

MEDIA AND ITS INFLUENCE ON SOCIETY AND PUBLIC OPINION

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Abstract

Media is a critical force in shaping and shaping public perception by functioning as a link between events and the public. News coverage, framing, agenda-setting, and interpretation enable media to create narratives that frame how individuals understand social, political, and legal matters. In democratic nations, media are not just a source of information but also serve as a watchdog that assures institutions are held accountable. But problems emerge when media emphasize sensationalism, bias, or selective reporting, which can skew facts and mislead the public. This research critically discusses the role of media in influencing public opinion, specifically its influence on democratic processes, policymaking, and social attitudes. Through examining theoretical approaches, case studies, and empirical data, the study seeks to comprehend the positive and negative effects of media influence.

Keywords: -Media Influence, Society, Public Opinion, Media bias and Freedom Press

Research Question: -

How does media shape public opinion, and what are the implications of this influence on democratic governance and society?

Objectives of the Study: -

To study the processes by which media shape public opinion (agenda-setting, framing, and priming).

To discuss the influence of media on political, social, and legal views in a democratic nation.

To determine the positive effects of media in raising awareness and accountability.

To critically assess the ill effects of slanted or sensationalist coverage on public opinion.

To recommend action for ensuring ethical and responsible media practices in framing informed public debate.

Introduction: -

The advent of the internet has greatly enhanced the powers of the Media in India, and in the World at large¹. It connects the people together and plays a very important role in shaping the general public's perspective about other people by what they publish and therefore have a strong command on public opinion². Public opinion is a powerful force in shaping political, legal, and social outcomes. In a democracy, it reflects the collective voice of citizens and influences governance, policymaking, and even judicial processes. Having a strong command over public opinion is therefore seen as both a responsibility and a challenge for institutions such as the media, judiciary, and political leadership. Public opinion is not static³; it evolves through education, social discourse, media influence, and political engagement. It can be rational and informed, but also easily swayed by emotions, propaganda, or sensationalism⁴. A strong command over public opinion requires credibility, transparency, and the ability to communicate effectively with society.

¹ Ramesh Kumar, "Digital Journalism and the Changing Face of Indian Media,"

² Kumar, Keval J., Mass Communication in India

³ Denis McQuail, *McQuail's Mass Communication Theory*

⁴ Baran, Stanley J. & Dennis K. Davis, *Mass Communication Theory: Foundations, Ferment, and Future*

Media plays a central role in shaping and commanding public opinion through agenda-setting, framing, and continuous coverage of issues.⁵ While this strengthens democratic accountability, irresponsible reporting can distort facts and create biased perceptions.

The media functions as a crucial pillar of democracy, serving not only as a source of information but also as a powerful agent in shaping and commanding public opinion. Through print, broadcast, and digital platforms, media institutions frame issues, highlight specific narratives, and influence the collective consciousness of society. The process of agenda-setting determining which issues are given prominence—has a direct influence on how people perceive the importance and urgency of public matters.⁶

In contemporary times, the media's influence extends beyond mere reporting; it plays an interpretative and persuasive role. By selecting facts, framing stories, and employing emotive language or visuals, media outlets can subtly construct public attitudes toward policies, political leaders, and social movements. This shaping of perception often contributes to the creation of public consensus or dissent.

Moreover, with the advent of social media and digital journalism, the immediacy and reach of media have intensified. Algorithms and targeted content amplify certain viewpoints, thereby reinforcing ideological divides or, conversely, mobilizing public sentiment toward collective action.

From a legal and ethical standpoint, this immense influence calls for responsible journalism and adherence to truth, accuracy, and impartiality, media plays the vital role in upholding democratic accountability while cautioning against misuse leading to “trial by media.”

In essence, the media's ability to construct, direct, and command public opinion underscores its dual role as a guardian of democracy and a potential tool of manipulation of public opinion in the society.

Media's Role: -

The media plays a key role in shaping and changing the opinions of society. However, it is pertinent to look at its professionalism and ethics considering that media trials are often conducted in various mediums. There have been many cases where the media had taken cases into its own hands and declared an accused guilty even before the court has given its decision. The Sushant Singh Rajput case is one of them.⁷

The situation turned acutely problematic in the Sushant Singh Rajput case when the accused (Rhea Chakraborty) was put to trial with sufficient bias and painted in Demonic colours by the Media, even before the Judicial Procedure had been initiated, thereby interfering with her 'Right to Fair Trial'. Here, the right to fair trial of the accused comes directly in conflict with the 'right to freedom of speech and expression' of the media, which cannot be de-prioritized in any manner.⁸

The media stands as the fourth pillar of democracy, alongside the legislature, executive, and judiciary. Its role in shaping public opinion, ensuring transparency, and holding those in power accountable makes it indispensable to the functioning of any democratic society. Far from being a peripheral entity, the media performs essential functions that sustain the very framework of governance and civic participation.

