
MEDIA TRIAL IN INDIA AND CASE ANALYSIS OF PRIYADARSHINI MATTOO CASE WITH RESPECT TO MEDIA TRIAL

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ABSTRACT

When a sensational, controversial, or high-profile case is brought to court for trial, the general public becomes more interested, and they want to know about and keep up with every little improvement made by the court during the proceedings, or any new evidence found by the investigating team, or any list of names being named as a potential defendant, and so on. News channels, newspapers, and websites feed the public's desire for information by providing news, articles that provide their own interpretation of the facts of the case, which may differ from the actual facts on rare occasions.

When one sees or reads such a story or article, they begin to form an opinion based solely on those stories and articles, and they begin to see the person being tried as the accused or innocent, depending on what is fed to them by the channels and papers. And that must be done before the court may rule on the case or on that person's position in respect to the case. The entire influencing procedure is referred to as a 'media trial.' In other terms, media trial refers to the practise of proclaiming an accused person guilty without a judicial ruling. There have been several incidents in India where the ultimate decision was clearly influenced by the media trial process, such as the infamous Aarushi murder case, Jessica Lal murder case, and the very current Sushant Singh Rajput death case, to name a few. The expression "trial by media" was common in the late twentieth and early twenty-first centuries to characterise the influence of television and newspaper coverage on a person's reputation by generating a broad impression of guilt or innocence before to, or after, a court's decision. In recent years, there have been several cases in which the press has presided over an accused's trial and rendered a judgement before the court has rendered its decision. On many issues, especially those impacting society's national consciousness, the media serves as a facilitator as well as an expediter. Priyadarshini Mattoo, Jessica Lal, and, most recently, Tehelka are just a few examples. The Supreme Court underlined that the press and the court are different organizations with distinct roles that do not cross. One cannot and should not utilize the other to carry out its obligations. It was pointed out that the press must only participate in journalism and not operate as a special agent of the

court. This study highlights how the prejudiced nature of certain media coverage makes freedom of speech and expression impermissible as interference with the administration of justice.

INTRODUCTION:

After the legislature, executive, and judiciary, the media is regarded as the fourth pillar of democracy. Thomas Carlyle invented the term "fourth pillar" to describe the media. The handmaiden of successful judicial administration is a responsible press.¹The press not only reports on cases and trials, but also scrutinises the whole chain of command in the administration of justice (police, prosecutors, attorneys, judges, and courts), as well as the judicial process. Fair and vigorous reporting, criticism, and discussion- all contribute to a greater knowledge of the rule of law and the overall judicial system among the general public. It also aims at enhancing the system's efficiency by exposing it to the purifying influence of public scrutiny and accountability. "Sunlight is the best disinfectant, electric light is the most efficient policeman," as Justice Brandeis famously observed.²

As per (Choudhary, 2015), the phrase "media trial" or "trials by media" has been around since the early 1980s to characterise the influence of media coverage [electronic, print, and now online] on an ongoing judicial trial and, as a result, forming the public's sense of right and wrong. It may be summed up as 'media-mediated public demonstrations.' The influence of television and newspaper coverage on a person's/organization's/reputation institution's by generating a broad perception of guilt or innocence before the judgement is proclaimed by a court of law is a more formal meaning of the word. When the public is dissatisfied with the result, media trials are often convened after the judgement has been proclaimed.

The breadth and reach of Indian media is so vast that it reaches practically every segment of India's population, ensuring that media-driven campaigns have a bigger influence on the general public.

Trials in the media are a two-sided coin. It is sometimes used to expose those charged who have enormous political influence and media backing. In certain circumstances, media trials are utilised to crucify the accused by instilling a broad sense of guilt prior to the court's decision. In the Indian context, notable instances involving media trials include:

¹ State of Maharashtra v/s Rajendrajawanmal Gandhi., (1997) 8 SCC 386

² Nariman, Fali S., Are Impediments to Free Expression in the Interest of Justice, CIJL Yearbook, Vol 4, 1995

1. Nirbhaya rape case: because to the persistent media trials, unlike in previous cases, the legislature, executive, and judiciary were alert, and the case's judgement was delivered without delay.

