

MEDIA – A VALUABLE MEANS TO JUSTICE

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INTRODUCTION:

India is the seventh largest democratic country in the world. India has a vast political history. It has been ruled by various kings. India has undergone various changes in 20th century. India was under the colonial rule for over two centuries. In 1947, India got independence from the brutal clutches of British rule. After independence framers of the constitution has adopted to it a democratic form of government after studying various forms of government. India is a country with a diverse population belonging to various religions, races, castes and creed. Traditionally called as HINDUSTAN, India is homeland to people belonging to different religions like Hindus, Muslims, and Christians etc. democracy means of the people, by the people and for the people. This means India has a government which is elected by the people for themselves. The Indian Constitution was framed with utmost care that it provides various freedoms and liberties to its citizens. Part III of the Indian Constitution contains Articles 12 to 35 which enshrine fundamental rights.

Every democratic government is based on four essential pillars. The Indian Union constitutes of four pillars. They are called as Legislature, Executive, Judiciary and Media. The Indian Constitution provides framework for the first three estates. But there is no mention of media as fourth estate in Indian Constitution. All the three estates are independent of each other. They have a complete sovereignty in their field.

Media being a fourth estate has a prominent role in the success of democracy. In democracy every individual has a say but everyone cannot rule. We need to elect our representatives to rule us. Legislature is involved in the law making procedures. Executive is responsible for implementation of laws made by legislature. Judiciary, being the third estate, is responsible for resolving disputes between people in the society. At the same time, it is also a guardian of fundamental rights of citizens.

But it is always not possible for the judiciary to redress the disputes or differences in the society. Media acts as a bridge to seek justice.

Therefore in this paper, the author would like to analyze the role of media in helping the society to seek justice. It will examine the pros and cons of media as a tool to seek justice.

DEFINING MEDIA:

Communication is the procedure, which we use to exchange information by various methods and media is the medium or instrument of storing or communicating information. 'Media' the popular term inter-alia used as 'Press' denotes the print & electronic information carriers –the News Papers & Magazines, Radio, Television and currently includes Internet as new Media. Hailed as the 'Fourth Estate', media is the watchdog of the public affairs, informing the society and vice versa, acts as the forum to advocate the views of the society at large to those at the helm of public affairs. Thus it acts as a huge connecting link between the sovereign and its subjects. It is a channel which helps us know what is happening in the outer world. It educates us about our rights and privileges as subjects of a nation. The most ancient form of media is press. Bengal Gazette is the first newspaper published in India. This press media has played a huge role in achieving independence. The latest form of media is internet.

IMPORTANCE OF MEDIA:

Media has plays a pivotal role in the society. Man being a social animal, cannot live in isolation. He needs company. Media provides all the useful information necessary for the survival on human being in this society. It gives us information about weather forecast to business policies and political reforms taking place in the country. For a democratic country media works like a back bone. It helps the common man by educating him about their rights and duties in the society. To maintain peace and order, it is necessary to have checks and balances. The three estates try to establish these checks and balances. But this is not an easy task. Many a time media helps to check the order in the society. For instance, bringing the discrepancies of administrative authorities to the notice of judiciary or spreading literacy among the masses of their rights and privileges. Media influences the life styles of people to a great extent. It helps in the development of the country with a great intensity. Media gives us information on legal reforms and political reforms. It highlights the violations done by various

industrialists in the form of economic offences or human right violations. Media acts as a watch dog of political democracy. It helps to stability in the government. Owing to the efforts of media and its activism, the world has turned into a global village.

DEFINING JUDICIARY:

Judiciary is the third estate of Indian Union. It is a most independent and impartial organ of Government of India. Judiciary is an essential organ in any form of government. But in a democratic form of government it occupies an esteemed position. Judiciary can be defined as a branch of government, whose primary task is adjudication of disputes. It has highest power to interpret the laws of the land. Judiciary is the final interpreter of the Indian constitution. It acts as guardian of fundamental rights of citizens of India.

The existing judicial system is adopted basing on the ideals of English judicial system. There is a single integrated judicial system in India. It is organized on pyramidal form. At the apex of the entire judicial system stands the Supreme Court of India.

