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Influence of Trial by Media on the Criminal Justice System in India

V.V.L.N. Sastry
Walden University

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Walden University

College of Social and Behavioral Sciences

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V.V.L.N. Sastry

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2019

Abstract

Influence of Trial by Media on the Criminal Justice System in India

by

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LLM, S.K. University (India), 2014

LLB, Osmania University (India), 2011

Dissertation Submitted in Partial Fulfillment

of the Requirements for the Degree of

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Criminal Justice, Public Policy and Administration

Walden University

May 2019

Abstract

Media exercises incredible influence on the public; in India media appears to interfere with court proceedings. The purpose of this mixed-methods quasi-experimental study was to explore the effect of media trials on the Indian criminal justice system and to examine the relationship between court verdicts and media trials in India. The narrative policy framework was used to guide the study. Qualitative data were gathered from a variety of sources, including the court cases and the related verdicts reported by the media as media trials from 2005 to 2015. Subsequently, interviews were also conducted to collect qualitative data. Quantitative data were sourced from a survey using Likert scales. Survey and interview data were collected from 450 India-based practicing attorneys. Qualitative data were coded and themes developed. Quantitative data were analyzed using Pearson's correlation analysis. Findings indicated that media interference affects the Indian criminal justice system, often adversely. Findings may be used to help public policy making bodies formulate media guidelines about reporting crime and the justice system in India. Findings may also be used to bolster public confidence in the judicial system in India.

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Dedication

I would like to dedicate this to 'Walden University' which has provided me a great platform to pursue this course in 'criminal justice-public policy and administration'.

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I take this opportunity to thank my Professors at Walden University, namely Dr. Gregory Koehle, Dr. Daniel Jones and Dr. John Walker for their great guidance throughout my dissertation process. Further, I thank my family for their continued support.

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Chapter 1: Introduction to the Study

Media exercises incredible influence on the public. Newspapers, news media, radio, and television do not only spread information; they also assist in determining the stories and topics the public will discuss. Crimes receive wide media coverage, an aspect that presents a challenge for defense attorneys, defendants, and prosecutors. Juries and judges are required to be impartial when making decisions regarding a case, regardless of the media news coverage, which they might have encountered prior to the trial (Moran, 2014). However, police officers handling the criminal case might be influenced by the media in the process of giving case-related information. Moreover, trial media coverage, particularly the coverage of proceedings through moot court media room discussion, can influence the jurors' and witnesses' behaviors. Live media coverage of the court proceedings can interfere with the process of a free trial and can influence justice, especially for the oppressed in society based on a particular case and factors that influence the case (Ranjan & Kashyap, 2014).

Trial by media, a popular term in the early 21st century and late 20th century, is used to define the impact of newspaper and television coverage on the reputation of a person after or before a verdict in court. There has been a heated debate between free press supporters and individuals who prioritize a person's right to fair trial and right to privacy (Lim, 2015). Media are frequently accused of instigating public hysteria in court cases similar to a lynch mob. However, it is counterargued that the mob mentality occurs independent of the media (Berryessa, 2014).

The media's role in influencing trials in India came to attention during the Jessica Lal homicide trial. The media's role was also discussed in the case of Priyadarshini Mattoo. There have been several cases in which the media has been blamed for influencing the court judgment. Media trial is an unwarranted interference in the justice process (Platania & Crawford, 2012). A fair trial is an important element of the judicial system (Platania & Crawford, 2012).

There is no reference to trial by media in the Indian constitution. Media freedom refers to the freedom of expression and speech of the general public. Although Article 19 addresses the right to expression and speech, media trial tenets are not included. Media freedom is not complete because it is limited by Article 19 Subclause 2 in which, free press expression refers to the lack of interference from outwitting state (Ray & Dutta, 2015). A clear definition of press freedom originated from the *Indian Express Newspaper vs. Union of India* case. Based on this case, the expression of press freedom refers to freedom from disturbance of the newspaper's circulation and content. Press freedom has been considered the heart of political and social discourse. The court has taken the role of upholding press freedom and invalidating administrative actions and laws that interfere with media freedom, according to the mandate of the constitution. Press freedom in India is an essential part of the freedom of expression that includes the right to impart and receive information.

Media plays a role in influencing high-profile trials. This includes public opinion regarding the court's handling of a case and gauging the court's efficiency in doing so. Although there have been several empirical studies in different parts of the world

addressing the impact of trial by media in the criminal justice system either directly or indirectly, this topic has not been adequately studied in India. The purpose of the current study was to examine how trial by media impacts the Indian criminal justice system.

Background

Newspapers, radio, and television convey information and shape the subjects that people engage one another about (Ray & Dutta, 2015). Certain crimes attract substantial coverage by the media, presenting a challenge to the parties related to the judicial proceedings. Every jury should be impartial when processing the case before it, regardless of the prior coverage of the case by media. The parties may find themselves entangled with journalists and the media in general when providing information on specific cases. There is a widespread view that the way the media covers certain trials in courtrooms affects how jurors and witnesses behave.

Across the world, there have been efforts to regulate what the media conveys to the public, especially by criminal justice systems. In many nation-states, the freedom that the media enjoys when reporting on criminal matters is considered conditional. Many court systems, including the Indian court system, provide that every party's right to expression does not extend to committing contempt of the system. There is a need to determine whether the motivation of the court systems in limiting media freedom is related to how they perceive the media to be impacting criminal justice systems. Particularly, there is a need to establish how the media impacts the systems (Greer & McLaughlin, 2011a).

Research was conducted on the intervention of media in cases under trial. The literature indicates that trial by media is a dynamic process through which people are exposed to public opinion where they are condemned without being heard (Greer & McLaughlin, 2011b). The media pushes people to prejudge the verdicts of criminal proceedings. Some people use the media to influence court case outcomes. In media trials, the media serves as a conveyor for popular sentiment. The media are also used to practice parallel elements of justice outside the confines of the courtroom (Newburn & Peay, 2012).

The media are a principal pillar of democracy across the world. The media plays numerous roles in society, including molding social opinions and perceptions of specific events. In recent times, the media has played a role in pushing for the trial of accused persons. The media informs the public on matters of significance to it, meaning that a healthy and free media are critical to the working or functioning of democracy. Court proceedings that are covered widely by the media are concluded by the courts rather fast by and large (Bodo & Szabo, 2011; Neubauer & Fradella, 2013).

Ranjan and Kashyap (2014) argued that trials by media are not regulated and put tremendous pressure on formal judicial processes. Atrocious crimes ought to be condemned, with the media pushing that cause justifiably. Ranjan and Kashyap conceded that the media should neither usurp the functions of the judiciary nor engage in subjective, biased reporting of formal criminal justice proceedings. At times, the media distorts information relating to the proceedings. Lim (2015) indicated that the media impacts civil adjudication through the alteration of public preferences for particular civil

justice infrastructure or systems. According to Lim, judges and jurors are likely to make decisions in ways that allow them to find favor with the media. The media may inculcate certain moral and political persuasions that may affect the decisions in cases. Moran's (2014) and Lim's (2015) thinking appeared to inform the study by Ray and Dutta (2015), who described the media as a central force in the formation and changing of public opinions and triggering of investigation into matters of interest to criminal justice system stakeholders. Ray and Dutta argued that democracy can only function well in environments that are defined by free and healthy media. Ray and Dutta also pointed out that there is a contention about Article 19 of the Indian Constitution, especially regarding contempt of the courts.

Problem Statement

Media initiates public scrutiny on how a high-profile case is being handled in the criminal justice system. This may influence the case trial procedure, which includes the process of gathering and presenting evidences, as well as the witnesses and other important court elements in a trial. Media involvement in a trial may influence the criminal justice operation either negatively or positively based on the situation. Despite the influence of media on criminal cases in various countries, there have been no structured scientific studies on the effects that the media has had on the criminal justice system in India. There was a need for more scholarly research on the influence of media in cases that are under trial in India. Findings may instigate further discussion on this influence.

The Indian criminal justice system has been slow in letting the media in on its operations and functions. However, this is expected to change as new media technologies are used to pressure the system for more access. There is a need to examine how the media influences the Indian criminal justice system. Researchers have shown that the media affects human beliefs more than science (Golding, Krimsky, & Plough, 1992; Ricketts, 2007; Shanahan, Jones, & Mcbeth, 2011). Policy literature indicates limited findings on the impact of media-carried policy narratives (Nelson, Oxley, & Clawson, 1997; Shanahan, Jones & Mcbeth, 2011).

Research Design

There are various research techniques that can be employed to conduct research studies. Each of these techniques has knowledge theory and philosophical foundations. Qualitative and quantitative approaches are sometimes not adequate to offer a comprehensive examination of a phenomenon. The current study was based on a mixed-methods design. The data were examined using qualitative and quantitative methods. A quasi-experimental design was also employed to determine whether media trials impact Indian court verdicts and, if so, how the impacts are exhibited. The mixed-methods design was appropriate because it suits a comprehensive examination of the influence of media trials on court determinations (Shanahan, Jones, & Mcbeth, 2011).

Variables

The independent variable in this case was the media intervention (trial by media) in criminal justice trials. The dependent variable was the court judgment or verdict in a

case. Qualitative data collection and analysis were also carried out to establish how media interference affects the Indian criminal justice system.

Research Questions and Hypotheses

To establish how media interference affects the Indian criminal justice system, the current study was guided by two research questions:

1. Is there a positive correlation between court verdicts and media trials in India?
2. What is the effect of media trials on the Indian criminal justice system?

To determine the media influence on the criminal justice system in India, the following hypothesis was tested:

H_0 : There is no positive correlation between court verdicts and media trials in India and media trials do not affect the Indian criminal justice system.

H_a : There is a positive correlation between court verdicts and media trials in India and trials interfere with the provision of justice in the Indian criminal justice system.

Purpose of the Study

Media influence people's talk at a given time and place. Media influences the population's opinion regarding situations in the society. The media reflects people's diverse perceptions of unlike situations. Media presents stories in a manner that will capture the public's attention regarding the situations. Recently, the media has also been involved in criminal justice trials, especially high-profile cases. This has been said to interfere with the criminal justice process, including witness testimony and the evidence

collected in a given case. There is a widespread concern that criminal justice processes should be handled carefully by the media. The current study was conducted to examine the influence of media on the criminal justice system in India.

Narrative Policy Framework

The current study was guided by the narrative policy framework, which is commonly referred to as NPF (Shanahan, Mcbeth, & Hathaway, 2011). The NPF is used to determine how policy narratives relate to policy changes. Policy narratives include structured plots designed by diverse characters presenting moralistic views (Sabatier & Weible, 2014). Similar to any interesting story, there are components that make the account persuasive. These elements include characters, a plot, and a moral. According to Shanahan, Jones, and Mcbeth (2011), policy narratives contain a number of varying policy plots that include stymied progress and decline, and characters such as villains, heroes, and victims. In addition, policy narratives tend to promote a policy or moral solution. These aspects of narratives are intended to promote the desired policy.

The NPF addresses the policy narrative's role in the policy process. The NPF is supported by theories from numerous academic disciplines to create a holistic framework to describe policy narratives. These theories offer testable hypotheses that permit the examination of policy narratives' influence on policy outcomes, policy change, and public opinion. The framework addresses narrative strategies and elements that serve as the basis for testing and building theory (Shanahan, Mcbeth, & Hathaway, 2011).

Policy narratives are the life of politics. The objective of tactically created stories with predictable strategies and elements is to impact public opinion with regard to supporting a certain policy. Micro-level evaluation of public opinion is limited by researching a narrow range of possible factors impacting policy outcomes. At the meso level, NPF is interested in clarifying the manner in which policy narratives impact policy results. According to Jones and Macbeth (2010), when a policy story becomes dominant, it drives the change of policy. Policy narratives exist in different forms and from various stakeholders.

