**A CRITICAL ANALYSIS OF RIGHT TO FREEDOM OF SPEECH WITH RESPECT TO MEDIA TRIAL
Critical Appraisal of Media Trial with Respect to Right to Freedom of Speech**

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**ABSTRACT**

The freedom of speech and expression enshrined in Article 19 of the Constitution of India comes under the topmost obligations of the nation. Also, media are known as "watchdog," and its freedom is of utmost importance. Undue influence and interference of the media in the court proceedings have resulted in a negative impact causing injustice. Media, having a major dominance and being a great influencer to the public, can largely hamper the beliefs of the public leading to difficulties in the administration of justice. The present paper endeavours to demystify the relation between "trial by media" and "freedom of speech" by bringing into notice some reasonable amendments and restrictions to the ongoing practice. The groundwork laid during the evolution of the right to free speech has been discussed minutely within the paper. How the media conspires with democracy, overuses its power of freedom of speech within the ambit of law, and misguides the public at large has been showcased. Conclusively, hypothetical consequences that our country's legal machinery can face due to media trial conflicts and injustice have got recognition in the paper. Whether the freedom of the press should be absolute or unrestricted according to the rapidly changing judicial system has been evaluated thoroughly. Further, the paper limelight the quintessential process and a former approach for the resolution of the problems discussed. Additionally, cumulative support of the law and people would be appreciated to ensure constitutional governance in India. The authors of the paper have used various reports of the Law Commission and several statutory laws to knit their arguments in the form of a research paper.

**Keywords*:* Freedom of speech, Administration, Watchdog, Media trial, phenomenon.**

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**EVOLUTION OF FREEDOM OF SPEECH- AN INTRODUCTION**

The most important trait that differentiates man from the animals is the power to speak and express his own ideas. Humans' lives from the early stone age to present-day modernization have witnessed great excellence and development. The significant elements responsible for such a robust improvement in various sectors like science, literature, and art include thoughts, opinions, views, and ideas of humans. Although the living of human beings and their right over the land was held as basic fundamentals, the past has seen a lot of human sacrifices and bloodshed for freedom of thought. The manner of expressing these thoughts, or in other words, freedom of speech, is considered as dearest practice of human beings.

The constitution of our country was made, keeping in mind the challenges that a country might have to face dealing with societal changes in the next decades. The long discussion over this draft went for three years and resulted in the evolution of a set of fundamental rights. The right to freedom of thought and expression, mentioned under the title of right to freedom Article 19, part III of the constitution, ensures all the country's citizens the liberty of expression and thought. Under Article 19 (1) (a), any citizen of the country has the right to express his views, opinions, and beliefs in oral words as well as in written words that include manuscripts, writings, paintings, or any mode. As enshrined in Article 19, this right is only for the country's citizens, and nowhere speaks about freedom of the press. In the case of Ramesh Thapar v. State of Madras,[[3]](#footnote-3) it was held that the right to express and free speech of the press is the foundation of a democratic country. This right was held crucial for educational development and fair participation of the public in political discussions. Part III and IV of the constitution that includes the fundamental rights and Directive Principles of State Policy are considered as the constitution's conscience. All the fundamental rights as guaranteed by the constitution are protected as a matter of legal obligation,[[4]](#footnote-4) which means that these cannot be enforced for any purposes of political concession. The same was a fact of implicit knowledge that became explicitly stated in the constitution after adding Article 51-A through the 42nd amendment.

**INTERNATIONAL SCOPE AND INTERPRETATION OF FREEDOM OF SPEECH**

Magna Carta 1215 is a document that guarantees certain fundamental rights to the citizens of England. This document has to be followed by all the citizens and the king to maintain law and justice. This document does not talk about freedom of speech but implicates some elements of it. During this time, seditious libel was restricted, and anything leading to the king or other superior's defamation, irrespective of whether the statement said is true or not, was construed as offensive. In 1689, the Bill of Rights was formulated that guaranteed free speech for the members of parliament.[[5]](#footnote-5) After several people fought over libellous charges in giving statements in the newspapers and journals, the last such case won with the idea of Freedom of speech.