2. The death of Sunanda Pushkar. The Indian media flung Shashi Tharoor about like a bean bag. He wasn't even on the list of suspects at the time. Several news outlets chastised Tharoor.

LAWS GOVERNING MEDIA IN INDIA

The passage of the Press and Registration of Books Act of 1867 was a watershed moment in the history of media law. The aforementioned Act is still in effect, and it was designed to govern the printing press as well as journals that featured news. Additionally, the act's goal was to conserve copies of books and to register them.

The Newspaper (Incitement to Offenses) Act of 1908 authorised local authorities to take action against the editor of any publication if it was believed or discovered that the materials included in the newspaper had the potential to encourage insurrection. The Press Act of 1910 was enacted as a result, giving the government the authority to demand money from any newspaper under the guise of security. The Government enacted/passed the Copyright Statute of 1957 and the Cinematograph Act of 1952 in support of the aforementioned act.

Recently, the Right to Information Act was adopted in 2005, and its implementation has expanded the freedom of the press, making India a liberal country in terms of press freedom. In India, there are a slew of regulations that govern and regulate the press's activities. The Constitution of India, 1950 does not include a distinct clause for press freedom, but it may be drawn from Article 19(1) (a) of the Constitution of India, 1950, which guarantees citizens of India freedom of speech and expression. The Constitution of India, 1950, Article 19(1) (a).

JUDICIAL DECISIONS

1. Brij Bhushan v. State of Delhi ³

It was stated that in India, freedom of speech and expression authoritatively embraces the freedom of press, print, and electronic media, impacting the right to freedom of speech and

³ Brij Bhushan v. State of Delhi AIR 1950 SC 129

expression, as defined by Art.19(1)(a).

2. Romesh Thapar v. State of Madras ⁴

The Supreme Court ruled that freedom of speech or press is the bedrock of all democratic organisations, and that without political debate, no public education, which is essential for the efficient functioning of popular governance, is conceivable.

3. LIC v. Manubhai Shah ⁵

The Supreme Court reaffirmed that freedom of speech and expression must be interpreted widely to encompass the freedom to communicate one's opinions orally, in writing, either through audio-visual media. This includes the right to publish or broadcast one's opinions in print or other forms of media. "Freedom to broadcast one's position is the lifeline of any democratic institution, and any attempt to choke, strangle, or muzzle this freedom would ring the death knell for democracy and usher in autocracy or tyranny," the Supreme Court said.

4. Printers (Mysore) Ltd. v. Assistant Commercial Trade Officer ⁶

It was held that although freedom of the press is not a fundamental right, it is inherent in freedom of speech and expression.

5. R.Rajagopal v. State of Tamil Nadu ⁷

The Supreme Court held that the Government and its officials did not have the authority to place a restriction on the publishing of a document on the grounds that it was intended to be derogatory to them.

6. Re: Vijay Kumar ⁸

The breadth of press freedom was recognised as an essential requirement of a democratic system of government, and it was viewed as the mother of all other rights in a democratic society.

⁴ Romesh Thapar v. State of Madras AIR 1950 SC 124

⁵ LIC v. Manubhai Shah (1992) 3 SCC 637

⁶ Printers (Mysore) Ltd. v. Assistant Commercial Trade Officer 1994 SCR (1) 682

⁷ R.Rajagopal v. State of Tamil Nadu AIR 1995 SC 264

⁸ (1996) 6 SCC 466

7. Sahara India Real Estate Corpn. Ltd. v. SEBI ⁹

The Supreme Court debated postponement orders, which are judicial orders that prevent the media from publishing on certain issues. This is done in order to ensure appropriate administration of justice and trial fairness. Another crucial point raised was that even when fair and truthful reporting is done, there is a genuine and significant danger of severe bias in related cases. Postponement orders are also a way to avoid being held in contempt. This is for the media's protection, in case it commits contempt in its pursuit of a story.