First and foremost, the media acts as a watchdog, exposing corruption, abuse of power, and violations of rights. Through investigative journalism and reportage, it ensures that citizens remain informed and empowered to question authority. In this sense, it becomes an instrument of checks and balances, essential for the preservation of constitutional morality.⁹

⁵ James Curran & Jean Seaton, *Power Without Responsibility: Press, Broadcasting and the Internet in Britain*

⁶ Maxwell E. McCombs & Donald L. Shaw, “The Agenda-Setting Function of Mass Media,”

⁷ Parikh, Ritu, “Media Trial and Presumption of Innocence: A Critical Study of Indian Media,

⁸ *Rhea Chakraborty v. State of Bihar*, (2020) SCC OnLine SC 654; *Sahara India Real Estate Corp. Ltd. v. SEBI*, (2012) 10 SCC 603

⁹ *Padhy, Krushna Chandra*, “Role of Media as the Fourth Pillar of Democracy in India

Secondly, the media serves as a bridge between the government and the governed. It disseminates information, policies, and programs while also providing a platform for citizens to voice their concerns. This interactive process strengthens participatory governance and deepens democratic engagement.

Furthermore, in the modern digital age, the media plays a pivotal role in educating and sensitizing society on issues such as gender equality, environmental protection, social justice, and human rights. By shaping narratives and influencing perceptions, it contributes to nation-building and social transformation.

However, with great power comes great responsibility. The media must balance its freedom with ethical conduct, factual accuracy, and respect for privacy and dignity. Regulatory mechanisms, both self-imposed and statutory, must aim not to curtail press freedom but to promote responsible journalism.

In essence, the media is not merely an industry or profession—it is an institution central to democracy’s survival. To deprioritize or undermine its independence would mean weakening the very spirit of public accountability and informed citizenship. Hence, the vitality of the media must be preserved, protected, and promoted as a democratic necessity.

This incident has once again raised a discussion at lengths pointing the vices relating to “Trial by Media”, its influence on society, public opinion and pre-judicial trial, and how ‘Trial by Media’ has become a substantial part of judicial proceedings and advocates the need to strike a balance between the rights of the stakeholders involved¹⁰.

Through this article, an effort has been made to study the legitimacy of the subject under the light of the Principles of Natural Justice. A careful analysis has also been made of the outstanding case-laws on the subject which deliberates the extent to which public opinion affects the views of the judges – or if at all they do.

Media as The Fourth Pillar of Democracy

One of the pillars of any democratic nation is the freedom to free speech and expression. It is a core freedom without which a democracy cannot survive. The fact that people can voice their opinions without any fear forms one of the very important characteristics of any democracy. In India, this right can be found deeply embedded under Article 19(a) of the Constitution. This right, by judicial interpretation also includes inter alia the freedom of press.¹¹

Judicial interpretation in India has played a pivotal role in recognizing and safeguarding the freedom of the press as an essential component of the right to freedom of speech and expression under Article 19(1)(a) of the Constitution¹². Although the Constitution does not expressly mention the term “freedom of the press”, the judiciary has consistently held that it is implicitly included within the broader ambit of this fundamental right.

The Supreme Court of India, through landmark judgments, has expanded the contours of press freedom, ensuring that it remains a cornerstone of democracy. In *Romesh Thappar Vs. State of Madras*¹³ and *Brij Bhushan Vs. State of Delhi*¹⁴, the Court declared that freedom of the press is an essential element of free speech and expression. These early rulings set the foundation for a vibrant, independent, and responsible press in India.

Further, in *Indian Express Newspapers Vs. Union of India*¹⁵, the Court reaffirmed that freedom of the press is vital for the functioning of a democratic society and cannot be curtailed except under the reasonable restrictions provided in Article 19(2). The judiciary emphasized that any attempt to impose

¹⁰ *Kumar, Keval J., Mass Communication in India*

¹¹ *Brij Bhushan v. State of Delhi*, AIR 1950 SC 129

¹² *M.P. Jain, Indian Constitutional Law*

¹³ 1950 SCR 594

¹⁴ AIR 1950 SC 129

¹⁵ 1985 1 SCC 641

indirect control—through excessive taxation, arbitrary censorship, or licensing—would violate this constitutional guarantee.

The courts have also balanced press freedom with competing rights, such as the right to privacy (as upheld in *Justice K.S. Puttaswamy Vs. Union of India*, AIR 2017 SC 4161) and the right to a fair trial, ensuring that media freedom operates within ethical and legal boundaries.