Although studies of media's effect have focused on how media influences public opinion, the assessment of the policy narrative's influence on public opinion is unique compared to studies of classic framing. Policy narratives have frames that create definitions of a problem founded on the inclusion of certain facts, and not on other evidence, to reinforce a specific policy result. Policy narratives have narrative strategies and elements that do not constitute a problem frame but are thought to be tied to beliefs of individuals, their preferences for policy outcome, and their alignment with interest groups (Shanahan, Jones, & Mcbeth, 2011).

Advocacy Coalition Framework

Policy belief sets are crucial elements of the advocacy coalition framework (ACF). The policy belief of the coalition relating to media trials attracts court determinations as well as criminal justice systems. The belief will rejuvenate present stakeholders via universal policy mainstay beliefs (Shanahan et al., 2011; Shanahan et al., 2011). The ACF focuses on giving an explanation of the dynamic process coalition

change and formation, policy change, and policy learning by focusing the attention of the researcher on the coalition and policy subsystems (Shanahan et al., 2011).

ACF permits different evaluations of policy efforts in a way that encourages falsification, replicability, and comparability. ACF models public policy as a translation of contesting beliefs with regard to contested issues. ACF is especially helpful for evaluating conflicting goals and scientific rationale for technical information in the processes of policy (Weible & Nohrstedt, 2012). ACF posits that coalitions focus on translating their trusts on policy and compete with each other in a policy subsystem by use of strategies to impact decision-makers in the government. Coalitional strategic behaviors and beliefs influence policy impacts and outputs. This coalition competition process is impacted by short- and long-term resources, constraints, and opportunities that are impacted by external subsystem occurrences and stable parameters. The ACF suggests that scholars using the framework regard time period of about a decade so as to perceive the framework highlighted theoretical foci. The basic unit of ACF analysis is the subsystem of the policy that includes all pertinent actors attempting to influence politics and policy about an issue in geographical borders. Subsystems might be nested vertically via government levels or horizontally via policy issues and jurisdiction issues. Actors in the ACF policy are recognized in policy subsystems based on their participation in advocacy coalitions. Membership of actors in advocacy coalitions match the beliefs regarding public issues, empirical evaluations or normative, and in some cases more particularly, instrumental manners of goals achievement. The advocates of these policies

are goal oriented, rational, and logical and depend on technical information and science in coalition and debate mobilization (Kim, 2012).

Cultivation Theory

According to cultivation theory, media exercises long-term impacts on the public, though these influences are indirect, gradual, and small. These gradual effects become important over time and with prolonged contact with the medium. The theory represents various concepts that include cultural indicators, the symbolic environment, the multidirectional process, the television's symbolic function, the value system cultivation, storytelling, the cultural model, and the television traits. The cultivation theory proposes that the whole system of value comprises perspectives, ideologies, images, assumptions, and beliefs that are formulated by television. Television depicts pervasive and hidden morals, rules, and values for what is appropriate, important, and right in an invisible manner in social discourse. The repetitive abrasions obtained from television from childhood may become the foundation for a person's extensive view of the globe (Mosharafa, 2015). According to cultivation theory, heavy mass communications viewers are more exposed to violence content that is impacted by the syndrome of the mean world, where viewers perceive the world to be worse than it is. Cultivation theory demonstrates that after a long exposure to media, viewers' social realities will be impacted (Lau, 2015). The theory of operation is represented in Figure 1.

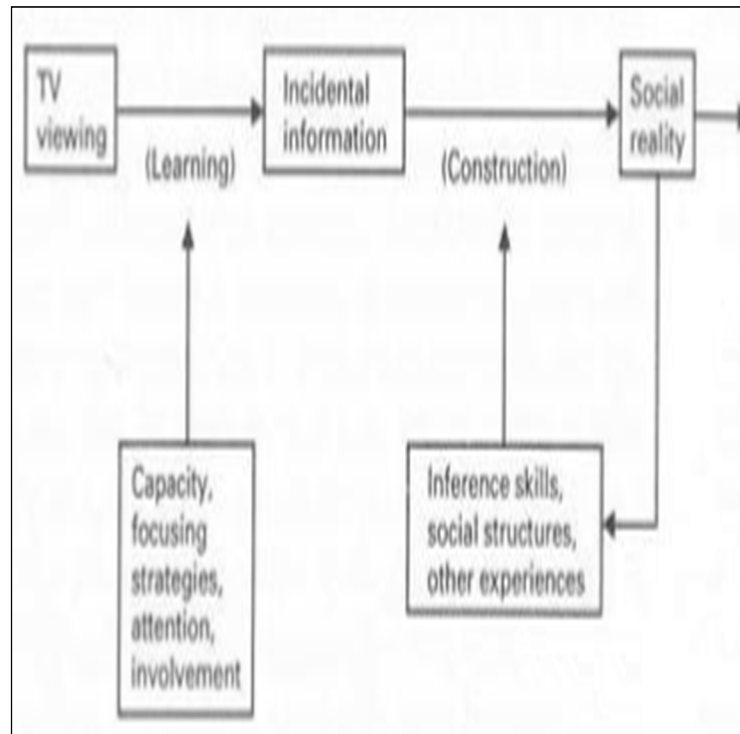


Figure 1. Theory of operation. Source: Lau (2015) & Mosharaf (2015).

The above conceptual model illustrates that media influences viewers' perception of social reality. This model can include different mediums, although most news directors believe that media victimization and danger themes in the news depress and desensitize new consumers. This belief is supported by media scholars and critics. Based on this argument, individuals who are subjected to higher level of exposure to news media are more likely to be impacted by the manner in which the world is structured by the media they are exposed to.

Dependency Theory

Dependency theory suggests that an essential association is born between the social group of consumers, the consumer, and the media. Dependency theory refers to a

complex system in which individuals, media, social environment, and interpersonal interactions between the media and people are perceived to contain dependency associations. Each of the identified components of the system is perceived to rely on the other elements in the system by sourcing on resources so as to satisfy objectives.

Dependency is an association in which the satisfaction of needs or the attainment of goals by a single party is dependent on another party's resources. For instance, a media company may be reliant on a political structure for broadcasting permission, or a manufacturing company may rely on a media system to enhance sales and advertise their brands (Lowrey, 2004). In media system dependency theory (MSD), specific attention is provided to the media system sources in modern society and the consideration of conditions that will decrease or increase reliance of people on the media system. MSD expands the dependency relationships concept by postulating antecedent consequences and conditions associated with these consequences. The theory proposes that media dependency will increase in times of change and conflict in society. It is believed that during such events, there will be a greater need for orientation and information and that recognized social associations will be inadequate to give information of this kind. MSD theorists argue that this hypothetical consideration with respect to dependency contexts is critical because it assists in handling the debate between limited effects and strong effects media traditions (Lowrey, 2004). The MDS model is shown in Figure 2.

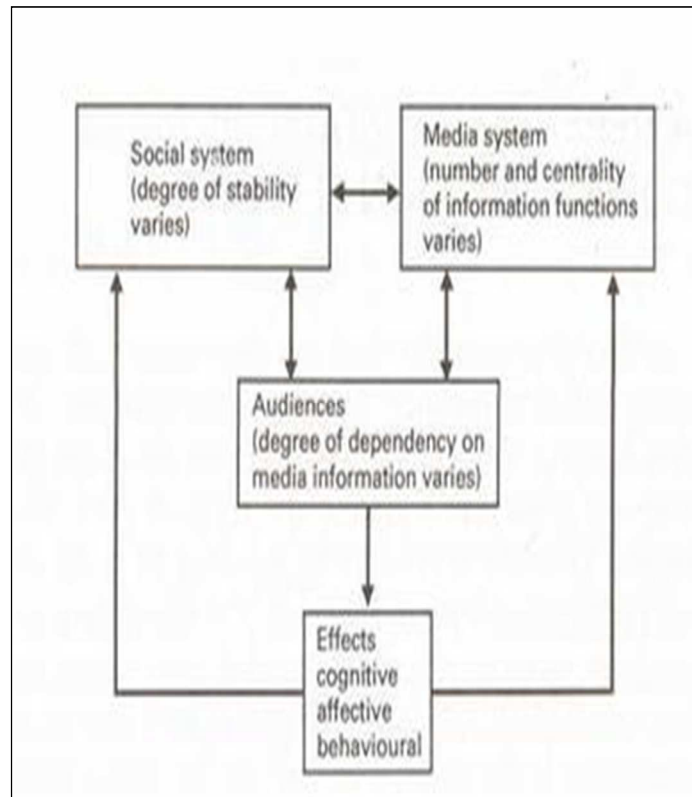


Figure 2. Media system dependency theory. Source: Lowrey (2004).

This model demonstrates that customers depend on media for information to attain particular needs and meet particular goals. These objectives can differ based on customers' dependency level and social network. This model relates to cultivation theory in that negative themes that are perpetuated through reports by media have been shown to persuade audiences irrespective of the impact theorized by cultivation theory. The audience instead, frequently find media which is adverse even in programs with negative reality. The progressive search of media which is negative can be regarded as odd, based on the adversative reactions presented undoubtedly in the viewer.

Assumptions

I assumed that media are capable of interfering with criminal justice system operation when involved slightly or intensively. The level of influence matters based on the method in which media gets involved. The most probable ways in which media was believed to interfere with the criminal justice system's operation was by airing trial cases as news, by giving opinion, by critically analyzing how a certain case is being conducted, or by following the case from when a crime takes place. This information can be provided in different media that include television, newspaper, radio, and social media.

Limitations

I conducted a quasi-experimental study which may need to involve designing a real situation like a situation where media will be involved in one case and not in another case. This is considerably a tricky situation to attain since it is hard to keep media completely away from a case that it is interested in. Media companies are in business and their daily sales depend on the sweetness of their story and their level of coverage of a story or event of public interest. Thus, it was hard to control what media should be involved in. Moreover, I needed to identify a very interesting case that would attract public attention and with which media would want to be fully involved and that would receive wide coverage by different media to capture the influence media have on criminal justice system operations. This meant that a controlled experiment was not feasible.

I selected cases that were already in existence and that had attracted media at the early stage. Although it is hard to say whether the media may have interfered at later

stages of cases, I anticipated that the level of media involvement may not have been as extensive and influential compared to cases in which media involvement took place from the initial stage.

Implications for Social Change

As Pettit (2010) explained, researchers play the role of convincing others to direct their attention and resources toward a particular social problem. For policymakers to make final decisions on whether to make changes to existing policies, they must rely on data that have been collected and properly analyzed by researchers. Researchers enable policymakers to come up with innovative responses that contribute to social change. Furthermore, researchers take dynamics of power and reality into account to ensure that they come up with powerful knowledge that can effect social change (Pettit, 2010).

A country's judicial system is the last resort for justice sought by its citizens. By conducting the research, I was able to determine whether and how media impacts the criminal justice system, and devised the steps needed to enhance confidence in the judicial system. This was accomplished by publishing my research findings and convincing policymakers to implement actions that will lead to social change (see Watt, 2007). Findings may help public policymaking bodies formulate guidelines on the information about crime and the justice system that is aired to the citizens through media channels. Findings may also enable policymaking bodies to send clear messages to the media to avoid miscommunications that might occur because of distortion of information. Findings may help effect positive social change by enhancing belief in the judicial system of India.

Significance

Across India, media trials have taken up considerable attention. Some renowned cases, including the one involving Priyadarshini Mattoo, may have remained unraveled had the media not focused on them. India has various democratic pillars, including the media (Ranjan & Kashyap, 2014). There are many media houses in India operated by politicians and corporations (Ministry of Information and Broadcasting, 2014; Khandekar, 2013). The media shapes decision-making in trials through sentimental as well as emotional raking regardless of the applicable legal considerations (Ranjan & Kashyap, 2014).