MEDIA TRIAL VS RIGHT OF FAIR TRIAL

Parties to a lawsuit have a constitutional right to a fair trial in a court of law before an impartial tribunal that is free, fair, and devoid of bias. This right to a fair trial may be violated if the media uses language in reporting a case that has the potential to affect the thinking of a judge and control the judicial process. The range and reach of media has expanded dramatically as a result of the rise of cable television and channels, local radio stations, newspapers and magazines, networks, and the Internet. In recent years, there have been several cases in which the media has presided over an accused's trial and rendered a judgement before the court has rendered its decision. ¹⁰

The presumption of innocence is the cornerstone of criminal law, and it is a requirement of any legal system that the accused be given a fair trial. It goes without saying that, in recent years, the media has begun identifying and accusing the suspect or accused in order to sensationalise the story and raise its economic worth. Photographs and other materials (interviews, for example) are published and presented, as well as public reaction. When it comes to large names and celebrities, the problem becomes more evident. In such circumstances, media coverage can sway public opinion in either direction. In such circumstances, media coverage can sway public opinion in either direction. As a result, a balance must be struck between the constitutional provision of free speech on the one hand and the individual right to a fair trial on the other.

In Saibal Kumar vs. B.K. Sen¹¹, the Supreme Court tried to discourage the tendency of media trial and remarked that –

⁹ Sahara India Real Estate Corpn. Ltd. v. SEBI; (2012) 10 SCC 603

¹⁰ Srivastava, Dr. S., & Srivastava, P. K. (n.d.). JTRI. JTRI; www.ijtr.nic.in. Retrieved April 9, 2022, from <http://www.ijtr.nic.in/webjournal/16.htm>

¹¹ (1961) 3 SCR 460

“No doubt, it would be mischievous for a newspaper to systematically conduct an independent investigation into a crime for which a man has been arrested and to publish the results of the investigation. This is because trial by newspapers, when a trial by one of the regular tribunals of the country is going on, must be prevented. The basis for this view is that such action on the part of a newspaper tends to interfere with the course of justice, whether the investigation tends to prejudice the accused or the prosecution.”¹²

Although our legal system relies on the trial judge's competency, impartiality, and bravery, one might claim that unrestricted media coverage of court proceedings will not impact the outcome. Even in England, though, there have been differences of opinion. According to Lord Denning, a professional judge will not be swayed by media publicity that merely impacts the general public. Lord Dilhorne was not a fan of the notion of judicial superiority.¹³ Even in the United States, the courts has held that if a report is designed to disrupt the judicial mind, the court cannot operate properly.

It is accurate that one of the grounds for imposing reasonable restrictions on freedom of speech is contempt of court. The Contempt Of Court Act distinguishes between civil and criminal contempt. Scandalizing or prejudicing a trial and impeding the administration of justice are the three categories of criminal contempt. The provision of contempt stems from the idea of natural justice, which states that every accused person has the right to a fair trial, as well as the principle that justice must not only be done, but also seem to have been done. A trial can be skewed in a variety of ways. If it is permitted, a person may be found guilty of an offence that he did not commit. Contempt is defined as any publication intended to poison the mind of a judge, a witness, or a party, or to create a climate in which the administration of justice would be difficult or impossible. No editor has the authority to act as an investigator in order to influence the outcome of a case. However, the statute of contempt can only be invoked to ban remarks while the case is pending. It is of no use if the matter is not pending in court.

In *M.P. Lohia vs. State of West Bengal*¹⁴ The Supreme Court has harshly chastised the media for interfering with the administration of justice by publishing one-sided stories about the merits of court cases.

¹² Supra 10

¹³ *Attorney General v. British Broadcasting Corporation*, 1981 AC 303 (HL)

¹⁴ (2005) 2 SCC 686

Despite the fact that the article was a one-sided portrayal of the issue, N. Santosh Hedge Justice stated that the facts presented therein may be utilised in the next trial in this matter, and that such an item appearing in the media would undoubtedly obstruct the dispensation of justice. He said –

“We deprecate this practice and caution the Publisher, Editor and the journalist who are responsible for the said articles against indulging in such trial by media when the issue is sub-judice. Others concerned in journalism would take note of this displeasure expressed by us for interfering with the administration of justice.”¹⁵

AN ANALYSIS OF PRIYADARSHINI MATTOO CASE WITH RESPECT TO MEDIA TRIAL:

Case Facts:¹⁶

Priyadarshini Mattoo, a 25-year-old law student from New Delhi, was raped and killed at her home on January 23, 1996. Priyadarshini completed her education in Srinagar before moving to Jammu with her family. She went to Delhi University for her LL.B. after doing her B Com in Jammu. She had filed many reports of abuse, harassment, and stalking against the accused Santosh Kumar Singh, who was also an LL.B. student at the University of Delhi's Faculty of Law. In December of 1994, the accused received his LL.B. from the University of Delhi's Campus Law Centre.

