
MEDIA TRIAL & ITS EFFECTS ON SOCIETY

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ABSTRACT

Media is regarded as one of the main important pillars of Indian democracy after executive, judiciary & legislature. The Media plays the very noteworthy role in making the perception of the society. Media houses can change the whole perspective through which the persons perceive various events. Normally, the phrase “Media trial” is used to define a procedure in which the media platforms undertakes its own inquiries or investigations & makes a public opinion with respect to the accused individual before the legal trial even begins in court. This process through media houses distorts the fairness of trial for the accused. Media trial is described as impact of television & newspaper reportage on the person's image through forming the broad perception of the guilt or the innocence earlier, or after, the decision in the court. In current periods, media has emerged as 'public court' which can be termed as 'janta adalat' & has started intervening in court proceedings up to extent that it media delivers its own opinion before the judicial process. The objective of this particular research study is to make analysis on media trial through different case law & examples. This research paper provides the analysis that how the media trials impacts the society at large and how it can impact a person's reputation and image. Through this paper an in-depth analysis has been formed that what are the negative & positive effects of media trial on the society.

Keywords: Media trial, role of media, society, freedom of speech & expression, fair trial

Introduction

Media trial is wordage widely prevalent in the late 20th century & early 21st century to describe the influence & the impact of newspaper & television reporting on person's reputation, image through creating the wide perception of sin or innocence earlier or later, a judgment in the court.¹ Media or press has been the very popular voice of thousands through which a stage is provided for the common person of society.

Media plays the very important role in just not only shaping common public opinion, but too switching the complete mentality of the society. Furthermore the extraordinary expansion of media, specifically in last two decades can be attributed to very high internet connectivity & social media boom all over the globe that has not only muddled the physical borders but also brought every happening beneath the public analysis. Furthermore the ever growing reach of mass media, coupled with the use of the new age technology for news gathering has given the media platforms an unprecedented part in forming public opinion. Moreover media is the space where the ideas & communication amongst communities are made possible & these ideas serve as basis for social engagement & discussion.

The various organs of the government that is executive, legislature & the judiciary obtain their power & right from the Indian constitution. Likewise the press also gets its authorization from the constitution. Our Indian Constitution comprises detailed list of the detailed fundamental rights from Article 12 to 35 provided in Part III of Indian Constitution.

Criminal jurisprudence & the Criminal law of the India is basically based on doctrine that guilt of any individual, charged in the court has to be properly established & proved beyond reasonable doubt & an accused individual is presumed to be innocent unless proved guilty or blameworthy through court after looking all legal safeguards of accused individual. Furthermore the accused individual has the right to remain silent. This is by the reason that accused individual is protected against self-incrimination.

The existence of independent & free media is needed for the building opinions, thoughts & views on numerous topics & subjects of the national, regional & as well as the international importance. Media in today's realm has very much ability to mobilize the thinking process of millions of persons & this is the particular reason it has now become fourth pillar along with executive, legislature & the judiciary & plays the role of watchdog of the society as

¹ Sharma, Vaasawa. Trial By Media : A Threat To Fair Trial, March 2020, https://www.researchgate.net/publication/364342599_TRIAL_BY_MEDIA_A_THREAT_TO_FAIR_TRIAL

well as system. However over the past couple of years the media platforms has stepped out its sphere & invaded bailiwick of the judiciary by conducting the parallel trials with courts. Media houses has picked up works of trial court which fails to diagnose the particular concept that is "innocent until proven guilty" and the notion of "guilty beyond reasonable doubt".

Media trial

Media trials usually begin even before the trial court can try the particular issue, wherein the media houses probes the particular matter or issue on its own & broadcasts it in a very much manipulated manner & forms their own viewpoint & opinion before the actual legal trial process gives the final judgment. Media trial is the method where the media houses takes the issue or a particular case & makes the issue public by declaring accused individual is guilty or not even prior the final judgment of court. Such type of activities makes the prejudicial impression on actual legal trial which can immensely lead to the infringement of right to the proper fair trial process of accused.

Media trial and its effects on the society

Media trial not only hugely interferes on the process of the justice but too molds viewpoints of the people. According to their coverage & reporting the view of public through disseminating the false messages to society which creates the public opinions which is based on Media coverage & statement rather than relying on judiciary which immensely affects perception of people towards the instance or case solely on media coverage.² Through media trial the numerous media platforms immensely performs a separate investigation & it widely forms the public opinion against accused individual even earlier to court takes the cognizance of particular case. Furthermore, it creates the prejudice in the public & society. As a consequence accused person often, instead of being assumed as innocent is often presumed to be as a criminal individual. It does not only intrude with the proper system of the administration of the justice but it too spreads the very false message to the society. Ultimately the society starts making their own opinions & perceptions which are totally based on their own miscellany thinking rather than trusting on judicial system. The phrase "media trial" has recently been coined & is still a matter of discussion, as it is used to refer to form of the media activism. Commonly, it is been used to define national or the regional news occurrences in which