Chapter 2: Literature Review

There has been minimal scientific research on the impact media coverage has had on justice systems, including the Indian criminal justice system. There has been a persistent requirement for scientific studies into how media coverage shapes or influences trials that are underway in the Indian criminal justice system. Such studies are bound to trigger public discussions on how justice processes are influenced by the coverage. The criminal justice system of India remains unenthusiastic about allowing unfettered media access to its functions and deliberations. However, the system is expected to become more and more enthusiastic about embracing the media as emerging media technologies coerce it for expanded access. There is a need for objective as well as scientific studies to examine the impact media has on the system's processes and determinations in particular cases.

Psychology and related studies have indicated that the narratives propagated by the media influence the beliefs that given audiences hold. This influence exerted by the media on the beliefs is more commanding than the related scientific proofs (Ricketts, 2007); Shanahan, McBeth, Hathaway, & Arnell, 2008). Varied risk analysts have established that the stories carried by the media have an impact on the beliefs that individuals have (Golding, et al., 1992). However, there has been rather limited structured research into power or influence of the stories (Nelson et al., 1997); Shanahan et al., 2008). Future research should focus on the influence of the policy narratives carried by the media regarding the Indian criminal justice system.

To expand the understanding of the media's influence on trials in India, there is a need for scientific research. If the Indian government stifles the media coverage of criminal proceedings, it may stifle democracy. On the other hand, it will be irresponsible to allow the media to report on the proceedings without taking responsibility for what they publish. There is a need for a mixed-methods study to determine how court verdicts are influenced by media trials. The current study helps to reveal the influence that trials have on court determinations. There is wide-ranging agreement that the media ought to report on criminal justice systems cautiously. The present study is designed to examine how the media impacts the Indian justice system.

A wide-ranging search for studies related to the establishment of how the media impacts on the Indian justice system revealed important insights. First, none of the studies indicated whether media trials in India are positively correlated with court determinations in India. Second, none of the studies focused on the effects that media trials have on the criminal justice system in India. This chapter includes literature search strategy, conceptual framework, literature review, and summary and conclusions. The literature search strategy section explains how I used terms to search databases. The literature review section represents how I synthesized the literature related to the research topic.

Literature Search Strategy

Literature search strategies are structured ways through which the terms used in searching databases are organized. The strategies show the ways the terms combine to enable the retrieval of the best outcomes. In this review, various search strategies were

used: key word searching and truncation. I adopted each strategy for the particular databases used. The databases included Academic Search Complete, HeinOnline, JSTOR, EZProxy, ALM Legal Intelligence, and CasemakerX. The key words that I used were *media*, *court*, *verdict*, *trial*, *criminal justice system*, *affect*, *correlation*, and *media influence*.

Truncation helped me find plural as well as singular forms of the key words and related variant endings. I shortened the key words to their trunks or stems, and added the appropriate truncation signs in particular databases to find articles relevant to the study topic. I used truncation as a literature search approach because it helped broaden literature searches through the retrieval of all the words sharing a stem even. Truncation helps researchers to search for words with a singular, straightforward approach. Truncation helps save time because researchers are not compelled to repeat particular searches with manifold versions of given words.

Regarding key word searching, I programmed my computer to index the key words in the databases' text, subject, summary, or title fields. I searched for the key words by having them typed in the appropriate search windows of the databases. The search proved helpful when I was looking for specific new terms, slang, jargon, or distinctive words sharing stems with the key words. I used both key word searching and truncating because the latter allowed me to find articles that included the terms that I typed into the search fields.

I employed various limiters in searching for relevant articles. Search engines and databases allow researchers to limit searches to particular criteria, including periodical

title, scope of text, publication date, language, and format. In the present study, I employed four limiters. First, I limited the search outcomes to articles whose full text was available. Second, I limited the search outcomes to articles that had been peer reviewed. Third, I limited the search outcomes to articles that were not more than 5 years old. Lastly, I limited search outcomes to articles published in English.

Cultivation Analysis Theory

Media research has focused on how mass media are employed in persuasion as well as in propaganda. Researchers and journalists have depended on behavioral sciences in their efforts to establish the likely impact of communications and mass media on societies (Boyd-Barrett & Braham, 1987; McQuail & Windahl, 1993). Researchers have come up with theories to explain the likely impact of communications and mass media on societies (Boyd-Barrett & Braham, 1987; Newcomb, 1978). Some researchers contend that it is impossible to define the relationship between the impact and the media. In the present study, I used cultivation analysis theory (CAT) to examine the impact that media has on culture and individuals, and how the media impacts the Indian criminal justice processes.

A wide-ranging search for the literature relevant to the subject of the present study revealed that there have been no structured scientific studies on the effects that the media has on the criminal justice system in India. The effects have been studied by me comprehensively in the light of CAT. Da Silva (2012) used a multi-method approach and suggested that there is a need for more scholarly research on the influence of media in cases that are under trial in India.

CAT asserts that individuals heavily exposed to media cultivate or develop illusory perceptions of the extant realities based on the most consistent as well as repetitive messages of their preferred media (Gerbner, Gross, Morgan, Signorielli & Jackson-Beeck, 1979). Notably, CAT often applies to researches regarding television since television's nature is exceptionally pervasive especially in criminal justice contexts. Under CAT, individuals who spend many hours watching television may develop reality pictures not in tandem with actual or real life. Antagonistic acts that are televised markedly outnumber the antagonistic acts that individuals actually experience in their everyday lives (Gerbner & Gross, 1976). Consequently, individuals, including judges, who spend considerable time watching television, are likely to perceive their environments as more dangerous and violent than they actually are.

CAT-related projects or research works entail varied research areas, such as the variations in the perceptions of those who use media heavily against those who use it lightly. To ensure a proper application of CAT, there ought to be analysis of the media content that given individuals normally watch for various classes or forms of messages. Consequently, researchers need to bear in mind the cultural persuasions of the individuals who consume the contents to determine accurately any additional variables that shape how they perceive reality. For instance, family and peers have socially stabilizing impacts that influence television viewing among children, and how children process and draw out meanings from media messages (Boyd-Barrett & Braham, 1987). If a person's social life influences the person's own life markedly, the social communications and messages

obtained from his or her own family and peers may be in conflict with the messages and communications he or she gets from television.

Cultivation analysis theorists hold that heavy media users, regardless of their profession, are more inclined to believe that media messages are valid and real than light media users (Gerbner & Gross, 1976). Hence, judges and other people who are heavy media users are likely to see more violent acts than the judges and other people who are light media users. The heavy media users are more prone to the thinking that their environment and clients, including suspected criminals, are far more dangerous and worse than they actually are. They are therefore more likely to suffer from Mean World Syndrome (MWS) than light media users (Boyd-Barrett & Braham, 1987; McQuail & Windahl, 1993). MWS is the thinking that the world or one's surroundings are far more dangerous and worse than they actually are. The theorists' elementary focus is on the impact that using media has on the attitudes of the users as opposed to the consequent behavior of the users.

The agendas that the media set affects their audiences, particularly in the shaping of political realities. The global interconnectedness enabled by the internet means that news can be quickly distributed far and wide. Technology hastens distribution of news articles and exchange of information making the impact of media agendas increasingly significant. Kwong, Chan, Leung, Ho, Wong and Wong (2015) established that the strength and effect of the media in setting agendas might influence government policies as well as public choices and attitudes.

The strength and effect of the media are autonomous variables while the policies, choices, and attitudes are dependent variables. Apart from the media, Kwong et al. (2015) established that there are other variables affecting the dependent variables. These include government decisions and judgments. Consequently, Kwong, et al. (2015) concluded that there is a chance that the autonomous and dependent variables are correlated, albeit the researchers not establishing the level of the correlation.

Notably, Berryessa (2014), Kwong, et al. (2015), and Vining, Wilhelm and Collens (2014) determined that biased media reports could lead to wrong views about given justice systems. The three studies established that even judges may develop biased perceptions regarding how given justice systems function. Berryessa (2014) used a multi-method approach, which determined that judges have off-putting and affirmative views concerning how the media covers criminality and High Functioning Autistic Spectrum Disorders (HFASDs). He explained that sensational media coverage of criminal acts by individuals with certain mental disorders, including High Functioning Autistic Spectrum Disorders, has brought about social speculation and perception that the disorders have a close link to violent criminal acts. There are no structured studies establishing how the coverage influences judicial officers.

Further, Berryessa (2014) explored the influences that media coverage has on judges' perceptions, especially on disorders and criminality. The researcher established that, generally, judges perceive media reports on disorders either negatively or positively. Yet almost every judge has encountered media reports on criminality and disorders that he or she felt were absolutely misleading and harmful to how the public perceive

disorders. That means there has been media reports on the disorders and violent criminality as well as their correlation exposed to the public, including judges. It also means judges recognize the potential ill effects of negative media reports on the correlation.

Berryessa (2014) concurs with Cheryl (2010) and Platania and Crawford (2012) that when a juror utilizes the extant media information in determining suitable verdicts, there is a high chance that he or she may not acknowledge the utilization of the information, or could insist that previously observed information not be considered. Even though a judge is unlikely to report that his or her opinions are influenced by negative media reports, the typical judge is concerned that the public and other stakeholders of the justice system may be adversely impacted by the media reports (Berryessa, 2014). Cheryl (2010) combined extensive quantitative analysis and qualitative approaches that involved case simulation and survey to explore the fairness of juries' decision-making process.

Vining, Wilhelm and Collens (2014) presented empirical outcomes demonstrating that the elements of sensationalism, novelty, and drama in media articles impact on how capital offense proceedings are covered. As noted earlier, several questions arise when one goes through the articles by Platania and Crawford (2012) and Lim (2015). The most critical concern relates to any media motivations to misrepresent justice systems. Ideally, the media should seek to generate and convey information that is newsworthy and that the public finds appealing. Media reports that do not cover newsworthy or extreme events are hardly appealing to the public. Consequently, there is a higher chance of the media reporting court proceedings that give rise to newsworthy or extreme determinations than

other court proceedings (Platania & Crawford, 2012). According to Vining, Wilhelm and Collens (2014), the classical or traditional legal salience indicators do not influence the coverage as much as the elements.

The same factors influence news content regardless of where it is placed. Yet news content given prominence are more likely to be highly sensitive to dramatic, conviction reversals and to the infrequency of executions within particular states. Vining, Wilhelm and Collens (2014) concluded that the classical explanations of how newsworthiness and crime are related have constrained influences on media reporting of states' Supreme Court proceedings. On the other hand, the way the media covers states' high court proceedings is dependent on how the courts and their judges conduct themselves.

Miljan (2014), whose study focused on the Canadian situation, broadly agrees with the conclusions drawn by Vining, Wilhelm and Collens (2014). According to him, the media in the United States is increasingly inclined towards interpreting the decisions arrived at by the Supreme Court from a frame that is essentially political, unlike in Canada where such interpretations are essentially legal. Extant literature showed that, indeed, the media sensationalizes the criminal acts of those considered to be of odd natures, including those with mental disorders; occasioning negative, imprecise, public views regarding those under trial (Gunasekaran and Chaplin, 2012).

Research Conceptual Models

Conceptual models or frameworks are tools with diverse contexts as well as variants for analysis. Applied in organizing particular ideas and formulating conceptual differences, conceptual models are ideal in capturing real phenomena in applicable and memorable ways. For instance, ideal in economics are demand and supply conceptual models when they effectively guide those keen on determining the differences between consumer and firm incentive systems on one hand and consumer and firm behaviors on the other (Colander, 2013).