Immediately below the Supreme Court are the various High Courts and below them are be subordinate courts in each state. All the courts in the Union of India are under the control of the Supreme Court. And the decisions of the Supreme Court are binding on all other courts within the territory of India. Right below the High Courts, there are district courts and and subordinate courts. At the same time, special tribunals are set up for speedy adjudication of controversies or disputes.

The Supreme Court of India is the apex court in the country. It has delivered many landmark decisions in various cases. In Kesavananda Bharathi vs. State of Kerala, the Supreme Court has interpreted Article 368 of Indian Constitution in such a way that the basic structure of Indian Constitution is maintained. Likewise in many other landmark cases, the Supreme Court has interpreted Articles 14, 19 and 21, simply called as golden triangle in such a manner to advance and uphold the fundamental rights of citizens. These cases range from right to water to right to die.

JUDICIARY - MACHINERY FOR SOCIAL DEVELOPMENT:

Judiciary, also called as court is an important organ of the government. Basically for a democratic country a strong and independent judiciary is very essential. It acts a major vehicle to review the laws

made by legislature and for protecting the interests of the citizens. The basic court principles which are being used in delivering justice are derived from the English jurisprudence. The principles of natural justice play an important role in reaching a decision. Various aspects of human life like right to fresh air, water, pollution free environment to right to livelihood are held as fundamental rights by a detailed interpretation. Many a time the judgments pronounced by the Apex Court of India are treated as law whenever there is a vacuum in the existing legal position. The judiciary in India has a right to deal with matters ranging from election matters to family disputes. Judiciary of any country tries to develop the behaviour of the society. In a country like India, where people belonging to different religions and races are living together it becomes an utmost need to have a vigilant judiciary.

MEDIA AS A MEANS TO SEEK JUSTICE:

Access to information is essential to the health of democracy. The rule of law may be further institutionalized by support for an independent media that keeps a check on the judiciary, reports on the courts, and promotes a legally enabling environment suitable for press freedom. Public interest is defined as representing a plurality of voices both through a greater number of outlets and through the diversity of views and voices reflected within one outlet.

Media has always been considered the watchdog of the society. It is very important to have a free and fair media in every form of government. In a vast and diverse democracy like India, it is of utmost importance that the media functions without any form of bias and prejudice as the media also takes the role of the Opposition. Media is almost like the backbone of the Indian democracy.

The roots of media can be traced back to the times of the Nationalist Movement in India. Ever since those times, media has been a crucial role in guaranteeing the citizens their rights and liberties. Besides playing these important roles, media has evolved as a much needed agent of change in the society. Over the years, media has helped to form public opinion and has been quite successful in this role. The role of media in a democracy comes into focus especially during the ongoing process of elections in India. The different types of media (television, radio, etc.) have helped the masses to be more educated and aware of their surroundings. In India, investigative journalism came into popular existence in the 1980's. The Bofor's scandal in which the then Indian Prime Minister, Rajiv Gandhi, was accused; was the first instance when investigative journalism came into focus. This scandal later on led Gandhi's defeat in the next elections. This scandal and the type of reporting done by the media

made the country take notice of a new form of journalism that was previously employed by magazines and journals. The Tehelka scam raised a lot of uncomfortable questions about the Indian government, but it did help in the citizens in forming their opinions about the malpractices of the Indian government and the corrupt politicians. Many a times, it has been seen that due to the interference of the media, certain cases have got pushed into the limelight which in turn attracts the attention of the masses. Media employs several tactics (debates, discussions, talk shows, etc) to help bring these critical issues into the public sphere thus helping people to get their rights.

This has often led to aggrieved parties getting much needed justice. This role of the media is discussed with the help of two case studies.