Further, under article 18 and 19 of Universal Declaration of Human Rights (UDHR), the right to freedom of thought, conscience, and religion has been guaranteed. Most of the modern countries must follow these laws; however, United Kingdom follows European Convention of Human Rights (ECHR). Art. 10 of this convention guarantees freedom of expression within the parameters of domestic law or Human Rights Act 1998. Article 10 of this European Convention supports the fundamental idea of freedom of speech but on the other hand, it simultaneously it prevents the state government from requiring any license of broadcast, cinema, or television. The implementation of this right is weak due to which, it has many exceptions and loopholes.[[6]](#footnote-6) Exceptions that restrict freedom of speech includes topics such as judicial proceedings, religion, defamation, intimidation to hatred, anything that can cause public threat or harm. All these formalities or conditions are significant to maintain a democratic society. Defamation laws have a high burden of proof to prove the crime and any defamatory statement that is made in good faith of public will not be an offense.[[7]](#footnote-7) The idea of Reynolds defence was established in the case of Jameel v Wall Street Journal Europe,[[8]](#footnote-8) which was later removed through Defamation Act of 2013. Conclusively, England supports the idea of freedom of speech and expression, but the same can be restricted immediately if the state will feel that it harms public interest or interests of justice.

The colonial period of US banned all types of defamatory or critical statements and the government was strictly protected by the law concerning seditious libel. Moreover, no one is allowed to publish or say anything publicly without getting a license granted by government. One of the authors was once convicted for libellous writing and winning of his case resulted in formulation of the principle “Truth is a defence to libel.”[[9]](#footnote-9)The first amendment in the US constitution indicated that the freedom of speech was not an absolute right governed by various exceptions and limitations. This amendment also guarantees the press the power to express their views. It eliminated the rule of censorship and licenses needed for the publications that resulted in decreased contact of government with the public. The journalists were protected from disclosing their sources and can attend any judicial proceedings. These concepts originated during the evolution of this concept in US. on the other hand, India guarantees this freedom of expression to the press implicitly as a “fourth institution” to create a healthy balance between three organs of the government- legislature, executive, and judiciary.[[10]](#footnote-10) It is believed that the press or media has the obligation to showcase the economic, political, and social life of the country to the public without and impartiality or disparity. This breaks the flow of corruption in the governmental body and maintains uniformity. In more depth, the idea of free press allows every individual of the country to express their ideas, expressions, and opinions in front of the public without any biased restriction of the government. The case Miami Herald Publishing Co. v. Tornillo[[11]](#footnote-11) was an interesting case in which the court held that irrespective of the suggestions of the political leader on what to print and what not to in the journals, it is the discretion of the editor of the newspaper, to print whatever he wants to that he may deem fit in the interest of public. The nature of information whether firm or criticism will be irrelevant in such cases.

With this trend of increasing revolution, US became the 30th country of the world to be known for the freedom of press by Freedom House Co. Pvt Ltd.

**INDIAN HISTORY OF FREEDOM OF SPEECH AND EXPRESSION**

 The Constitution of India Bill was passed in 1895 that defined freedom of speech as the liberty of every citizen to express their thoughts in words by expressions, or in writings, which can be published publicly without and censorship, but the person shall be liable for any abuse in the statements made by him, if found by the parliament. Other Indian documents that strengthen the concept of freedom of speech are National report given by Nehru in 1928, States and Minorities 1945, and Commonwealth of India Bill 1925. Prior the concept was written in the constitution; several debates took place discussing the restrictions to this right that resulted in right to free expression as speech a fundamental right in part III Art. 19 of the constitution.

In the landmark judgement of Maneka Gandhi v. Union of India,[[12]](#footnote-12) it was held that a democratic country needs free debate and press issues to rise publicly to get fair comments of the public on record. The basic idea of democracy saying to the people, by the people, and for the people includes people opinions to be valued equally. Contrarily, the right to free expression and speech is not an absolute right under Art. 19 (1) (a) and the state has the discretion to make restrictions and limitations on exercising of the right. All the restriction should be in conformity to integrity, sovereignty, and security of the country ensuring decency and morality at all level.

