



MEDIA TRIAL AND CONTEMPT

Miss Diksha D. Konde

Student

Modern Law College, Pune

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INTRODUCTION:

Out of three pillars in a democratic state Media is considered as one of the most important pillars for successful and proper functioning of a free democratic state. Media also plays an important role in changing the opinion of the society and it has the ability to change the view point towards people by means of various ways. It can also be called as a starting point where it plays a vital role in bringing the accused to the guilt of home. Since many decades sources like internet activities, radio, newspaper etc. has influenced the reach of sources towards society and its impact of mass media. This rotation of newspapers of magazines in various languages has been increasing rapidly in our country. Freedom of press is termed to be a Constitutional right. It is not only an exchange of ideas but builds a strong opinion even amongst different states. The main role is to function for a better society and create an awareness amongst people.

MEDIA TRIAL AND FAIR TRIAL:

The misuse of this essential freedom bestowed on the click has been rampant specially in these days's global in which era has taken over nearly all of the components of life. News reporting isn't always restrained to the conventional methods of printing and publishing anymore. There are information channels and media homes which file information 24*7. In sharp evaluation to in advance days whilst there has been loss of data and methods of its communication, what the society suffers these days is over-availability of and rapid spreading data. There is a lot data available, it will become tough for someone to select what content material to consume. In a global ruled with the aid of using era and data, it will become critical to present media a loose hand to manipulate their operational bases, however on the identical time, with strength comes accountability. The media should behave in an responsible way and take duty for its movements. However, greater frequently than now no longer, there was absolutism in media and

it seeks to take the reigns in its very own fingers and feature in keeping with its whim and fancy. The consequent end result is media trial. The motivation of the media isn't any greater most effective to unfold the data after a fact-take a look at however to growth its TRP (Television Rating Point) to be able to preserve itself with inside the cut-throat competition. The time period media trial connotes affirming someone guilty/harmless even earlier than he/she is heard earlier than any courtroom docket of regulation with the aid of using the media primarily based totally on nearly no proof or minuscule proof gift if in any respect it is. The media possibly does now no longer ponder the ramifications of its movements earlier than launching a charade towards a specific man or woman.

Trial via way of means of Media – Is it a Fair Trial:

Litigation isn't constantly a look for truth. According to truth seeker Charles Taylor, it's far a “zero-sum game”, in which the regulation handiest says “both A or B is proper”. Media trials have constantly given upward push to a positive sort of trouble because it includes the tug-of-conflict among one of a kind ideas that are the loose trial and the loose press, each wherein the general public at massive is usually invested. The freedom of the clicking is part of democracy in any country. This is the sort of justification, given to investigative journalism. But on the identical time, the proper to have a honest trial is a primary proper this is given to each accused and the sufferer alike that is uninfluenced via way of means of any outside supply and is thus, identified as a primary tenant of justice It does now no longer consider the multitude of truth and complexity of events, issues or individuals. British Marxist Terry Eagleton placed it in perspective: “Courtrooms, like novels, blur the difference among truth and fiction. The jury decide now no longer on the information however among rival versions of them.” (The Guardian, 25 May 2005) When trial via way of means of the court itself is inherently problematic in the adversarial system of justice, media trial poses additional issues. Hate campaigns, accusations and witch-hunts impact the juridical process enormously. They also contaminate the cultural and highbrow ecology of the nation. The trial via way of means of media of their very own eye can be as honest as the whole thing is honest in love and conflict due to the fact they paintings in this precept handiest. Media have the cap potential to motive an ordeal via way of means of media due to the fact the general public appearance to media as a dependable supply of information, The media via way of means of reporting always on someone who's convicted in an ordeal forces the general public to make belief for that character as an accused, which results in the guilt of the accused earlier than court cases even begin. Hence, the trial via way of means of the media isn't as honest as they haven't any energy to intervene and to pressure the general public to make an opinion towards an individual.

Stands via way of means of the Indian Court with Media Trial:

In India, the courts have the energy to pass pre- publication or pre-broadcasting injunction or prior restraint order in subjudice matters. The two-pronged test of necessity and proportionality has to be satisfied before ordering postponement of publication. Moreover, the injunction order should only be passed if affordable opportunity techniques or measures might now no longer save you the stated risk. Before airing any story referring to the plaintiff, the defendants shall provide the plaintiff a written notice, via way of means of digital mode, soliciting for his version. If the plaintiff refuses or does now no longer respond inside an affordable time, he'll now no longer be

forced to talk and the tale may be paired with the disclosure that the plaintiff has refused to talk to defend. The Press Council of India Act, constituted a frame named Press Council of India. It is a statutory self-sustaining frame. Its item widely become to keep freedom of press. the council could warn, admonish, or censure a newspaper or a information agency for any expert misconduct, or breach of code of journalistic ethics, or offence in opposition to the general public interest. It may also condemn the Government or different Organizations for interfere ring with freedom of press. It loved the same powers, whilst holding an inquiry beneath Neath Press Council Act, as are vested in a civil courtroom docket whilst attempting a healthy under the Code of Civil Procedure. The Council may also ask a defaulting newspaper to publish the council's finding. The Council is empowered on lawsuits made it or otherwise, in opposition to offending newspapers. The Press Council safeguards freedom of press maintains and improves standards of newspapers and information agencies. It is comprised mainly from the newspapers that are charged with the responsibility of regulating the behaviour of brethren.