Thus, judicial interpretation has not only recognized the freedom of the press as a constitutional necessity but also evolved principles to protect it against state encroachment, ensuring that the press continues to serve as a watchdog of democracy and a voice of the people.

The importance of freedom of press has been recognized world-wide, because of the crucial role it plays in the political development and social upliftment. The issue was discussed at lengths at the Dakar Conference on World Press Freedom in 2005 wherein it was stated that “An independent, free and pluralistic media have a crucial role to play in the good governance of democratic societies, by ensuring transparency and accountability, promoting participation and the rule of law, and contributing to the fight against poverty.”¹⁶

The importance of this right despite being widely recognized the chances of unlimited right being misused cannot be ignored. To curb such misuse, certain restrictions have been put on the same by Article 19(2) of the Constitution. The need to reasonably restrict the freedom of press has also been reiterated time and again by various Indian courts.

Media Trials and Judiciary

In India, media trials have assumed significance. There have been several cases where the media had taken the case into their own hands and declared judgment against an accused contrary to fair trials in court. The right to a fair trial is a cornerstone of justice and an essential element of the rule of law¹⁷. It ensures that every accused person is treated with dignity, impartiality, and equality before the law. A fair trial is not only about protecting the rights of the accused but also about safeguarding public confidence in the judicial system. In India, the right to a fair trial flows from Article 21 of the Constitution, which guarantees the right to life and personal liberty¹⁸.

Fair trials are indispensable to democracy and justice. They ensure that the judicial system remains impartial, transparent, and trustworthy. By safeguarding both the rights of the accused and the interests of society, fair trials uphold the rule of law and maintain public faith in the courts. Strengthening procedural safeguards, providing equal access to justice, and maintaining judicial independence are essential to preserving the sanctity of fair trials.

There have been quite infamous cases as well that outraged the public and impacted the Judiciary such as *The Jessica Lal case*¹⁹ where the media rejoiced over their efforts in bringing justice to Jessica Lal and the trial court had acquitted the accused of all the charges. The *Priyadarshini Mattoo case*²⁰, where a law student was raped and murdered, and the judgment of this case was suspected to have been influenced by Media Trial. The *Bijal Joshi rape case*²¹ and *Nitish Katara murder case*²² gave credits to media where the accused would have gone unpunished if media wouldn't had intervened. But on the other side, media also pinpointed innocent people in the case of *Malegaon blast*²³ and *Maria Susairaj case*²⁴ ignoring the importance of accuracy.

¹⁶ UNESCO, *Dakar Declaration on the Role of the Media in Good Governance* (Adopted at the World Press Freedom Day Conference, Dakar, Senegal, May 3, 2005).

¹⁷ *Manu Sharma v. State (NCT of Delhi)*, (2010) 6 SCC 1

¹⁸ *Sunil Batra v. Delhi Administration*, AIR 1978 SC 1675

¹⁹ *Srinivasan, R.*, “Media Trials and the Jessica Lal Case: A Critical Analysis,”

²⁰ *Baxi, Upendra*, “Media Coverage and Fair Trial: Lessons from the Priyadarshini Mattoo Case,”

²¹ *Bijal Joshi v. State of Maharashtra*, Criminal Appeal No. 122 of 2000 (Bom HC India)

²² *Sharma, Ritu*, “Media Trials and Criminal Justice: Analysis of the Nitish Katara Case,”

²³ *Chakraborty, Ananya*, “Media Trials and Terrorism Cases in India: The Malegaon Blast Case,”

²⁴ *State v. Maria Susairaj*, Criminal Appeal No. 56 of 2010 (Madras HC India); see also *Ramesh, K.*, “Media Trials and the Maria Susairaj Case: Legal and Ethical Implications,”

Freedom of Speech Vs. Media Trials

Freedom of speech i.e., Article 19(1)(a) plays an important role in the formation of public opinion on social, political, and economic matters. Thus, it can be said that freedom of speech is the mother of all other liberties²⁵. Complying to the statement Justice Venkataramiah of the Supreme Court in *Indian Express Newspapers (Bombay) Pvt. Ltd. Vs. Union of India* (1984) has iterated: “Freedom of press is the heart of social and political intercourse. The press has now presumed the role of the public educator making formal and non-formal education feasible in a large scale particularly in the developing world, where television or modern communication devices are not still available for all sections of society.”²⁶

