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SOCIOLOGICAL IMPACTS OF MEDIA TRIALS

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ABSTRACT

Media trials in India have revolutionised the interface between criminal justice and public opinion. With the rise of television debates, on-line news portals and social media campaigns in recent years, the way in which criminal cases are perceived by society has been affected by them. In many cases, accused persons are declared guilty before courts have had time to conduct judicial proceedings publicly. This raises significant issues around the principle of fair trial, that an individual is presumed innocent till proven guilty, and the principle of judicial independence. This paper discusses the impact of media trials on the society and individuals of India. It explores the impact of excessive media coverage on the thinking of the public, the reputation of incriminated individuals and social stigmatisation. The paper also explores media trials' differential effects on women, weaker sections and socially weaker groups. In this research attention has been given to the misinformation role of social media platforms and how they amplify sensational stories. The study also examines the judgments passed by the Supreme Court of India on the freedom of speech and right to a fair trial. It states that although there is a fundamental importance of media freedom in a democratic society, if the media is not managed responsibly, it can compromise the working of the justice system and undermine some of the key values of the Constitution.

Keywords: Media Trial, Fair Trial, Freedom of Speech, Social Media, Stigmatisation, Mob Justice, Presumption of Innocence.

INTRODUCTION

Media has always been an agent of information, revelation of corruption and accountability of public institutions among the citizens in a democratic society. But, with the rise of the electronic media and digital platforms, news reporting has become different, particularly in criminal cases. In today's world the TV debates, social media and online news channels are used to discuss and investigate crime before the courts make a judgement. This is known as "media trial", and has been becoming a regular occurrence in India.

A media trial is a trial in which the media presents information and opinion to the public in a way that gives the impression of whether a person accused of a crime is guilty or not guilty before a trial has been held. The reporting is frequently speculative in nature, emotional, based on investigations that have not been made public, and filled with sensational headlines that shape public opinion. Media organisations vie for attention and television viewing in high-profile criminal cases, and sometimes the reporting is skewed.

Media trials have impacted on the administration of criminal justice in several cases in India. The Aarushi Talwar case, Jessica Lal murder case and the Sushant Singh Rajput case had a lot of media coverage and public response. In many of these issues, there seemed to be a blurring of the lines between investigation and adjudication, raising concerns about impartial justice. The Indian judiciary has made it clear on several instances that freedom of speech is not without limitations and is to be measured against the right to a fair trial guaranteed by Article 21 of the Constitution of India. In *Sahara India Real Estate Corp. Ltd. v. SEBI*¹, the Supreme Court noted that over-publicization of sub judice cases could harm the administration of justice, and create a prejudice to the judiciary.

RESEARCH OBJECTIVE

This paper aims to examine the sociological implications of media trials and its effects on popular perceptions, vulnerable communities and democratic society. The purpose of this study is to determine the following objectives:

- To examine how media trials affect the public perceptions and social awareness.
- To explore the stigmatisation resulting from sensational media coverage.
- To investigate the impact of media trials on women and the marginalised groups of society.
- To assess the impact of social media on the spread of prejudicial stories.
- To explore the link between media trials and mob justice.
- To examine judicial reactions and constitutional protection of media trials.

¹ *Sahara India Real Estate Corp. Ltd. v. Securities and Exchange Board of India*, (2012) 10 SCC 603.

LITERATURE REVIEW

The issue of Media Trials in India has been a topic of discussion for many scholars, journalists and legal experts in recent times in India as well as other countries. Several authors have explained how the media can shape public opinion and impact the justice system.² Most of the people get news from television, mobile phone and social media nowadays. Consequently, the media is very influential. What they read and hear in the news is what they believe and trust, regardless of whether it is all true or not. Media trials can be dangerous, in part, because of this.³

Albert Bandura's Social Learning Theory states that individuals engage in learning by observing others and what they see on the media.⁴ The theory is useful in understanding the impact of the repeated news coverage on people's thinking about criminal cases. If news channels continuously show the same person as guilty, many viewers start believing that the person has actually committed the crime. Children and young people can be affected by such reporting too as they spend a lot of time on social media and watching TV.

According to the theory of Cultivation, George Gerbner proposed that the viewers of a large amount of crime-related news start to think that the society is becoming more dangerous.⁵ Viewers develop fear and insecurity over the constant exposure to violent and emotional news stories. Numerous news broadcasts air murders, violence, and horrific news episodes over and over again to boost ratings. This means that individuals can begin to feel unsafe at crime rates that are not particularly high. This also allows for the rise of anger and reactions among the public.

In his work on stigma, Erving Goffman described the processes through which people are labeled as deviants by society. His thoughts are relevant to social judgement and criticism of

² Dr. S.R. Myneni, *Media Law* (Asia Law House, Hyderabad, 2018).