**GROUNDS FOR RESTRICTIONS ON FREEDOM OF PRESS IN INDIA**

There are many occasions where the legislature has restricted press freedom. The Daily Newspapers (Price and Page) Order 1960, in the case-law ofSakal Papers v/s Union of India,[[13]](#footnote-13) which set the number of pages and the size that a newspaper could print at a price held that it violated press freedom and was not a fair restriction under Article 19 (2) of the Indian Constitution. Similarly, in Bennett Coleman and Co. v/s Union of India,[[14]](#footnote-14) the Court held that the legality of the Newsprint Management Order, which set the maximum number of pages, violated the terms of Article 19(1)(a), and did not constitute a fair limit under Article 19(2). The Court also ignored the government's plea that it would support the development of small newspapers. This is primarily because any sort of "Pre-censorship" on published media before the publication of any news or report would lead to infringement of "Freedom of Speech and Expression." A Court does not allow the government to impose any prior restraint; rather, the only recourse government has in such cases is to claim defamation and demand damages if such is the case.[[15]](#footnote-15) In addition to the afore-mentioned arguments, the newspapers are also permitted to publish their own perspectives or the views of the correspondents with regards to any issues impacting society. Any law banning the admission or dissemination of a publication within a state is not applicable. The petitioner was the "editor" and "publisher" of a journal called "Cross Road" in Romesh Thappar v. the State of Madras*.[[16]](#footnote-16)* However, the Government of Madras prohibited this journal by exercising certain powers granted under the "Maintenance of Public Order Act,1949" from the circulation of the journal in Madras. The Court declared that under Article 19(1)(a) of the Indian Constitution, "freedom of propagation of ideas" is included. The Court ruled that a statute banning the entry into or disseminating a publication within a State is arbitrary. "Restrictions" on "freedom of speech and expression" can be enforced only if they come beyond the scope of the limitations allowed under Article 19 (2) of the Constitution of India.

In India, the order of the day is that, where such a limitation is fair and not unreasonable, press freedom cannot be limited. The freedom of the press in a democratic world must be protected and upheld, but it is also necessary at the same time to place such limits on the liberty that are lawful. Such a restriction must not be unreasonable and may be enforced only on the grounds alluded to in Article 19(2) of the Constitution, which are the grounds for applying a limitation.

Other grounds for such restrictions are as follows-

* State Security

It varies from that of ordinary infringements of "public order" or "public security" which are not likely to compromise the "security of the State." "State security" means the absence of serious and aggravated public order forms. The revolutionary act against the government, the crime of violence designed to topple the government, foreign invasion, etc., are thus what threaten the state's stability.

* International Relations

Such type of restrictions can prove to be violent in nature. These are made to prevent any type of political or malicious propaganda among the states to maintain peace and harmony. Moreover, this ground of avoiding freedom of press cannot be used to criticize the justified political agendas and foreign policies and other relations of the country with any territory.

* Defamation

When a comment hurts a person's credibility, so it amounts to slander. That is both a felony and a misdemeanour. The way in which any person owns the "right to freedom of speech and expression" and in the same sense, they still have a "right to reputation," which is called a property. Therefore, no one should use his right to damage another's integrity.

* Decency and Morality

The standards of decency in a society keeps changing according to the time and development.[[17]](#footnote-17)

Though the word indecent can be construed as something that is obscene. The word indecent have a much broader meaning here and is not restricted only to sexual meanings. This ground can be used to ban or prohibit any kind of statements casing disrespect or breach of public morals.

* Contempt of Court

This ground strengthens the justice system by ensuring equality and equity and removed disparity on any basis. Any statement or publication causing criticism to judges or their dignity can be restricted unless it impedes “administration of justice.” In lieu of same, the courts can punish anyone for its contempt under Art. 129 and 215 of the constitution of India. No party or person has the authority or liberty to misrepresent or interfere with the judicial proceedings. Though the freedom of speech is known as blood of democracy, the democracy is subjected to some qualifications and one such qualification is scandalizing of court.

* Other Miscellaneous factors

A public order that contains trivial disputes of no high importance cannot be used for restraining of freedom of speech. Moreover, the freedom of expressing thoughts does not mean an incitement of offence or intimidation of an offence. Lastly, anything that questions or jeopardizes the integrity or sovereignty of our country can be restricted.

**FREEDOM OF PRESS IN INDIA**

The right of speech, including different mobile media & published articles, is freedom of the press. Although such liberty often means the absence of an overreaching state's intervention, its preservation may be pursued by constitutional or other protection. The Indian Media, right from the times of British rule in the region, has a long history. A variety of press control laws were passed by the British Government, such as the Indian Press Act, 1910, then the Indian Press (Emergency) Act, etc., in 1931-32. The executive exerted exhaustive powers under the Defence of India Act during the Second World War (1939-45) and imposed press censorship. The release of all news related to the acts of Congress was made unlawful at the same time.[[18]](#footnote-18) It is well stated by the Indian Press Commission that the functioning of Democracy can be maintained and kept under the vigilant eye of its legislature, and this is only possible through the guidance of public opinion and the press, which is active in nature. The "Freedom of Press" comes under the ambit of "Freedom of Speech and Expression" itself. This is because the press aims to represent the public purpose" by making the general public conscious of all evidence and views by publications without which informed decisions could not be taken by the general public.

