

ABSTRACT

MEDIA TRIALS: PRESUMPTION OF GUILTY UNTIL PROVEN INNOCENT

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In recent times it is seen that media houses are acting as a "public court" and starts interfering in proceedings by the court by rendering judgements even before the court. There is an ignorance of principle of 'Presumption of Innocent until Proven Guilty' and this acts in a prejudice to the public and as a result to the judges too. Freedom of speech and expression as guaranteed by the Constitution generally means that one can express what they feel without any sort of restriction. In a democracy the right to free speech is of importance and is backed by law in order to ensure that no one is deprived by it. Media trials are a recent phenomenon which cannot be ignored as it interferes with the proceedings at court, this is a problem to the basic principle of administration of justice. This paper addresses the issues that are caused by the media during proceedings and tries to strike a balance with Freedom of Speech under Article.19 and the right to fair trial. An analysis of laws in the United states of America, United kingdom and Canada is also addressed in this paper in relation to the Indian perspective. This problem needs to be addressed in order to prevent misleading of information as media acts as a facilitator. Majority of the times Media has caused a negative impact more than a positive impact in society. This paper addresses the same issue using various laws and precedents and through these studies the author tries to bring possible solutions to the problem.

Key words: Media, Public Court, Judiciary, Media Trials, Prejudice, Fair trial, Free Speech

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