

# Media Trial in the Hindi News Channel: An Overview

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## Abstract

The media's primary responsibility is to inform the public. It is anticipated that when the word "information" is used, the press will deliver objective information. The press's primary responsibility is to report news objectively. The way our media has behaved in the Aarushi murder case is not an isolated example in itself. Even before this, many times the media has been accused of cashing in the news in the TRP affair. But the way he has tried to capitalize on the news has raised many questions. Media trials not only affect the judicial process but also put pressure on the judges through their sensational news. The media is influencing justice by creating agenda-driven debates on issues pending in trial courts which amounts to contempt of court. It is serving information from anywhere without any solid evidence to its audience without testing right or wrong the foundation of the news media's credibility is their impartial, objective reporting. As a special judicial agency; rather, they should simply carry out journalistic duties. But the media keeps an eye on things The media has a responsibility to protect the integrity of the legal system. The media should not act and give us a forum to inform people about what's going on in society. This study highlights how some media coverage that is biased makes it unlawful for people to exercise their right to freedom of speech and expression to the point of interfering with the implementation of justice.

**Keywords:** Television news channels, Kangaroo court., Article 19(1), Democracy, Contempt of Court, Selling news, TRP

## Introduction

Media trial refers to a situation where the decision against the accused is often predetermined, an informal court conducted by a group of people where the accused is presumed guilty without substantive evidence, i.e., the decision against the person against whom the charges are made is predetermined because it is an informal court and hence no rules or regulations are followed.

Kangaroo Court When referring to the legal system in which the verdict against the accused is typically predetermined, the term "kangaroo court/parallel judicial supply system" is used. It is a self-constituted or "pseudo-court," created to render decisions without deliberation and typically based on the case of the accused. The finest illustration of a kangaroo court is the media trial.

Dr. Ambedkar states, "The press has no special rights which are not to be given or which are not to be exercised by the citizens in his capacity," in his address during the Constituent Assembly Debates (Vol. VII 980). There is no need to specifically mention press freedom because the management or editor is only utilizing their right to free speech.

The media now occupies the most crucial place in a democratic system and is the basis of democracy itself. In a democracy, the media's role cannot be diminished. In a democratic society, the media play several roles:

1. As an impartial reporter
2. Role as a Teacher
3. To make society aware
4. In the role of an advisor
5. As a defender of the community

The media's primary responsibility is to inform the public. It is anticipated that when the word "information" is used, the press will deliver objective information. The press's primary responsibility is to report news objectively. The media must be free to report on events and capable of making impartial remarks. The existence of the facts or the interpretation of the facts indicates the presence of impartial information. This implies that the public should only get information from the media that is backed up by proof. There have been several examples in the news recently of the media holding an accused person's trial and rendering a decision before the court does.

There have been many such instances in recent times in which the media has given its verdict even before the court pronounces its verdict by conducting a media trial against the accused. The Aarushi Talwar murder case is a very accurate example to understand the media trial. In which the media gave many arbitrary judgments on Aarushi and her parents without any concrete evidence, as well as baseless allegations on Aarushi's character, even broadcasting the news to establish the matter of sexual relations with her servant Hemraj, that too when Aarushi was not alive to clarify it.

This study highlights how some media coverage that is biased makes it unlawful for people to exercise their right to freedom of speech and expression to the point of interfering with the implementation of justice.

### **Statement of the Problem**

Article 19 (1) (a) of the Indian Constitution guarantees freedom of speech, which includes media freedom. Though acceptable limitations can be imposed on freedom, no freedom can be unrestricted. One of the fundamental responsibilities of the media is to give the public accurate, unbiased information so they can develop reasoned opinions, which is essential in a democracy. But are the Indian media doing this job as well as they should?

What inaccurate information about someone's guilt or innocence spread by the media, especially on television news channels, can harm someone's reputation before or after a court of law issues a ruling.

### **Research Hypothesis**

Television news channels, to increase the TRP of their channel, conduct parallel investigations of the pending high-profile cases in the court and show them on the TV channel, which misleads the general public and the judges also feel the pressure while giving the verdict. Such a media trial is a threat to a healthy democracy.

