, leaving behind all other important aspects of the society.
- To promote transparency: - Media plays an important role in presenting and broadcasting the gap or difference between "what it is" and "what it ought to be". In case of any policy made by government, media plays a role in checking and bringing in public domain that whether the same policy has been enforced the way it should have been enforced, or whether it has achieved the desired results from the same. In many cases, this media interviews the general public in order to provide is also done by interviewing the people, for which the particular act was made. Thus, here Media should promote transparency in order to provide neutral information to others.

¹⁵ Collins dictionary – definition of Media: <https://www.collinsdictionary.com/dictionary/english/media>

¹⁶ *In Re: Vijay Kumar*, (1996) 6 SCC 466

V. Media and restrictions (Article 19(2))

Looking at the importance of media in a democratic society, one question which interests the attention of any person is that why there is no specific provision for freedom of press under the Constitution of India? To answer this question, reference can be taken from the Constituent debates, where Dr. B.R. Ambedkar said that *the editor of a press or the manager is merely exercising the right of the expression, and therefore, no special mention is necessary of the freedom of the press*¹⁷. Thus, it could be inferred that freedom of press existed as a part of freedom of speech and expression, even before the same has been laid down by the Hon'ble Supreme Court of India.

As it is now, undisputable fact that freedom of press is included under Article 19(1) (a) of the Constitution of India, but it is made clear in various judgments that this power is not absolute and it does not provide for any arbitrary actions by the press under the shadow of exercising fundamental right. Freedom of press cannot be considered as a license to publish anything in public domain. There is an implied duty on the media to check the sources of the information and to validate that the information received by the sources or by general public is true and accurate in nature. Along with it, it has to be assured that while exercising the right of freedom of speech, media is not infringing or transgressing into the rights of others. Thus, the restrictions imposed under Art. 19(2) has to be interpreted as the restrictions imposed on freedom of press. Media should be permitted to publish or broadcast anything, which comes under the purview of Art. 19(2) such as contempt of court, defamatory statements etc.

Following are the examples of restriction under Art. 19(2) of the Constitution –

- If the press involves in some act of slander or libel while criticizing any person, then that person can take defamatory actions against the press, and press will be answerable for such act or offence.
- Irrespective of the fact that press plays an important role in promoting transparency in society, media should not be permitted to infringe the privacy or fundamental rights of any other individual, under the shadow of freedom of press.
- As it is a rule that every institution should perform its own functions and should work to full efficiency but under their own domain, they should not involve in the functions of any other institute. Similarly, media should not be allowed to conduct trials, when an actual trial is going on or is pending before a court of law, as the same would amount to Contempt of Court, as seen in the case of *Perspective Publications (P) Ltd. Vs State of Maharashtra*¹⁸

Even after such restrictions, it can be seen in recent years that there have been a significant cases in which media has conducted their own trials, which ultimately lead to creation of a biased thought process in society, which ultimately lead to destruction of individual image, thus violating the right to reputation of the accused.

VI. Media Trails – the dark side of the moon

¹⁷ Dr. Ambedkar's Speech in Constituent Assembly Debates, VII, 980

¹⁸ 1969 SCR (2) 779

Trail can be explained as a proceeding that takes place before a court, to held whether an accused is guilty of the said offence or not. According to Black's Law Dictionary, trail is defined as "*a formal judicial examination of evidence and determination of legal claims in an adversary proceeding*".

The importance of fair trial has been expressly mentioned in various International documents such as Universal Declaration of Human rights and International Covenant on Civil and Political Rights. The same has been upheld by the Supreme Court, in the following words –

*"If the criminal trial is not free and fair and not free from bias, judicial fairness and the criminal justice system would be at stake shaking the confidence of the public in the system and woe would be the rule of law."*¹⁹

As trail is a process which involves the recording of evidence and arguments from both the parties, it is necessary to ensure that the process is conducted in front of the competent and unbiased authority, having adequate knowledge on the subject matter. It can be seen from the fact that trail proceedings are held in front of Judiciary, who are well versed with the existing laws. As it cannot be said that media will be having adequate experience or knowledge to adjudge any matter, it is an absolute fact that media is not the competent authority for conducting a trail proceedings. The same was observed by the Supreme Court in the case of *Saibal Kumar Gupta and Ors. v. B.K. Sen and Anr.*²⁰. In this case, the Supreme Court clearly observes that -

"No doubt it would be mischievous for a newspaper to systematically conduct an independent investigation into a crime for which a man has been arrested and to publish the results of that investigation. This is because trial by newspapers, when a trial by one of the regular tribunals of the country is going on, must be prevented. The basis for this view is that such action on the part of a newspaper tends to interfere with the course of justice whether the investigation tends to prejudice the accused or the prosecution. There is no comparison between a trial by a newspaper and what has happened in this case."