As a term, conceptual model refers to contexts, including social sciences, and scale, including theories (Hobbs & Norton, 2006; Jaworski, Stathakopoulos & Krishnan, 1993; Maxwell, 2009; Ravitch & Riggan, 2012; Rodman, 1980; Umberto, 1978). The explicit application and characterization of the term varies. Conceptual models are especially helpful in organizing empirical investigations or researches. They are widely used in deductive empirical individual researches or micro-researches (Baum, 2003; Shields & Rangarjan, 2013; Shields, 1998). Various research works apply conceptual frameworks as characteristic abstract representations, linked to the works' objectives that guide the related data collection and analysis (Shields & Rangarjan, 2013). Based on such works, conceptual frameworks are ways of rationalizing and organizing ideas to attain research objectives (Shields, 1998).

There are different forms of conceptual models or frameworks. Working hypothesis conceptual frameworks mostly apply in exploratory research. Descriptive category conceptual frameworks mostly apply in descriptive research. Practical idea type

conceptual models mostly apply in analysis. Operations research conceptual models mostly apply in formulation of decisions. Notably, each form of conceptual framework can fit into multiple forms of research when tailored, as pointed out by Shields and Rangarjan (2013).

Conceptual frameworks represent the appraisal of literature by researchers to explain phenomena. The conceptual framework on which I hinge this literature review maps out the actions required in the review in light of my and other researchers' prior knowledge of the research subject. It is essentially my appreciation of how specific variables relating to the subject link to each other. Consequently, the conceptual framework defines the variables needed in the research, setting the stage for me to present the pre-set research questions driving the review in light of the corresponding problem statement (Hobbs & Norton, 2006).

Essentially, I lay out the particular mechanisms via which media coverage influences court proceedings and verdicts by considering two distinct factors. First, I consider the influence that the media has on the preferences and or views of judges and the public. Second, I consider the structure and nature of incentives to the judges and the public.

Media coverage or reporting may influence the preferences or views of the public, with judges recruited from the same public. Where the media reports on cases that elicit strong, biased views on the courts, there additional media reporting induces members of the public to promote views via the media. Hence, media reporting may have a marked persuasion effect via biased coverage. The effect is commensurate with the accordance

level between the views espoused by the public and those that the media promotes. Where the latter are markedly different from the former, then additional or more media reporting mitigates the impact of the former on particular court verdicts. For instance, where media coverage promotes negative views regarding a justice system by criticizing unwarranted damage awards and lawsuits, it alters public views in localities where the public is predisposed to judge huge damage awards but the coverage is unlikely to alter public views in localities where the public is not predisposed to judge huge damage awards.

In order to ensure that the mechanism is concrete, I have comprehensively discussed varied factors. First, I have discussed the patterns defining how the media reports on court proceedings and justice systems in general. Second, I have explored how the media influences people's perspectives on court proceedings and determinations. Lastly, I have explored how changing public views through media reporting affects court determinations.

Media's Influence on Behaviors, Thoughts, and Attitudes

History

The media has influenced human behavior, thought, and attitudes over the years. A broad description of media influence is the force that the messages carried by the media have or impact on particular populations, bringing about changes in reinforcing or weakening of beliefs held by the populations. The media effects stemming from the influence are quantifiable and are dependent on varied factors, including the specific

demographics of the populations and the populations' psychological states. Some effects are deemed negative while others are deemed positive. Some of them are gradual while others are instantaneous. Some are lasting while others are only fleeting. Some of them reinforce pre-existing notions or beliefs while others change them. Over the years, various studies have focused on studying the media effects. For purposes of this research, the studies capture various phases that have defined mass media development since the early 20th century.

Howell-Collins (2012) based his own study on two questions:

1. What consequences do inmates think media reporting has on their own cases?
2. How do inmates perceive they have been impacted on by media reporting of their own supposed crimes along with the succeeding trials?

He used qualitative methods: phenomenology and in-depth interview. From the early years of the 20th century to the 1930s, literature describes the media as having rather powerful effects on the populations. The then developing mass media, including film and radio, almost irresistibly shaped the behaviors, cognition, and beliefs of populations as desired by the authors of the messages that the media carried then (Bauer & Bauer, 1960; McQuail, 2010). The foundational supposition of the theory of strapping media effects was that the targeted populations, or audiences, were largely homogenous as well as evidently passive. Scientific evidence did not inform this supposition, but rather human nature assumptions did. Two principal ways explained the perceptions of the effects. First, the then technologies that enabled mass broadcasting had rapidly growing

audiences. The speedy spread of information amazed the targeted populations. The amazement may have reduced the capacity of the audiences to pay attention to the effects that the media had on them.

Second, during the First World War, many nations applied propaganda systems. The systems served as dependable tools for forging unity across populations and uniting against the enemy. The propaganda was a communication tool with very strong effects. Studies that focused on the effects that the media had on populations then majorly zeroed in on the power of propaganda (Lasswell, 1927). The theories that developed on the media effects then focused on the corresponding social and technological environment, with most of the theories postulating that the media was rather powerful (McQuail, 2010). Representative theories included the Magic Bullet Theory (MBT). MBT viewed given audiences as target subjects of information bullets or injections fired from given mass media guns. The theory postulators considered audiences as incapable of staying clear of the bullets or injections.

Nonetheless, from the 1930s, researchers that focused on effects of media on human beings appear to agree that the effects were limited. The studies largely entailed empirical investigations and brought to light the intricate nature of media effects owing to the idiosyncratic character of the audiences (McQuail, 2010). One of the most renowned classes of the studies was that of the Payne studies, which were executed across the US in the 1930s. Largely, the Payne studies zeroed in on how the mass media affected youths. Other studies during the period zeroed in on the persuasive power of film and related media (Hovland, 1949; Larzarsfeld, 1944). Researchers such as Berelson (1959) found

substantial evidence supporting the thinking that media effects on human beings had an idiosyncratic nature. They established that the effects depended on various factors, including psychosocial states and demographics. Lazarsfeld, Berelson, and Gaudete (1948) introduced 'Two-Step Communication Flow Theory', which states that the media effects on populations are indirect and that the media affects people via interpersonal influences of opinion formulators. The other theory was the Selective Exposure Theory developed by Klapper (1960) that opined human audiences do not take in given communication contents passively. Rather, the audiences select the contents in line with their prior beliefs.

The theories suggesting that media effects are limited rather than powerful have since been challenged by various evidences showing that messages communicated by the media have substantial social consequences (McQuail, 2010). Lang and Lang (1981) emphasized that the theories of limited effects were indefensible and that evidence from the 1950s did not support the conclusion that the effects were limited at any time. From the 1950s to the late 1960s, the growing number of television sets in use showed that the media had lots of influence on social dynamics.

During that period, many researchers noted that the earlier dependence on certain psychological frameworks forced studies to focus rather narrowly on the immediate and fleeting consequences of the media. According to McQuail (2010), the Stimuli Response Model enabled chances of considering significant lasting media effects. The increased focus on lasting effects at the expense of studies on the fleeting effects marked the rejuvenation of keenness on media effects research. Researchers increasingly focused on

the relationship between the effects on institutional behaviors, ideologies, and social realities (McQuail, 2010). Theories that developed during the time included the Agenda Setting Theory, the Framing Theory, the Knowledge Gap Theory, and the Cultivation Theory (Tichenor, Donohue & Olien, 1970).

The media effects phase characterized by negotiations was widely studied in the later years of the 1970s. Then, the main consequence of the media was widely viewed as influencing societal realities. That means perception of the media as serving a typical social constructivist role as comprehensively captured by Gamson and Modigliani (1989) and McQuail (2010). Researchers on media at the time were keen to assess the role that media was playing in building meaningful and related societal realities. They established that media shaped social images in ways that were not only predictable but also patterned or organized. In addition, they established that audiences drew perceptions of the realities around them, especially of a social nature, from the realities that the media built.

Audiences can regulate how they interpret and regulate realities built by the media. Audiences who exclusively get information from extant media implicitly take up the realities. However, audiences may elect to draw realities from alternative sources, including their cultural milieus. The phase saw the rise of ethnographic and qualitative research approaches in addition to the then existing quantitative along with behaviorist approaches. Various research works zeroed in on media effects related to how the media covers fringe and minority societal movements (McQuail, 2010; van Zoonen, 1992).

The “new” phase of media in computer era started in the 1970s. Most of the related research then focused on how the media affects group and individual behaviors in

environments that computers mediate (McQuail, 2010). The research focused on how communications mediated by computers affects group and individual interactions. The researchers also assessed how computer-mediated communicators interacted with each other and formed impressions on each other, especially considering that their communication would be highly limited (Valkenburg, Peter & Walther, 2016; Valkenburg & Peter, 2009).

Culnan and Markus (1987) were keen on comparing the then extant internet content that comprised of text only with one-on-one communication. Daft and Lengel (1986) formulated a theory for evaluating the ability of the media to replicate information: the theory of media richness. Notably, a growing number of people were using the internet at home through the 1990s, which led to substantial growth in the number of studies focusing on computer-mediated communications. The theories that are most associated with the phase include the Social Information Processing (SIP), amply explored by Postmes, Lea, Spears and Reicher (2000) and Walther (1992).

In the United States, no one is allowed to cover criminal proceedings using electronic media by virtue of the 53rd federal criminal procedure. The procedure became applicable in mid-1946. The only exception to the rule is when there is a statute authorizing the coverage, especially taking of photographs during court proceedings. The code of conduct developed in the 1970s and applicable in the United States required that judges should not allow for the broadcasting, photographing, televising, or broadcasting of court proceedings within courts and the adjacent areas whether the matters under considerations are civil or criminal. From 1990, the coverage of court proceedings has

been incrementally allowed in the United States. A policy that was developed in 1990 allows judges to permit the recording of the proceedings using electronic media when the proceedings are ceremonial, including investiture and naturalization proceedings.

From 1996, the US Courts of Appeal can decide for themselves whether to allow for the photographing or recording of their appellate arguments in line with the extant statutory provisions, local and national rules, and other applicable regulations. Since then, the regulations relating to the usage of cameras in United States courts have undergone significant evolution. Presently, the regulations provide that judges may allow for the photographing, broadcasting, recording, and televising of proceedings in courtrooms and within the adjacent zones, or areas, for investiture, ceremonial, or naturalization proceedings. The regulations refer to evidence presentation, proceeding perpetuation, security, and related interests and concerns.

The permission to photograph, broadcast, record, and televise the proceedings in courtrooms and within adjacent zones should not injure the rights of any of the related parties, should not distract any of the related parties from the proceedings of the courts, and should not interfere with how courts administer justice.

In India, judges are becoming more accommodating regarding media coverage of court proceedings. In 2012, judges in the Indian Supreme Court expressed their willingness to have proceedings recorded if it does not give room for contempt of the court in the system. The court pronounced that it was set to put in place guidelines controlling how the media should report on court proceedings to strike a good

equilibrium between securing media freedom and safeguarding basic human rights, especially the right to life, liberty, and free speech (Venkatesan, 2012).

The Indian Supreme Court judges were concerned that the media often reports on court matters in ways that are inappropriate. The media often seeks to influence the thinking of judges by creating particular mindsets regarding what is right and what is wrong. When court pronouncements are not in line with the moral parameters set by the Indian media, the judges in question have their images injured by the media, casting suspicions around the judges' judgments (Venkatesan, 2012).

Typology

The scope of studies on media effects is now rather broad. According to extant literature, this brings about organizational difficulty. Trying to organize media effects in line with target audiences proves to be effective. McQuail (2010) organizes media effects easily using a typical graph. Some of the effects aggregate the audience (macro-level effects) while others are for the individual (micro-level effects). There are varied theories related to the latter.

Such theories base own deduction on the specific users of particular media as opposed to the society or particular systems or groups as explained by Valkenburg, Peter and Walther (2016). The theories are all representative, including the priming theory, the framing theory, the mass communication theory, the social cognitive theory and the elaboration likelihood theory.

