

Media Trials: An Analysis of Ethical Issues

Jishnu D

Doctoral Scholar

Department of Media and Communication

Central University of Tamil Nadu, Thiruvavur, India

Abstract : In the democratic-free state of India, media, mostly, run on self-regulation—free from direct interference and pressure from the ruling government. As a fallout of the overload of 24-hour news channels and subsequent stiff competition among them, there has been a marked change in their content and presentation—taking a toll on journalism ethics. Several instance of public debate conducted by the popular media had drawn criticism. To investigate the ethical issues raised by such media practices, the present study conducts a systematic content analysis using five case studies: ISRO spy case of Nambi Narayanan, nun rape case involving Bishop Franco Mullanaykkal, solar scam involving former Kerala chief minister Ooman Chandy, the missing case of Jesna and the controversial demise of Kalabhavan Mani. Study findings are used to theorise on media portrayals of sensitive cases, their level of commitment to the code of ethics, and their goodness of fit to conduct such public trials.

Key Words - Media trials, journalism ethics, media bias, media content analysis .

I. INTRODUCTION

With the advent of LPG policy in 1991 India has witnessed a drastic makeover in almost all fields of the society. One among the major fields of transition was media. Media has been on the clutches of government control ascent to ma new level with the implementation of LPG policy. Media including newspapers, magazines, TV channels, radio stations are constantly advancing with the new economic policy of India. Private Channels including CNN, many more came to this Indian context. With this deviation there arises a stiff competition among the various media houses. This arthritic competition not only exists between television channels but also newspapers and almost every media. This gave rise to a new phenomenon of sensationalism, aggressive journalism and most importantly violation of media ethics (Agarwal, 2007). The media has infiltrated almost every aspect of human communication, it is omnipresent and pervasive (J.Fourie, 2017).

Media ethics

According to (Chandler & Munday , 2016) media ethics are “Issues of moral principles and standards as applied to the conduct, roles, and *content of the *mass media”. That is every media is obliged to follow some moral principles and standards that are relating to the content, conduct, and role of these media. But nowadays with the increasing demand for TRP ratings, most media firms obliterate their code of conducts and perform unethical journalistic practices. One among the journalistic practices which are now common among the Indian media is that of media trials.

Media trials

According to (Choudhary, 2015) The term Media Trial or ‘trials by media’ has been in use since early 1980s to describe the impact of media coverage [electronic, print and now online too] on an ongoing legal trial and hence formulating the sense of right or wrong in the minds of the public. We could simplify it as ‘public protests through media’. A more formal definition of the phrase would be the impact of television and newspaper coverage on the reputation of a person/ organization/institution by creating a widespread perception of guilt or innocence before the verdict is announced by a court of law. Sometimes media trials are held even after the verdict is announced when the public is not happy with the judgment.

Indian context of media trials

The depth and reach of Indian media are tremendous that it covers almost all varieties of India’s population so that trails by media have a greater impact on the public. Media trials are a two facet coin. Sometimes it’s used to expose those accused people who have immense political power and support of media. And in some other cases, media trials are exercised to crucify the accused by creating a widespread perception of guilt before the court verdict. In the Indian scenario the important cases relating to the trial by media includes 1, Nirbhaya rape case: due to the consistent trials by media unlike the other cases the legislature, executive and judiciary became vigilant and without time delay the verdict of the case comes. 2.Sunanda Pushkar’s murder case. Shashi Tharoor was tossed around like a bean bag by the Indian media. He was not even in the accused list as of then. Tharoor was criticized by several media.

Kerala context of media trials

In Kerala also with the high media density, the role of media to create public opinion is very high. One of the first major

media trials that occurred in Kerala was the Nambi Narayanan's case i.e. discussed in the later sections. Another important media trial occurred in Kerala is during SNC Lavalin case, in that case, the current chief minister of Kerala Pinarayi Vijayan was accused of receiving the bribe from the Canadian company and media portrays him as a corrupt but finally when the court verdict came he was acquitted of his charges. Another recent example is the Actress rape case which was under the court now. So many colorful stories were published against the accused Actor Dileep. Malayalam media have created a public opinion that actor Dileep is guilty of doing the crime. Police have arrested and were under custody for about 85 days. then he was granted bail. Another recent case of media trial was that of Hanan; a poor girl who sells fish for study. Media gave an immediate hype for her and then they criticized that it's only for publicity she's doing this work and even media reported that all the news about Hannan is scripted for the promotion of a movie. here the case was not sub judice but there arises a public opinion that the story of Hannan is fake and the girl was being brutally criticized in social media.

Are media trials contradictions to media ethics?

