
IMPACT OF MEDIA TRIALS ON PUBLIC PERCEPTION AND JUDICIAL INTEGRITY

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ABSTRACT

Media trials are one of the most impactful and controversial phenomena in contemporary journalism. While the media is an equally important system in a democracy, as it is responsible for accountability and public interest, its effect on the judicial system is disturbing. In some cases, media reporting had enabled justice to be done by keeping cases alive, publicly turning their focus on the authorities. Nevertheless, when media coverage degenerates into a 'trial by media,' the results can be dire. Twisted reasoning, shifting of blame, and downright fabrications can cause enormous damage to people, witnesses, courts, and public perception. The deliberate framing of stories using nonsensical or imaginative hyperbole along with egregious omission and fabrication of relevant events can misguide the society, manipulate the people who will testify, and even complicate judicial members, thus undermining justice.

The purpose of this paper is to study the effect of highly sensationalized media reporting on the perception of the masses, the boundaries of the law, and the public domain. It attempts to show how media constructions of reality determine public opinion about judicial proceedings, and how this goes on to impact the objectivity of investigations and prosecutions that follow in court. Furthermore, it elaborates the scope of constraints that in principle exist in India against media blocking judicial processes such as constitutional guarantees and ordinary laws. However, even with such restrictions, it is possible to guarantee the existence of media trials is evidence enough for the failing of attempts to ensure justice in the judicial system.

The paper makes recommendations to mitigate the issues provided while ensuring that the independence of the judiciary is not infringed upon. It is important to put into place more media legal controls and media codes of ethics in order to provide both freedom of the press and fairness of the judiciary.

Keywords: Judicial Integrity, Sensationalized Reporting, Legal Safeguards, Press Freedom, Judicial Fairness.

INTRODUCTION

The media has been acknowledged as the fourth pillar of democracy because it actively participates in molding opinion, monitoring those in power, and ensuring proper governance. Through its ability to expose real matters, the media has every reason to be considered a force in modern society. Yet, the advent of digital media, social media, and 24/7 news cycles has, at times, created some worrying changes in the practice of journalism. Perhaps the most controversial issues that have emerged within the last few years is what is now widely known as “trial by media,” which results from the coverage of news about a legal case in question which has already been tried in the courts but has yet to be fully decided upon by the law courts. Understanding the connections between crime and the media is central to understanding the cultural place that crime and media occupy in our social world.¹

Though the media has the chance to highlight injustice where there is, and where they could draw attention to a story that otherwise might not get any substantial interest, inaccurate and at times sensational reporting is their plight. Nowadays, channels and even online platforms usually try to spoon-feed the story in a manner that alters the opinion of the general population in a negative way towards the victim, antagonizing the case even further whilst putting the unreasonable burden on the investigative bodies and the courts. In the society’s everyday mundane life, crime related incidents and events often capture the headlines of news channels on television, newspapers and other forms of social media due to a certain kind of thrill that they provide.² Such reporting not only violates reasonable basic principles of legal rights to take part in fair justice actions, but also greatly influence the disreputable face of the whole justice system.

There are cases when the media has intervened and they have yielded positive results. One such example is the murder of Jessica Lal³ where the media focused on the case so much that it became a public issue until justice was served. The media activism levelled by the journalists and reporters was so strong that there was no escape for the culprits unpunished. There are other cases though, which show where journalists’ obsession with certain details of information has done nothing but derail the justice. The same can be observed in the case of Aarushi Talwar⁴ which demonstrates the consequences that can arise from letting the media run rampant, as it

¹ Chris Greer, “Crime and Media: Understanding the Connections” 3 Oxford University Press 1 (2013).

² Manal Ali, “Impact of Movies and TV Shows on the Indian Society and Crime in India” 3 International Journal of Advanced Legal Research 2 (2023).

³ Siddharth Vashish & Manu Sharma v. State NCT Delhi, (2010) 6 SCC 1; (2010) 2 SCC (CRI) 1385 ⁴ Dr. Mrs. Nupur Talwar v. State of UP & Anr, 2012 (11) SCC 465.

results to scandalous and wrong reporting, giving rise to rage among the public and a gross violation of justice. This kind of reporting gives rise to many ‘conspiracy theories,’ the truth of which is far from reality and results in altering the whole investigation and subsequent trial not only in the public view but also to the actual case.⁴

Thus, trials from media coverage is a matter that is complex. The intervention of media in recent times has drawn appraisal as constant effort of media to discover truth has played a pivotal role in delivering justice in the infamous cases.⁵ While one side of the coin is that media influence can provide or help in the calling for justice in some circumstances, the other side represents the perversion of facts in the form of bias and obstruction of justice. If the media is given this kind of power, it can result in defamation of innocent people accused and a denial of the parameters of fair justice. Social media has further complicated these issues because information either accurate or inaccurate, can rapidly spread and shift the people's opinions in uncontrolled ways.