"A journalist has a great responsibility towards his community. He leads his readers to the right path according to his conscience. Whatever he writes, he writes with the idea of proof and consequence and is pure and discerning in his movements. Making money is not his aim, public service is his aim. This is the statement of the honourable Ganesh Shankar Vidyarthi, called the Pulitzer of Indian journalism. Ganesh Shankar Vidyarthi's stunning writings suffocated the nose of Firangis in the freedom movement.

Judiciary media trial with particular reference to media trial Article 19(1) (a) of the Indian Constitution recognizes the role and value of the media in a democracy. Speech and expression freedom is covered in Article 19 (1) (a). The freedom is restricted by the same article's subclause (2); hence it is not unrestricted. In addition to being a tool for expressing one's thoughts, feelings, and opinions, the media also plays a crucial role in shaping public opinion on a wide range of issues facing regional, national, and worldwide agendas. Media stories frequently resort to sensationalizing and distorting the truth in an increasingly competitive effort to capture readers' and viewers' attention. “

The impact of television and newspaper coverage on a person's reputation creates a widespread perception of guilt regardless of any verdict in a court of law. During high-publicity cases, the media are often accused of provoking an atmosphere of public hysteria akin to a lynch mob which not only makes a fair trial impossible but means that regardless of the result of the trial, in public perception the accused is already held guilty and would not be able to live the rest of their life without intense public scrutiny”.

## Review of Literature

Some of the most famous cases of media trials involved thousands of hours of reporting by television news channels. While reporting these cases, the channels presented sensational reporting to get more TRP. In many cases, even after the case was pending in the court, trials were conducted parallel to the court. **Priyadarshini Mattoo Case (1996)** Priyadarshini Mattoo was a law student living in New Delhi at her uncle's home. On January 23, 1996, her body was discovered. At first, Santosh Kumar Singh, her senior, was believed to be the primary perpetrator as he had been harassing and stalking her for years. It was then revealed that the primary accused was Santosh, an IPS officer's son. He put an electric wire around her neck and strangled her. Her face was so badly bruised by Santos's helmet-wearing that it was unrecognizable. Following a protracted public uproar and a media campaign against the acquittal, the High Court heard an appeal that ultimately resulted in the conviction and death penalty. The Delhi High Court issued the death sentence on October 30, 2006; however, the Supreme Court later changed it to life in prison on October 2010. **Jessica Lal Murder (1999)** In 1999, Manu Sharma (also known as Siddharth Vashisth), the son of Congressman and former Union Minister Vinod Sharma, shot and killed Jessica Lal, a model who had become a barmaid at a restaurant owned by socialite Bona Ramani in Mehrauli, South Delhi, when Jessica refused to serve alcohol to him and his friends. After the murder, this case quickly became well-known in the media when the trial court cleared the accused. This case rose to the top of the list of cases when media and public pressure forced the legal system to give it another look. Manu Sharma was sentenced to life in jail by the Delhi High Court, even though he was first found not guilty in 2006 because the Delhi police were unable to prove their case in the face of public protest and media coverage. **Nitish Katara Murder Case 17 February 2002** This was a case of honour killing; Nitish Katara was brutally murdered by Vikas Yadav, the son of well-known politician DP Yadav. Vikas Yadav's sister Bharti was the person with whom Nitish had an affair, and Vikas disapproved of their relationship. Vikas and Nitish were both present at the wedding of a mutual acquaintance, and Vikas took advantage of the situation to ride Nitish to death. A DNA test was done for identification because the autopsy report said that Vikas had so severely battered Nitish that his digestive system had collapsed. Vikas received a life sentence in jail. **Pramod Mahajan Killing (2006)** On May 3, 2006, in broad daylight, Pravin, the younger brother of renowned BJP politician Pramod Mahajan, assassinated him in his home. Pravin went to the closest police station after shooting his brother and confessed to the crime, saying, "I am Pravin... I shot Pramod." The strained relationship gained attention during the court case and public attention. Pravin said that he was reared "like a pet dog" by his brother. In March 2010, Pravin, who had been given a life sentence, passed away from what

