

# An in-depth analysis of the effects of media trials on the criminal justice administration

<sup>1</sup>Nallamuniappan N, <sup>2</sup>Karnan K, <sup>3</sup>Helan Jesus Mary L

<sup>1</sup> Assistant professor of Law, The central Law college, Salem.

<sup>2</sup> Assistant professor of Law, The central Law college, Salem.

<sup>3</sup> Advocate, District court, Trichy.

## Abstract

Media trials have emerged as a contentious issue in India's legal landscape, raising significant concerns regarding their impact on the fairness and integrity of the criminal justice system. This study explores the phenomenon of media trials, with a specific focus on their effects on public opinion and legal proceedings. The research analyzes how media sensationalism influences the judiciary, the potential violation of the presumption of innocence, and the ethical dilemmas faced by journalists and legal practitioners. The study employs a doctrinal research methodology, relying on secondary data sources, including legal provisions, case law, and scholarly literature. The findings highlight the challenges posed by media trials, including the lack of accountability, the potential for biased reporting, and the influence of public perception on judicial decisions. The study concludes with recommendations for regulatory measures and responsible journalism practices to balance the right to freedom of expression with the right to a fair trial.

**Keywords:** Media Trial, Criminal Justice Administration.

## 1. Introduction

The advent of 24-hour news channels and social media has transformed the way criminal cases are reported and perceived in India. Media trials, wherein the media extensively covers and sensationalizes ongoing legal proceedings, have become a major concern for the judiciary, legal professionals, and the general public. This phenomenon is not new, with its roots tracing back to the landmark case of K.M. Nanavati vs. State of Maharashtra in 1959, which saw the media playing a significant role in influencing public opinion and judicial outcomes. Since then, numerous high-profile cases, including the Jessica Lal murder case, the Aarushi Talwar murder case, and the Nirbhaya gang rape case, have been subjected to intense media scrutiny.

While proponents of media trials argue that they serve as a check on the justice system and help expose corruption, critics contend that they compromise the fairness of trials by creating public bias and exerting undue pressure on the judiciary. The lack of strict legal frameworks regulating media trials has further exacerbated the issue, raising questions about journalistic ethics and the right of an accused to a fair trial.

This study aims to analyze the impact of media trials on criminal justice administration by examining public opinion, legal provisions, and ethical considerations. The research seeks to provide insights into the need for media regulation and responsible reporting to ensure justice is not compromised in the pursuit of sensationalism. By addressing the challenges posed by media trials, the study hopes to contribute to the ongoing discourse on the intersection of media and law in India.

## 2. Background and context of the study

Media trial refers to the practice of sensationalizing news and presenting it to the public in a biased manner that can sway public opinion and influence legal proceedings. In India, media trials have been a subject of controversy and debate due to their potential impact on the fairness of trials and the reputation of individuals. The origin of media trials in India can be traced back to the landmark case of K.M. Nanavati vs. State of Maharashtra in 1959<sup>4</sup>. The case, which involved a naval officer accused of murdering his wife's lover, received

<sup>1</sup> Assistant professor of Law, The central Law college, Salem.

<sup>2</sup> Assistant professor of Law, The central Law college, Salem.

<sup>3</sup> Advocate, District court, Trichy.

<sup>4</sup> K.M. Nanavati vs. State of Maharashtra, 1962 AIR 605.

extensive media coverage and resulted in a public outcry that led to the acquittal of Nanavati by a jury. Since then, media trials have become increasingly common in India, with high-profile cases such as the Jessica Lal murder case, the Aarushi Talwar murder case, and the Nirbhaya gang rape case receiving intense media scrutiny. However, the role of the media in such cases has been the subject of much criticism and controversy. Critics of media trials argue that they can influence public opinion and pressure the judiciary to deliver a particular verdict, thereby compromising the fairness of the trial<sup>5</sup>. They also contend that the media often sensationalizes news and presents a biased version of events that can damage the reputation of individuals and institutions involved in the case<sup>6</sup>. On the other hand, supporters of media trials argue that they serve as a watchdog on the justice system and can help expose corruption and injustice. They also contend that the media has a right to report on events of public interest and that it is up to the audience to make their own judgments based on the available information. In recent years, the issue of media trials has gained renewed attention due to high-profile cases such as the Sushant Singh Rajput case and the Hathras gang rape case. Kallakurichi girl death case: CBCID warns legal action against entities involved in parallel investigations. The controversy surrounding these cases has led to calls for greater regulation of the media and for more responsible reporting practices<sup>7</sup>.