The victim's repeated complaints proved to be utterly ineffective in that they did not discourage the accused from harassing her. Notwithstanding the accused's prior two undertakings issued in response to the deceased's complaints filed against him at the R.K. Puram and Vasant Kunj Police Stations on February 25, 1995 and August 16, 1995, respectively, he tried to harass the victim at the Campus Law Centre on November 6, 1995.

Following this, a FIR was filed against him at the Maurice Nagar Police Station under section 354 of the Indian Penal Code (IPC), 1860, for which he had been detained and later freed on personal bail. The deceased subsequently lodged a harassment complaint to the Dean, Faculty of Law, and Campus Law Centre on October 27, 1995. The accused was admonished to stop

¹⁵ Supra 10

¹⁶Legal India, Case Comment on Priyadarshini Mattoo case, Legalservicesindia.com
<http://www.legalservicesindia.com/article/644/Case-Comment-on-Priyadarshini-Mattoo-case.html>

engaging in such behaviour. In reality, the seriousness of the situation was such that the deceased was recommended to meet with the Deputy Commissioner of Police (South West), to whom she lodged a complaint against the accused, following which the deceased was assigned a Personal Security Officer.

When the dead was all alone her home in B-10/7098 on the fatal day of the crime, Vasant Kunj, the accused, arrived to her house. Priyadarshini Mattoo was discovered lying under the double bed with no movement when security guard Rajinder Singh arrived at the deceased's apartment. At his request, a FIR under Section 302 of the Indian Penal Code (IPC) was filed at the Vasant Kunj Police Station. According to Rajeshwari Mattoo's testimony recorded under Section 161 of the Cr.P.C. the deceased's parents suspected the accused, hence he was included in the inquiry.

Analysis of the case:

The prosecution's main challenge in the trial was a sloppy probe and evidence manipulation. The DNA test showed rape, which was the clincher. Santosh's helmet visor was broken, and he fractured his hand, in addition to the 19 injuries on Mattoo's body, which settled the case in favour of the prosecution; also, Mattoo's multiple complaints to the police established motive, and eye witness accounts proved that Santosh was seen outside Mattoo's house minutes before the murder. Furthermore, when the accused was medically tested throughout the inquiry, his reports indicated injuries to his right hand that he said he received on January 14, 1996. When the expert advice of Dr. G.K. Choubey of Safdurjung Hospital was obtained in this respect, he stated that the injuries looked to be recent in nature, opposing Santosh Singh's prior false claim. The onus was on the accused to rebut the Prosecution's findings obtained through expert testimony that the injuries on the accused's person were not more than 48 hours old, and because the respondent failed to do so, the prosecution's inference in regard to the injury had to find favour with the Trial Court, which was not the case

Despite numerous favourable circumstances, the Trial Court acquitted the accused, finding that the CBI had failed on several counts, including concealing evidence from the court, fabricating documentary evidence on behalf of the accused, failing to follow official procedure in conducting the DNA test, and depriving the court of an opportunity to review it judicially. In truth, there was no space for question in the prosecution's case.

Justice R.S. Sodhi of the Delhi High Court said, "If the Supreme Court says that it is not the

rarest of rare cases, then that's it. I felt while delivering the justice that this was very serious and as per the circumstances he had been troubling this girl for years. She had approached every possible police station and was ultimately given protection. Yet, he didn't care for the law: he just barged into her house, raped her and murdered her. I thought this was the limit."¹⁷

Santosh Singh was arrested in the aftermath of the horrendous incident, based on Mattoo's allegations, witness testimony, DNA and fingerprint samples, a broken motorbike helmet recovered at the crime scene, and other evidence. These facts were enough to convict Santosh Singh of the crime. However, on December 3, 1999, Additional Sessions Judge G.P. Thareja acquitted Singh, stating that "he (Santosh Singh) is the one who perpetrated the crime," but that he was obliged to acquit him owing to a lack of adequate evidence, thereby granting Singh the benefit of the doubt.