The emergence of TRP in the field of news has shifted the role of press from unbiased information provider to mere an entertainment and gossip provider. In order to create a position in competitive market, they have shifted from 'what should be shown to people' to 'what people are willing to see' and thus, these new channels are frequently involved in twisting of facts and to create new stories, based on biased opinions, and sensationalize the same in order to attract public's attention, which ultimately leads to increase in viewers.

The Supreme Court of India looked into the serious effects of this, and specified the consequences of media trail as –

"the impact of television and newspaper coverage on a person's reputation by creating a widespread perception of guilt regardless of any verdict in a court of law. During high publicity cases, the media are often accused of provoking an atmosphere of public hysteria akin to a lynch mob which not only makes a fair trial impossible but means that regardless of the result

¹⁹ K. Anbazhagan v. Superintendent of Police, AIR 2004 SC 524.

²⁰ AIR 1961 SC 633.

of the trial, in public perception the accused is already held guilty and would not be able to live the rest of their life without intense public scrutiny’’²¹

Judiciary of the Country is known for its slow proceedings, backlog of cases and delay in the judgment. In such cases, people are more interested in knowing the fact that whether the accused is actually guilty and has committed the offence or not. Here, press comes into picture and they create a particular thought which they think would increase their viewers. Thus, instead of showing an unbiased informative article about the accused, they will specify the reasons why that particular act must be committed by him, by which everyone is satisfied that accused is the actual convict, but in real, he has become the victim of so called media trial, in which he was not even provided fair representation. As the accused is aware of the fact of pendency of court cases, he does not find it to be a protector of his rights and as a result, it is observed in rare cases that the victim of media trail has approached the judiciary for protection of the rights and to pray for any preventive action, such as injunction, or for any other relief, such as compensation by these news channels.

An example of the same can be taken as when a person is accused of a particular offence, he is to be presumed innocent unless proven guilty. However, media houses actively participate in tarnishing the image of the accused and as a result, he is considered to be guilty by the society, irrespective of the fact that he has committed that particular act or not. If he is accused is acquitted, it would lead to the questions on the working and integrity of the Judiciary. This might lead to a bias judgment by the judge, which is in favour of the presumption of society.

Thus, in this way, trails by media and severely affect the judgment of the Court, as well as reputation and privacy of the accused.

Supreme Court, in the case of *State of Maharashtra vs Rajendra Jawanmal Gandhi*²² criticized the practice of media trail by observing that-

“There is a procedure established by law governing the conduct of the trial of a person accused of an offense. A trial by press, electronic media or public agitation is very antithesis of rule of law. It can well lead to a miscarriage of justice. Again it cannot be excluded that the public becoming accustomed to the regular spectacle of pseudo trials in the news media might, in the long run, have nefarious consequences for the acceptance of the courts as the proper forum for the settlement of legal disputes.”

VII. Cases of Media Trail in India

It cannot be said that every case in which media interfered lead to the destruction of the image of the accused. On the contrary, in many cases, actual justice was achieved, by the influence and interference of the media, as it created a wave of revolution in the society to punish the wrong doers. However, that should not be considered as a weapon to interfere and report each case with biased opinion. Some of the case of media trail in India are-

- **When media trail lead to justice: –**

²¹ R. K. Anand v. Delhi High Court, (2009) 8 SCC 106

²² 1997 (8) SCC 386.

