

**“Media Trial and its impact on judicial proceedings”**

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**Abstract:**

Media is one of the most clichéd and at the same time most talked about topics around the world. The impact of media globally on people is such that media has become a tool to inject people with not just information but OPINATED information. It will not be harmful to say that even with Judiciary still existing in the world; media is gaining popularity for giving instant results even before judicial proceedings. Thanks to this, concepts like Media Trials have got their perfect shape. Media trials can be justified through different examples. If there is a sensitive case that comes to be tried before the court, then among the people there is a predictable increase in curiosity. Always looking forward to sensational news all media starts publishing their own version of facts.

**Key words: Media trials, judiciary, freedom of speech and expression, free trial, justice**

**Introduction:**

Media has now converted itself into Janata Adalats or ‘Public Courts’ and started overruling the proceedings of the court. By maintaining a stake in the fundamental ideas of "guilt beyond a reasonable doubt" and "presumption of innocence until proven guilty," the media completely ignores the crucial difference between the convict and the accused. “The influence of media coverage via newspaper and television on an individual by creating an insight of innocence or guilt even before the court of law announces its judgment; it is termed as Media Trial or Trial by Media”. (6)



*Picture 1.1: Media Trial (Courtesy: IAS Express)- (1)*

Currently, a media trial—a distinct probe conducted by the media itself—is being observed. Along with the investigation, it also entails mobilizing opposition to the suspect or the accused even before the court takes the case under consideration. This leads to public bias, which leads to the accused—who should have been believed innocent—being assumed to be a criminal and giving up all of his rights and freedom unrestricted. (7)

Unnecessary publicity of the accused or suspect in the media prior to a legal trial either impairs a fair trial or portrays the accused or suspect as the one who has unquestionably committed the crime. This amounts to unjustified interference with the "administration of justice" and calls for legal action against the media for contempt of court. Unfortunately, the laws designed to control media and its behavior is insufficient to stop the infringement of civil rights.

**Objective of the study:**

- a) To find ethical issues in media due to opinionated and one sided coverage of the issue/ incident.
- b) Impact of media trial on Judicial judgment
- c) Current status of media trial in India

**Literature review:**

“The constitutionality of media trials in India” by Srishti Ramchandani, Symbiosis Law School, Pune: This study aims at analyzing the constitutionality of Indian Media Trial. The article of the constitution (19) is the subject of the study. The goal of the research study is to do a thorough review of the Indian media trial's constitutionality. The study will focus on Article 19 of the Indian Constitution, which guarantees freedom of speech and expression, including the freedom of the press, which interferes with the establishment of an adversarial legal system and impairs the rights of the accused to a fair trial, legal representation, and privacy, among other rights. The paper's secondary goal is to highlight the detrimental effects of the media and how they undermine the functioning of the legal system and can result in unfairness and misinformation. Furthermore, it is essential that media stay true to balanced reporting because they have been given a lot of power to sway the public. The paper's ultimate goal is to come up with a solution that involves the judiciary doing justice and the media reporting the truth. (9)

“Trial by Media: An Overview”, by Nikitha Suresh and Lucy Sara George talks about the term "trial by media" which was used frequently in the late 20th and early 21st centuries to refer to how television and newspaper coverage can affect someone's reputation by spreading ideas of guilt or innocence before or after a court of law judgment. In recent years, there have been several cases where the media has tried an accused person and rendered a verdict before the court renders one. The Supreme Court reaffirmed that the judiciary and the media are distinct organisations with distinct domains of influence and that their roles do not cross. One cannot and should not utilise the other to carry out their respective functions. It was noted that the media should solely practise journalism and should not serve as a special judicial agency. This study emphasises how the prejudiced nature of some media coverage makes it illegal for freedom of speech and expression to amount to interference with the administration of justice. (10)

**Critical Content Analysis:**

The development of print and electronic media, as well as the continuous influx of new information in a cutthroat market, contributed to the evolution of media trial in the 20th century, giving rise to sensational journalism. It was employed to broaden the audience and boost viewership among the general public. Trial by media was a novel method of disseminating information on legislative reforms, how the government carried them out, and how the judiciary supported them. Although trial by media was intended to inform the public

and raise awareness of the negative aspects of society, as stated in the research report, the distinction between informing the public and making decisions has grown increasingly hazy over time. To the point that the public mindlessly follows the media, the media today pierces through the judiciary and not only forms an opinion but also feeds it to the public on a daily basis.