³ N. Ram, "Media Ethics and Responsible Journalism", *The Hindu*, available at: <https://www.thehindu.com> (Visited on April 10, 2026).

⁴ Albert Bandura, *Social Learning Theory* (Prentice Hall, 1977).

⁵ George Gerbner, "Cultivation Theory and Media Effects."

accused persons due to media reportage.⁶ After the media has dubbed someone a criminal,

society may continue to mistreat that person even if it turns out they were found not guilty by a court of law. This not only impacts the accused but also his or her family members. Public shaming and criticism also take a toll on children, parents and relatives at times.

The tug of war between freedom of media and right to a fair trial has also been discussed by many legal scholars in India.⁷ Media reporting is thought to be a good source of transparency and exposing corruption by some writers. They believe that they can push the authorities to thoroughly investigate cases. In some celebrated cases, for instance, the public "pressure" got the police to respond faster. Other academics have, however, suggested that media trials have a negative impact upon the reputations of the accused and the fairness of court proceedings. They say that the media should report the facts with care rather than making an emotional debate and a story.

Multiple studies in the social media field have demonstrated that misinformation travels swiftly in the digital realm⁸. Social media sites tend to feature highly emotional and dramatic material since they attract more attention among users. People are not today very selective about sharing news because they don't bother to verify the accuracy of the information they are passing on. Misinformation through fake videos, manipulated images and fake rumours can be disseminated in minutes. This is what causes confusion and sometimes hatred and anger among people.

Social media also has fundamentally altered the way that people respond to criminal cases. Hashtags and online campaigns tend to be extremely popular at times. Millions of people get involved in posting opinions on cases before investigations are done. This puts an extra strain on police officers and courts. Sometimes the wrongdoers harass the accused without knowledge of the truth.

The Supreme Court of India too has talked about the issues of media trial in several significant judgements.⁹ The observations of learned judges reveal that the courts are cognizant of how high-level publicity of criminal trials can be detrimental. Media freedom is important, but shouldn't take precedence over fair justice, courts have said. Judges have cautioned against the influence of news reporting on the witnesses, investigations and court cases.

⁶ Erving Goffman, *Stigma: Notes on the Management of Spoiled Identity* (1963).

⁷ M.P. Jain, *Indian Constitutional Law* (LexisNexis).

⁸ Siva Vaidhyanathan, *Antisocial Media: How Facebook Disconnects Us and Undermines Democracy* (Oxford University Press, 2018).

⁹ *Sahara India Real Estate Corp. Ltd. v. SEBI*, (2012) 10 SCC 603.

There are also some researchers who have explicated their explanations about mental health and media trials. Public criticism can create a sense of stress, fear, depression and social isolation for accused persons and their family members. Negative publicity often leads to the loss of jobs, friendships, and social esteem. Reconstructing life is challenging even after being acquitted.

The existing literature has highlighted that in a democratic society; freedom of the media is crucial but irresponsible media reporting can be a serious issue for society and justice.¹⁰ The vast majority of writers acknowledge that the media must be responsible in their reporting, not instigate fear, hatred and falsehoods. A proper balance between freedom of expression and right to a fair trial is essential to maintain the rule of law and confidence in the justice system.

RESEARCH METHODOLOGY

The present study is a doctrinal and analytical one. Research is carried out using primary and secondary sources. The Indian courts' judgments, statutes and constitutional provisions are all examples of primary sources. Secondary sources are books, journal articles, academic papers, newspaper articles, and theories in the field of sociological studies of the impact of the media on crime.

EFFECT ON THE PUBLIC AND COLLECTIVE CONSCIENTIOUSNESS

One of the most important and under-researched areas of media trials is their sociological effects on the public perception. Media trials are not only a direct impact on the individuals involved in a criminal process; they also influence social perceptions of crime, deviance, punishment and justice. The aim of this section is to explore how media trials shape public opinion and what the impact of this shaping is on public attitudes and behaviour.

Albert Bandura's social cognitive theory explains how the media's representations of criminal cases affect mental structures or schemas that help people understand and make sense of social reality. Bandura's research demonstrated that media representations are not simply observed but actively interpreted by the audiences, who apply them to social situations as models to learn about and make judgement about social actors. Media trials generate stereotypical images of accused persons, victims, and crime that are then used to create a publicly understood template of the case that can survive long after the actual trial has slipped from memory.

¹⁰ V.N. Shukla, *Constitution of India*.

An alternate view, 'cultivation theory' (Gertrude Gerbner), argues that excessive viewing of media images of crime and criminal justice produces a 'mean world syndrome' and increases viewer perceptions of the extent of violent crime and fear of victimization. Media trials exacerbate this effect because they are saturated with coverage of the most extreme and unrepresentative cases of crime, attracting the attention of the public.

