



ROLE OF MEDIA IN INDIAN CRIMINAL JUSTICE SYSTEM

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ABSTRACT

After the legislature, executive, and judiciary, the media is widely regarded as the "fourth pillar of democracy." It is critical in raising awareness and changing people's perspectives in society. As a result, free and independent media is required to ensure democracy. **Part 3** of India's Constitution does not expressly mention press freedom. However, the Supreme Court has ruled in several cases that the freedom of speech and expression guaranteed by **Article 19(1)(a)** of the Indian Constitution also includes freedom of the press. The primary goal of journalism has always been the same: to hold up a mirror to society, no matter how ugly the reflection is. With the advancement of technology and mobile applications, the publication of newspapers in almost every regional language, and the advent of the internet, news and information are now available to everyone through these various mediums. This enormous influence raises people's awareness of global events and keeps them up to date on current events. However, the role of the media is frequently criticized nowadays, particularly in the reporting of high-profile cases where the media attempts to sensationalize news and distort facts in order to capture people's attention and compete in the pitch. This undermines the media's actual purpose as a fourth estate and undermines its credibility. Under the guise of investigative journalism, the media occasionally goes beyond its purview and acts as judge and jury. This interferes with the functions of the court. As a result, the question arises, "Should the media stop reporting such cases that directly or indirectly interfere with court powers?"

According to the literature on the subject, a trial by media is a dynamic process in which the parties are exposed to public opinion and condemned without being heard. This study examines the impact of such media trials, which are frequently reduced to a public spectacle, as described by analyzing some infamous media trials. It aims to shed light on the environment of accused shaming created by the media, which mocks the tenets of their freedom as an institution. The primary goal of this research paper is to examine the role of the media in the Indian criminal justice system, both positive and negative.

Keywords : Media, Criminal Justice System, Media Trial, Freedom of speech & expression

1. INTRODUCTION :

“A responsible media is the handmaiden of effective judicial administration.”

The media's reach to consumers is constantly expanding in this technological age. The media has enormous sway over the public. Newspapers, news media, radio, and television not only disseminate information, but they also help to determine which stories and topics the public will discuss. Crimes are widely publicized, which presents a challenge for defense attorneys, defendants, and prosecutors. Judges are required to be impartial when making decisions about a case, regardless of any media coverage they may have seen prior to the trial. However, investigating officers and police officers handling the case may be influenced by the media when providing case-related information. The trial media coverage, particularly the coverage of the proceedings through moot court media discussions, can influence the behavior and attitude of jurors and witnesses. Live media coverage of court trials can interfere with the proceedings and process of a fair trial, as well as influence the administration of justice.

Trial by media, a popular term in the twenty-first century, refers to the impact of newspaper and television coverage on a person's reputation after or before a court verdict. There have been heated debates between supporters of free press and those who value a person's right to a fair trial and privacy. In court cases resembling a lynch mob, the media is frequently accused of inciting public hysteria.

The relationship between crime and the public's perception of it is critical in developing a criminal justice system. There is a dialogue between the media's portrayal of crime, criminal behavior, and public policy on the criminal justice system. Crime stories are typically presented as dramatic entertainment, as in the case of Aarushi Talwar's murder (2012). When the media places its issues prominently and sets the agenda, it primes audiences to believe that those issues deserve more attention. For the majority of Indian citizens, the media is their primary source of political information. The role of the media in a democratic polity is to provide transparency and accountability, to raise public awareness, and to provide a forum for public discussions and debate.

2. MEDIA & ITS RELEVANCE IN INDIAN CRIMINAL JUSTICE SYSTEM:

One of the mediums of communication that has brought the world together is media. The term media is derived from the Latin medium, which means "in the middle." Traditional mass communication systems and content generators, as well as other technologies for mediated human speech, are referred to as the media. In common parlance, the terms "media" and "mass media" are almost interchangeable. The term "media" first appeared with the introduction of newspapers and magazines. The media serves as a tool for disseminating information and entertainment to a large and diverse population. A number of online newspapers, journals, and periodicals have already established themselves. The popularity of web newspapers is growing. And almost all of the major newspapers' web editions are as popular as their print editions. Mass media has helped to raise social awareness while also providing people with a convenient way to live their lives.

Investigative journalism has become increasingly important in uncovering crimes, claims, and malpractices in the media in recent years. The media has influenced how people think, behave, and make decisions over time. Typically, media influence is defined as the reinforcement or weakening of certain groups' beliefs as a result of media messages. A variety of factors, including demographics and the psychological state of the population, contribute to the media's influence on the population. A negative impact is considered detrimental, whereas a positive impact is considered positive. In some cases, the media can have an impact on the judiciary. Because of the link between human psychology and viewpoints, it is possible to say that public opinion influences court decisions. Quantity varies depending on the individual; the smaller the impact, the better the judicial outcome.