Fair trial:

Fair trial as a idea is multidimensional. There are diverse tenets of truthful trial a number of which consist of an impartial and unbiased judge, the proper to be heard, the proper to have a fast trial, safety from double jeopardy, proper towards self-incrimination, presumption of innocence except proved other (keep in top notch occasions in which there may be a reversal of burden of proof), the proper of the accused to realize the accusations levelled towards him/her, the proper to be attempted in his presence, proper of the accused that everyone proof be taken in his presence, the proper of the accused to cross-observe the prosecution witness and supply their very own proof, etcetera. The norms of a truthful trial float without delay from Article 21 as reiterated with the aid of using the apex courtroom docket again and again. The bedrock of "rule of regulation" and "system mounted with the aid of using the regulation" is adhering to the ideas of herbal justice and a truthful trial. Fair trial should be achieved in each feasible manner and any prejudice to the accused should be taken seriously. Such prejudice/damage triggered because of in any respect cause units a terrible precedent for the destiny path of crook jurisprudence.

Procedural justice:

Procedural justice involves justice in the adventure in the direction of securing considerable justice. While considerable justice has been ensured via way of means of innumerable Codes with inside the country, it will be rendered vain if procedural justice is denied. For example, if an accused is denied of being heard and this consequences with inside the tale of the prosecution being verified and the resultant conviction of the accused, it'd be a happen violation of his proper ensuing with inside the trampling of considerable justice due to the fact no heed turned into paid to procedural justice. This is simply one of the many times wherein grave injustice may be achieved due to the fact the technique set up via way of means of regulation turned into now no longer followed. The Supreme Court has again and again reiterated the significance of procedural norms to be followed, specifically in crook matters. Some of those have additionally been codified with inside the Criminal Procedure Code, 1973. To listing a number of those tests: manufacturing of the arrested individual earlier than the closest Magistrate inside 24 hours of arrest, explaining the individual being arrested the grounds of his arrest the obligation of the police to tell the accused his proper to get a bail in a case wherein the offence is bailable the proper to tell a member of the family of the region wherein the arrestee is being held, the proper of the accused to seek advice from a recommend of his very own

preference. These are a number of the mechanism that act as a valve with inside the crook trial technique in order that any sort of arbitrary strength does now no longer make inroads.

Media trial V/s fair trial and procedural justice:

Procedural justice and a truthful trial can't be segregated from each other and be handled separately. They overlap and intertwine in a way that it's miles hard to ponder one with out the other. A failure on the a part of the management and the judiciary to observe the procedural safeguards could defeat the very essence of truthful trial and vice versa. While truthful trial and procedural justice run in parallel to each other, media trial is a extreme dent at the pillar on which procedural justice and truthful trial stand. Activism in media to steady the ends of justice is a welcome step in a colourful democracy like that of India. In distinct instances in history, justice has been achieved best due to the fact the media relentlessly pursued the problem and efficaciously delivered to the the front governmental state of no activity and apathy. However, the trouble arises whilst in place of bolstering the process, the media itself takes up the function of the judiciary. The pre-judicial interference of the media serves the complete opposite cause of what the media is supposed to do. The over-zealous media in an try and boom its perspectives is going to impossible lengths to feed a gossip hungry target market. The newly received media roles make the judicial machine in region subservient to it. Intentionally, or unintentionally, the introduce a colour of bias with inside the minds of the judges who preside over it. They paint a image of the accused which is probably a long way from what the truth is, that may best be found out after the case has been heard on its merit.

WHAT AMOUNTS TO CONTEMPT OF COURT?

Commenting on authorities amounts to contempt of Court. Publishing false news in newspaper is a sign towards contempt. Disobeying the judgments and orders of Court. To avoid confusion between personal protection of a libelled judge and prevention of obstruction of public justice and the community's confidence. Attacking on judge or behaving in offensive manner. In short anything that disturbs the constitutional values amounts to contempt.

TYPES OF CONTEMPT:

There are civil and criminal contempt's. Criminal contempt is based on violation of Court order. Criminal contempt is again divided in three types i.e. Scandalizing, Prejudicing trial and Hindering the administration of justice. Civil contempt is based on violation of decree or any process of Court. An aggrieved party can file contempt of Court, it is not necessary that one should be made party in a judgment. Contempt of Court can be prosecuted Court or Attorney General.

MEDIA TRIAL CONTEMPT OF COURT:

Media trial is contempt of Court in few cases and needs to be punished. Civil contempt of Court under is defined under section 2(b) and Criminal contempt of Court is defined under section 2(a) of the Contempt of Court Act. In process of fair trial parties have right to fair trial in the Court of law. Democracy asks for complete fair trial and transparency so that democracy is at stake.