Against such a background, it is required to see how the media attention focus impacts the public opinion, judicial neutrality, and right to a fair trial. It is important to handle the role of the media in court proceedings with care so that it does not become a destructive figure but a helpful one. This paper examines how the media is restricted from reporting judicial matters, with emphasis on the deficiencies and non-enforcement of these provisions. It also looks at the reforms needed to restrict the liberty of the press without violating the basic principles of justice of the media.

LEGAL FRAMEWORK IN INDIA

India has taken specific steps to mitigate undue media interference in judicial processes with the aim of protecting the fairness of a trial. Though freedom of speech and expression is considered a fundamental rights under Article 19(1)(a)⁶, this right is limited in scope. Article 19(2)⁷ gives the government the power to place reasonable limitations on the freedom of speech for the protection of the judges, public order, or violation of an individual.

A number of laws and regulations have been issued to ensure that the media and judiciary do not interfere with one another, such laws protecting judges from potentially sensationalized

⁴ *Ibid.*

⁵ Adv. Surekha Vitthal Bhosale, “A Critical Analysis of Media Trial and its Effect on Indian Judiciary” 9 *JETIR*, 3 (2022).

⁶ *The Constitution of India*, art. 19(1)(a).

⁷ *Id.*, art. 19(2).

reporting which could prejudice them against legal cases.

Some of the most pertinent laws include the following:

- **The Contempt of Courts Act, 1971⁸** – This law forbids any reporting or publication that might compromise a particular trial in court or lower the confidence of the public in the courts. It can be regarded as constituting contempt due to the fact that if media attention is shown to meddle with the administration of justice or affect the operation of a court, such action may be taken. This may have administrative implications-charges of contempt of court, including fines and imprisonment. As per *Zahira Habibullah Sheikh v. State of Gujarat* (2004)⁹, the Supreme Court emphasized the danger of media influence over judicial independence and integrity.
- **Press Council of India Act, 1978¹⁰** – This act created the Press Council of India (PCI), who was given the responsibility of ensuring ethical journalism and self-regulation of the media. The PCI has the right to scrutinize the reports and either issue a notice of objection or express disapproval of such reports, but it does not have such authority which would allow the Council to impose sanctions on media houses because of breach of ethical norms.
- **Bharatiya Nyaya Sanhita (BNS), 2023¹²** – The BNS dealing with the offense of defamation Section 356(1) and 356(2)¹³, false reporting, and the dissemination of false news. It is an offense to cause damage to a person's reputation by giving false or misleading information and defamatory charges may be initiated. The BNS however does not concern itself with public disorder created wilfully by disseminating false information, nor does it reopen the matter of judicial proceedings. Notwithstanding legal safeguards, media trials are an issue in India. Media coverage of certain cases tends to influence public perception of the case in a manner that injures the rights of the accused, at times even before the court has been the evidence. This not only breaches the presumption of innocence but also tarnishes the legal processes. The fairness and impartiality of any given case, which is the basic tenet under Article 21¹¹, is grossly violated when media assumptions, partial coverage, and societal expectations intervene into the dispensation of justice. *M.P. Lohia v. State of West Bengal* (2005)¹² also

⁸ *The Contempt of Courts Act, 1971 (Act. 70 of 1971).*

⁹ (2004) 4 SCC 158.

¹⁰ *Press Council of India Act, 1978, (Act 37 of 1978)*

¹² *The Bharatiya Nyaya Sanhita, 2023, (Act. 45 of 2023)* ¹³ *Id.*, ss. 356(1), 356(2).

¹¹ *The Constitution of India, art. 21.*

¹² (2005) 2 SCC 686.

highlighted how media trials may adversely affect the right to a fair trial and undermine public confidence in judicial institutions.

In as much that there are laws that are aimed at media regulation, their application is often a problem. The phenomenal growth of the internet and social media herlands has led to the circulation of unsubstantiated claims without recourse to traditional media structures. This underscores the need for better adherence to already set guidelines and laws as well as reframing them to enable media houses and individual reporters to exercise the freedom of the press without jeopardizing the dignity of the courts and the rights of person subject to judicial processes.