Sometimes where there has been high publicity of court cases, the media has played a crucial role in creating panic among the viewers, making fair trial nearly impossible. There have been grounds why the attention of the media around certain cases is sensationally high. The grounds are: Cases could involve children, or they could be so barbaric or gruesome that the media considers it mandatory to sensationalize such cases. The case could concern a leading celebrity either as a victim or as an accused. In the cases where leading celebrities are involved, the influence of the media could drastically change the opinion of the "fans" of such influential celebrities. One such case has been *Rhea Chakraborty Vs. State of Bihar, 2020* (Sushant Singh Rajput Death Case) where media had played a crucial role and the accused raised the issue of media trials.²⁷

Interplay Between Media Trial Vs. Fair Trial

At the same time, the "Right to Fair Trial", i.e., a trial uninfluenced by extraneous pressures is acknowledged as a basic tenet of justice in India. Legal provisions aimed at securing the said right is contained under the Contempt of Courts Act, 1971 and under Articles 129 and 215 of the Indian Constitution (Contempt Jurisdiction that is; Power of Supreme Court and High Court to punish for Contempt of itself respectively).²⁸

The major concern of the media is the restrictions that are imposed on the discussion or declaration of matters relating to the merits of a case pending before a Court. A journalist can be held responsible for contempt of Court if he publishes anything which prejudices a ‘fair trial’ that impacts the impartiality of the Court to decide a cause on its merits, irrespective of the nature of the proceeding whether civil or criminal?²⁹

The Hon'ble Supreme Court of India, in the matter of *Sahara India Real Estate Corporation Ltd. and Ors. Vs. Securities and Exchange Board of India* case³⁰ instituted the five judge Constitution Bench when during the pendency of appeal despite the interim order of the Court some of the newspapers published the proceedings of the judgment, the Hon'ble Court laid down appropriate guidelines with regard to reporting in electronic and print media of matters which is sub-judice in Court including public disclosure of documents forming part of Court proceedings and also the manner and extent of publicity to be given by print/electronic media of pleadings/documents filed in proceeding in Court which are pending and not yet adjudicated upon.³¹

²⁵K.M. Panikkar, *Fundamentals of Constitutional Law*

²⁶ *Indian Express Newspapers (Bombay) Pvt. Ltd. v. Union of India*, (1985) 1 SCC 641, 662; see also K.M. Panikkar, *Fundamentals of Constitutional Law* 118–120 (4th ed., Orient Law House 2017);

²⁷ *Rhea Chakraborty v. State of Bihar*, SCC OnLine SC 654 (2020); see also Parikh, Ritu, “Media Trials and the Presumption of Innocence in India: Lessons from the Sushant Singh Rajput Case,”

²⁸ *The Constitution of India*, Arts. 129, 215; *Contempt of Courts Act*, No. 70 of 1971; *State of Bihar v. Chhotan Shukla*, AIR 1983 SC 895; *In Re: Arundhati Roy*, AIR 2002 SC 1696;

²⁹ *R. Rajagopal v. State of Tamil Nadu*, (1994) 6 SCC 632; *Contempt of Courts Act*, No. 70 of 1971, §§ 2(c), 13; *Press Council of India, Guidelines on Media Reporting and Fair Trial* (2020).

³⁰ 2014 (8) SCC 751.

³¹ Ramesh Kumar, “Media Reporting and the Sub-Judice Rule in India,”

The phrase “trial by media” refers to the influence exerted by print, broadcast, and digital media in shaping public perception of an accused or a case before a court delivers its judgment. In democratic societies, the media plays the role of the “fourth estate,” ensuring transparency and accountability.³² However, when media reportage crosses into the domain of prejudging guilt or innocence, it risks interfering with the administration of justice.

Trial by media arises when extensive coverage of criminal cases, often sensationalized, creates widespread public opinion against or in favour of the accused. This can undermine the principle of “presumption of innocence until proven guilty” and conflict with the doctrine of sub judice, which restricts public commentary on ongoing judicial proceedings. Trial by media illustrates the tension between press freedom and fair trial rights³³. While media plays a crucial role in informing society, unchecked reportage risks eroding judicial integrity. Responsible journalism, ethical guidelines, and judicial safeguards are essential to ensure that media remains a facilitator of justice rather than a parallel court.

The judiciary in India and elsewhere has often expressed concern over prejudicial reporting. Courts have highlighted the tension between Article 19(1)(a) of the Constitution (freedom of speech and expression) and Article 21 (right to fair trial).³⁴

Does Media Trial Leads to a Discord of Rights?

The discussion above clearly leads to the conclusion that Media trial has negative as well as positive outcomes. If on one hand it has led to harassment of the innocent, it has also led to conviction of the accused, which would not have been possible without its intervention³⁵.