In the newspapers, numerous reports and news are regularly written, pointing out the government's weak points. It was an observation made by the Apex Court of India, in the case-law of Union of India v/s Association for Democratic Reforms*,*[[19]](#footnote-19) "One-sided facts, disinformation, propaganda and non-information both produce an uninformed citizenry in equal proportion, making democracy a farce. Equality of speech and expression requires the right to report and collect data, including the freedom to hold views." In grappling with the criminalization of politics, the Court held that electors had a constitutional right under the Indian Constitution to know the history of candidates contesting elections to hold public office. In "right to be informed," the court read it as a right arising from freedom of speech and expression. The press's role in democratic machinery has also been established through the case-law of Indian Express Newspapers (Bombay) Pvt Ltd. v. Union of India*.*[[20]](#footnote-20) Stating that it is the judiciary's duty to protect the interests of the general public through upholding the independence of the Press and administering the laws in practice. The essential elements of the Freedom of Press were also defined in this case-law, namely, freedom of access to all sources of information and the Right to Information (RTI) per se. Secondly, the freedom of publication and freedom of circulation to be a consecutive part of it.

**IMPACT AND TRENDS OF MEDIA TRIALS**

In influencing society's view, the media plays a crucial role and can shift the entire perspective from which people interpret different events. It is possible to applaud the media for beginning a movement where the media takes an active part in hooking the convicted. The emergence of cable television, local radio networks, and the internet has significantly improved the mass media coverage and influence, especially in the last two decades. As well as the numerous vernacular languages, the publication of newspapers and magazines in English has also been gradually rising in our nation. In tandem with the use of digital news collection technology, this ever-expanding readership and viewership have provided media organizations an unparalleled role in influencing public views. Media freedom, however, still requires a certain degree of liability.

Media is expected to provide impartial and unbiased news. It is the media's primary duty to put out the facts rather than coming to any conclusion about any matter. It is the power on the hands of the media to influence the general public, which makes it necessary that they understand and perceive the huge responsibility attached to them, and they must not in any way misuse it. Media has evolved over the years and has become very active. In today "s world, media has a far-reaching effect, and its need cannot be undermined. Nevertheless, what matters is its proper utilization to bring positive changes in society, and this is possible only when the media remain independent and impartial.

The term 'Trial' illustrates a proceeding that takes place before a Court of law. The formal procedure includes a formal judicial examination of evidence and determination of legal assertions that are put forth. Literally, the media is not a competent authority to conduct a trial. The term 'media trial' accentuates how media is provided authority to act as a judicial forum and preclude judgments. The Hon'ble Supreme Court interpreted media trials in R.K. Anand v. Delhi High Court*,****[[21]](#footnote-21)*** as the effect of television and newspaper reports on the image of an individual, by creating a common presumption of guilt, irrespective of any court decision. In high-profile situations, the media are frequently accused of triggering an atmosphere of mass hysteria similar to a lynch mob, which not only makes a fair verdict impossible, but it also means that the accused is still convicted in the eyes of the public perception regardless of the result of the trial and is thus doomed to remain under constant public pressure for the remainder of his life.

Aptly, the judiciary is the correct mechanism to conduct a trial. There have been several occasions in modern years in which the media has held an accused's conviction and has passed the judgment well before the court delivers its judgment. The Priyadarshini Mattoo case,[[22]](#footnote-22) Jessica Lal case,[[23]](#footnote-23) Bijal Joshi rape case,[[24]](#footnote-24) are some famous criminal cases that would have been unpunished but for media intervention. If a person who is "innocent" is exposed to media prosecution, then there is no real redress for that person in that course of time.[[25]](#footnote-25) Consequently, it is rare to see any individual approaching a person in a "trial by media" case. The courts have a tremendous duty to protect the citizen's interests and dignity against an unwarranted "media trial" by being more diligent and vigilant. It is necessary, as it adds pressure to the criminal courts, to shield a person from being targeted in the media. Suppose a person is arrested on the grounds of a presumption that a crime has been committed, so the person cannot be deemed innocent or guilty by the media because it is not a task of the media to determine. This role falls under the authority of the judiciary. Thus the "media trial" impacts the Judge's decision and, at the same time, even damages the victim, as the accused can usually be believed to be guilty.