The presumption of innocence is under threat in the public consciousness by the way the media constructs meaning about criminal justice. The psychology of influence has been studied by social psychologists such as Robert Cialdini, and the results indicate that repeated exposure to information (including false and unverifiable information) reinforces the subjective perception of being true (the 'illusory truth effect'). When the context is media trials, this amounts to media spectators' and perhaps judicial actors' tendency to view the accused as guilty, apart from any evidence, after they have been sustainedly portrayed as guilty in the media.

STIGMATIZATION AND MARGINALIZATION

Some of the most important and lasting socio-legal impacts of media trials is the stigmatization of the accused and his/her family. The media attention by which the accused are besmirched can have lasting effects years or even decades later, regardless of whether they are found innocent, and have serious repercussions for their professional, social and personal lives.

This phenomenon can be understood using Erving Goffman's classic sociological analysis of stigma, which was first developed in his 1963 work *Stigma: Notes on the Management of Spoiled Identity*¹¹. Goffman recognized that there are three categories of stigma: physical stigma, tribal stigma (race, nation, and religion), and moral stigma (which is a stigma derived from the deviant or criminal character of the attribute). Media trials create moral stigma, that is, a social identity for the accused, 'murderers', 'rapists' and 'criminals' will prevail over and overwhelm other identities and roles.

Media trials are made worse because of the permanency of the digital records. Before the computer age, media accounts of criminal cases were fleeting — newspapers were thrown out, television was not recorded. Modernly, all the articles, broadcast pieces and social media postings that are written about an accused are permanently recorded by search engines and can be accessed by anyone who searches for that individual's name. If a person is acquitted, and the first page of search results for their name is reports of their arrest, prosecution and media-created guilt, it is a permanent digital stigma that will follow them the rest of their lives.

¹¹ *Stigma: Notes on the Management of Spoiled Identity* (Prentice Hall, 1963).

The Aarushi Talwar case is an example of this. The Talwar's, despite having been acquitted by the Allahabad High Court in 2017¹², still live with the shadow of the verdict of guilt they faced in the media in 2008-2013. It is impossible to stop any of that media coverage, as thousands of articles, tv clips, and social media posts depicting them as the killers of their own daughter remain in the digital record, and have hampered family efforts to rebuild their lives and reputations.

IMPACT ON VULNERABLE SECTIONS: WOMEN, MINORITIES, AND THE POOR

Media trials are not a level playing field for all accused. The sociology of media coverage of crime has been extensively studied and has consistently found that certain groups of people are consistently more likely to be stigmatized in the media and be the victims of media vilification, including women, ethnic and religious minorities, the poor, and the socially marginalized. This differential vulnerability is a product of and perpetuates social inequalities, and the media trial becomes a way of reproducing social discrimination.

GENDERED DIMENSIONS

Women have a particular form of media scrutiny when they are accused of committing a crime, especially a crime against a gender norm like crimes of violence, sexual autonomy or maternal neglect, which also involves social condemnation of the woman's gender behaviour. A media portrayal of a woman charged with crime tends to centre on her sexual history, her maternal roles and status, her appearance and her willingness to conform to feminine norms, which is not the same for a man charged with a crime.

Media trials of Indrani Mukerjea in the Sheena Bora case¹³, Rhea Chakraborty in the Sushant Singh Rajput case and Amanda Knox¹⁴ in Italy come to mind as examples. In every of the three events described above, the media had constructed a narrative of guilt of the accused, which had intermingled with a narrative that portrayed the accused's failure to fulfil a prescribed feminine role to be criminal. In all three events, however, the media had been creating a narrative of guilt of the accused, which had intertwined with a narrative that portrayed the accused's failure to fulfil prescribed feminine role as evidence of criminality.

¹² *Rajesh Talwar & Anr. v. Central Bureau of Investigation*, Criminal Appeal Nos. 156-157 of 2014, decided on 12 October 2017 (All HC).

¹³ *Central Bureau of Investigation v. Indrani Mukerjea & Ors.*

¹⁴ *Amanda Knox, Amanda Knox Trial, Corte d'Assise of Perugia (Italy), 2009.*

CLASS AND ECONOMIC VULNERABILITY

Media coverage of accused persons from the lower middle class will have a significant impact on the quality of coverage, due to class biases. Media coverage of cases involving the accused of high status and high connections also sometimes results in media campaigns, laying bare the impunity of the powerful as in the Jessica Lal case ¹⁵but also the power of media coverage in the way that it can be influenced by having access to public relations resources, legal talent and media connections that the poor accused does not have.