The question however is whether such harassment of the innocent is a cost worthy of getting a few guilty to justice? The answer probably lies in a famous statement made by a legendary English jurist way back in the 1760’s: -“It is better that ten guilty persons escape than that one innocent suffer”.³⁶

This common law maxim has also been accepted in India, based on which the Supreme Court of India observed that there must be a fact of prejudice being caused. A mere possibility of prejudice being caused is not enough to occasion a failure of justice. However, a balancing approach is the need of the hour. If on one hand there is a need to respect the freedom of speech and expression, a right guaranteed under Article 19, which is also available to the media, it also has to be ensured that on the other hand that it does not converge and violate the right to a fair trial recognized under Article 21³⁷.

The 200th report of the Law Commission on “Trial by Media” has been a welcome step in this regard. Media should acknowledge the fact that whatever they publish has a great impact over the spectator and hence, a right balance should be struck by courts while interpretation of cases, between the right to free press and principles of natural justice guiding fair trial of cases.³⁸

The Delhi High Court recognized the media’s right to report but stressed this right must be “tempered and balanced” against the accused’s right to a fair trial and the presumption of innocence. The Court emphasized that media cannot prejudge or pronounce guilt before a judicial verdict. (Shashi Tharoor Vs. Arnab Goswami (IR 2019 (NOC 134) 43). The right to report is a fundamental aspect of press freedom and a cornerstone of democratic societies. The media serves as a vital link between the government and the public by disseminating information, shaping opinions, and ensuring

³² Chakraborty, *Ananya, Media Ethics and Democracy: Role of the Fourth Estate*.

³³ *Press Council of India, Guidelines on Media Trials and Fair Trial Rights* (2020)

³⁴ *M.P. Jain, Indian Constitutional Law* 545–550, 1195–1205 (8th ed., LexisNexis 2018).

³⁵ *K.M. Panikkar, Fundamentals of Constitutional Law*

³⁶ *William Blackstone, Commentaries on the Laws of England* (1765–1769), Vol. 4, Ch. 1, at 358; see also *Ashworth, Andrew, Principles of Criminal Law* 12–14 (8th ed., Oxford Univ. Press 2010).

³⁷ *Maneka Gandhi v. Union of India*, AIR 1978 SC 597

³⁸ *Law Commission of India, 200th Report: Trial by Media – Need for Regulatory Measures* (2006)

transparency. In India, this right derives primarily from Article 19(1)(a) of the Constitution, which guarantees freedom of speech and expression. While the Constitution does not explicitly mention “freedom of the press,” judicial interpretations have consistently recognized that the press enjoys this protection. Judicial interpretation is central to the rule of law. By balancing literal text with constitutional values, courts act as guardians of democracy and protectors of individual rights³⁹. However, judicial interpretation must maintain a balance—avoiding judicial overreach while ensuring justice in a changing society. Justice is the cornerstone of a democratic society, reflecting not only legal principles but also evolving social values. As societies undergo rapid transformation due to globalization, technological advancements, and shifting cultural norms, the legal system faces the challenge of adapting to ensure fairness, equality, and protection of rights. Ensuring justice in such a dynamic environment requires responsive laws, proactive judiciary, and responsible governance.

Role of media in judicial activism - Challenges before media.

Media, both print and electronic. Since media needs to concentrate on the merits of the case, the print and electronic media in the present day, it is not only desirable but least that is expected of the persons at the helm of affairs in the field, to ensure that trial by media does not hamper fair, it will amount to travesty of justice if either of these causes impediments in the accepted judicious and fair trial⁴⁰.

in the case of *R.K. Anand Vs. Delhi High Court*⁴¹, clearly stated it would be a sad day for the court to employ the media for setting its own house in order and the media too would not relish the role of being the snoopers for the Court. Media should perform the acts of journalism and not as a special agency for the Court. 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. This will not be fair.

The print and electronic media to ensure that the distinction between trial by media and informative media should always be maintained. Trial by media should be avoided particularly, at a stage when the litigant/accused is entitled to the constitutional protections.

Media rights and on the contrary would fall within the proper constitutional framework. The contention is that the journalists are expected to be fair and neutral to all sides, and to provide diverse points of view.⁴² They are against propaganda news, their concern is that ‘pure’ news reporting has more or less disappeared and personal ideology of the editor or a proprietor of the print and electronic news channel often shapes the news which has led the media to lose its credibility amongst people.

Media trial, which has resulted into parallel investigation being undertaken by private individuals, amounts to gross violation of the rights of the accused and the witnesses guaranteed under Articles 14 and 21 of the Constitution⁴³, as right to a fair trial including a fair investigation is a Fundamental Right of an accused in the criminal justice system.