1. Jessica Lal Murder Case: - This case revolves around the murder of a model in the year 1999. The incident took place on 29 April, 1999 at 'Tamarind Court', the place where Jessica used to work as a bartender. The accused, Manu Sharma (son of prominent leader in state of Haryana) in the present case, was intoxicated and as a result of an argument between him and Jessica over serving of a drink, which she refused to serve, he shot Jessica at point blank range, in front of more than hundred people. Jessica was rushed to hospital but she died within few hours. After his arrest, trial began in the month of August, 1999, where a total of more than 30 witnesses, including the key witness Shyam Munshi, turned hostile. As a result of it, Manu Sharma was released by the Court on the ground of non-recovery of murder weapon as well as lack of evidence. However, people were not happy with the decision and that led to several protests against the corruption and injustice, as it was alleged that father of Manu Sharma influenced all the witnesses, which ultimately led to lack of evidence. As a result, appeal was made to the High Court and subsequently, Manu Sharma was held guilty. Media, in this case, played a very important role in supporting and broadcasting these protests so as to create a sense of need of justice and as a result, the case got a national level recognition and support in the favour of the victim (Jessica). Also, several investigations and sting operations were done in order to show that many witnesses in the case were actually influenced by someone and they lied in the court. It is considered to be one of the best examples as to when the active participation by the media helped the family of the victim to fight against those who had the power to influence through money or muscle. A famous movie named '*No one killed Jessica*' is based on this case. However, it can be seen that this case influenced the image of defence lawyer, Ram Jethmalani in a negative way and created an image in the society that he is money minded and does not work for justice, which ultimately affected his reputation negatively.
2. S. K. Singh vs State through CBI²³: - this case is popularly known as Priyadarshini Matoo case. The facts of the case are quite similar to that of Jessica's murder case. In the present case, the victim, Priyadarshini Matoo was a law student, who filed various complaints against Santosh Kumar that the latter used to harass and tease her. However, no action was taken against the accused and he was released again and again on the basis of written apology, as his father was a police official, and was soon to be promoted as Assistant Commissioner of Police. One day, accused entered the house of the victim and murdered her after raping her. The accused was acquitted by the trial court, on the ground of lack of evidence. However, public outrage against such use of power against such crimes was at peak (due to the case of Jessica), and so, media intervened and broadcasted the issue in order to ensure fair trial and justice to the victim. As a result, CBI filed an appeal in the High Court of Delhi, which reversed the decision of the Trial Court. Supreme Court in the present case upheld the decision of the High Court, however, it reduced the sentence of the convict.

- **When Media Trial lead to destruction of image**

²³(2010) 9 SCC 74

1. *Aarushi Talwar Murder Case:* - This case is also known as ‘double murder case’, which was a hot topic for few months on every news channel. In the present case, a girl named Aarushi was found dead in her room. After some time, the servant, who was the prime accused, was also found dead. This shifted the doubt on the parents of the deceased girl. While the investigation was under process, media interviewed various people, called many experts in their studios, had discussions for hours on the topic, and ultimately gave a verdict against the parents of the deceased. This verdict was welcomed and people accepted it without any doubt that the parents were the murderers of both. In addition to this, few news channels created a scene of the death, in which both the victims were portrayed to be in objectionable position, diminishing the dignity and reputation of a dead girl. However, as further investigations were done by the CBI, they concluded that the parents are innocent, but unfortunately their own findings were considered to be not valid and accordingly, after second investigation, parents were held guilty²⁴. However, they were acquitted by the High court, and the same decision is challenged in front of Supreme Court.²⁵ A Bollywood movie named ‘*Talwar*’ is based on this incident.
2. *Sarvajeet Bedi’s Case:* - This case is a flawless example of misuse of power of social media, as well as twisting of facts by media houses in order to gain publicity.²⁶ The incident is of 2015, when a girl named Jasleen Kaur posted a picture of a guy named Sarvajeet Bedi on her social media handle, alleging that Sarvajeet passed some obscene comments on her. For the few next weeks, the news was broadcasted by almost every media channel, with various debates and interviews, raising questions like ‘*Is women safe in India?*’ As a conclusion of these debates, accused Sarvajeet was held guilty in by the press, without listening to his side of the story and the same was accepted by the whole society. His reputation was so affected that he was fired from his job and was not able to find any other good job due to the news. Other than this, he faced the charges for almost 4 years²⁷, after which he was declared to be innocent and free from all charges.²⁸
3. *Sushant Singh Rajput Case:* - One of the recent cases, which saw the heat of media power, which actually burned the whole career and life of a family. This case is a unique example of how media can misuse the power of acting as the fourth pillar while criticizing the government or executive for any particular action, without having any evidence for the same. Various news channels claimed to have witnesses, evidences, and conducted several investigations²⁹ in order to prove that the incident was a murder and not a suicide. Whole case was taking turns and twists from one direction to another.