**MEDIA TRIAL VIS-A-VIS FAIR TRIAL**

The media trial has caused much trouble because it involves a battle of wills between two conflicting principles – freedom of the press and free trial, both of which are of vital public interest. Freedom of the press derives from the right of the public in a democracy to be involved in the issues of the day that affect them.

In the Indian Legal System, the provision regarding 'Right to a Fair Trial' is stated under 'Right to Life' provided by Article 21 of the Indian Constitution. Right to Fair Trial subjects that a trial should be free from any bias and should commit to judicial fairness for both the accused and the prosecution. The Right to Fair Trial is also enshrined in Article 10 of the Universal Declaration of Human Rights (UDHR). There is an important provision in Article 14 of the International Covenant of Cultural and Political Rights (ICCPR), which states that media shall be excluded from trial procedures to maintain public order and national security interests.

It is agreed in common law that the maxim of "presumption of innocence" applies to the trial and that the accused's guilt must be proven beyond a reasonable doubt. The prerequisites of a fair trial are stated in the case-law of ZahiraHabibullah Sheikh v. State of Gujarat**.[[26]](#footnote-26)** The Court clarified that a fair trial would clearly mean a trial before an impartial judge, a fair prosecutor, and an atmosphere of judicial stability. The Indian legal system is one of the central tenets in which the victim is presumed innocent unless found guilty in a criminal court.

**LEGALITY OF MEDIA TRIALS**

The press so much emphasizes most facets of the issues that coverage gives rise to intense public feelings. The type of risk is to prejudice the case of one party or the other for a fair hearing. We must acknowledge the level to which constraints are appropriate and must be exerted by the press in order to maintain the integrity of the judicial process.

**CONTEMPT OF COURT**

Contempt is defined in the Contempt of Courts Act, 1971. It elucidates contempt as scandalous, prejudicial, and hindering the independence of the judiciary. It is mentioned in the Act that any sort of publication which tends to scandalize or hinder the authority of the Court or tends to create any prejudice in an ongoing judicial hearing with any interference covers Criminal Contempt in its purview. Criminal Contempt will not be applicable when something is done in tandem to reasonability and does not obstruct justice administration. It was ruled in the case of Y.V. Hanumantha Rao v. K.R. Pattabhiran and Anr*.****[[27]](#footnote-27)***that whenever a case is ongoing and pending before a judge to decide, no one shall comment on it in such a manner that there is a clear and significant possibility of hostility to the prosecution of the case, such as the effect on the complainant, the witnesses, or the stigma towards the party to the case in general. Moreover, if the person who makes the argument sincerely thinks that it is true, it is indeed a contempt of the Court.

Article 19(1)(a) of the Constitution of India grants 'the right to freedom of speech and expression,' but Article 19(2) covers in its ambit various grounds upon which the privileges can be limited, including the rule of contempt, given that the limitations are appropriate. According to Articles 129 and 215 of the Constitution of India, the Supreme Court of India and the High Courts of States are allowed to prosecute individuals for their contempt. There is very little restraint in the press as far as "criminal justice" is concerned. The Contempt of Court Act indemnifies the media from discriminatory reports prior to the commencement of a tribunal. In a sense, this allows the media the right to report and broadcast on topics that might occur.

**RECOMMENDATIONS: LAW COMMISSION OF INDIA**

There were research and study conducted on media trials via the Law Commission’s Report: *Trial by Media: Free Speech vs. Fair Trial Under Criminal Procedure (Amendments to the Contempt of Court Act, 1971)*. The Supreme Court held that the media should be rendered liable to contempt, from the inception of the arrest.[[28]](#footnote-28) This report elucidated that the starting point of a criminal case should be when the duration of arrest starts and not from when a charge sheet is filed. The rationale behind this assertion is prevention and caution from prejudicial statements from the media. It is asserted by the studies conducted prior to the report made by the Law Commission that the judges have a subconscious impact on prejudicial reports and publications concerning a suspect or accused. Since there was ambiguity regarding the tendency of a case, the commission had recommended the inception point of the same should be arrest rather than the filing of a First Information Report (FIR). The Report stated that the ‘starting point’ ought to be the ‘date of arrest’ of a criminal proceeding. The media does not have the authority to prejudice the suit against the suspect or accused unless the case has reached trial. Secondly, upon the Law Commission’s recommendation that Courts of law, courts shall be permitted to give orders regarding postponement of media coverage reports of the case at present.[[29]](#footnote-29) This gives the Court's authority to restrain media from resorting to any prejudicial telecast or publication. This was recommended in cases that carried a sincere risk of serious arbitrariness. The prejudicial publications might be regarding witnesses or accused, with regards to their personal lives. There is an utmost need for proper application of these recommendations in order to fulfil the motives of justice. The aim should be to protect the interests of the accused and victim pre- and post-trial.