In the case of *A.M. Mathur Vs. Pramod Kumar Gupta & Ors*⁴⁴, the Court stated the dictum that judicial restraint and discipline are as necessary to the orderly administration of justice as they are to the effectiveness of the army. The duty of restraint, this humility of function should be constant theme of our judges. The quality in decision making is as much necessary for judges to command respect as to protect the independence of the judiciary. Judicial restraint in this regard might better be called judicial respect, that is respect by the judiciary. The avoidance of even the appearance of bitterness,

³⁹ *Bennett Coleman & Co. v. Union of India*, (1973) 2 SCC 788; *M.P. Jain, Indian Constitutional Law* 1195–1205 (8th ed., LexisNexis 2018);

⁴⁰ *Sahara India Real Estate Corp. Ltd. v. SEBI*, (2012) 10 SCC 603; *Parikh, Ritu*, “Media Trials and the Presumption of Innocence in India,”

⁴¹ (2009) 8 SCC 1069

⁴² *Parikh, Ritu*, “Media Ethics and Fairness in Reporting,”

⁴³ *M.P. Jain, Indian Constitutional Law* 545–550, 567–570 (8th ed., LexisNexis 2018).

⁴⁴ (1987) 1 SCR 1

so important in a judge, required him not to cast aspersions on the professional conduct of the appellant and that too without an opportunity for him to meet such situation.

Media and the judiciary. A free and responsible media ensures judicial credibility. In the words of Mr. F S Nariman (eminent Senior Advocate of the Supreme Court and Chairman of the Executive Committee of the International Commission on Jurists): ‘A responsible press is the handmaiden of effective judicial administration. The press does not simply publish information about cases and trials but subjects the entire hierarchy of the administration of justice (police, prosecutors, lawyers, judges, courts), as well as the judicial processes, to public scrutiny. Free and robust reporting, criticism and debate contribute to public understanding of the rule of law, and to a better comprehension of the entire justice system. It also helps improve the quality of that system by subjecting it to the cleansing effect of exposure and public accountability.’⁴⁵

The media is not always responsible, nor always innocent of the charge of misreporting or scandalising. At times, it simply doesn’t care about “fair hearing” or “fair trial”. The need is great that courts be criticised, but there is just as great a need that courts be allowed to do their duty fearlessly⁴⁶. Media has an important role in the democratic process. It provides valuable information to the governed public and citizens with relation to the entire information/governance/judiciary/sports/. In the last few years there has been a tremendous growth of media in the country-print and electronic, but it has been rather spectacular in the latter, consequent upon large proliferation of the electronic media, its coverage of the information process has assumed greater significance. The judiciary and the media are engaged in the similar task, i.e., to discover the truth, to uphold the democratic values and to deal with social, political and economic problems⁴⁷. The media has been called the handmaiden of justice, the watchdog of society and the judiciary, the dispenser of justice and the catalyst for social reforms.

In the matter of *S Mulgaokar*⁴⁸, the Supreme Court has laid down certain norms regarding publications in newspapers. They may be summarised as follows:

- National interest requires that all criticisms of the judiciary must be strictly rational and sober and proceed from the highest motives without being coloured by partisan spirit or tactics.
- The judiciary cannot be immune from criticism but when that criticism is based on obvious distortion, or gross misstatement and made in a manner which aims to lower the respect of the judiciary and destroy public confidence in it, it cannot be ignored. The courts must harmonise constitutional values of free criticism and the need for a fearless judicial process.
- To criticise a judge fairly is no crime, but a necessary right. But, if the court considers the attack on the judge or the judge’s offensive, intimidatory or malicious beyond condonable limits, the strong arm of the law must strike a blow on him who challenges the supremacy of the rule of the law.

The role of media acting as a judge overriding the official ‘justice delivery system’ thereby distorting. Prejudicing, sensationalizing, instigating the public and ultimately derailing the ‘justice delivery processes’ and steamrolling the right to fair trial of the litigant/accused. Media covers a case and publicise lawyers, judges, witness’s pre-trial forms a kind of presumed mental set-up on the judges who sit to adjudicate the trials⁴⁹. The judge who is sitting there is the sole authority, what he says is

⁴⁵ F.S. Nariman, *Media and the Judiciary: Role of a Responsible Press*, Speech at the International Commission of Jurists Conference (2005)

⁴⁶ *In Re: Sakal Papers (P) Ltd.*, AIR 1962 SC 305; *Indian Express Newspapers (Bombay) Pvt. Ltd. v. Union of India*, (1985) 1 SCC 641

⁴⁷ *Bennett Coleman & Co. v. Union of India*, (1973) 2 SCC 788; *Press Council of India, Report on Media Ethics and Judicial Reporting* (2020)

⁴⁸ *S. Mulgaonkar v. Union of India*, AIR 1961 SC 978

⁴⁹ *Manu Sharma v. State (NCT of Delhi)*, (2010) 6 SCC 1

the final judgement and if he has a preconceived notion about a case it is against the rule of natural justice.