²⁴ <https://www.thequint.com/news/india/justice-not-delivered-ex-cbi-chief-vijay-shanker-on-aarushi-case>

²⁵ <https://www.ndtv.com/india-news/aarushi-talwar-case-supreme-court-admits-plea-challenging-parents-acquittal-1825695>

²⁶ <https://theprint.in/india/governance/i-am-ashamed-ex-times-now-employee-apologises-3-yrs-after-molestation-case/114801/>

²⁷ <https://www.freepressjournal.in/india/4-years-after-being-called-delhi-ka-darinda-sarvajeet-bedi-announced-not-guilty-by-court>

²⁸ <https://www.indiatimes.com/trending/human-interest/jasleen-kaur-case-sarvajeet-singh-bedi-acquitted-378573.html>

²⁹ <https://www.republicworld.com/entertainment-news/bollywood-news/sushant-singh-rajput-case-republics-top-20-newsbreaks-in-its-relentl.html>

It gained so much popularity in public that the same was discussed by the political parties in Bihar to gain public sympathy.³⁰ Various actions were taken by the Government, investigation was assigned to CBI³¹, a special team of doctors of AIIMS was made to investigate in the issue, and at the end, the team declared the incident to be suicide. However, the actress, accused in the present case, Rhea Chakraborty was primarily targeted by these media houses, and these news channels shamelessly ran provocative headlines like “*Sushant par Rhea ka Kaala Jaadu (Rhea’s black magic on Sushant and “Rhea ke Jhooth par kya kehta hai India?”*”³² In addition to the inquiries and investigations which she faced, her whole family had to face media trail, effecting the privacy and reputation of the whole family.³³ Thus, she lost her reputation, privacy, career³⁴, and family’s reputation because media declared her to be the convict of Sushant’s murder, which eventually was declared to be a case of suicide³⁵, and the whole case which created a wave of aggression against the accused, ultimately affected to nothing.³⁶

VIII. Conclusion

When we say that media plays a very important role in providing information in the society, media is under the duty to act as an independent authority, and to disseminate information in an unbiased and nuclear form. Enjoying the power of acting as the fourth pillar of democracy, these media houses are under the obligation to exercise these powers prudently and to be more careful with their actions. A person, for any offence, should be judged by the judiciary alone, and no other institution, including media. Although media can act as a continuous watchdog of the judiciary, and can criticize the same in fair manner, this does not allow them to transgress the domain and work under the self-claimed authority to judge the accused and pass socially acceptable verdict.

Today, it is necessary to create a balance between the freedom of speech and expression of the media on one hand and rights of the accused or the suspect.

Media certainly plays a blend of negative as well as positive role in the country. Thus, there is a need to create a more accountability to these media houses, and a responsible media should be considered as the fourth pillar, rather than only media. In addition to this, the concept of TRP should be removed again as it leads to the shift of these news channels from ‘information centred’ to ‘entertainment centred’ which violates the basic purpose of press.

³⁰ <https://www.hindustantimes.com/bihar-election/how-parties-in-bihar-politicised-justice-for-sushant-singh-rajput/story-MGr3Gcswz0tTNUNRpOv9K.html>

³¹ <https://indianexpress.com/article/india/sushant-singh-rajput-supreme-court-cbi-rhea-chakraborty-6560723/>

³² <https://thewire.in/media/rhea-chakraborty-sushant-singh-rajput-aarushi-talwar-media-trial>

³³ <https://www.thequint.com/entertainment/celebrities/rhea-chakraborty-father-harassed-by-media-video-on-instagram>

³⁴ <https://www.orissapost.com/rhea-chakrabortys-career-over-the-actress-has-been-kicked-out-of-a-film/>

³⁵ <https://www.hindustantimes.com/bollywood/sushant-singh-rajput-s-death-was-a-suicide-nor-murder-aiims-panel-chief/story-Zd4EP7onpAGiF7aHtvdoLP.html>

³⁶ <https://indianexpress.com/article/opinion/columns/sushant-singh-rajput-case-media-reporting-7104932/>