MISCARRIAGE OF JUSTICE” IN THE JESSICA LAL MURDER CASE:

Jessica Lal murder case has created sensational waves in the society. All this is owing to the wide publicity given by media to this case. Jessica Lal was murdered by Manu Sharma, a socialite in Delhi when she refused him to sell a drink in the late hours. When the legal proceedings were initiated, the witness has turned hostile and there was no circumstantial evidence, the case was ordered to be shut. But by the time, media has given a wide publicity to the incident. There was huge outrage among the public. In the initial stages of police interrogation of Sharma, he admits to have shot at Lal. This tape was never produced at the court at the time of the proceedings which led to Sharma denying that he had shot at Lal. However, it was acquired and aired by NDTV which bared the truth. This led to public outcry who demanded that justice has been denied. A widespread media campaign followed which grabbed the attention of the masses throughout India. The final verdict, which was passed on the Jessica Lal murder case, was a shining example of media interference. NDTV channel received thousands of text messages from various people urging that immediate action be taken against Sharma and the other accused. People were losing faith in the Indian judiciary and the media had thrown light on this very fact. The media, along with Sabrina Lal (Jessica's sister) successfully organized a candle light vigil in front of India Gate in New Delhi. Various support groups were formed to support the cause of “miscarriage of justice”, as termed by the media. These groups consisted of students, retired IAS and Army officers and MNC executives. Thus, India arose to the situation and very soon people from various walks of life were standing up for the rights denied to Jessica Lal. On 9th September, 2006; news magazine Tehelka organized a sting operation on the witnesses of the case in which they revealed that Vinod Sharma had bribed them hefty amounts of money in order to stay mum about the

truth in court. This sting operation was aired by news channel STAR News. A poll by newspaper Hindustan Times revealed that on a scale from 1 to 10, the faith that Indians had on the judiciary was near about 2.7. The immense public support and the growing pressure from media led the Delhi High Court to take notice and the case was reopened after an appeal by the Delhi Police. Manu Sharma was finally pronounced guilty of killing Jessica Lal and he was given life sentence on 20th December, 2006. The efforts of the media helped the case to be reopened and justice was finally delivered.

This case study proves that media interference dramatically changed the course of the case. The intervention of media was very much desired as media helped the case to be highlighted as an example of gross injustice.

PRIYADARSHINI MATTOO CASE: JUSTICE DELAYED NOT DENIED:

Priyadarshini Mattoo was a 23-year old law student, living in Delhi. She was found raped and murdered at her New Delhi residence on 23rd January, 1996. The prime accused in this case was Santosh Kumar Singh, Mattoo's senior in her college. Singh had been harassing and stalking Mattoo, both "in person and over the phone" for about two years prior to killing her in the most gruesome way. It is also said that Mattoo had filed a police complaint against Singh and was provided with a personal security officer, after Mattoo stated in her complaint that Singh was stalking her for quite some days. However, this did not have any desired effect as Singh belonged to an influential family; his father J.P. Singh was the then Inspector General of Police of the Union Territory of Pondicherry. In the duration of the trial, he served as the Joint Commissioner of Police in Delhi, the very city where the crime was committed. On the morning of 23rd January, 1996, Santosh Singh was seen knocking on Mattoo's house, in the Vasant Kunj area of New Delhi. Singh was let in by a domestic help of the house. He entered the house saying that he wanted a compromise in the legal complaints that Mattoo had charged against him. Consequently, he raped her, strangled her with an electric wire and battered her head nearly 14 times with a motorcycle helmet.

In the aftermath of the horrific crime, Santosh Singh was arrested after the complaints filed against him by Mattoo, witness testimonies, DNA and fingerprint samples, broken motorcycle helmet found in the scene of the crime, and other evidences. These were enough to nail Santosh Singh as the one guilty of the crime. However, on 3rd December, 1999; Additional Sessions Judge G.P. Thareja acquitted Singh saying that "he (Santosh Singh) is the man who committed the crime" but was forced

to acquit him due to lack of proper evidences, giving Singh the benefit of doubt. This was followed by widespread mass protests and media arose to this occasion. Chaman Lal Matoo, Priyadarshini's father, was giving frequent interviews to the media, demanding justice for his deceased daughter. Media picked up on the fact that despite so many clinching evidences, Singh had managed to walk out of jail, as a free man, without being proven guilty of a single charge. Media used its powerful tool of investigative journalism to find out the lapses in the murder case and very soon it was bringing into the public's notice, how justice was denied to Priyadarshini Mattoo. This created a massive wave of uproar in the masses who were demanding that the case be reopened. The widespread public outrage was creating intense pressure on the CBI and the Indian judiciary.

