



## Trial by Media

**For Prelims:** Kangaroo Courts, CJI, Article 21 and 19, Fundamental Rights

**For Mains:** Trial by Media and its implications

### Why in News?

Recently, the [Chief Justice of India \(CJI\)](#) said that the Media is Running agenda-driven debates and **Kangaroo Courts**, which is not **healthy for democracy**.

### What is a Kangaroo Court?

- The phrase "Kangaroo Court" is used against a **judicial system where the judgement against the accused is usually predetermined.**
- It is a **self-appointed or mock court set up without much premeditation** for the purpose of delivering judgement arrived at in advance, usually in which the **fate of a disloyal person is decided.**
  - This expression may have originated in Australia but it was first recorded in the US during the California Gold Rush of 1849.
- The Kangaroo Courts **were common during the Stalin era in the Soviet Union**, famous as the "Moscow Trails" of the Soviet Great Purge.

### What is Trial by Media?

- **About:**
  - Trial by media is a phrase popular in the **late 20<sup>th</sup> century** and early 21<sup>st</sup> century to describe **the impact of television and newspaper coverage on a person's reputation by creating a widespread perception** of guilt or innocence before, or after, a verdict in a court of law.
  - In **recent times** there have been **numerous instances in which the media has conducted the trial of an accused and has passed the verdict** even before the court passes its judgement.
- **Constitutionality:**
  - Though the word media trial is not directly defined anywhere. But indirectly, **this power is being given to the media under [Article 19](#)** of the Constitution of India.
    - **Article 19 of the Constitution of India provides freedom of speech to each and every person.**

### What are the Implications of Trial by Media?

- **Affects Judicial Functioning:**

- Concerted campaigns against judges, particularly on social media, and media trials affect judicial functioning.
- Ill-informed, biased and agenda-driven debates in the media on issues pending in courts are affecting justice delivery.
- **Unable to Distinguish Fake and Real:**
  - New media tools have **enormous amplifying ability but appear to be incapable of distinguishing between the right and the wrong**, the good and the bad and the real and the fake.
  - Media trials cannot be a guiding factor in deciding cases.
- **Wrongful Portrayal:**
  - **Media has been successful in portraying events** that have to be kept a secret.
  - Media trials have caused **wrongful portrayal of alleged accused and have acted as a helping hand in destroying their careers** merely by the fact that they were accused, even though they have not yet been portrayed guilty by the court of law.
- **Not Good for Democracy:**
  - Media has **breached its responsibility, taking democracy two steps backwards**, affecting people and harming the system.
  - Print media still has a certain degree of accountability whereas electronic media has zero accountability as to what it shows vanishes in thin air.
- **Instigate Hatred and Violence:**
  - Paid news and fake news **can manipulate public perception and can instigate hatred, violence, and disharmony** among the various communities within society.
  - The absence of objective journalism leads to the false presentation of truth in a society which affects the perception and opinions of people.
- **Right to privacy:**
  - They invade their privacy which causes a breach of the **Right to Privacy guaranteed under [Article 21](#)**.

## How is the Media Regulated in India?

- The body that regulates and governs the media and entertainment sector in India is **enshrined in the Cable Networks Act, 1995 and the Prasar Bharti Act, 1990**. These are regulated by the Ministry of Information and Broadcasting and Prasar Bharti.
- There are **four bodies in India for media regulation**.
  - **Press Council of India:** Its mandate is to preserve the freedom of the press and to maintain and improve the standards of newspapers and news agencies in India.
  - **News Broadcasting Standards Authority:** It is an Industry Body created by the News Broadcasters Association (NBA).
  - **Broadcasting Content Complaints Council:** This is to deal with complaints against entertainment and general segment television programmes.
  - **News Broadcasters Federation:** It was created by those who left the NBA, called the News Broadcasters Federation.

## Way Forward

- Media should **only engage in acts of journalism and not act as a special agency** for the court.
- Though the media acts as a watchdog and brings us a platform where the people can know about the things happening in a society, it is important to know that this has only led to the whole of the world being biased against one community or a single person.
- Media should understand that **its role is to raise issues which the public is facing**. Media can be a voice for those who can't speak for themselves. Media **should not deliver judgment because in India we have a judiciary for this purpose**.
- Media should maintain **its code of laws and ethics, social responsibility and credibility by not interfering in the matters of court** so early. Instead, they should do the research, keep a check on high profile cases, find the evidence and keep it to them until and unless they find the

truth suppressing.

**Source: TH**

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