According to these theories, the media affects persons in six varied ways. First, the media affects persons cognitively by imparting on them new information, messages, and meanings. The persons acquire new knowledge, which they use in making out patterns, inferring information into novel behaviors, and combining varied sources of information. Second, the media affects the beliefs of people. Notably, one is incapable of validating all media messages. Even then, one may elect to believe given sets of the messages, including those regarding phenomena that he or she is yet to experience. Third, the media affects the attitudes of individuals with the related intentions notwithstanding. Such messages make the individuals develop certain judgments regarding the related topics. Fourth, with respect to individuals, the media are effective. That means that media affects the emotions of individuals exposed to given media content. Fifth, the media has physiological effects on individuals. The content it carries often compels individuals to react physically and automatically. Lastly, at the micro-level, the media affects the behaviors of individuals (McQuail, 2010).

At the macro level, there are theories on the effects of the media on ideologies, systems, and large populations. These theories include the public sphere theory, the risk communication theory, and the knowledge gap theory (McQuail, 2010; Valkenburg, Peter & Walther, 2016). Regarding the micro level effects of the media, it is clear that individuals are erroneously highly likely to believe that the media does not affect them as much as it affects others. This is the third-person perception, or effect. Studies such as the ones executed by Heider (2013) and Miller and Dollard (1941) have shown that close to a half of all individuals are prone to the effect. They are highly likely to downplay the

influence that the media has on them. The theory of attribution further explains this phenomenon, noting that the effect allows the people prone to having misgivings about media effects on individuals devoid of taking responsibility for the effects the same media has on them.

Theory has it that a person is highly likely to blame his or her responses to the extant environment or object world. Theory also has it that a person is likely to blame other's responses especially the ones they disagree with to individual features (Heider, 2013; Miller & Dollard, 1941). In his study, Standley (1994) evaluated the attribution theory as well as the third-person effect. He established that individuals are highly inclined towards offering contextual or situational justifications for the effects of the media on themselves. He also established that individuals are highly inclined towards presenting dispositional justifications for the effects on other persons.

The memory's network model drew this priming concept, largely utilized in cognitive psychology contexts. The model stores information nodes that are organized and tied to corresponding ones by corresponding paths. The activation of any of the nodes causes the activation of the nodes around it. That phenomenon is characterized as the spreading of activations. Essentially, priming happens when the activation of successive nodes occurs. The priming effect is dependent on various factors, including length and intensity of elapsed time (McQuail, 2010). Many psychologists use the concept in explaining how the media shapes or affects the beliefs, conducts, and attitudes of given individuals. For instance, most of them hold that individuals who watch many

violent scenes on media are more likely than other people to act violently and aggressively over time.

Miller and Dollard (1941) formulated the theory of social learning when they carried out a study aimed at establishing whether given persons have to behave in a given way to learn related behavior. They established that one does not necessarily learn a given behavior after acting it out. One can learn from a given behavior merely by observing others express it. About three decades later, Bandura (1977) worked on the theory further. He established that given audiences learn given behaviors by merely observing given fiction subjects.

As noted earlier, studies that focused on media effects from the 1930s appear to agree that the effects were limited. The studies largely entailed empirical investigations and brought to light the intricate nature of the effects owing to the idiosyncratic character of the audiences (McQuail, 2010). One of the most renowned classes of the studies was that of the Payne studies, carried out across the US in the 1930s. The Payne Fund researches were motivated by the growth of the film industry and the progress registered by social scientists in their researches regarding how teenagers become delinquent (Tilley, 2013). The studies zeroed in on how the mass media affected youths. Other studies during the period zeroed in on the persuasive power of film and related media (Hovland, 1949; Larzarsfeld, 1944).

The ubiquity of television sets in mid-20th century brought forth increasing concerns regarding the effects that the television had on teenage behaviors and delinquency. Studies showed that television has behavioral effects on teenagers that

include desensitization, imitation, and disinhibition. Disinhibition refers to the process by which persons constantly exposed to violent scenes by the media start legitimizing violence especially against other persons. Individuals exposed to violent scenes in pornographic media are likely to act aggressively against persons of opposite sex in particular contexts (Malamuth, 1981). The imitation theory explains this by noting that a person is likely to learn violence and violent acts from media characters (Bandura, 1977). According to Carnagey, Anderson, Bushman and Brad (2007), desensitization is the process by which the habituation of a person to violent acts via being exposed to violent media scenes happens, giving rise to actual implications.

Various concepts explain the macro level effects that the media has on given populations. This include the cultivation concept, the agenda-setting concept, and the framing concept. While some of the effects are short term, others are long lasting. The theory of cultivation has it that the media brings forth communal consciousness regarding components of existence according to Gerbner (1969). Repeated exposure to themes and storylines makes an audience to expect its actual life and experiences increasingly to reflect the themes and storylines (Valkenburg, Peter & Walther, 2016).

Two basic media areas express agenda setting well. First, the media informs audiences of given news. Second, the media shapes how audiences judge given news. The coverage of news events by the media is a dog whistle to given audiences about the significance of the events and related issues. The media frames the news in ways that cause the audiences to respond in particular ways. In addition, if the media does not cover given news items, the news dissipates owing to two reasons. First, it dissipates since it is

devoid of a media vehicle or platform to carry it. Second, it dissipates since audiences fail to express their fears and judgments, as they fear becoming ostracized socially.

Outlets that disseminate news are capable of influencing population opinions through control of the variables defining how given news is presented. News disseminators curate facts purposely to underscore particular angles. The methods used in presenting news also help in framing news. These methods relate to presentation times, coverage scopes, and news medium choices. A news disseminator frames news in ways to reinforce, substitute, or develop particular audience viewpoints. That means that news framing can be culling of components of realities perceived along with the assembling of particular storylines emphasizing the related links to promote specific interpretations.

Essentially, the media interprets what causes particular problems. It also promotes moral judgments on the problems and bolsters policy development (Entman, 2007; Valkenburg, Peter & Walther, 2016). One lasting consequence of news framing is that it assists institutions to promote particular schools of thought and corresponding realities. The framing, if sustained, is used in bolstering thoughts supporting privilege, consumerism, capitalism or other schools of thought, according to Budd, Craig and Steinman (1999). Some scholars like Entman (2007) theorize that biases that come with news framing are capable of reinforcing the entities that are in support of given thought paradigms. Media houses understand that news filtering or gatekeeping may bring about agenda setting. The filtering makes framing unavoidable. In most cases, news filtering is natural to every media outlet given that it gets limitless information day in and day out. If a media outlet has several subcultures that is bound to be clear from the type of content

that the outlet publishes, each of the cultures affects how the outlet curates' content for the populations that it targets according to Vos and Heinderyckx (2015).

The continued digital media growth has continued to change the role of the media as a gatekeeper. Metaphorically, the growth has created more gates and additional gatekeepers (Shoemaker & Vos, 2009). Some of the gates or outlets spread the news without the help of traditional media networks. For instance, social media users spread news and can play the roles of gatekeepers of traditional media, pointing out facts that are either inaccurate or biased. The traditional press and the social media users benefit from each other symbiotically; youthful journalists employ social media platforms in tracking news or topics that are trending at any given time according to Shoemaker and Vos (2009) and Valkenburg, Peter and Walther (2016).

Legacy media gates and the more recent online news outlets face varied difficulties. The large number of outlets and the recent global economic downturn have made news reporting harder over time. A study by Lewis, Williams and Franklin (2008) established that on average, a journalist penned close to five articles daily. Public relations firms generated many news items daily. Indeed, the study established that the news articles developed by the public relations firms represented about 41% of all the news items carried by print press and 52% of all the news items carried by broadcast media. Often, news publishers rushed to publish news first and then edit them later, ignoring the ideal journalistic procedures of processing news. The publishers were in a hurry to fulfill their audience's desire for given news before being outpaced by rival news publishers (Shoemaker & Vos, 2009). Individuals may prefer to keep silent about

messages that they fear may subject them to societal isolation. In such cases, the individuals engage in self-censorship, especially where the mainstream media fails to validate or justify its own viewpoints (Noelle-Neumann, 1974).

Features of Contemporary Studies on Media Influence

In recent times, there has been rapid development of internet technology worldwide. The technology has continued to change the defined patterns of how media are utilized. Recent studies on media effects are rather specified and diverse. Valkenburg, Peter and Walther (2016) studied various theories on the micro-level effects of the media and related theories. They made out five principle features: media uses selectivity, the predictive feature of media, the indirect effects of media, the conditional nature of the effects, and the transactional nature of the effects.

The selectivity paradigm on the use of media has two distinct propositions. First, audiences get just a fraction of the messages that may potentially reach them. Second, audiences can only be affected by the news items or messages which they select (John, 2015; Klapper, 1960; Rubin, 2009). The selectivity that defines how media are utilized limits media effects substantially (Knobloch-Westerwick, 2015; Rubin, 2009; Zillmann & Bryant, 1985). Media's inherent features predict media effects. These features include the medium through which new items are carried (Marshall, (1964). Other inherent features include content properties and structural properties (Bandura, 2009; Cary, 2010; Knobloch-Westerwick, 2015). The media effects on given populations are indirect (Holbert and Stephenson, 2003; Raykov and Marcoulides, 2012), conditional (Petty &

Cacioppo, 1986; Rubin, 2009) and transactional (Bandura, 2009; Bauer, 1964; Valkenburg & Walther, 2016; Webster, 2009).

Media Coverage of Court Proceedings Patterns

Past research studies on civil court cases consistently establish that media reporting largely exaggerates the pro-plaintiff bias that judges have and also exaggerates damage award amounts. That means that the media commonly typifies courts, especially in the West, as having a high chance of decreeing excessively huge damage awards; with juries and judges who are deemed out of control being highly persuaded to punish rich defendants. From the studies, it is clear that the media projects the awards as triggering upward reviews of insurance premiums and as posing a danger to productivity of concerned economies.

In a study by Lim (2015), he was keen to establish how the degree to which newspapers cover courts was related to the damage awards that they decree in particular state systems handling civil cases within the US. Lim used data from the Civil Justice Survey of State Courts (CJSSC) covering thirteen years, from 1992 to 2005. He established that courts in liberal districts were likely to decree higher damage awards in civil proceedings than courts in less liberal districts. The more liberal a district was, the higher the chance its courts would award plaintiffs large damage awards. More particularly, he established that each unit standard deviation augmentation of a district's political liberalness corresponded to a 33% augmentation of the damage awards decreed by its courts in areas with standard newspaper circulation and coverage. The impact that the district's political liberalness had on the damage awards reduced with an increase in

media coverage. The findings of his study are backed by other scholarly research, including research by Platania and Crawford (2012).

Lim (2015) also established that media reporting volumes exclusively did not significantly influence the amounts pronounced by courts as damage awards. Neither did elected benches exclusively influence the amounts pronounced by courts as damage awards and civil proceedings significantly. Lim concluded that the way the media reported court proceedings did not affect the win rates of plaintiffs significantly. However, the way the media reported court proceedings affected the decreed damage awards significantly. By and large, his study showed that the way the media reported on court proceedings was commonly considered a negative factor that led to biased court determinations.

Close scrutiny of the data presented by Lim reveals that media scrutiny of court proceedings may present a leveling or smoothing consequence. Lim (2015) and Platania and Crawford (2012) agree that generally in localities where there is marked media reporting on proceedings, there is a limited variation between the mean damage awards pronounced by the courts in liberal districts and the mean damage awards pronounced by the courts in conservative districts. On the other hand, in localities where there is limited media reporting on the proceedings, there is a marked variation between the mean damage awards pronounced by the courts in liberal districts and the mean damage awards pronounced by the courts in conservative districts (Lim, 2015).