On 29th February, 2006 the CBI ultimately submitted an appeal against the verdict of the District Court in the Delhi High Court. This was considered a milestone achievement by the Indian media. Intense media coverage by various news channels and newspapers was creating a strong pressure on the CBI and the judiciary. The nation was getting tired of hearing cases of failure of the judiciary and rampant corruption and was looking for a radical change. People were organizing candle light marches in various parts of the country, praying and hoping for justice for Mattoo. The intense scrutiny by the media had helped the case to be reopened and the CBI was also compelled to accept that it needed to pull up its socks in order to be more efficient in their tasks.

Finally, on 17th October, 2006, the Delhi High Court pronounced Santosh Kumar Singh guilty under sections 376 (rape) and 302 (murder) under the Indian Penal Code and was awarded death sentence. The Court had passed this verdict based on numerous hard-hitting evidences. The Court also blamed the inaction and partiality of the Delhi Police in coming to the aid of Mattoo when she had filed a complaint against Singh as his father; J.P. Singh was the then senior IPS officer Director General of Delhi Police. However, on 6th October 2010, the death sentence was reduced to life sentence after Santosh Singh filed a plea in the Supreme Court. In spite, of this, the turn of events in this case shows that although justice was delayed for Priyadarshini Mattoo, justice was not denied.

Again in 2008, the Arushi murder case in Gurgaon, arose as a sensational news in media. This is a double murder case in which a doctor couple has killed their fourteen year daughter and servant. This incident was quoted as honour killing by media. Unlike the other cases, here the media had a negative impact on the case. The television channels always cooked up the matters to increase their popularity among the masses leading to utter confusion. Media made every effort to highlight the elements of

illicit relationships, adultery, fornication, mystery and honour killing in a bid to challenge the popularity of daily soaps. In this war of TRPs a section of the media was willing to stoop such a base level that it actually went ahead and reported unverified information casting aspersions on the character of the dead girl. The civil society needs to question if the media and all agencies involved should be allowed to get away after besmirching our memory of a 14 year old who cannot even defend herself from the accusations hurled at her. After 5 long years, the CBI court has indicted Rajesh and Nupur Talwar in the murder of their only daughter. It is ironic that when the CBI sought closure of the case because of lack of evidence against Rajesh Talwar, it was the father and mother of the dead girl who asked for the investigation to be reopened to bring out the truth. Further, it has been alleged that the investigation has been far from being fair, the court passes judgement relying upon facts and evidences presented to it by the prosecution as well as the defence. In this instance the investigation should have been as thorough as possible simply for the fact that both the allegations were shocking to the core.

In 2012, when Ajmal Kasab, was sentenced to death penalty by the Supreme Court the media sensationalized the matter. Debates were conducted on every television channel. Even the lawyers who were involved in the case were targeted. This led to public distrust. There have been many other instances where the media has tried to bring the information to the knowledge of the public. But in doing so, it turned up as an hindrance in the justice delivery system.

CONCLUSION:

Any institution, be it legislature, executive, judiciary or bureaucracy, is liable to be abused if it exceeds its legitimate jurisdiction and functions. But sometimes these *ultra vires* activities are blessing in disguise as is the case of judicial activism. Media trial is also an appreciable effort along with the revolutionary sting operations as it keeps a close watch over the investigations and activities of police administration and executive. But there must be a reasonable self-restriction over its arena and due emphasis should be given to the fair trial and court procedures must be respected with adequate sense of responsibility. Media should acknowledge the fact that whatever they publish has a great impact over the spectator.

Therefore, it is the moral duty of media to show the truth and that too at the right time. While the print media has reached at a saturation stage where it is aware of legal guidelines and ethical limits

but the electronic media is experimenting and is relying upon ‘trial and error’ method for what to show and more importantly what not to. The time will come when electronic media will also be well regulated by self-censored guidelines and we shall retain a ‘completely free press.’

