

## Media Trial in Trying Times

There has been a lot of debate and discussion in recent times over the phenomenon of so-called 'Media Trial'. There have been arguments for and against it. There is definitely a need to discuss the various nuances and implications relating thereto before we can pronounce any judgement over it. First and foremost, the question arises as to why such a thing called 'Media Trial' has emerged. Is trial by media a completely new phenomenon or has existed since the inception of the Fourth Estate? One would argue that anything in this world comes into being following a demand for the same. So if trial by media has started, then the reason lies in the perceived failure or dysfunctionality of various institutions of the system, the institutions whose working has not been to the satisfaction of the civil society at large, the clientele media caters to.

In the human body, there is a homeostatic mechanism where to maintain stable physiological conditions, if there is an imbalance of one physiological parameter resulting from malfunctioning of one metabolic process, another process or processes get activated and come to its rescue to re-establish the balance to ensure human survival as far as possible. Similarly, at a time when there is a perceived failure of other institutions, media, like judiciary, starts over asserting itself and chips in, in its own way to fill in the vacuum left by the non/under-performance of other institutions. And that is how emerges the phenomenon of 'judicial activism' or 'Media Trial'. And the latter is definitely not a new phenomenon, but has existed for quite some time now. Remember all the famous movements across the world including our own freedom movement when media, even in its early days and when it was tied in multiple fetters, has championed myriad causes. Who can forget the proactive role played by the press during the heydays of emergency in this country? So, today's media trial is not something surprising.

But media trial or championing is not something which exists in exclusion of other systems rather it exists together with the classical justice mechanism and such other champions of public causes as the civil society, NGOs, various pressure and interest groups. Media often works in association or alliance with some or many such institutions. Media trial is a way to

give expression to the largely-felt aspirations or predominant public opinion. Media often comes forward to support or oppose the dominant predilection in a particular judicial trial or to support/oppose a particular decision by the executive in sync with the popular mood. Media just throws its entire weight in support or in opposition of a popular stance in light of available evidence or perceived public interest.

Many of the recent celebrated judicial cases or instances of corruption were brought to public notice after the media took up the cause to nudge the system out of slumber to bring about a particular decision or judgement has thereby also highlighted cases of major irregularities (read corruption). The Jessica Lal Murder Case, the Priyadarshini Mattoo Murder Case, the Rizwanur Rehman Murder Case, the Shivani Bhatnagar Murder Case, the Ruchira Girhotra Molestation Case, the Sukna Land Scam, the Adarsh Society scam, the IPL corruption case, the historic Nanawati case, the innumerable sting operations, and so on. The list of cases, where media has played a proactive role to sway the popular opinion to bear upon a particular executive or judicial decision to successfully overturn it, is endless.

Though most of the time media seems to be on the right side of the justice, in many instances it has also been accused of being partisan, actually championing the cause or the interests of the House it belongs to. It has also been alleged that quite often media's taking a particular side arises out of its bid to survive the competitive commercialism that mark journalism these days. So, next time you see some Houses indulging in yellow journalism, you should look for reasons in its political background or its commercial interests. Often, some stories are deliberately planted in keeping with the interests of the House. Quite often, many stories are reflections of a journalist's individual predilection, his/her own vested interest in cahoots with other vested interests. It is here that it becomes difficult for the unsuspecting and naïve hoi polloi to sift through the truth, to separate the chaff from the grain.

However, the truth is that in both the cases the people who took law into their hand by attacking, humiliating and man-handling Hon'ble legislators were wrong, committed a crime by doing so and ought to have accordingly been booked for the act. But media justified one reaction by the public and did not in another case and government was criticised in both the cases. One does expect that in true spirit of professional journalism, the media reaction shall be dispassionate and above board which was not noticed in the two instant cases. It is here that media neutrality or freedom of speech granted to press becomes questionable.

Lord Acton rightly said, 'power corrupts and absolute power corrupts absolutely'. If one has a got a license to shoot, it is expected that one would know as to whom to shoot, when to shoot and how to shoot. When one shoots indiscriminately, then it borders on derangement and needs to be regulated. Similarly, media needs to conduct itself with more responsibility while exercising its power to report and opine. An unfettered power without accountability needs to be checked and used with caution.

One basic problem with media trial is the fact that media espouses mostly the celebrated or high-profile cases, but millions of not-so-famous cases just fade away as they have no champions anywhere. But all said and done, media trial still remains a positive development to have happened, something which can be utilised in the better interest of the larger society.

Today, in the times of 'Sting Operations' and 'Right to Information', all the decision makers and government officials are definitely on their toes, knowing very well that they can't keep on doing things as they have always done. They are definitely more careful today and think twice before doing anything wrong, fearing a proactive and snoop media. The political class, the bureaucracy, the police and everyone else are definitely more responsible today than ever before.

Earlier, none could think of a Minister being jailed, an IAS/IPS being arrested or a powerful politician being convicted, something which have happened quite regularly in recent times in this country. The conviction of Manu Sharma, Santosh Singh, ex-IGP of Haryana RK Sharma, ex-DGP of Haryana HKS Rathore, arrest and imprisonment of many influential politicians or resignations of high profile office bearers do prove the efficacy and effectiveness of media trial in bringing quicker justice than possible through the conventional justice system. One just hopes that media shall exercise its power with more discretion and responsibility to continue facilitating the conventional justice and decision making system rather than trying to replace the same. Similarly, the watchdog like the Press Council of India should be more than careful to ensure that media never overshoots or breaches its power or freedom.

### **Salient Points**

- Anything in this world comes into being following a demand for the same. And so is the media trial which arises due to failure of various institutions of the system.
- But media trial or championing is not something which exists in exclusion of other systems rather it exists together with the classical justice mechanism.
- Media trial is a way to give expression to the largely-felt aspirations or predominant public opinion.
- Many of the recent celebrated judicial cases or instances of corruption were brought to public notice by media.
- But in many instances it has also been accused of being partisan.
- Lord Acton rightly said, 'power corrupts and absolute power corrupts absolutely'.
- One basic problem with media trial is the fact that media espouses mostly the celebrated or high-profile cases, but millions of not-so-famous cases just fade away.
- Today, in the times of 'Sting Operations' and 'Right to Information', all the decision makers and government officials are definitely on their toes.
- One just hopes that media shall exercise its power with more discretion and responsibility.
- At the same time the watchdog like the Press Council of India should be more than careful to ensure that media never overshoots or breaches its power or freedom.