

THE BATTLE OF RIGHTS: FREEDOM OF SPEECH VS. FAIR TRIAL

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Abstract

Media enjoys liberty while publishing information about cases. But most often, in a rush to attract higher ratings and viewership, the print and electronic media end up maligning the image of accused. They are projected in such a way before the public that, they are deemed guilty even before trial starts in a court of law. In most western countries, there are certain restrictions on the coverage of criminal cases to ensure that, the juries are not influenced, and that the accused can be guaranteed a fair trial. However, it can be seen otherwise in some countries where, there is no jury system, trial by media can lead to thudding up of public sentiment against the accused, which goes against the very grain of fair trial.

Through this paper, the author shall try to establish a broader relationship between rights and restrictions in general, eventually narrowing it down to the issues in question. The author shall, with the help of present day examples, depict the consequences of media involvement in cases. The author shall also try to explore how media affects the notion of rights in India and why such liberty given to media must be curtailed.

Keywords: Fair Trial, India, Justice, Liberty, Media Trial.