appeared to be a brain haemorrhage. **Nithari Kand (2006)** In the Noida village of Nithari, the home of Moninder Singh Pandher was found to contain the corpses of both adults and children in 2007. As soon as the investigation got underway, it became clear that Pandher's servant Surender Kohli had been engaged in the rape and murdering of women, including minors, and that he had even eaten their body parts in one instance, cooking them. While Moninder Singh Pandher was spared of all charges in one instance in 2009, his death sentence was reversed and he remains a co-accused in another. **Neeraj Grover Murder Case (2008)** The case's incredibly graphic nature garnered a lot of media attention. Neeraj, a production house employee in Mumbai, was discovered dead in May 2008. Neeraj's lifeless body was dismembered and then placed inside three trash bags before being carried to the wilderness and burned. One of Neeraj's friends, Maria Susairaj, reported him missing to the police; however, it was subsequently discovered that Maria was complicit in the murder. Neeraj's murder was found to have been committed by Lieutenant M.L. Jerome Mathew, Maria's boyfriend, who killed him out of fury believing that Maria and Neeraj were having an affair. The murder and the ensuing trial received a lot of media attention. **Nirbhaya Case (2012)** The violent gang rape of a 23-year-old physiotherapy intern on the evening of December 16, 2012, which included beatings and torture while she was riding in a private bus with a male companion. Six men on the bus, including the driver, raped her and battered her buddy. After being hospitalized at the hospital, she was moved for emergency care to a hospital in Singapore after eleven days; however, she passed away two days later. The victim of the crime, Nirbhaya, has gained widespread recognition as Indian laws prohibit the media from disclosing the identity of the victim. **Sheena Bohra Murder Case (2012)** As per the claim made by Indrani Mukherjee. In this case, the startling discovery was that Sheena was the daughter – not the sister – of Indrani Mukherjee, who was imprisoned in 2012 for murdering Sheena Bora. The problem was made public by the media. Indrani never admitted that she was the mother of two children, sticking to her deception that Sheena was her sister. The murder also revealed the dubious financial dealings of Indra Mukherjee and her husband Peter Mukherjee. They were successful in distorting the facts, therefore there was no trial conducted against them. **Sunanda Pushkar Murder Case (2014)** Shashi Tharoor, a former Union minister, was married to Sunanda Pushkar. After two unhappy marriages, Sunanda wed Shashi Tharoor in August 2010. Under extremely strange circumstances, Sunanda was discovered dead in a hotel suite at Leela Palace in New Delhi on January 17, 2014.

Television news channels also gave thousands of hours of coverage to these cases. Many people have termed the media irresponsible, sensitive traders and misguided in this case and held it responsible for making society insensitive and demanded that punishment should be made for the media. The media is serving and selling spicy news without facts. He doesn't care about Aarushi Talwar and her family's honour. The media is showing a spectacle in the TRP affair and we are watching insensitively. We never tried to put ourselves there, and as a result of which today even the cruel truth has become entertainment.

How will this news sell?... This is the most heard sentence in the TV newsroom's editorial meeting. Selling news here means finding an angle that touches the audience. But the news being sold now has other meanings,

The media is not expected to spread such confusion. The way our media has behaved in the Aarushi murder case is not an isolated example in itself. Even before this, many times the media has been accused of cashing in the news in the TRP affair. But the way he has tried to capitalize on the news has raised many questions. The question is not just how can the media blame someone, but also how can the media take the liberty of saying anything about anyone. How did he become a judge himself? Calling Dr Talwar a murderer and characterless is not an example of true journalism in itself, but the way minor Aarushi was publicly defamed can only be called an example of unhealthy journalism,

which stems from vested interests. Given that there was a competition to expose the secrets of her character, it would not be right to expect the channel to apologize to the viewers for any mistake.

In the storm race to appear at the forefront, the channels have not only forgotten the basic responsibilities but are also bent on ignoring all the rules of civilized society. It is not limited to crime news only, Television news channels have changed the definition of news. Whether it is the Aarushi murder case of Noida or the murder of Neeraj Grover of Mumbai, the television news channel has started using them. This situation is both shameful and worrisome.

It is not just about these or such scandals. It is also unfortunate that a kind of insensitivity is spreading all over the media. Aarushi murder case is not a case of murder of a daughter. It is important for the media because the matter is sensational. This journalism based on crime stories has knowingly or unknowingly frustrated the human sensibilities of society, especially the juvenile section of society. Two things are associated with every murder case – the first is the mystery of the murder i.e. who did the murder and why? And the second thing is our attitude towards murder. First, the concern is largely a part of the domain of policing and the system, but our stand is only about us.