**JESSICA LAL MURDER CASE**

A model named Jessica Lal was shot and murdered upon her refusal to serve drinks to Manu Sharma. He was the son of Minister Venod Sharma. Since the suspect Manu Sharma destroyed the evidence, the only grounds to make an arrest were eyewitnesses at that time. After the trial took place, the witnesses turned down at the Trial court, which resulted in the acquittal of Mr. Manu Sharma due to lack and destruction of evidence. This resulted in public outrage, and the issue was heavily discussed and brought to light by the media. Upon police's plea to the Delhi High Court, Manu Sharma was again arrested and declared guilty, and this was done based on string operations carried out by various Media Houses. There is often a danger that a "media trial" can occur to appease an emotional community. It will be an irony to suggest that the sensationalism of the free press is not unique.[[30]](#footnote-30) There is a wide variety of reactions that lead to the continuity of the narrative, and the broadcasters may appreciate the value of the viewers' interest.

**SUNANDA PUSHKAR CASE**

In lieu of suicide and murder, Sunanda Pushkar, the spouse of the politician and journalist Shashi Tharoor, was found dead in Delhi's hotel. Since there was uncertainty with regards to the reasons and grounds of death. The police filed a murder case against an unknown person. The media at that time labelled Tharoor as the prime suspect and took the position of Judiciary itself. This included the fabrication of facts and partial truths about the Case to reach the wider public. The same allegations were countered by Shashi Tharoor in a countersuit regarding Defamation, in Delhi High Court against Media Houses. The Court herein stated in the suit that the Media was only subjected to the right to report the facts and not assuming the suspects or the accused. It was held that the "Press" does not possess the right to declare a person as a convict or make any kind of unsubstantiated claims.

**CONCLUSION AND SUGGESTIONS**

The research paper has briefly discussed the evolution of Free Speech in an Indian Context. The concept of free speech in India is implied under the purview of one of the fundamental rights enshrined in Article 19 of the Constitution of India. Also, free speech is bound to reasonable restrictions, and it does not guarantee to conduct a media trial. It is the duty of media to aid communication and disseminate relevant information in order to keep the wider population well informed about the issues governing society. It is important to note that the media verdict impacts the administration of justice in society. An ideal media is bound to provide correct and accurate reporting of facts and refrain from personal interests.

The fundamental norm which should be kept in tandem is the presumption of innocence of the suspect/accused. This also ensures that Rule of Law is upheld This should be done beyond a reasonable doubt or when one is declared guilty by a Court of law. This norm is not followed in media trials, therefore accentuating the inefficiency of media trials. It is also held in many precedents and prior reports that media trial has adverse impacts on the judges' subconscious. Media Trial has resulted in the infringement of the 'Right to Privacy' of an individual. This is because the information comes out unregulated, and it is almost impossible to keep a check and control mechanism once sensitive information is disseminated. There are significant reputation and esteem damage, which is often faced by such parties.

The norms of 'Right to Fair Trial' are also staked because of the burden of legal representation. Although, media is responsible for keeping a check and balance on all government organs and act as a source to gain information for the general public. A powerful media indeed strengthens the awareness of the general public. Therefore, the media must not sway from the correct path. This has an adverse impact on the administration of justice and society at large. Therefore, the fundamental right of Free Speech is subject to reasonable restrictions. Contempt of Court is one of them, where the Rights of Free Speech can be restricted if it obstructs the ‘due course of justice.’ In incoherence to this, the Law Commission has also come up with several recommendations regarding prejudicial media publications. This was done in order to protect the rights of the accused and the victim. The reasons mentioned above make the media trial a serious complication that needs to be properly resolved. The present scenario requires strict and direct control on the media to prevent media verdict and trial.

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