Similar to past times when the Church was never questioned and the populace accepted it without question, the media today has taken on the role of the Pope. News outlets and other media have received so much power that they are now untouchable. The regulations governing control do not exist now because of the media's and technology's rapid expansion. The legislature must fill a number of gaps in the laws it regulates in order to achieve control. A number of gaps in the Contempt of Court Act and the Press Council of India are being used, and as a result, the media outlets have avoided accountability.

A law prohibiting the media from reporting anything detrimental to the rights of the accused in criminal cases, from the time of arrest through the investigation and trial, has been recommended by the 200th Law Commission Report "Trial by Media: Free Speech versus Fair Trial Under Criminal Procedure." 25 The research makes it abundantly evident that a number of pre-trial publications have a negative effect on the institution of the judiciary by impairing the administration of justice.

Given that citizens in India are granted a number of essential rights, it is not strange if some of them conflict with one another. However, in the instance of a trial by media, there are two competing rights: one is the right to free speech and expression, which is essential for the smooth operation of a democracy, and the other is the right to a fair trial, which is at the heart of natural justice principles. Both rights have equal worth. One must, however, be sure that the other does not overlap.

The media must be controlled; they cannot be allowed the authority to present any biased material as news or to fabricate facts that obstruct the administration of justice while claiming to be protected by the First Amendment. Each person has the right to their own viewpoint, as long as they do so without harming the reputation of others or taking the place of the legal system. The court's job is to administer justice, and the media's job is to report it, hence the media cannot be granted the authority to make decisions.

The judiciary in India has been given an independent status so that there is no bias and it is the judiciary which should be given the power to administer justice and none other. The public and judges cannot be persuaded to come to a decision by the media. The judiciary has a responsibility to be objective, consider all relevant facts and applicable laws without being

swayed by personal feelings. The media has manipulated public sentiment while profiting from a lack of regulatory oversight by the government. Acting to change the rules and regulate the media is essential to prevent it from becoming the strongest organ due to the public's overwhelming support.

**Case studies: Famous Media Trail cases in India: (8)**

**1) Sanjay Dutt Involvement in 1993 Mumbai Blasts Case:**



**Picture 1.2 Sanjay Dutt got arrested for his involvement in 1993 Mumbai Blast Case (Picture courtesy: The Quint (2))**

**Trials of Sanjay Dutt**

- 1993 Jan:** Sanjay Dutt accepts AK-56 rifle and pistol from associates of underworld don Dawood Ibrahim's brother, Anees Ibrahim.
- Mar 12:** Thirteen bomb blasts rock Mumbai, killing 257 and injuring 713.
- Apr 19:** Dutt arrested under TADA for illegal arms possession and contacts with blast conspirators.
- Apr 28:** Dutt confesses to acquiring weapons, claims he wanted to protect his family. Later retracts statement.
- May 5:** Dutt granted bail. Bombay High Court says wrongly being held under TADA.
- Now:** Primary chargesheet filed against Dutt and 188 others in blasts case.
- 1994 July 4:** Dutt's bail cancelled. Sent to Arthur Road prison on "substantial evidence".
- 1995 Oct 17:** Gets bail after 16 months. Supreme Court says confession not enough evidence.
- 2006 Nov 28:** Dutt found guilty under Arms Act, but acquitted of TADA charge. Sentenced to six years imprisonment.
- 2007 Aug 2:** Dutt re-arrested. Taken to Yerawada Jail in Pune.
- Aug 20:** Granted bail by Supreme Court.
- 2012 Aug:** Court begins final hearing on Dutt's appeal.
- 2013 Mar 21:** Supreme Court sentences Dutt to five years imprisonment. He has four weeks to surrender.

**Picture 1.3 Trials of Sanjay Dutt since 1993 (Picture courtesy: LawLex.org) (3)**

After the Supreme Court sentenced actor Sanjay Dutt to 5 years of imprisonment, the actor had to serve on jail on the basis of his involvement in the 1993 Mumbai Serial Blasts case. He was arrested at the Airport the following year and he confessed on the possession of one AK-56 Rifle but only for protection purpose due to the threats he received during the Mumbai blasts post demolition of Babri Masjid. If we look at the series of events that happened after the arrest and during the trial, some of it is highly questionable, some of it is whitewash.

Later as the court removed the charges of terrorism on Dutt, his image as an actor as a citizen of this country was maligned due to over obsessive nature of media being about Sanjay Dutt. Being a famous actor, this case was highlighted by the media to an extent; the media portrayed the picture of Sanjay Dutt as a terrorist, which was later held by the Court that he was not accused of those charges. After this incident, being an actor he had to suffer a lot of problems and outrage and his reputation got depleted.