The Indian Constitution contains no explicit provisions for media freedom, despite the fact that Article-19(1)(a) guarantees freedom of expression and indirectly allows media companies to broadcast what is being discussed in society. Because of their extensive network, news organizations are frequently able to provide a firsthand account of a crime that has occurred. Cases are occasionally not reported due to social fear or a lack of understanding among the poor. This creates a media spotlight, allowing these issues to be brought to light and resolved. Many historic cases have gained prominence as a result of the introduction of social media platforms, such as Jessica Lal murder case, Arushi-Hemraj murder case, Sushant Singh Rajput death, etc.

The media is critical in shaping policy and effectively enforcing it. As a result, it has evolved into a versatile data collection method and a useful tool in general. In investigative journalism, reporting and investigating criminal claims, reasons, corruptions, and consequences has become increasingly important. This safeguards society against bad behavior and prepares parties to deal with issues that may arise as a result of their actions. Having a thorough understanding of a situation has also aided people in forming their own opinions about it. Certain of the most contentious issues have received a lot of attention as a result of the media, as well as individuals being encouraged to make their own decisions, which cannot be uplifting under due process of law.

3. MEDIA TRIAL CASES ANALYSIS :

- JESSICA LAL MURDER CASE (1999)

Jessica Lal (model turned barmaid) was shot dead in 1999 by Manu Sharma (alias Siddharth Vashisth), son of Congress former Union Minister Vinod Sharma, after she refused to serve liquor to him and his friends at a restaurant owned by socialite Bona Ramani in Mehrauli, South Delhi. When the accused was acquitted by the trial court following the murder, the case received immediate media attention. This case rose to the top of the list of cases where public pressure and the media compelled the justice system to reconsider. Though Manu Sharma was initially acquitted in 2006 because the Delhi police failed to sustain the grounds on which they had built their case following public outcry due to media coverage of the case, the Delhi High Court sentenced him to life imprisonment.

The high court interpreted the evidence given by the witnesses differently. The testimony of PW-6 Malini Ramani, has been discarded by the trial court being of little importance since she was not the eye witness. However, she was certainly a witness to identifying Sidhartha Vashisht @ Manu Sharma along with five persons present at the tamarind court and asked her for whisky and later misbehaved with her. High court held Beena Ramani's testimony to be clinching evidence against the accused. Then the court proceed to view the testimony given by other witnesses in the light of in its own interpretation placed upon the statement of Beena Ramani. The court found the testimony of Beena Ramani alone enough for convicting Manu Sharma.

When we examine the numerous remarks in newspapers and other media outlets following the trial of judgment, everything becomes crystal evident. Even before the trial began, the media began labelling Manu Sharma as a suspect in the Jessica Lal murder case. His photograph was widely circulated in the media, causing practical complications in the accused person's identification parade.

- SUSHANT SINGH RAJPUT CASE (2020)

Sushant Singh Rajput, a Bollywood actor, was discovered dead in his Mumbai flat on June 14, 2020. The Mumbai police initially concluded that the death was caused by suicide, but the case quickly became disputable with different claims and conspiracy theories being advanced. Rajput's family alleged foul play and demanded a more detailed investigation. As a result, the case was transferred to the Central Bureau of Investigation (CBI) in August 2020. Other agencies, including the Narcotics Control Bureau (NCB) and the Enforcement Directorate (ED), were also involved in the investigation of drug-related offences and financial irregularities. The NCB arrested Rajput's girlfriend, Rhea Chakraborty, on drug-related charges, but she was subsequently released on bail. The case has sparked a bigger debate about nepotism in Bollywood and the difficulties that outsiders confront in the industry. The CBI's inquiry into the case was inconclusive, with the agency declaring that they had not discovered any proof of foul play but did not rule out any possibility of homicide and advised that more investigation was required. The case remains contentious, raising concerns about mental health awareness, transparency in investigations, and the role of law enforcement.

The Sushant Singh Rajput case is without a doubt the largest media trial in Indian broadcast media history. Since it was continuously covered for several days. The case received international attention and media coverage. It sets off a curious, eccentric, and ridiculous wave of conspiracy theories, which was totally played out and broadcast on Indian news networks, social media websites, newspapers, and in world politics. Immediately following the tragedy, the news stations continued in 'Live Streaming' hour by hour, day by day, week by week without taking a break or ignoring the importance of other critical subjects that needed to be reported. The SSR story reflects the lack of ability or blunders in or with Indian journalism in numerous ways. The formation of debased journalism has resulted from such research and widespread coverage of the actor's case. The readers are fed with fake journalism. As a result, the old saying "No News is Good News" can be rephrased as "New Noose is a Great News from Noise News." However, 'Rhea' is the only news that India's major media outlets wanted to discuss after Sushant's death. Rhea stood as a faulty and convicted woman with all the allegation and allegations flung at her. News channels ruthlessly broadcasted aggravating and infuriating headlines about her, such as "Sushant par Rhea ka kaala jaadu" (Rhea's black magic on Sushant). In treating the matter, the media as a whole has been reckless, thoughtless, and careless. They have failed to distinguish between what reporting is and merely sensationalising the news. Rajput's privacy and dignity were also violated as a result of the media's coverage of the case. The media outlets carried inappropriate and intrusive reports, including images of Rajput's dead body, which were offensive and caused great anguish to his family and friends.