IMPACT ON PUBLIC PERCEPTION AND JUDICIAL FAIRNESS

All kinds of media possess great power which can be used to influence public opinion, but if used irresponsibly, it can bear negative effects. The liberalization of the economy in the early 1990s introduced private satellite channels, transforming the media landscape with the arrival of private channels.¹³ Today, India's media landscape is diverse and dynamic, yet it faces challenges such as misinformation and press freedom concerns, while remaining a powerful influence in shaping public discourse and cultural narratives. Sensationalized reporting not only erodes public trust in the judiciary and distorts facts but also perpetuates harmful stereotypes and undermines the principles of fairness and due process.¹⁴ Everything that is aired on television, written in newspapers or other social media channels can affect the way a person, a case, or even the judicial system as a whole, is perceived. The problem is further aggravated by the fact that the influence here is not limited to just the viewers; witnesses, reporters, and even judges are not immune to the public influence created by media focus which surrounds a case. One striking weakness of media trials is the manner they focus individual's narratives preceding the court's judgement.

This is often the case, news channels defy the natural course that the law is supposed to take and write and form their own predetermined narratives, blame games and opinions masquerading as definitive conclusions. It facilitates communication among individuals and

¹³ Craig A. Anderson and Brad J. Bushman, "Effects of Violent Video Games on Aggressive Behavior, Aggressive Cognition, Aggressive Affect, Physiological Arousal, and Prosocial Behavior: A Meta-Analytic Review of the Scientific Literature," 12 *Psychological Science* 358 (2001).

¹⁴ Sudharsana Moorthy, Dr. B Someswara Rao, Dr. S T Naidu, "The Role of Media Influence on the Judicial Process in India: An Analysis", 5 *ShodhKosh: Journal of Visual and Performing Arts* 1717 (2024).

enables them to gain insights into various global, social, and environmental concerns.¹⁵ In some instances, the public could be left believing the infamous wrongfully accused are perpetrators before the story tells them the entirety of the account or else face public ridicule and worry that they would never be accepted back into the space they were subjugated to harass by the outside world. Likewise, when the hard-core survivor as victim does not make enough noise, it is highly likely that the case will not get the attention it deserves.

The media bias mentioned earlier also poses a challenge to witnesses and law enforcement agencies. Witnesses might be coerced to alter their statements due to public portrayal of an incident. Investigative authorities, too, could be corraded to pay more attention to very publicized cases to the extent that they overlook other equally or more serious cases. Even judges, who are supposed to be objective, might be subconsciously influenced by the enormous bias that media attention creates. While the courts strive to be even-handed, all the talking that goes on in public will, at times, makes the question of an impartial trial difficult to realize. Media coverage emerged as the most influential source of knowledge concerning these subjects.¹⁶

Media influence on public perceptions of legal proceedings in India is a complex and multifaceted phenomenon with far-reaching implications for the administration of justice. While media coverage has the potential to inform, educate, and foster public engagement with the legal system, it also poses significant challenges in terms of sensationalism, distortion of facts, and erosion of due process rights.¹⁷

Social media has made this problem even more sophisticated. Whereas journalists have to adhere to a set policy posted by traditional media, social platforms have no restrictions. It is open to anyone to post his opinions or unsubstantiated claims which makes it simple for misinformation to be disseminated at a frantic pace. Legal cases are often overshadowed by conspiracy theories and half-truths. When people get to know about a case, it changes from being legal and evidence based to themed, where people react to it instead of the actual facts.

¹⁵ Huiping Huang, "Media use, environmental beliefs, self-efficacy, and pro-environmental behaviour", 69 *Journal of Business Research* 2206-2212 (2016).

¹⁶ Wei J., Hansen A., Zhang Y., Li H., Liu Q., Sun Y., Bi P, "Perception, attitude and behavior in relation to climate change: A survey among CDC health professionals in Shanxi province, China." 134 *Environmental Research* 301308 (2014).

¹⁷ *Supra* Note 17.

The Sushant Singh Rajput case¹⁸ serves as the perfect example where media coverage and online information hijacked due process and pole-vaulted over the law. Public concern and constant media chatter took the attention away from concrete evidence and facilitated incredible amounts of conspiracy theories to be formed, misinformation to be propagated, and distrust to spread like wildfire throughout the judicial system. The media's fixation on the story forced law enforcement authorities to shift their attention to popular opinion instead of factual evidence, raising the need to question whether investigations were being properly executed or if they were falling as victims to media manipulation. People's perceptions of media have been found to significantly impact their actions. Public opinion and stakeholders' reactions to initiate legislation and engage in discussions are influenced by their perception of the credibility of the mass media news/messages.¹⁹

This creates an ever-growing dilemma: How independent can judicial proceedings be, if a mere media spectacle seems to act as a parallel court? The media is as vital to a democracy as oxygen is to life, but that power comes with immense responsibility. When wielded properly, the media can shine lights on grave injustices, neglected cases, and hold powerful entities accountable, but when straying too far into sensationalism, the media can soil the integrity of court proceedings and disarray the legal system. The aim is to find the media's limit where it can still responsibly disseminate information without directly disturbing the sanctity of justice.