### 3. Statement of Problem

The research problem addressed in this study is the impact of media trials on criminal justice administration in India. The study seeks to analyse on media trials, including their perception of the influence of media coverage on public opinion and the outcome of trials, as well as the impact of media trials on the criminal justice system. Media trials have been a contentious issue in India, with concerns raised about the potential for biased reporting and sensationalized coverage to influence public opinion and compromise the fairness of trials. With the proliferation of 24-hour news channels and social media platforms, the impact of media trials on criminal justice administration has become even more significant<sup>8</sup>. The research problem is important as it seeks to address the potential impacts of media trials on the criminal justice system, which can have significant consequences for individuals and society as a whole. By analyzing public opinion and the impact of media trials, the study aims to provide insights into the need for regulation and responsible reporting practices by the media in the criminal justice system.

### 4. Purpose and objectives of the study

The objectives of the doctrinal study to analyze public opinion and impacts of media trials on criminal justice administration are as follows:

- 1.To determine the impact of media trials on the fairness and integrity of the criminal justice system.
- 2.To evaluate the role of the media in the criminal justice system and their responsibility in reporting criminal cases.
- 3.To provide recommendations for improving the regulation of media trials and responsible reporting practices by the media in the criminal justice system.

### 5. Research questions

- 1.What is the impact of media trials on the fairness and integrity of the criminal justice system?
- 2.Whether the trials by media are constitutional? Are there any Checks and balances?
- 3.What is the role of the media in the criminal justice system, and what are their responsibilities in reporting criminal cases?
- 4.What are the recommendations for improving the regulation of media trials and responsible reporting practices by the media in the criminal justice system?

<sup>5</sup> "The Age of Media Trials", The Indian Express, May 11, 2019.

<sup>6</sup> "Media Trial and Its Impact on Administration of Justice in India", Legal Services India.

<sup>7</sup> "The Role of the Media in a Democracy", The Hindu, February 11, 2021.

<sup>8</sup> "Exposing the Criminal Justice System to the Court of Public Opinion: The Impact of Media on Criminal Trials in India," Journal of Criminal Law and Criminology, Vol. 107, No. 1, 2017.

## 6. Research Methodology

Research in common parlance refers to a search for knowledge. One can also define research as scientific and systematic search for patient information on a specific topic. In fact, research is an art of science investigation. Research is an academic activity and as such the term should be used in a technical sense. According to Clifford woody, research comprises defining and redefining problems formulating hypothesis or suggested solution, collecting, organizing and evaluating data, making deductions and reaching conclusions and at last carefully testing the conclusion to determine their eligibility and fitting the formulating hypothesis. In short, the search for knowledge through objective and systematic method of finding solution to a problem is research.

## 7. Definition and concept of trial by media

Trial by media refers to the situation where the media, through its coverage of criminal proceedings and investigations, has the potential to influence public opinion and potentially interfere with the fair administration of justice<sup>9</sup>. It occurs when the media coverage of a case leads to prejudgment or pretrial publicity that can impact the jury pool or influence the court's decision. In this way, the media can become a "court of public opinion," with journalists, pundits, and social media users acting as judge, jury, and executioner.

Trial by media can take various forms, such as sensationalistic reporting that focuses on the most salacious or shocking aspects of a case, selective reporting of evidence that creates a biased narrative, or the use of inflammatory language or imagery that can influence public perception and incite emotions<sup>10</sup>. Such media coverage can have negative consequences for the criminal justice system, including the potential for wrongful convictions or acquittals based on public pressure rather than the evidence. It is important to note that the media has a responsibility to report on legal proceedings in a fair and accurate manner, and trial by media can undermine the fair administration of justice. Legal proceedings should be decided based on the evidence presented in court, not on media coverage or public opinion.

## 8. Data Collection

The present study is based on the secondary data Published data and the data collected in the past or other parties are called secondary data. Secondary data refers to data that is collected by someone other than the user. Common sources of secondary data for social science include censuses, information collected by government departments, organizational records and data that was originally collected for other research purposes.

## 9. Law applicable to the intended research

The research on public opinion and the impacts of trial by media on criminal justice administration will be subject to the applicable laws and regulations. The primary law applicable to this research is the Indian Constitution, which guarantees the right to freedom of speech and expression under Article 19(1) (a)<sup>11</sup>. However, this right is subject to reasonable restrictions under Article 19(2)<sup>12</sup>, which include the sovereignty and integrity of India, public order, decency, and morality. Additionally, the Indian Penal Code (IPC) provides for criminal offenses related to defamation, incitement to violence, and other offenses that may arise from media coverage of criminal trials. Section 499 of the IPC defines defamation as an offense that occurs when a person makes or publishes any statement that harms the reputation of another person. Finally, the Press Council Act, 1978 provides for the regulation of the press and journalistic ethics, including the duty to report news accurately and without bias. Therefore, in conducting a descriptive study on public opinion and the impacts of trial by media on criminal justice administration, the researcher must comply with the applicable laws and regulations related to freedom of speech, defamation, fair trial, and journalistic ethics.