This was followed by huge public protests, which drew the attention of the media. Priyadarshini's father, Chaman Lal Matoo, was giving regular media interviews, seeking justice for his murdered daughter. In spite of so many compelling evidences, Singh was able to walk out of jail as a free man without really being found guilty of a single crime, according to the media. Investigative reporting was employed by the media to uncover the flaws in the murder case, and it was quickly brought to the public's attention how justice was denied to Priyadarshini Mattoo.

This sparked a major outcry from the public, who demanded that the case be reviewed. The CBI and the Indian judiciary were under a lot of strain because of the tremendous public outcry. On the 29th of February, 2000, the CBI filed an appeal in the Delhi High Court against the District Court's decision. The Indian media hailed this feat as a watershed moment. The CBI and the judiciary were under a lot of strain because of the intense media attention by various news networks and publications. The population was sick of hearing about the judiciary's failures and endemic corruption, and it was ready for a bold change. People around the country were holding candlelight rallies, praying and hoping for justice for Mattoo. The case was reopened as a result of the media's heavy scrutiny, and the CBI was forced to admit that it needs to step it up its game in order to become more efficient in performing their duties.

¹⁷ Legal India, Case Comment on Priyadarshini Matoo case, Legalservicesindia.com
<http://www.legalservicesindia.com/article/644/Case-Comment-on-Priyadarshini-Matoo-case.html>

Finally, on October 17, 2006, the Delhi High Court found Santosh Kumar Singh guilty of rape and murder under sections 376 and 302 of the Indian Penal Code, and sentenced him to death. The Court reached its decision based on a slew of compelling evidence. The Delhi Police's delay and prejudice in assisting Mattoo when she filed a complaint against Singh since his father, J.P. Singh, was the then senior IPS official Director General of Delhi Police, was also criticised by the Court.

After Santosh Singh filed a petition in the Supreme Court on October 6, 2010, the death sentence was commuted to a life term. Regardless, the outcome of this case demonstrates that, while justice was delayed for Priyadarshini Mattoo, justice was not denied.

CONCLUSION

Any institution, whether it is the legislative, the executive, the court, or the bureaucracy, is vulnerable to abuse if its lawful jurisdiction and powers are exceeded. However, in other cases, such as judicial activism, these extra vires behaviours are a blessing in disguise. Along with the revolutionary sting operations, the media trial is a commendable endeavour since it maintains a tight eye on the investigations and actions of the police administration and executive. However, it must exercise acceptable self-restraint in its area and place a strong focus on fair trials and judicial procedures, which must be observed with a feeling of responsibility. The media should recognise that anything they post has a significant influence on the audience. Although there are positive developments in how television journalism interacts viewers and solicits their feedback, there remain problems about who sets the agenda: citizens or the news media. We are so established in our positions as viewers that we are vulnerable to the media's implicit power, allowing ourselves to be herded along the route of participation prescribed by it. When the causes look noble, media influence becomes even more subtle. When democracy fails, the role of the media in public engagement must be carefully evaluated. Most of the channels' claims of justice and empowerment are based on media power, which is abstract and complicated.¹⁸

The judiciary and the media are different entities with distinct tasks that do not intersect. One cannot and must not utilise the other to carry out its responsibilities. The media should only

¹⁸ GANESH, I., & GANESH, G. (2013). Citizen power or media power?. What's law got to do with justice? by Oishik Sircar and Saptarshi Mandal 2 The new avatar of the judiciary by Rakesh Shukla 7 Inequality before the law by Garga Chatterjee 11 Invisibilising mass violence in Gujarat by Anita Abraham 14 Citizen power or media power? By Maya Indira Ganesh and Gayatri Ganesh 18, 18.

perform journalistic tasks and not serve as a special agency for the court. Due to the prejudiced nature of certain coverage in the media, freedom of speech and expression is inadmissible because it interferes with the administration of justice.

As a result, it is the moral responsibility of the media to present the truth, and to do so at the appropriate moment. While the print media has achieved saturation and is aware of legal standards and ethical constraints, the electronic media is still experimenting and depending on the "trial and error" technique to determine what to display and, more significantly, what not to reveal. There will come a day when electronic media will be carefully governed by self-censored norms as well, and we will still have a "totally free press."