In contrast, the accused who comes from a poor background especially when charged with crimes against the victims of the upper classes is likely to find himself the subject of an openly unfair media portrayal, a generalisation of class stereotypes about the criminality of the poor, and no room to speak for himself or to question the circumstances.

THE ROLE OF SOCIAL MEDIA IN AMPLIFYING MEDIA TRIALS

Social media has changed the nature of media trials by greatly magnifying the impact and reach of prejudicial reporting, and it has opened new and largely unregulated avenues for the virally shared misinformation about accused persons, about victims and about judicial proceedings.

The Twitter platform, especially, has provided a medium for quick organization of public opinion regarding important criminal matters. Hashtag campaigns like #JusticeForSushant in the Sushant Singh Rajput case can help build a strong impression of popular consensus that could be nothing more than a figment of imagination, even if the case is not substantiated by facts.

Misinformation regarding the criminal case, such as false evidence, false confessions and unverified accusations, can spread quickly through Facebook and WhatsApp groups, gaining traction and emerging as 'common knowledge' in the public consciousness. In several decisions the Supreme Court has commented on the adverse effect of social media in the context of pending criminal proceedings, thereby highlighting the issue before the court.

Siva Vaidhyanathan ¹⁶ and others have demonstrated that the algorithms of social media platforms systematically boost emotional, outrage-inducing content at the expense of informative and nuanced content, because emotional content elicits more "engagement" and therefore more advertising revenue. In the case of crime cases, this means that the most

¹⁵ *Manu Sharma v. State (NCT of Delhi)*, (2010) 6 SCC 1.

¹⁶ *Antisocial Media: How Facebook Disconnects Us and Undermines Democracy*.

preposterous and prejudiced information about accused individuals is systematically pushed more than evenly weighted or measured information, a structural characteristic of social media that is a major amplifier of the situation of the accused.

MEDIA TRIAL AND MOB JUSTICE

In modern India, one of the most disturbing socio-legal outcomes of media trials is the mechanism of mob justice, wherein mob violence against the accused or his associates is perpetrated due to popular media opinion against a specific case. Media trial and mob violence aren't necessarily directly and immediately connected, but once the public narrative of guilt is created and the public emotion is generated, conditions may arise that make it appear as though violent vigilantism is warranted and even heroic.

In India, which has seen a surge in “lynchings” over the years, sometimes social media and media campaigns are used to build and stir up public outrage against a particular person. The connection between media and mob violence is multi-causal and complex, but there is a significant amount of research that indicates a direct link between the long-term media perception of individuals as “dangerous criminals” and the likelihood of violence by the mob against them.

What is mob justice from a legal point of view is the absolute denial of a rule of law and the right to a fair trial: it is a violation of the right to a fair trial and a judicial resolution, whose results are often fatal for the accused and very harmful, if not fatal, for the constitutional order. The media's indirect and unintentional participation in mob justice, thus, is a serious threat to constitutional democracy that the law must deal with.

CONCLUSION

Media trials have emerged as one of the most crucial issues impacting upon the relationship between freedom of expression and the right to a fair trial in today's democratic societies. The media is important in informing the public, exposing corruption and holding the administration of justice to account but irresponsible and sensational reporting can have a significant impact on the administration of justice. Television media, online news sites and social media have altered the face of criminal reporting in India and turned the trials into a public event where the public opinion is formed before the courts have delivered a verdict.

The study emphasizes the sociological impact of media trials which goes far beyond the legal context. This is because the continuous and emotionally charged reporting of crime and justice influences the public perception of crime, instills fear and insecurity in the population and

undermines presumption of innocence. The research also shows that media trials are disproportionately targeted and affect vulnerable groups of society, such as women, minorities and economically weaker persons. Media reporting is often gender-stereotyped, undervaluing women and women and girls of colour are often the subject of sensational narratives that result in their social marginalisation and discriminatory treatment.

The other serious issue that has emerged from this research is 'Mob justice'. Reports, if excessive and prejudicial, might lead to public outrage which could result in a decline of trust in the judiciary and in vigilantism. These developments are concerning for the rule of law and constitutional democracy as they replace judicial decision with public sentiment and media narratives. The Indian judiciary has earlier stated that the right to free speech in Article 19(1)(a) of the Constitution is not absolute and does not outweigh the right to a fair trial under Article 21 of the Indian Constitution. Decisions by judges have emphasized the importance of responsible journalism and restraint in reporting sub judice cases. Hence, the key to maintaining public confidence in the justice system is maintaining the right balance between freedom of the media and fairness of the judiciary.

To conclude, there is no substitute for media freedom in a democratic system, however, it should be in the framework of ethical and constitutional boundaries. To reduce the misuses of media power, responsible journalism needs to be aided by more robust regulatory frameworks, increasing public awareness about misinformation, and better accountability in digital reporting.

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