2) **Jessica Lal Case:**



**Picture 1.4 Jessical Lal (Picture courtesy: The Indian Express) (4)**

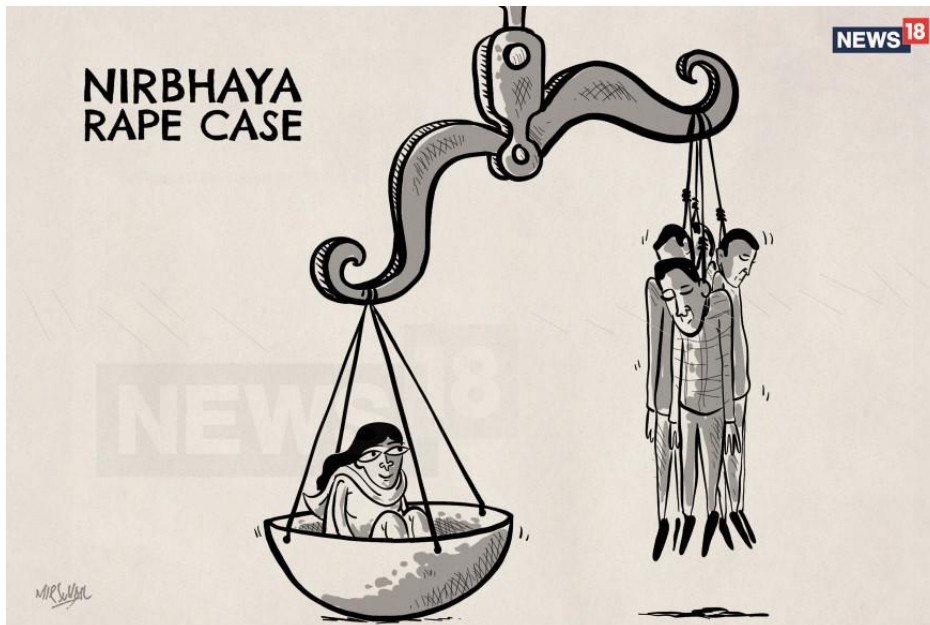
In 1999, Jessica Lal, a model who was working in a restaurant owned by socialite Bona Ramani in Mehrauli, South Delhi's, was shot dead by Manu Sharma alias Siddharth Vashisth, son of then Congress former Union Minister, Vinod Sharma after Jessica refused to serve liquor to him and his friends.

This case gained a lot of public attention following media coverage after the murder when the accused was acquitted by the trial court. This case became one of the top cases

where the public pressure and media compelled the justice system to run through the case again and find loop holes about why justice could not get served.

Though Manu Sharma was acquitted initially in the year 2006 as the Delhi police failed to sustain the grounds on which they had built up their case after public outcry due to the media coverage of the case, the Delhi High Court sentenced him to life imprisonment.

**3) Nirbhaya Case: (The Delhi gang rape case)**



**Picture 1.5: Justice done to Nirbhaya..the rapist were hanged. (Picture courtesy: News 18) (5)**

Who can forget December 16, 2012? The brutal gang rape case of Nirbhaya still sends shivers down our throat which garnered global attention of people and media due to the nature of the case and brutality of the acquitted. Not just rape but the 23 year old physiotherapy student was tortured and beaten in a private bus in which she was travelling with her friend. She was admitted to the hospital and after eleven days she was shifted for an emergency to the hospital in Singapore but died after two days.

Since the laws in India do not permit the press to reveal the name of the victim, the victim has become widely known as Nirbhaya, meaning “fearless”, Damini and what not. The girl’s struggle against the incident and her death has become a symbol of resistance by the women in the world. Due to public and media outrage, the judiciary, establishment was pressurized to make certain amendments in the laws including Juvenile Justice Act where for the heinous crime the age for punishment had been reduced to from eighteen to sixteen.



**Conclusion:**

Being a part of media, it has always taught us to be fair, unbiased and objective. To sum up the entire study, it can be clearly stated that Trial by media impact the judgment of the court and proves the convict guilty even before court of law. The tone of media nowadays has become one-sided, unfair and opinionated. Undoubtedly, the media provides us enough insights to develop our own opinion about any issue but media itself providing opinions is something which is a direct stab on the fairness of media. The concept of fake news, paid news, biased opinions, and media trail has risen out of this attitude only. It is a wakeup call for the 4<sup>th</sup> pillar of the democracy to rise from the ashes of all these inequalities and report exact and appropriate situations. For this we need a fair and united media.

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