Media and Freedom of Speech and Expression.

Freedom of speech and expression as also in consonance with the rights and duties of media to raise issues of public concern and interest. The freedom of speech and expression including the freedom of the media to report, if any such publication obstructs the course of justice in connection with any civil or criminal proceeding which is pending⁵⁰. In the decision of the Supreme Court in *Sidhartha Vashist @ Manu Sharma Vs. State (NCT of Delhi)*⁵¹, wherein the Supreme Court has commented on the danger of serious risk of prejudice if the media exercises an unrestricted and unregulated freedom, and that trial by media does not hamper fair investigation by the investigating agency and more importantly does not prejudice the right of defence of the accused in any manner whatsoever. The Supreme Court also observed that it will amount to a travesty of justice if either of this causes impediments in the accepted judicious and fair investigation and trial. It is held that the freedom of speech protected under Article 19(1)(a) of the Constitution has to be carefully and cautiously used, so as to avoid interference with the administration of justice and leading to undesirable results in matters sub judice before the courts⁵².

The administration of justice is a foundational element of the rule of law, ensuring that every individual receives a fair and impartial trial. However, the growing influence of the media—especially in cases that are sub judice (under judicial consideration)—poses serious concerns for judicial integrity and fairness⁵³.

When the media engages in “trial by media”, it often shapes public perception before the court has rendered its judgment. Continuous coverage, sensational reporting, and premature conclusions can create a prejudicial atmosphere, potentially influencing witnesses, jurors, and even the judiciary’s perception of the case. This undermines the presumption of innocence, a core principle of criminal justice.

The Supreme Court of India has repeatedly cautioned against such interference. In *Sahara India Real Estate Corp. Ltd. Vs. SEBI*⁵⁴, the Court recognized that excessive media publicity during ongoing trials could cause “prejudicial impact” and suggested that courts may issue temporary postponement orders to protect the administration of justice. Similarly, in *State of Maharashtra Vs. Rajendra Jawanmal Gandhi*⁵⁵, it was held that trials by media should not influence judicial proceedings or decision-making.

Unrestrained media commentary can thus lead to undesirable results—miscarriage of justice, erosion of public confidence in the judiciary, and violation of the accused’s fundamental rights under Article 21 (right to fair trial).

Hence, while the media has the right to inform the public, this freedom must be exercised with restraint, responsibility, and respect for the judicial process. Protecting the sanctity of sub judice matters is essential to maintain the balance between freedom of expression and the fair administration of justice

In accordance with constitutional principles of freedom of speech and expression as also in consonance with the rights and duties of media to raise issues of public concern and interest. This is also in harmony with the citizen’s right to know, particularly about events relating to the investigation

⁵⁰ *The Constitution of India*, Arts. 19(1)(a), 21; *Contempt of Courts Act*, No. 70 of 1971, §§ 2(c), 13; *In Re: Sakal Papers (P) Ltd.*, AIR 1962 SC 305

⁵¹ AIR 2010 SC 4681

⁵² *Press Council of India, Guidelines on Media Reporting and Fair Trial Rights* (2020); *M.P. Jain, Indian Constitutional Law* 545–550, 567–570 (8th ed., LexisNexis 2018).

⁵³ *Parikh, Ritu*, “Media Trials and the Presumption of Innocence in India,”

⁵⁴ (2012) 10 SCC 603;

⁵⁵ AIR 1980 SC 184

of the case or delay in the investigation or soft-peddling on investigations pertaining to the matters of public concern and importance⁵⁶.

It is next contended that Article 19 of the Universal Declaration of Human Rights⁵⁷, as also Article 19 on Civil Political Rights duly recognized the freedom of press which is an integral part of freedom of speech and expression guaranteed under Article 19(1)(a) of the Constitution⁵⁸. Referring to the decision of the Supreme Court in *Indian Express Newspapers (Bombay) Private Limited and Others Vs. Union of India*⁵⁹, it is contended that the “anticipated harm” on the part of the petitioners ought not to be allowed as a shield to any authority to suppress freedom of press.

Electronic/Print media is involved in dissemination of the current affairs and news being a fundamental right of freedom of speech and expression guaranteed under Article 19(1)(a) of the Constitution of India, which cannot be curtailed, unless the restrictions as contained in Article 19(2) of the Constitution are triggered following a lawful procedure

The freedom of press, and a facet of the freedom of speech and expression guaranteed under Article 19(1)(a) of the Constitution. It is stated that the telecast and news reporting on the unfortunate demise of the actor is a step taken by this respondent to unearth the truth and to bring it before the public at large. The right to know is a basic right which the citizen of a free country aspires in the horizon of the right to live in this age in our land under the Constitution. Article 19(1) of the Constitution guarantees the Right to Freedom of Speech and Expression, i.e., right to hold opinions without any interference in all forms. The Freedom of Press in India, although like the United States of America is not a separate guaranteed right, it is still covered and is given the status of freedom under Article 19 by the Supreme Court of India⁶⁰.