Platania and Crawford (2012) examined how the exposure of jurors to particular media articles affected the decisions they ultimately gave. Platania and Crawford (2012)

varied the study on levels of damage awards pronounced by jurors over time after reading the media articles. They sought to establish if and the degree to which information from the articles was used by the jurors when they decided damage awards. Moreover, they were keen on determining how the exposure of defendants and plaintiffs to media influenced their perceptions. They not only tested if the exposure impacted on the perceptions but also the time lapses while particular damage awards were being considered.

From the analyses done by Platania and Crawford (2012), it was clear that a juror who went through a drug testing media article was highly likely to perceive related plaintiffs positively. The juror was likely to take long in deciding the damage awards to present to the plaintiffs. Overall, the juror was likely to perceive the plaintiffs more positively than the corresponding defendants. Platania and Crawford (2012) noted that even though there was wide-ranging belief that the availability heuristic had a biasing impact, they established that there was a subtle but essential impact of dependence on the heuristic in determining damage awards and liability.

The research by Platania and Crawford (2012) demonstrates that plaintiffs' perceptions are highly dependent on the degrees to which they are exposed to the media, especially in conditions that are considerably salient. The study by Platania and Crawford (2012) is arguably the only one that establishes this finding, which is counterintuitive, and which stresses on the weight of the biasing impact of utilizing the extant media information in the determination of court verdicts. Essentially, that means that media exposure to uncharacteristic court verdicts has a weightier biasing impact than positive

plaintiff perceptions. Accordingly, the significant concern is how the displayed heuristic effects can be countered in such contexts (Brace & Hall, 1990; Bonneau & Hall, 2003; Hale, 2006; Hall, 1987).

Several questions arise when one goes through the articles by Lim (2015) and Platania and Crawford (2012). The most critical of their concerns relates to any media motivation to misrepresent justice systems. Ideally, the media should seek to generate and convey information that is newsworthy and that the public finds appealing (Hall, 1987; Pacelle, 2008; Slotnick & Segal, 1998). Media reports that do not cover newsworthy or extreme events are hardly appealing to the public. Consequently, one can conclude that court proceedings that give rise to newsworthy or extreme determinations have a higher chance of being reported on by the media than the other court proceedings.

How Media Coverage Impacts Viewing of Justice Systems

Greenhouse (1996), a renowned US Supreme Court reporter, has indicated that media coverage of the US courts does not concern the public greatly as much as day-to-day politics. There have been many studies especially regarding how social media affects political decisions and politics in general. There is a growing need to establish how use of social networking websites (social media) as tools for promoting political participation impacts on politics. Citizens get involved in their country's political system whenever they try to shape the results of given elections and shape particular party or government policies freely as suggested by Banaji and Buckingham (2010). However, in recent times, citizens' participation in politics has been on a general decline, raising concerns

regarding the health of various democracies. Over the recent years, the voting rates in various countries have been on a general decline (Fosco, Laruelle & Sanchez, 2011).

World over, social media is known to have a conversation power, which is important in promoting citizenship engagement (Banaji & Buckingham, 2010). A democracy's health is dependent on the engagement. Social media offers platforms for citizens to engage one another on particular public issues, including day-to-day political subjects. Individual citizens and groups of citizens seek chances to share their views with their political leaders. Perhaps, one of the most straightforward citizen engagement measures is voter turnout (Banaji & Buckingham, 2010). The social media conversations that citizens have on political subjects promote political participation. That is largely because citizens see social media spaces as non-partisan and approachable (Fosco, Laruelle & Sanchez, 2011). Those engaging with each other on social media do not necessarily require a thorough appreciation of particular political systems or parties to participate in related conversations. They find themselves engaging richly as long as they are capable of bringing their own experiences with the parties or systems and enhancing them through their views (Geys, 2006; Jennings & Zeitner, 2003).

Over the years, political parties have remained keen on raising voter turnouts in elections. They are especially keen on raising voter turnouts in areas where they enjoy significantly more support than the competition to win elections (Banaji & Buckingham, 2010). The exploration of the question helps to establish if political parties can leverage social media to enhance voter turnouts in their strongholds to enjoy significant advantages over the competition. The question also promotes public discussion on how

various demographics, which are markedly affected by government actions, can be made more influential on the actions. If it is established that social media helps bolster voter turnout, then interested parties can ensure that the demographics become more and more politically engaged and capable of determining how they are governed (Fosco, Laruelle & Sanchez, 2011). The core subject of the question is increasingly coloring political public discourses on what can be done to reverse the generally declining voter turnouts in the country's successive elections (Banaji & Buckingham, 2010).

As noted earlier, participation in politics has shown a general decline in recent times. The voting rates in India have also been in a general decline. The declines continue to raise concerns about the health of democracy in the country especially because they precipitate a situation in which political parties require the support of certain sections of the country's population to win elections (Fosco, Laruelle & Sanchez, 2011). Even though that is entirely constitutional, it raises concerns about the democracy's legitimacy. It also raises concerns about the authority, or legitimacy, of the leaders elected on the parties' tickets.

Human conduct is believed to spread via one-on-one social networks. However, it is challenging to determine the impacts of societal influence in observational investigations or studies. It is yet to be conclusively determined if social media operates similarly. There are many research studies aimed at establishing the impacts of social media on offline human conduct. However, the isolation of common themes or subjects is difficult. Often, researchers utilize exceptional datasets, set out diverse questions and

determine different outcomes (Vitak, Zube, Smock, Carr, Ellison & Lampe, 2010; Wolfinger, 1991; Xenos & Moy, 2007).

From the 1980s, Western democracies have been typified by concerns over the subsistence of political talk among highly politically engaged citizenries (Geys, 2006; Jennings & Zeitner, 2003). The concerns are motivated by thoughts about the potential effects of decline in the talk, particularly among youthful voters, on the preservation and sustenance of favorable governance in particular nation-states (Geys, 2006; Jennings & Zeitner, 2003). Particularly, youths are becoming less and less engaged in day-to-day politics, with their voice declining in everyday online and offline political talk. In recent years, youths across the globe have been linking on social media – especially on Twitter, Facebook, Flickr and blogs – to discuss political subjects. The youths use social media spaces in expressing themselves and deliberating between and among themselves or other organizations or political actors (Banaji & Buckingham, 2010).

That phenomenon has occasioned a situation in which many characterize the social media as a set of tools for engendering, promoting, or encouraging political participation, especially among young people. Social media is seen as a tool to address the political apathy problem effectively; a problem that has remained a concern for numerous political actors, practitioners, and scientists from the early 1980s. There is a general belief that the internet widens public spheres through facilitation of far-reaching participation of citizens in politics via the convenient, cost-effective, real-time social media (Banaji & Buckingham, 2010).

The internet allows individuals to freely engage with each other and with regulating actors that are comparable to the ones that typify daily informal and formal communication. Elementarily, social media enables individuals to discuss political subjects online. Social media networks such as Twitter and Facebook are debatably gradually emerging as widely used public spheres hosting political talks and deliberations, particularly for technologically savvy individuals (Fosco, Laruelle & Sanchez, 2011). Social media gives rise to virtual political communities, allowing members to express themselves to others using varied formats such as video and text. Facebook, for instance, facilitates social interactions. It enables communication of specific information among individuals through own profiles.

Facebook social media network is utilized for diverse activities and aims (Vitak, Zube, Smock, Carr, Ellison & Lampe, 2010; Wolfinger, 1991; Xenos & Moy, 2007). These include making new friends; posting status updates of individuals; posting pictures, videos, or comments; linking to statuses of other persons; playing quizzes or games; sending specific messages; posting specific links to given websites, news, and events; and forming groups of persons with mutual interests. Valenzuela, Park and Kee (2009) assert that youthful people are highly persuaded to join social media to forge strong links or ties with friends and new acquaintances. To many people, Facebook comes off as capable of reducing or eliminating political apathy. It has been established that the contribution of Facebook to a person's offline political participation is related to growth in membership of their Facebook political groups. Valenzuela, Park and Kee (2009) investigated the behaviors and attitudes that promote civic action and public life. Even though they did

not deny the correlation between civic engagement and degree of Facebook usage, they indicated that the correlation was only slightly positive, pointing out that social media is not a universal remedy for political apathy.

Various researches from the Arab world are supportive of the conclusions drawn by Valenzuela, Park and Kee (2009). The researches demonstrate that social media encourages political talk as well as participation. The proof from across the world that social media engenders political participation is certainly encouraging, especially for developing economies like Jamaica that have been typified by declining political talk among its young people in recent decades (Mossberger, Tolbert & McNeal, 2008; Powell, Bourne & Waller, 2007). A reversal of the decline is expected in the coming years as more youths politically engage each other on social media.

Various researchers demonstrate that social media improves political participation by enhancing political mobilization online (Mossberger, Tolbert & McNeal, 2008; Powell Bourne & Waller, 2007). The mobilization, that is effectively enhanced by online messages, motivates information gathering, political self-expression and voter turnout (Vitak, Zube, Smock, Carr, Ellison & Lampe, 2010; Wolfinger, 1991; Xenos & Moy, 2007). Social mobilization on social media is more effective than exclusive informational mobilization. Showing social media users well-known faces can radically enhance the efficacy of specific mobilization messages. Centola (2010) demonstrates a strong correlation between communication of messages through social media and political or civic involvement, participation, and or engagement, especially among youths.

One of the democratic rights that asserts all electoral choices is voting. Yet not every eligible voter participates in electing political leaders. Many countries that lack the legal mechanisms for obligating all eligible voters to engage in electoral processes often register rather low voter turnouts (Vitak, Zube, Smock, Carr, Ellison & Lampe, 2010; Wolfinger, 1991; Xenos & Moy, 2007). Economically underprivileged and rural areas tend to post higher voter turnouts than the urban areas whose economic prospects are better. Based on varied macro and micro voter turnout theories, the turnouts depend on the elections, countries, and individuals. Social media is increasingly emerging as a significant factor influencing voter turnouts. It makes the sharing of electoral information easy, consequently persuading people to vote (Valenzuela, Park & Kee, 2009).

Various social media networks have hashtags that allow voters to share information about voting and to motivate others on social media to vote. Previous researches regarding voter turnouts, especially in the West, show that the turnouts are dependent on having the perception that one is valued. The perception is the elementary rational choice argument premise. Even then, in various cases, wholesome rational choice theory proves ineffective in the explanation of voter turnout. Scholars like Singh (2011) stress on personal decision-making and utility impacting on the turnout. Singh however overlooks other globally relevant factors.

Voters who take to social media create a perception of obligation on the part of those sharing the social media with them through the sharing of diverse voting hashtags and photos. That obligation evolves into an element of civic duty as well as ethical consideration (Singh, 2011). Notably, the motivation to vote can stem from the

technological or social network obligation of eligible voters. The use of social media by voters pressurizes some of those sharing the social media with them to vote, helping curb political and voter apathy. Interactions on social media through use of specific hashtags inculcates specific group conducts on users. Group dynamics bolster turnouts significantly (Vitak, Zube, Smock, Carr, Ellison & Lampe, 2010; Wolfinger, 1991; Xenos & Moy, 2007).

The theorizing of rational choices is hinged on the thinking that the turnout of voters in elections is dependent on the associated differences between the attendant personal costs and benefits (Vitak, Zube, Smock, Carr, Ellison & Lampe, 2010; Wolfinger, 1991; Xenos & Moy, 2007). The benefits include participation in electoral processes and membership to the highly-regarded responsible peer team or group (Christakis & Fowler, 2008; Wolfinger, 1991). Those who participate in online discussions using specific voting-related hashtags and photos are deemed responsible. That is especially because the media commonly and consistently blames the disengagement of citizens for limited voter turnouts in elections.