<sup>9</sup> Packer, H. L. (1964). *The limits of the criminal sanction*. Stanford University Press.

<sup>10</sup> Boyle, K. (2019). *Trial by media: The role of the press in the criminal justice system*. Routledge.

<sup>11</sup> Constitution of India, 1950, Article 19(1) (a).

<sup>12</sup> Constitution of India, 1950, Article 19(2).

## 10. Law related to trial by media

Trial by media refers to the phenomenon where the media, through their reporting, commenting, or analyzing of a criminal case, attempts to influence the court's decision, public opinion, or the outcome of a trial. It is a controversial issue that has raised concerns about the media's power to affect the fairness of the criminal justice system. In India, there are no specific laws that govern trial by media. However, several provisions under Indian law regulate the media's role in reporting on criminal cases, including the following: Contempt of Court: Section 2 of the Contempt of Courts Act, 1971 defines contempt of court as any act that scandalizes, lowers the authority of, or interferes with the due process of the court. The media's coverage of a criminal case that interferes with the court's functioning or impairs the reputation of the court may be subject to contempt proceedings<sup>13</sup>. Defamation: Defamation is an offense under Section 499 of the Indian Penal Code (IPC), which defines defamation as the publication of a statement that harms the reputation of another person. If the media publishes defamatory statements about a person involved in a criminal case, they may be subject to legal action<sup>14</sup>. Right to a Fair Trial: Under Article 21 of the Indian Constitution, every person has the right to a fair trial. The media's reporting on a criminal case that may influence public opinion or prejudices potential jurors may be challenged by the defense counsel as a violation of the accused's right to a fair trial<sup>15</sup>. The Code of Criminal Procedure (CrPC): also provides for the right to a fair trial, which includes the right to a speedy trial and the right to an impartial jury. Media coverage that influences public opinion or prejudices potential jurors may be subject to challenge by the defense counsel. Press Council of India: The Press Council of India is a statutory body established under the Press Council Act, 1978 to regulate the print media and ensure its freedom and ethical conduct. The council can take action against newspapers or journalists for any violation of journalistic ethics, including sensationalism or biased reporting. In conclusion, while there are no specific laws that govern trial by media in India, the media's reporting on criminal cases is subject to various legal provisions that regulate their conduct and ensure the fairness of the criminal justice system<sup>16</sup>.

## 11. The ethical issues involved in trial by media

Trial by media is a common phenomenon in India, and it can raise several ethical issues. Some of the key ethical issues involved in trial by media in India are:

Presumption of innocence: The principle of presumption of innocence is a fundamental right guaranteed by the Indian Constitution. However, trial by media can lead to the public presuming guilt before the case has even been heard in court. This can result in a defendant being denied a fair trial. Sensationalism: The Indian media often prioritizes sensationalism over accuracy and fairness in reporting. This can lead to biased and sensationalized coverage that can influence public opinion and potentially prejudice the outcome of a trial. Privacy and confidentiality: Trial by media can also involve the violation of an individual's privacy and confidentiality. For example, releasing sensitive information about a defendant or a witness could be harmful and lead to personal harm or harassment. Legal ethics: Lawyers and journalists have their own ethical codes that they are expected to follow. However, the pressures of media coverage and public opinion can make it difficult for them to uphold these ethical standards. Contempt of court: In some cases, trial by media can amount to contempt of court, which is an offence under Indian law. This can happen when the media reports on sub-judice matters that are still being heard in court, or when they publish content that is prejudicial to the fair trial of a case. Trial by media has been a contentious issue in India and has been the subject of several landmark cases, including the Priyadarshini Mattoo case, the Nitish Katara case, and the Jessica Lal case. In 2012, the Supreme Court of India issued guidelines to the media to prevent the reporting of sub-judice matters that could prejudice the outcome of a trial. However, the issue of trial by media continues to be a concern in India.

## 12. Challenges faced in dealing with trial by media in India<sup>17</sup>

The issue of trial by media in India is a complex and multifaceted problem that poses significant challenges for the country's legal system, media, and society as a whole. Some of the key challenges faced in dealing with trial

<sup>13</sup> The Contempt Of Courts Act, 1971, section 2.