This is the controversial topic is the media trials are ethical or not? There are two dimensions to this question. "The fair side or the apotheosis behind such trials by the public through the means of the media is that wherever or whenever the judicial system fails to provide justice to the victim, the mass or the vox populi shall come forward to adjudicate and resolve the issue by either compelling the judiciary to punish the culprit or by contriving new ways of governance, laws and practice. The darker side, however, is that, if we are to comment on the judgment given or the proceedings of the case etc, we will be amounting to contempt of court and defamation. Ideologically, too, it would be an unethical practice and to carry out such virtual trials by the media because the judges credibility will be at stake. Do we wait for the 'fair' legal trial to be over before remarking then? The country doesn't allow us to opine or remark on a verdict. Remarking or commenting negatively on a judgment might land up in contempt of court." (choudhari, 2015).

II. OBJECTIVES OF THE STUDY

1. The major aims of this study are to find out whether media trials are occurring in cases of sub judice. To find out any media do any kind of reporting other than court proceedings, contempt of court? To figure out suggests or indicated that somebody was a convict?
2. To observe what adjectives/pronouns was used to describe the people involved?
3. To ascertain how media reported about involved persons, accused as culprits?
4. To find out any kind of sensationalism, exaggeration, irrationalism, illogical reporting used?
5. To figure out who are quoted in news stories?
6. To observe what kind of source is used?
7. To analyze the use of headings?
8. To check out whether there is media bias or not.
9. The methodology used in this paper is systematic content analysis we have taken five case studies based on Kerala. And from each case study 10 news stories are analysed thoroughly.

III. METHODOLOGY OF THE STUDY

In this study, Systematic Content Analysis of 10 news articles of print and new media in five case studies is done.

1. ISRO spy case of Nambi Narayanan
2. Nun rape case involving Bishop Franco Mullaikkal
3. The Solar scam involving former Kerala chief minister Oommen Chandy
4. The missing case of Jesna
5. The controversial demise of Kalabhavan Mani.

IV. SYSTEMATIC CONTENT ANALYSIS

The 1994 espionage case involving the ISRO scientist Nambi Narayanan

Nambi Narayanan, former head of cryogenic division ISRO was accused of supplying confidential documents to Pakistan leading to his arrest in 50 days in 1994 (R.Krishnakumar, 2018). The Malayalam newspapers trailed him like never before. He has been treated as a traitor by the Malayalam newspapers. Salacious stories have been spread through media about how a woman from the Maldives, Mariam Rasheeda, ostensibly working for Pakistan's Intelligence, had enticed top ISRO scientists into selling her secret rocket technology triggered indignation. He has been humiliated not only in media but also in public. The mass hysteria around the case created by some media organizations forced the then-Chief Minister K Karunakaran to resign in February 1995. But later in 1996, the charges against Nambi Narayanan were dismissed by CBI. And in 1998 the supreme court of India also dismissed the charges against him. He was proved innocent but the damages made to his reputation can't be countermand. This ISRO case can be considered as one of the pioneer cases which the media trials occurred in India. During when the case was sub judice media tarnish the image of the scientist with sensationalized news content. Misleading headlines were used. Nambi Narayanan was treated as a convict by the media. Media used to sensationalize this case by creating

so many flowery stories about Nambi Narayanan and the women from the Maldives. The sources used were mainly named police officials here the politics-executive-media together make an innocent scientist accused. Headlines were always fallacious that indicated that he was a culprit. Media bias can also be seen at the initial stages that almost all media are against the accused Nambi Narayanan. Finally, Nambi Narayanan was compensated by RS 50 lakhs by the supreme court for “unnecessary arrest, harassment, and mental cruelty” in the infamous 1994 espionage case.

Nun rape case involving Franco Mullaykkal

Franco Mullaykkal, Bishop of Jalandhar diocese was accused of raping a nun between 2014-2016 in kuruvilangad convent in Kerala. A complaint was filed on June 27, 2018 against Franco Mullaykkal to the Kottayam district police chief by the nun (Tom, 2018). And the accused was questioned and later arrested by the police. And later he was released on bail. The media have played a major role in gathering public opinion against Franco Mullaykkal. Media sensationalized this case to other extend creating a common belief that bishop Franco Mullaykkal is a profligate person. Media sensationalized his arrest as the first Indian Catholic bishop arrested in a case of sexual abuse against a nun. While analyzing the headlines we can clearly ascertain that some news reports headlines depict the accused as a culprit. In some online newspapers he was addressed as “the rapist bishop”. The sources of most news stories are named police officials. In some online news stories, the source is unnamed. Media bias can be also seen in some news stories. The media group having the Christian management tends to report in favor of the accused while others report against the accused. News media mainly quotes named sources such as police officials, leaders of religious organizations etc.