According to Tolbert and McNeal (2003) communication changes have altered the roles that media outlets play in elections. They submit that media outlets, including social media, supply information and engender voters' motivation to partake in electoral processes. Social media portals such as Twitter and Facebook significantly engage voter populations through sharing of voting-related hashtags and developing peer pressure mechanisms (Geys, 2006; Jennings & Zeitner, 2003). However, that may be rather limited in areas with limited access to internet resources and with many absentee voters

who include non-citizens. Others find that position rather agreeable (Banaji & Buckingham, 2010).

Various conclusions can be drawn from the literature review on the effectiveness of social media in promoting political participation. First, social media are presently viewed as a tool that effectively address the political apathy problem. As noted earlier, the problem has remained a concern for numerous political actors, practitioners, and scientists for many years, particularly from the early 1980s (Valenzuela, Park & Kee, 2009; Wolfinger, 1991). Second, social media portals such as Twitter and Facebook are debatably gradually emerging as widely used public spheres hosting political deliberations and talks, particularly for technologically savvy individuals (Fosco, Laruelle & Sanchez, 2011).

Third, social media gives rise to virtual political communities, where members express themselves to other members using varied formats such as text, photo and video (Carpini, Cook & Jacobs, 2004). From the review, one can conclude that social media encourages political talk and participation (Banaji & Buckingham, 2010). Specifically, social media is capable of encouraging political participation. The widespread use of social media in India can considerably help cure the ongoing challenge of limited or declining political participation in the country and consequently bolster voter turnout. It is clear from the review that extensive use of social media leads to higher voter turnouts as submitted by Carpini, Cook and Jacobs (2004).

Greenhouse (1996) asserted that judges mostly pronounce themselves to the public via own opinions, which the public finds difficult to comprehend and even access.

Particularly, that is quite the case where politicians cede to judicial officers the challenging questions regarding the public. The way the press covers both the courts and the opinions of the judges is thus critical in ensuring that the judicial system in any given democracy remains legitimate and healthy in the eyes of the public (Brace, Hall & Langer, 1999; Bonneau & Hall, 2003; O'Callaghan & Dukes, 1992; Slotnick & Segal, 1998).

Despite various scholars researching the connections between the judiciary and the media, most scholars have not focused on every factor that may determine whether an aspect of given court proceedings merits media coverage. There is a need for the determination of how the facts of a particular case, features of the covering media, and judicial features of courts shape the courts (Brace & Hall, 2002). Greenhouse (1996) asserts that the media are quite critical in influencing how the public perceives governments, especially the judicial wings of governments. Yet the media are important in shaping what the public knows about the judiciary since the judiciary largely works away from the public eye in ways that are seemingly obscure. Even then, the media covers the legislative and the executive branches of governments more than it covers the judiciary.

Consequently, when scholars appreciate the cases that have high chances of media coverage, they have a good appreciation of how much the public knows about the courts and the judiciary by extension (Brace & Hall, 1993; Epstein & Knight, 1998; Friedman & Harvey, 2003; Martin, 2006). Various scholars have explored how television and radio stations have covered the proceedings of the US Supreme Court in the past. The scholars

include Ericson (1977), O'Callaghan and Dukes (1992), Slotnick and Segal (1998) and Haider-Markel, Allen and Johansen, (2006). Largely, they have established that the coverage of the court proceedings has been rather limited. Various factors affect the chances of whether the proceedings are covered. First, the issues that are the subject matter of the cases may or may not attract media attention. Second, the organized interests or groups keen on given cases determine whether the media deploys resources to cover them. Third, the significance of given cases helps in determining whether they will attract media attention. Nonetheless, there is still need for organized research into the types of information that the public gets regarding what the lower courts do, according to Hale (2006). Hale was rather clear that there is a great need for studying how the media covers proceedings in all courts and how it shapes public opinions regarding the proceedings.

Notably, very few cases are heard in the highest courts of the land. In every country, the highest courts decide fewer cases yearly than the other courts. Consequently, most judicial work in any court system happens in the lower courts, including federal and state courts. When one studies media coverage in the lower courts, it is possible that he or she will come up with comprehensive evaluation of the amount and quality of news that the public gets regarding the judiciary and how the media shapes opinions about the judiciary (Diascro, 2007; Haider-Markel, Allen & Johansen, 2006; Spiller & Gely, 1992). There are some researchers who have explored how the sizes of newspaper spaces allocated to proceedings in supreme courts affect media coverage of the proceedings

(Ericson, 1977). Due to the evolution of the media, there is a need to establish how other media, especially new media, shape court proceedings and the related public perceptions.

The media has various roles, including a predictive role. As noted earlier, there are five principle features of the media: media use selectivity, the predictive feature of media, the indirect effects of the media, the conditional nature of the effects, and the transactional nature of the effects. The other inherent features include content properties and structural properties (Bandura, 2009; Cary, 2010; Knobloch-Westerwick, 2015). These features and the medium through which news items are carried predict media effects (Marshall, 1964).

It is important to consider the overall motivations and aims of the media in covering the courts. First, the media principally seek to keep the public informed. Most citizens follow given events at particular times through media news items. The media enable the citizenry to follow the events by covering them in detail where possible. However, it is never possible for the media to inform the citizens about every event they are interested in. Media coverage is limited by availability of resources. Particularly, media coverage of particular news is limited by space and time, namely column inches and airtime. The space and time available to the media are, expectedly, finite.

For every media gate, or outlet, the resources available are dependent on various factors. For instance, Hale (2006) determined that the circulation of particular newspapers in Canada limited the extent to which given court cases were covered by the medium. Newspapers that had regional circulation had low likelihood of covering the proceedings of Canada's Supreme Court unlike newspapers that had nationwide

circulation. However, newspapers with the widest circulation covered only 30% of the Supreme Court decisions. Consequently, there is a need to investigate the factors that determine whether a court proceeding will be covered by newspapers and other media. Determining the issues that attract media attention to court proceedings is rather critical because the media should ideally act to optimize how they positively affect given societies. Most media houses elect to cover court proceedings that are highly likely to impact heavily on the extant political dynamics and policy processes (Epstein and Segal (2000)).

The suggestion by Epstein and Segal portends that media coverage for government functionaries ought to be contingent on a number of factors. First, it ought to be contingent on the salience of the related issues. The salience of any given issue affects its chances of being covered by the media. When an issue is deemed visible, the media are highly likely to interrogate and cover it in a sustained manner. Second, when there are various issues whose salience is comparable, the media are likely to cover the issues related to the agencies that have more control over public policy. Media houses are keen on policy institutions and venues that can make binding decisions on given policy matters (Baumgartner & Jones, 1993). Ideally, the houses should also pay attention to the local significance of issues. Issues that are significant locally have more relevance than the rest to viewers and readers, who view the issues as impacting their own daily lives.

Literature Review of Methodology

Mixed Methods

Quantitative researches generate wide-ranging sets of data. The data are only considerably appreciated when summarized in particular ways. The summarization of the data gives audiences ideas of the characteristic values within the data and their variations. To generate such ideas, statisticians use either summary or descriptive statistics. The former helps in summarizing quantitative data sets while the latter relate to describing the sets. Essentially, descriptive statistics refer to the appraisal of data sets to describe the sets in ways that are meaningful to audiences by generating particular consequential patterns. However, descriptive statistics do not support the drawing of conclusions past the analyzed data sets. Descriptive statistics do not especially support the drawing of conclusions as regards any hypothesis that a statistician may have previously made. Qualitative data sets are type or form measures, which are expressed by particular number codes, symbols or names (Bryman, 2006; Greene, 2007; Morse & Niehaus, 2009).

Social Inquiries

The mixed method approach is pretty appropriate for criminal justice over and above security organization studies and social inquiries. When the approach is employed in the inquiries, researchers bring together evidence in line with the nature of the equivalent theoretical persuasions and questions. In addition to criminal justice, such

evidence and its assorted interfaces assist the researchers understand the social and security worlds, turning studies into well-formed social inquiries (Bryman, 2006).

Examples of Mixed Methods Studies

When the multimethod approach is employed in criminal justice studies, it affords researchers access to manifold theoretical perspectives (Greene, 2007). It gives them opportunities for integration of the perspectives and enhancing the studies' imports (Morse & Niehaus, 2009). The criminal justice studies related to the present study and that use a similar approach include the ones by Berryessa (2014), Cheryl (2010), da Silva (2012), Howell-Collins (2012), and Lim (2015).

Research Gaps and Summary

Notably, the Indian criminal justice system has been slow in letting the media in on its operations and functions. However, as noted earlier, that is expected to change as use of new media technologies will continue to pressurize the system for more space. Media involvement in a trial case may highly influence the criminal justice operation process either negatively or positively based on the actual situation. Nonetheless, despite the influence media has on criminal cases in various countries, there are as yet no structured scientific studies on the effects that the media has on the criminal justice system. Yet there is widespread concurrence that criminal justice processes should be handled carefully by the media. There is a need for more scholarly research on the intervention of media in cases under trial, especially in India. There is a need to objectively and scientifically establish conclusively how the media impacts on the Indian

criminal justice processes. The additional research is important to instigate discussions on, as well as bolster the profiles of the intervention.

There has been only minimal scientific research into the impacts that media coverage has on justice systems, including the Indian criminal justice system. Particularly, there has been a persistent requirement for scientific studies into how media coverage influences trials in the Indian criminal justice system. A wide-ranging search for other studies into this influence gives some important insights. First, none of the studies particularly determines whether media coverage of trials in India has a positive correlation with court determinations in India. Second, none of the studies particularly focuses on the effects that media coverage has on trials in the Indian criminal justice system.

The misperceptions created among judges by media reports affect how they formulate decisions, according to Matter and Stutzer (2013), Mulder (2009), and Wentland (2012). When damage awards are seemingly overestimated, and the media criticizes justice systems of pro-plaintiff biases, judges and jurors in subsequent trials may be compelled to be less disposed towards decreeing large damage awards or other determinations that highly favor plaintiffs. Wentland (2012) and Miljan (2014) concur that in America, the media are increasingly inclined towards interpreting Supreme Court decisions from an essentially political frame. This is unlike Canada where the media are increasingly inclined towards interpreting Supreme Court decisions from a frame that is essentially legal. Wentland (2012) demonstrates the existence of a robust, clear

relationship between a country's political orientation and its court determinations, including damage awards.

Past research studies on civil court cases consistently establish that media reporting largely exaggerates both the judges' pro-plaintiff biases and the damage award amounts. That means that the media, especially Western media, commonly typify courts as having a high chance of decreeing excessive damage awards: with seemingly unbridled juries and judges being highly persuaded to punish rich defendants. In addition, studies clearly show that the media forecast the awards as triggering upward reviews of insurance premiums and as posing a danger to productivity of particular economies. Lim (2015) established that courts in liberal districts are likely to decree higher damage awards in civil proceedings than courts in less liberal districts. However, the impact that the district's political liberalness has on the damage awards reduces with an increase in media coverage.

From analyses done by Platania and Crawford (2012), it is clear that a juror who goes through a drug-testing media article is highly likely to perceive related plaintiffs positively. Media agendas affect the media audiences, particularly through the shaping of political realities.

The global interconnectedness that the internet provides means that news can be distributed far and wide. Technology hastens how news articles are distributed and how information is exchanged. The impact of the agendas is becoming increasingly significant. Kwong, Chan, Leung, Ho, Wong and Wong (2015) established that the effect

and strength of the messages conveyed by the media via the setting of agendas might impact on government policies as well as public choices and attitudes.

From the literature review, it is clear that although there have been several studies focusing on the correlation between court verdicts and media trials, none of them specifically focuses on whether or not there is a positive correlation between court verdicts and media trials in India. There is need for a scientific study zeroing in on the correlation as it specifically relates to India. Moreover, there is need for a study particularly aimed at establishing the ways in which media trials affect the Indian criminal justice system.