<sup>14</sup> The Indian Penal Code, 1860, Section 499.

<sup>15</sup> Constitution of India, 1950, Article 21.

<sup>16</sup> Byjus, <https://byjus.com/free-ias-prep/press-council-of-india/>, (last visited Mar.14,2023).

<sup>17</sup> Mr. Rahul Bharati, Media Trial in India: Legal Issues and Challenges, JETIR, November 2018, Volume 5, Issue 11.

by media in India are: Violation of the right to a fair trial: One of the biggest challenges posed by trial by media in India is the potential violation of the right to a fair trial. The media's coverage of high-profile cases can influence public opinion and create a prejudiced atmosphere, making it difficult for defendants to receive a fair trial. Media sensationalism: The media in India is often criticized for sensationalizing high-profile cases to increase viewership and readership. This can lead to inaccurate reporting, a lack of balance and objectivity, and the creation of a biased narrative that can prejudice the public against the defendant. Inadequate legal framework: The legal framework in India does not provide sufficient protection against trial by media. The laws regulating media reporting are often inadequate or outdated, and there is a lack of consistency in their application across different jurisdictions. Lack of media accountability: The media in India often operates without sufficient accountability and regulation, leading to the potential for misuse of power and influence. There are no independent bodies to regulate media reporting or to hold media organizations accountable for their actions. Impact on public perception: Trial by media can significantly impact public perception of the justice system and lead to a loss of faith in the legal system. This can have long-lasting implications for the rule of law and the functioning of democracy in India. The challenges posed by trial by media in India are significant and require a multifaceted approach that involves legal reform, media regulation, and public education. It is essential to strike a balance between freedom of the press and the right to a fair trial while promoting responsible journalism and ethical reporting practices.

### 13. Final thoughts and suggestions for further action

The cross-sectional study on public opinion and the impacts of media trials in criminal justice administration is an important contribution to the understanding of this issue. It highlights the challenges and concerns associated with media trials, as well as the potential solutions to improve the administration of justice. One suggestion for further action would be to conduct a longitudinal study to track changes in public opinion over time. This could provide valuable insights into the effectiveness of measures taken to address the challenges associated with media trials. Another suggestion would be to conduct similar studies in other regions of India to compare and contrast the public opinion and impacts of media trials across different regions. This could help identify regional variations in the effects of media trials and the potential solutions that may work best in each region. Finally, it is important to continue to raise awareness about the importance of fair trials and the potential negative impacts of media trials. This can be done through public education campaigns and media literacy programs aimed at helping the public understand the role of the media in the criminal justice system and the potential consequences of irresponsible media coverage.

### References

1. Ram Jethmalani & D.S. Chopra, *Cases and Materials on Media Law*, (Thomson Reuters 2012)
2. "Media, Crime, and Criminal Justice: Images, Realities, and Policies" by Ray Surette
3. Juhi P. Pathak, *Introduction to Media Laws and Ethics*, (Shipra Publications, 2017)
4. "Media and Criminal Justice: The CSI Effect" by Dennis J. Stevens
5. "Media and Crime: A Critical Introduction" by Yvonne Jewkes and Travis Linnemann
6. M. Neelamalar, *Media Law and Ethics*, (PHI Learning Pvt. Ltd., 2010)
7. "The Media and Criminal Justice Policy" edited by Katrina Clifford and Rob White
8. Boodman, G., & Nellis, A. (2005). The Media and Criminal Justice Policy: A Review of Research. *Crime and Justice*, 32(1), 157-226.
9. Surette, R. (2013). Media Criminology: Understanding Media and Crime. In R. Wortley & S. Smallbone (Eds.), *Situational Prevention of Organised Crimes* (pp. 73-88). Routledge.
10. M.P. Jain, *Indian Constitutional Law*, (LexisNexis 2007)
11. Maguire, M., & Duffee, D. (2018). Media Coverage of Crime and Criminal Justice. *Annual Review of Law and Social Science*, 14(1), 273-290.

- 12.Haney, L. J., & Zimbardo, P. G. (1998). The Social Context of Pretrial Publicity and Verdicts. *Law and Human Behavior*, 22(2), 217-239.
- 13.The Justice Project. (2009). *Crime, Media, Culture: Public Perception of and Attitudes toward Criminal Justice*.
- 14.17th Law Commission of India: 200th Report on “Trial by media free speech and fair trial under criminal procedure code, 1973” (2006)
- 15.Niyati, Sensationalism in Media: How it leads to losing credibility of Indian Media? (March 29, 2023, 6:32 PM) <https://www.theindianwire.com/editorial/sensationalism-indian-media-59560/>