The solar scam involving former Kerala chief minister Oommen Chandy

Solar scam is a case that used two women to create political contacts with links even to the Chief Minister's office, duped several influential people to the tune of 70 lakhs, by offering to make them business partners, or by offering to install solar power units for them, and receiving advance payments for the same (Haridas, 2013). Former Chief Minister Oommen Chandy's private staff Tenny Joppan was arrested for helping the scam. The worst part of this scam is when media tries to assault Oommen Chandy then the chief minister of Kerala, with sensationalized gossips. Even a sexual assault case was filed against Oommen Chandy by the accused in the solar case that is saritha s nair. Kerala high court even ordered to stop media trial in bar scam case. The main source of news was the confessions of the accused Saritha. S Nair. Media gave more importance to the sexual assault case that is being given by saritha against Oomen chandy. Media openly publishes the charge sheets and Saritha's statement in which she says she had been sexually abused by the chief minister Oommen Chandy. News media quoted mainly the derogatory statements made by the solar scam accused. Headlines were misleading, ambiguous and not direct.

The missing case of Jesna

Jesna was a college girl who went missing on March 22, 2018, the missing case of Jesna has created a lot of controversies (Ilkanth, 2018). Media have fabricated so many stories in the relationship with her missing. Some online media accused her Jesna's father of the missing of her daughter. The other version media have spread that Jesna and her relationship with a boyfriend. Media have devised so many stories when her boyfriend had been questioned by the police. The case was still sub judice but through media there arises a public opinion that her boyfriend and father were involved in her missing and they were treated as culprits. Media have sensationalized the content for improving their reach. While analyzing the headline we can find out that new media news stories use misleading headlines to catch more attention from the readers. In most cases, sources used are police officials but unnamed. Unnamed sources such as Jesna's friends and neighbors (people) were also used in some news stories.

The controversial demise of Kalabhavan Mani.

Media trial in Kerala reached its peak with the controversial demise of Kalabhavan Mani. Mani was hospitalized for the liver ailment and passed away at a hospital in Kochi. Lab reports confirmed the presence of highly toxic methanol in his body. Media has given a different dimension to the death of Kalabhavan Mani. The question arises whether it was a murder or normal death. The case was sub judice. So many allegations have arisen against co-film stars in media. Even if the case was not taken against any of them they were treated as accused or convict. The use of sensationalism and exaggeration is very high in this case. The major source of this news is police officers named. And then unnamed sources, people etc. CBI took over the probe in Kalabhavan Mani's death (Correspondent, 2017). So many co-film stars were also trailed by the media. This media report creates ambiguity among the public.

V. ANALYSIS OF THE STUDY

While analysing the five case studies we can say that the history of media trials in kerala starts with the ISRO espionage case where the scientist Nambi Narayanan was accused. Media stood against the accused. They treated the accused as culprit. We can see the same scenario in the other four instances that accused are always treated as culprits by the media. The other important thing is all the five case studies are sub judice while media trial was going on. But the thing is that media carefully avoid the contempt of court while reporting court proceedings. In all the case studies the accused were treated as culprits. While reading the

news stories people will think that the accused had done a crime. So many adjectives or pronouns are used to describe the accused and tarnish his reputation in each case study. Sensationalism and exaggeration are commonly used in this news reports. Online newspapers tend to be more illogical and irrational. The sources used in almost cases were a police official that is named sources. Online newspapers use unnamed news sources also. By analyzing these news reports on case studies we can find out that printed newspapers and online papers uses misleading headlines. They tries to capture the reader's attention through headlines. In some of the case studies media are being biased.

VI. FINDINGS OF THE STUDY

Main findings of the study are media trials are occurring in the cases of sub judge. Accused are treated as convicts by the media. Media tarnish the reputation of the accused. In some cases media are helpful in giving hype to a case and thus charging and questioning the accused. Political and religious power centers are being targeted by the media and hence they cannot influence their power on the executive and judiciary. Media mainly uses the element of sex, crime to sensationalise each cases. Out of the five case studies four involves women directly or indirectly. In solar scam case, Kerala high court even instructs media to stop the media trials regarding the case. The important finding of the study is headlines are often deceiving. Media are using misleading headlines to enhance their reach. Some online newspapers/media uses various adjectives/pronouns which can harm the reputation of the accused. The main sources used were named police officers and in online newspapers unnamed sources are also used. Media have always tried to avoid contempt of court while reporting court proceedings. Media bias can be seen in cases where politicians and power houses are involved.

VII. CONCLUSION

From the findings of the study we can conclude that media trials are very common in India. Many sensitive cases are trialed by media. Media blamed the accused as culprits and tarnished their image while the trail was conducting in court. Contempt of the court was never charged against media in any of the above cases. Strict regulations have to be made against media trials. Let us remind of our countries basic concept of Jurisprudence that the 100 culprits may let go free but no innocent should be punished.

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