JUDICIAL RESPONSE AND NEED FOR REFORMS

The Indian judiciary has had an understanding of the perils of media trials long before and their bearing on the right to a fair trial. The Courts have on various occasions cautioned against biased reporting that is capable of influencing the course of justice and public opinion. Over the time, there have been numerous landmark cases where the judiciary has been proactive in putting a stop on media's prejudices reporting. For example, in *Sahara India v. SEBI* (2012)²⁰, the Supreme Court sought to cancel further postponement orders on the grounds that they served only to mask the media's premature coverage of sensitive issues. The intent was for media companies to restrain themselves from airing or printing information that could potentially jeopardize a court case in progress. In another landmark case, ²¹*R.K. Anand v. Delhi HC* (2009)²⁴, the Court reiterated the obligation of responsible and ethical media coverage of

¹⁸ *Rhea Chakraborty v. The State of Bihar*, AIR 2020 SUPREME COURT 3826, AIRONLINE 2020 SC 685.

¹⁹ Yariv Tsfati, "Public and Elite Perceptions of News Media in Politics" 39 *Oxford Handbook* 565-580 (2014).

²⁰ *Sahara India Real Estate Corp. Ltd. & Ors v. Securities & Exch. Board of India & Anr*, (2012) 10 SCC 603

²¹ SCC 106.

the judiciary. The ruling was to the point that press freedom should not be treated as freedom to report indiscriminately, especially if it detracts from the impartiality of the administration of justice.²²

Despite these judicial interventions, the problem persists. The central problem is lax enforcement—although courts can give warnings and orders, there is no robust mechanism for ensuring that journalists and media houses comply with them. The advent of social media and online platforms has complicated matters further, with information traveling at unprecedented speeds and often without regulation. This makes it essential to introduce stronger measures to balance media freedom with judicial integrity.

Reforms Needed to Address the Issue

In an attempt to minimize the repercussions of negative media coverage, a few reforms can be implemented in order to promote responsible journalism and preserve the sanctity of the law:

1. **Improvement of the Press Council of India (PCI)** - Currently, the PCI has no punitive capabilities and is only able to issue guidelines and warnings. In the interests of strengthening its efficacy, the PCI must be empowered to punish media houses for engaging in prejudicial reporting or unethical journalism. Such actions would aid in curbing irresponsible media actions.
2. **More Severe Contempt Laws-** Although The Contempt Of Courts Act²³ was created in order to prevent offense to mediation and interfere with judicial proceedings, its control over the influence of media trials is highly ineffective. There are far stricter contempt laws that need to be enforced to ensure that media organizations are held accountable for publishing misleading or prejudicial content on ongoing trials.
3. **Mandatory Ethics Seminars for Journalists** - A large volume of journalists, especially those covering legal and criminal cases, lack fundamental judicial courtesy training. Making compulsory ethics training across the board would make certain reporters appreciate the bounds of their assigned duties and the impartiality of trial coverage. This would pave way towards eliminating bias, misinformation, and undue sensationalism in legal reporting.

²² *Ibid.*

²³ *The Contempt of Courts Act, 1971 (Act 70 of 1971).*

4. Regulating Social Media Content on Ongoing Trials – The quick propagation of misinformation and prejudices on social media has made it challenging to provide equitable trials. Trial-related content needs to be regulated more effectively, especially on sites where unsubstantiated allegations and viral memes can overtake actual legal procedures. Practices like fact-checking processes, reporting bans, and social media platform accountability policies might stem the tide of fabrication and ensure public hysteria does not dictate judicial rulings.

CONCLUSION

While in some cases, media trials can positively help in fighting for justice, but the unwarranted excesses of these trials on public perception and even judicial processes remain a dangerous threat to the justice system. When media crosses its boundaries and sensationalizes live cases, passes judgments and stirs up public anger, it goes against the principles of ensuring an avenue for all citizens to get a fair trial, and violates justice in its core definition. The media needs to self-regulate, as the judicial domain requires its autonomy and independence from the influences of media spin. Justice must be devoid of exercising public opinion shaped by media, and solely depend on the established facts, legal argumentation, and procedural actions.

These goals can be reached only through appropriate legislative measures providing tougher and enforced contempt of court laws, and more responsibility requirements for journalists. The media as well as citizens, must practice restraint: their responsibility is to the public, not as an adjudicating body trying prisoners from outside the court. In social media and newsrooms, one cannot achieve justice; only the courts can offer that. There is a greater need for a control system where media focuses on informing instead of altering and reporting with the intent to deceive. A delicate balance between the freedom of press and justice is what we hope would allow the maintenance of both democracy and the rule of law.