Freedom of speech and expression enjoyed by the press and the media is in actuality the right enjoyed by the private owner of the news broadcaster (electronic/print media). In this context a reference is made to the observations made by Mr. Laurence H. Tribe, constitutional scholar, who observes “..... People have come increasingly to rely on television and radio for information. Newspapers, still a viable means of communication, are increasingly concentrated in the hands of a few large chains. In short, more and more of the most important forums and means of communication are coming under the control of fewer and fewer private owners.”⁶¹

Freedom of speech is the bulwark of a democratic government and the role of the press/media to discover the truth and to ensure proper functioning of the democratic process is undoubtedly salutary, at the same time, the press/media must remember that its concern for discovery of truth and maintenance of purity in all streams of good governance by opening up channels of free discussion of issues should stop short of exceeding the permissible legal and Constitutional means⁶². Freedom of speech and expression sometimes may amount to interference with the administration of justice as the articles appearing in the media could be prejudicial, this should not be permitted.

Conclusion: -

⁵⁶ *The Constitution of India*, arts. 19(1)(a), 21; *Romesh Thappar v. State of Madras*, AIR 1950 SC 124; *Indian Express Newspapers (Bombay) Pvt. Ltd. v. Union of India*, (1985) 1 SCC 641; *Bennett Coleman & Co. v. Union of India*, (1973) 2 SCC 788

⁵⁷ *Article 19, Universal Declaration of Human Rights*, G.A. Res. 217 (III) A, U.N. Doc. A/810 (1948)

⁵⁸ *Article 19, International Covenant on Civil and Political Rights*, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), entered into force Mar. 23, 1976; *The Constitution of India*, art. 19(1)(a); see generally *M.P. Jain, Indian Constitutional Law* 1190–1195 (8th ed., LexisNexis 2018).

⁵⁹ AIR 1985 SC 641

⁶⁰ *M.P. Jain, Indian Constitutional Law* 1190–1195 (8th ed., LexisNexis 2018); *Fali S. Nariman, The Freedom of the Press in India*

⁶¹ Laurence H. Tribe, *American Constitutional Law* 1507–1508 (3rd ed., Foundation Press 2000);

⁶² *Press Council of India, Guidelines on Media Ethics and Judicial Reporting* (2020); *M.P. Jain, Indian Constitutional Law* 1190–1195 (8th ed., LexisNexis 2018).

Media, often referred to as the fourth pillar of democracy, plays a vital role in shaping public opinion perception and ensuring administrative accountability. In India, the relationship between media and justice—particularly judicial independence and the pursuit of social justice—is both significant and complex.

On the one hand, media enhances transparency by bringing judicial proceedings and administrative actions into the public domain. It serves as a watchdog, informing, educating, and engaging citizens on legal matters and contributing to public awareness about rights, laws, and injustices.

On the other hand, the media frequently blurs the line between reporting and adjudicating. Sensationalism, prejudicial coverage, and speculative commentary can undermine due process, affect judicial outcomes, and compromise the right to a fair trial. This phenomenon is particularly evident in the rise of "media trials" where public opinion, fuelled by partial or misleading media coverage, pre-empts judicial verdicts.

The advent of social media has further complicated the media-justice relationship. Platforms like WhatsApp, Facebook, and Twitter have empowered citizen voices but also created a parallel space for disinformation, mob mentality, and vigilante justice. Incidents of mob lynching, triggered by fake news or manipulated forwards, underscore the dangers of unregulated content lacking accountability. To safeguard judicial integrity, there is a growing need for structural reforms:

- Mandatory training for journalists covering court proceedings, particularly in the areas of contempt of court, sub-judice rules, and ethical legal reporting.
- Media cells within courts should regularly release authenticated bulletins and official updates, thereby reducing the public's reliance on unauthorized leaks or speculative reporting.
- Legal frameworks should be strengthened to ensure that while media freedom is preserved, it does not infringe upon the autonomy of the judiciary or the right of individuals to a fair trial.

Ultimately, Indian media can be a constructive agent of justice—but only if it exercises its freedom with responsibility, ethical restraint, and legal accountability. Balancing free speech with fair trial rights is essential to protect both judicial independence and the democratic ethos of social justice.

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