- ARUSHI TALWAR'S MURDER CASE(2008)

The Arushi Talwar murder case, also known as the Noida double murder case, was a high-profile murder case in 2008. Arushi Talwar, 14 year old girl, was discovered dead in her bedroom in her parents' house in Noida, Uttar Pradesh. The next day, the family's domestic worker, Hemraj Banjade, was discovered dead on the flat's terrace. The crime was initially investigated by local police, but due to their mishandling of the case, it was transferred to the Central Bureau of Investigation. (CBI). Several disputes and twists occurred in the case, including allegations of honour killing, sexual misconduct, and police corruption. Rajesh and Nupur Talwar, Arushi's parents, were first charged with the killings but were cleared by the Allahabad High Court in 2017. The CBI inquiry was riddled with gaps and contradictions, making it difficult to identify a clear motive or culprit in the case. The Arushi Talwar case prompted a number of concerns about India's criminal justice system, including the need for greater transparency, accountability, and sensitivity in investigations. The case also emphasised the media's role in moulding public opinion and influencing the inquiry. The case is still unresolved, and the controversy surrounding it continues to grab people's interest and spark debate.

To begin with, the media sensationalised the case from the start, with coverage that was highly speculative, sensational, and irresponsible. They offered numerous explanations and assumptions, creating an atmosphere of suspicion and doubt around the victim's parents, Dr. Rajesh and Nupur Talwar. This sparked enormous public anger, and the Talwars were deemed guilty in the court of public opinion. They publicly discussed sensitive information with the public and sensationalised the case, causing the crime scene to be contaminated and evidence to be destroyed. The media's meddling was so severe that it eventually influenced the outcome of the case. The Talwars' mental health was also impacted by the media's portrayal, as they were constantly

scrutinised. The media's callous portrayal of the case harmed the couple's reputation and resulted in a lengthy battle to prove their innocence.

To summarize, the media's role in the Arushi Talwar case was extremely unfavourable, resulting in a miscarriage of justice and significant damage to the Talwar family's reputation. The media should be more responsible and refrain from sensationalising cases to the point where the outcome of investigations and trials is influenced.

CONCLUSION & RECOMMENDATIONS :

The most effective way to control or regulate the media is to impose harsher punishments and fill gaps in the laws that govern the media. We cannot allow the media to obstruct the administration of justice. It is critical for courts to act independently in both civil and criminal cases. The media cannot be allowed to do whatever it wants. Laws must be drafted, and the media must be held accountable. The media must understand that great power comes with great responsibility. The journalist must adhere to responsible journalism ethics.

Furthermore, we cannot allow the right to free speech and expression to trump the right to a fair trial. While the right to a fair trial is not a fundamental right, it is critical to understand that it is a basic human right that is embedded in natural justice principles. In my opinion, the right of an accused to a fair trial is far more important than the right to free speech and expression, because on the one hand, a man is fighting for his life and personal liberty, while on the other, certain media outlets are attempting to gain more viewers at the expense of another's life. Such actions should be punished, and they should serve as a deterrent to other media outlets.

The *200th Law Commission Report, "Trial by Media: Free Speech versus Fair Trial Under Criminal Procedure (Amendments to the Contempt of Courts Act, 1971),"* has recommended enacting legislation prohibiting the media from reporting anything prejudicial to the rights of the accused in criminal cases, from the time of arrest to investigation and trial. According to the report, several pre-trial publications have a negative impact on the administration of justice and harm the institution of the judiciary.

In order to ensure healthy democracy, it is also critical to exercise the power of contempt of media and demonstrate that the media cannot get away with anything in the name of free press. Similarly, the press must be more responsible in spreading information and ensuring that neither organ's sanctity is violated. Otherwise, people will soon lose faith in the media institution, just as they have in the Church.

While the media has an important role in promoting democracy, citizens also have a responsibility to consume news critically. Media literacy programs can help citizens to better understand how the media works, how to distinguish between reliable and unreliable sources, and how to engage in informed public discourse.

In addition to large mainstream media outlets, there is a need to support and promote independent journalism in India. This can include funding for investigative reporting, support for community-based media, and protection for freelance journalists who often face greater risks than staff journalists.

Media ethics can be fostered by educating journalists and reporters on the ethical principles of reporting. This can be done through workshops, training programs, and seminars.

The government can implement penalties for media houses that engage in false reporting. This can include fines or the suspension of media licenses.

In conclusion, controlling the media's negative role in the Indian criminal justice system requires a multi-faceted approach that involves the government, media and the public. By fostering responsible journalism, promoting transparency, and encouraging fact-checking, we can ensure that the media reports on criminal cases accurately and unbiasedly. Ultimately, this would help foster trust between the public and criminal justice system and ensure that the justice is served.

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