² Tomar, Akriti. Media Trial and its impact on the process of justice: An Analytical study, <https://www.ijrpr.com/uploads/V2ISSUE7/IJRPR555.pdf>

criminal justice system is used as source of sensationalism.³

Landmark Judgments

M.P. Lohia v. State of West Bengal

In the well-known case of *M.P. Lohia v. State of West Bengal*⁴ Hon'ble Supreme Court, dealt with case where the trial for dowry death was under the judicial consideration when an article which was appeared in magazine Saga, which was tagged as Doomed by Dowry. Furthermore Apex court observed: "We have no hesitation that these types of articles appearing in the media would certainly interfere with the administration of justice"

Shreya Singhal v. U.O.I.

In famous case of *Shreya Singhal v. U.O.I.*⁵ Apex court mentioned that advocating or discussing or for cause, even if it is unlike or unpopular, is acceptable; although when it runs in the unbridled manner, it is recommended that it should be properly regulated through legislation. In the other words, court of law was uttering that when media trial is within the line to ensure that the thorough investigation & an impartial trial are being conducted, so it is legally & morally correct; but when at a moment it crosses a line & is televised with only to creates a sensation & to draw the profit out it, then it must be properly prohibited by law.⁶

Sarvjeet Singh v State (Nct Of Delhi) & Anr.

In the very famous case of *Sarvjeet Singh vs State (Nct Of Delhi) & Anr*⁷, Delhi boy, Sarvjeet singh, immensely faced unfair media trial when the girl, Jasleen kaur said the untrue claim of harassing her at the public arena. This matter was known as Sarvjeet controversy instance, this instance came in to focus in year 2015. The Delhi women named Jasleen kaur posted the picture of Sarvjeet singh on the social media stage facebook & made accused him of the harassment. Instantly the social media post went huge viral, the major public at large got attention of this particular matter. The Delhi women, Jasleen kaur received very much extensive support for raising her voice against the harassment & the eve teasing on the social media stage including numerous politician & the celebrities of society. Ultimately by social media outrage,

³ Media trials & its impact on society and judiciary, I pleaders, November 2023, <https://blog.iplayers.in/media-trials-and-its-impact-on-society-and-judiciary/>

⁴ MP Lohia vs.State of West Bengal, 2005(2) SCC 686,

⁵ Shreya Singhal v. U.O.I., AIR 2015 SC 1523

⁶ Misra, Ruchir. Media Trial: A Conviction Before The Trial? , March 2024 , <https://www.livelaw.in/lawschool/articles/media-trial-a-conviction-before-the-trial-252276>

⁷ <https://indiankanoon.org/doc/118683273/>

sarvjeet was arrested next day & he got bail a day after. Few days after the actual occurrence an eyewitness came in support of sarvjeet that vouched for the innocent of the sarvjeet which brought credibility in favour of the sarvjeet. After duration of the four years, court acquitted him from all the charges labeled on him & he was held innocent through the court of law.⁸

Sunanda Pushkar Instance

On 17 January, year 2014, a popular hotel in Delhi region found corpse of lady named, Sunanda, wife of Mr. Shashi Tharoor the very famous politician of India. Furthermore the Initial reports with respect to the case suggested that the sunanda had committed suicide but afterward, they indicated that death of the sunanda was murder. Although medical team that properly investigated death of the Sunanda found that death was caused through the poisoning in October, year, 2014. However police personnel subsequently filed the FIR in month of the January 2015 and murder case against the unknown was reported through the police. Furthermore On same day of the death occurrence, the media houses arrived on the scene place without any hesitation & accused Shashi to be murderer of his own wife Sunanda. So afterward Shasi filed the defamation case against Arnab Goswami, where Delhi High Court asked Mr. Arnab Goswami to show the restraint, & stop running the media trials.⁹

Nupur Talwar v. Central bureau of Investigation

In this very famous case, *Nupur Talwar v. Central bureau of Investigation*¹⁰ the media outlets, in their very outrageous coverage of the investigation, the media demonstrated very huge lack of the respect for legal structure. Murder of fourteen year old girl at her house became the prey to contained tabloid journalism & reporting. The issue posed very much serious legal problems likewise, breach of privacy, trial through media. The victim's parents established as accused for murder of arushi even before final decision of the court. Due to immense interference of media outlets which prejudiced minds and the intellect of the judges. Arushi's parents were sentenced to the life imprisonment. However after that the Arushi's parents have properly appealed against judgement of court. After hearing the appeal, The Allahabad High court acquitted parents of Arushi & the Allahabad high court held that central bureau of investigation have failed to prove guilt of Arushi's parents beyond the reasonable doubts.