Who killed Aarushi and why, the answer to these questions is only related to us. It is important to know the answer to these questions who killed Aarushi, and why, but it is more important to know what the attitude of our society towards such a scandal. The question is not just about the murder of a child, the question is also what and how was the role of the police in the context of this scandal, the question is also why this scandal became a medium for politics for the system and the question is also what was the role of the media?

These three questions are three fronts and social interests have been sacrificed on each front. The system will take action on the role of the police and the provider will deal with the role of the system, but what will be the role of the media? The media is not taking any responsibility towards the society.

Often editors have been heard saying many times in meetings that only what the audience wants is being shown. This statement does not seem digestible, it is clear that the audience is not saying that you show this, then how are you saying that you are showing what the viewer wants? You are saying it forcefully. Whatever you show, you will have to see. Although the viewer has a remote in his hand, still it is the moral responsibility of the journalist and the journalism that whatever he shows is worth watching.

The media has now been reborn as a "public court," also known as "Janta Adalat," and it has started meddling in court procedures to the extent that it issues its own verdict prior to the court. It ignores the crucial distinction that must exist between an accused person and a convicted person to uphold the moral precepts of "guilt beyond a reasonable doubt" and "presumption of innocence until proven guilty."

To evade regulation, TV news channels have a phrase called self-regulation, which has proved to be a 'toothless lion' in the Indian context. Institutions like the Press Council have failed to put any control on media institutions and media personnel. It is now necessary to look at the question of media regulation afresh.

### **Media Regulation in India:**

The Prasar Bharati Act of 1990 and the Cable Networks Act of 1995 govern the media and entertainment industries in India. Both Prasar Bharati and the Ministry of Information & Broadcasting oversee them. In India.

Four organizations regulate the media:

A body called the **Press Council of India** was established under the Press Council of India Act. It is a body with autonomous statutes. In general, it aimed to protect press freedom. Any media outlet or news organization that engages in professional misconduct, violates the code of ethics for journalists or acts against the public interest may be subject to warnings, admonishments, or censures by the Council.

**News Broadcasters Association's** goals include establishing and promoting high standards, morality, and practices in news broadcasting, as well as considering and adjudicating complaints against or regarding broadcasters insofar as they pertain to any broadcast's content.

The **Broadcasting Content Complaints Council (BCCC)** is responsible for making complaints against programmes aired on TV and getting them redressed.

**News Broadcasters Federation** It is an organization like the NBA, this federation was formed by the members of the NBA, and some members who were upset with the NBA together formed the News Broadcast Federation NBF, the primary function of this federation is also to determine the standards related to electronic media in India.

## Finding and Solutions

Media trials not only affect the judicial process but also put pressure on the judges through their sensational news. The media is influencing justice by creating agenda-driven debates on issues pending in trial courts which amounts to contempt of court. It is serving information from anywhere without any solid evidence to its audience without testing right or wrong. Due to this sometimes in some cases the public does not find the court's decision correct. The conclusion drawn from this research is that the media should present correct and unbiased news to the people while keeping social responsibility in mind.

Television news channels have the potential to expand enormously but are unable to distinguish between right and wrong, good and evil, and real and counterfeit. Media trials cannot be a guiding factor in deciding cases. The media has been successful in narrating events that should be kept secret.

The media trial has led to misrepresentation of the alleged accused and has served to end their careers, only by the fact that they were accused, even though they have not yet been convicted by the Court. Media Trials not good for democracy: The media, in violation of its responsibility, has worked to take back democracy influence the people and damage the system. There is still some degree of accountability in the print media, while the accountability of the television news channel is zero.

In judicial proceedings, the media cannot be allowed unrestricted access. Freedom of speech and expression by the media cannot be extended to the point that it taints the trial itself. The media needs to understand that the content they publish has a significant influence on their audience. Consequently, the media has a moral obligation to present the truth, and to do so when it is appropriate. The best method to control the media would be to use the court's contempt power to penalize individuals who transgress the fundamental standards of behaviour. Instead of tipping the odds in favour of one side or the other, the media must act as a catalyst. The foundation of the news media's credibility is their impartial, objective reporting. As a special judicial agency; rather, they should simply carry out journalistic duties. But the media keeps an eye on things The media has a responsibility to protect the integrity of the legal system. The media should not act and give us a forum to inform people about what's going on in society.

The media has a responsibility to bring attention to the problems that the public faces. The voice of the voiceless can come from the media. Since India has a judiciary for that function, the media should refrain from making judgments.

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