⁸ Som, Anusuya, Indian media declared Sarvjeet Singh a 'pervert'. Four years later, the court acquitted him, October 2019, <https://www.newslaundry.com/2019/10/31/indian-media-declared-sarvjeet-singh-a-pervert-four-years-later-the-court-acquitted-him>

⁹ <https://blog.ipleaders.in/famous-cases-media-trials-india/>

¹⁰ Nupur Talwar v. Central bureau of Investigation, AIR 2012, SC 1921,

Although the media houses has sketched very negative result in Arushi murder case. The media portrayed Arushi's parents as the murderer even earlier the final verdict of the court of law.¹¹

Media Trial and Fair trial

Each & every civilized state must have the one thing in common in their criminal justice administration structure that is the minimum fair trial right to every of the accused individual irrespective of his status or class Free & impartial trial has been termed as, a trial process through neutral & fair Court of law, properly conducted so as to accord both party the proper due process right required applicable through law; of criminal trial, that defendant's constitutional privileges & rights have been adequately respected.¹²

The particular Parties of the cases which are related with matter of the contention have constitutional right of fair trial in the court of law. Furthermore the judicial trial is properly conducted by an impartial tribunal & uninfluenced by the unjust media trial. The democratic system demands function of the fair play & the pellucidity, & if these functions are being curtailed then as outcome, notion of the democracy comes at risk. However any act which is being done or the published writing which tries to lower the authority of judicial structure, or heavily interferes with the course of the justice system amounts to contempt of the Court. The pre trial publicity is very much harmful to concept & notion of fair trial process.¹³

The very bases of the "procedure established by the law" & the "rule of law" is abide through the principles of natural justice & the fair trial process. Although the fair trial must be properly executed in every possible way & any type of the prejudice to the accused individual must be taken extremely seriously. However such type of the prejudice & damage caused due to any of the reason sets very bad precedent for the future course of criminal jurisprudence.

Conclusion

Finally at the point of concluding remarks we can say that unethical media trial is very much harmful for peaceful society. By analyzing various case laws and examples it can clearly said that sensational media trial of any particular instance can harm reputation and image of any individual person. Over the past few years media houses have been heavily criticized more

¹¹ praptibhattacharya30, Judicial Approach on Freedom of Media and Media Trial.,Legal Desire Media and Insights, 9 August 2020, legaldesire.com/judicial-approach-on-freedom-of-media-and-media-trial

¹² Prakash, Bhaswat. Trial By Media - A Threat to Our Judicial System? , <https://www.legalserviceindia.com/legal/article-4292-trial-by-media-a-threat-to-our-judicial-system-.html>

¹³ Sharma, Vaasawa., Trial By Media: A Threat To Fair Trial, March 2020, https://www.researchgate.net/publication/364342599_TRIAL_BY_MEDIA_A_THREAT_TO_FAIR_TRIAL

often about obsessively invasive coverage & reporting of certain issues. As the media platforms incorporates the huge power to influence public at large.

Unjust trial by media can come up with unfair representation of accused person & can acquit wrong person in the society. Furthermore Many times, Media houses do not look at all for the actual proof of issue & with the half or short information creates their own decision related to particular case. Interference of media houses in some of the famous instances lead to the mistrial due to their own made theories of misconception related with proceedings of the cases which can immensely affect public, reputation of individual, society, victim, accused, related with the particular case. It's also been thoroughly proved by various instances & matters that the unjust interference of Media platforms makes the overall very negative effects rather than the positive effects.

However, the investigative journalism, reporting is overall good & worthy in participative democratic structure, although it should take in to the consideration that interference through media houses in course of the fair trial process is very much harmful for the sustenance of the good & healthy democracy. While the media platforms has right of the freedom of the expression, however right to privacy & right to the fair trial of any individual strictly should not be compromised at any level. The overall essence & spirit of each democracy is the balancing of interest, so the effective & proper equilibrium must be preserved amongst right to media to investigative reporting and journalism & the right of individual person to the fair trial.

Suggestions-

Below are some thoughts and the suggestions are provided that can help in mitigating the danger & the risk of unethical media trial-

- 1- Indian Press Council, whose prime objective is to improve & maintain the print media standards should be given very much greater authority. At present time Press Council of India Act, 1978 has slightest authority. However mere simple warning or caution is not adequate & some form of proper sanction must be imposed for harm caused through the unjust media trial.
- 2- A particular qualification should be made to enter in the media profession. Although the media professionals too need to be informed about media law and the limitations of the media.
- 3- There should be heavy penal provision if media houses breaches privacy of any person.