Chapter 3: Research Method

A wide-ranging search for the studies related to the influence of the media on the Indian justice system revealed important insights. First, none of the studies indicated whether the media trials in India were positively correlated with court determinations in the country. Second, none of the studies focused on the effects that media trials have on the criminal justice system in India. To expand the understanding of the extent to which media trials influence court determinations in India, there is a need for researches. If the Indian government stifles the media coverage of criminal proceedings, it may stifle democracy. On the other hand, it will be irresponsible to allow the media to report on the proceedings without taking responsibility for what they publish. There was a need for a mixed-methods study to examine how court verdicts are influenced by media trials. The current study was designed to examine the influence that media trials have on court determinations. This chapter includes the research design, researcher's role, research questions, context, participants, data collection, and data analysis.

Context and Setting

Media coverage may impact the preferences or views of the public. Judges are recruited from the public. When the media reports on cases that are biased and engenders views that are rather strong on the courts, then additional media reporting induces members of the public to promote the views via the media. That means that media reporting may carry a marked persuasion effect via coverage that is biased. The effect's degree is dependent on the accordance level between the views espoused by the public and the views that the media promotes. Where the latter are markedly different from the

former, then additional or more media reporting mitigates the impact of the former on particular court verdicts.

I adopted a conceptual model to organize the data. The model was related to the study's objectives: examining the relationship between court verdicts and media trials in India and establishing how media trials affect the Indian criminal justice system. I used a practical conceptual model understand how specific variables were related. As well, it has set stage for the researcher to present the pre-set research questions, which drive the present review in the light of the corresponding problem statement (Hobbs & Norton, 2006).

I examined the mechanisms through which court verdicts and proceedings may be influenced by media coverage. In theorizing how court proceedings and verdicts are influenced by the coverage, I reflected on two distinct factors. First, I considered the influence that the media has on judges' preferences or views and those of the public. Second, I considered the structure and nature of incentives for the judges and the public. To ensure that the mechanisms were accurate, I explored varied factors comprehensively. I analyzed the patterns indicating how the media reports on court proceedings and justice systems in general. I also explored how the media influences the perspectives that people have on court proceedings and determinations. Lastly, I explored how changing the views of the public through media reporting affects court determinations.

Design

In the current study, I used a mixed-methods approach. The collected data were examined using qualitative and quantitative methods. Quantitative research includes large sets of data. Data analysis involves numbers or values. To analyze data, researchers use either inferential or descriptive statistics. The former is used to analyze quantitative data sets while the latter is used to describe the sets. Descriptive statistics are used to describe the data in ways that are meaningful to audiences by indicating particular patterns. In mixed-methods inquiries, researchers examine the findings using a theoretical framework. Such analysis enables the researchers to understand the findings (Bryman, 2006; Carroll et al., 1986; Shanahan, Jones & McBeth, 2011; Shanahan, Macbeth & Hathaway, 2011).

Role of the Researcher

I assumed various roles in the study. First, I collected qualitative data from various sources. Second, I conducted a survey to obtain relevant quantitative data. Third, I adopted a conceptual model to organize the data. These roles enabled me to examine how court verdicts and proceedings may have been influenced by media coverage. In examining the data, I focused on two factors.

First, I considered the influence that the media has on judges' preferences or views and those of the public. Second, I considered the structure as well as the nature of incentives for the judges and the public. To ensure that the mechanisms were accurate, I examined these factors comprehensively. I also analyzed the patterns indicating how the

media reports on court proceedings and justice systems in general. In addition, I explored how the media influences the perspectives that people have on court proceedings and determinations. Lastly, I explored how changing the views of the public through media reporting affects court determinations.

Research Questions

To examine how media interference affects the Indian criminal justice system, I used two research questions:

1. Is there a positive correlation between court verdicts and media trials in India?
2. What is the effect of media trials on the Indian criminal justice system?

Data Collection

Overview

In scientific research, the collection of data involves gathering and measuring information on given variables in a structured manner. Data collection enables researchers to answer the research questions. The methods employed in gathering data should be guided by honesty and precision to ensure that researchers obtain quality data. Researchers use quality data to formulate credible and convincing answers to research questions (Jupp & Sapsford, 2006). In the current study, I gathered quantitative and qualitative data to answer the research questions.

Data Collection Philosophy

Research philosophy encompasses the development of the research background, knowledge and nature. This consists of ontology, epistemology and methodology. In this research, I employed simple parameters and used premises related to investigating reality. This adopted approach is strongly related to epistemology philosophical aspect.

Positivism, interpretivism and realism are the three basic paradigms that comprehend physical existence. I employed positivism philosophical methodology to provide a perspective that assesses social opinions based on objectivity. This ideal model directed me to focus on gathering general data and adequate information from a substantial social sample against the subtle elements of this research. Consequently, my own convictions did not impact on the study, with the research capturing the objective position. The philosophical methodology of positivism is principally related to the perceptions rendered through numerical information.

This research employed a combination of primary and secondary sources of data. In terms of primary data, I conducted surveys with the aim of gaining a firsthand perspective from the chosen sample population and the larger population in general. This involved design and use of a questionnaire with semi-structured questions. The semi-structured questions enabled effective collection of quantitative data such as numerical values and other required metric scale measurement.

I also used open-ended interviews as a primary data collection method. This allowed me to seek clarification from the respondents on matters that required more

explanations, consequently collecting qualitative data. In this regard, the interviews complemented the quantitative data collected in the surveys.

Secondary data was also used in the research methodology phase of the study. This data was important because it provided a theoretical basis for the conclusions of this study following adequate analysis of the collected data.

Qualitative Data Collection

Sources

I gathered qualitative data from a variety of sources. This included using Google search to gather media case information related to trials in court. I narrowed the search to media case information with specific reference to India between 2005 and 2015. I shortlisted specific cases and subsequently searched for their video clips from YouTube. I also searched the internet for articles referring to the cases and giving legal positions on the cases.

The cases that I focused on during this research study are:

- The case of Sheena Bohra's murder
- The Priyadarshini Mattoo case
- The Jessica Lal case
- The Nitish Katara murder case
- The Bijal Joshi rape case
- The Aarushi Talwar murder case

- The Ruchika case
- The murder case attributed to His Holiness Sri Jayendra Saraswathi Swamigal
- The Tehelka's Rahul Gandhi interview
- The ISRO espionage case
- The 2G spectrum case
- The Salman Khan case
- The Balakrishna's charges of attempted murder case
- The Shivani Bhatnagar murder case
- The Nirbhaya Rape case
- The Sunanda Pushkar case
- The Coal scam case
- The National Herald case on Gandhis
- The acquittal of BJP President Amit Shah and death of Judge Lohiya case
- The Vijay Mallya case

I also got some qualitative data from interviews of specific attorneys. As per the service rules of judges, no judge in service can comment on the verdict of other judges. However, the attorney as a law officer of the court is an independent person, with two different attorneys representing the complainant and the accused respectively. Each attorney tries his or her best to win their side of the representation.

Further, the immediate judicial officer to judge is the learned attorney. Since their interests are diverse, we may not find bias in their opinion. With a population of 1.35 billion, there are 1.2 million registered attorneys in India. A district court has hundreds of attorneys (IANS, 2017). For this study to have a wide geographic spread, this research had the 450 attorneys from the state-wide bar councils spread across the country participate in it. The selection of this sample size was to ensure reliability of the study.

To draw critical insights and as an overall foundation of this study, I used secondary sources of data. Since this study aimed at determining whether there is a positive correlation between court verdicts and media trials in India and establishing how media trials affect the Indian criminal justice system, it was important to collect data relevant to this underlying study matter. The contemporary nature of the subject matter required that the secondary sources have an up-to-date and accurate picture of how media trials affect the Indian criminal justice system. These sources contributed immensely to the accomplishment of the study objectives, and included the following databases:

- Lexus Nexis
- ProQuest Criminal Justice
- Legal Trac
- Google Scholar
- Legal Information Institute of India
- Laws of India

- Sage Premier
- Legally India
- Academic Search Complete
- Lawyers Club India

Additional secondary sources for qualitative data included:

- Media Library – Mumbai
- Centre for Internet and Society
- YouTube media clippings
- Legal magazines
- Newspapers

Qualitative Survey Subjects

A survey that involved interviews with specific attorneys provided qualitative data. To ensure a confidence level of 95% and an error margin of 5% or less, the research had a sample size of 450 of the 1.2 million attorneys registered in India. I used random sampling to request for short interviews on the study's subject from the 450 attorneys. Random sampling minimized bias in the study sample. All the 450 attorneys agreed to the request. Hence, I interviewed them, recording their responses in real-time.

Instrumentation

The questions I posed to the participating attorneys were from a questionnaire. Questionnaires are used in eliciting the attitudes, perceptions, feelings, experiences, or beliefs of particular individuals. The questionnaire used in interviewing the attorneys was rather concise and comprised pre-planned interview questions as shown in Appendix A. It was also designed to assess the motivations in particular responses, consequently enabling me to determine the validity of the responses.

The questionnaire hence afforded the study numerous strengths. First, it helped reduce the time and expenses of the research, which would otherwise relate to the training of the targeted attorneys and readying them for the interviews.

Second, the questionnaire ensured homogeneity of the questions posed to the participating drivers. There were similar questions for each of the attorneys, ensuring high comparability of the supplied data. Qualitative questions in the survey were brief but open-ended so that the participating attorneys had opportunities to clarify their responses. Quantitative questions on the other hand were brief but closed-ended.

Procedure

I requested a random sample of attorneys for short interviews. Interviews are essentially qualitative ways of gathering information, data, or evidence. The qualitative responses given by interviewees are commonly expressed in non-numerical terms. I used structured interviews for this study, posing similar, particular questions to each of the participating attorneys.

The qualitative questions were all open-ended. Upon meeting each of the prospective respondents, I introduced myself and promptly explained the aim of the interview. I ensured I adhered to all the ethical guidelines regarding academic interviews. I posed each question to the respondents, and with prior agreement by the interviewees, recorded their responses via note-taking. After completing the interviews, I transcribed the notes on to a word processing document.

Quantitative Data Collection

Quantitative Survey Subjects

A survey that involved interviews with specific attorneys provided quantitative data. I sought to request interviews from at least 450 attorneys registered in India, with all of them agreeing to the request. I interviewed each of the attorneys, recording their responses in real-time. Random sampling of the attorneys ensured an unbiased sample.

Instrumentation

I read out the questions to each interviewee from a questionnaire. As noted earlier, questionnaires are used in eliciting attitudes, perceptions, feelings, experiences, or beliefs of particular individuals. The concise questionnaire used for the interviews comprised pre-planned questions. It reduced the time and expenses of the interviews. It also ensured homogeneity since the attorneys were asked similar questions that elicited comparable data.

The quantitative questions were brief but closed-ended, with no room for response clarification. There were two sets of quantitative questions. The first set aimed at

determining whether there is a positive correlation between court verdicts and media trials in India. Specifically, this set of questions sought to establish whether the attorneys view judges as being influenced by the media in making various determinations. The second set of questions sought to determine how media trials, via news framing, affect the Indian criminal justice system. This set is especially important since the continued growth of digital media is changing the role of the media as a gatekeeper. The two sets of questions are captured in Appendix B.

Procedures

As noted previously, I requested attorneys, selected through random sampling, to grant me short interviews. Notably, interviews are essentially qualitative and or quantitative ways of gathering information, data, or evidence. In the case of quantitative research, the responses given by interviewees are commonly expressed in numerical terms.

For this study, the interviews for quantitative data were structured since there were particular closed-ended questions from the questionnaire that I asked the attorneys. Upon meeting each of the prospective respondents, I introduced myself and promptly explained the aim of the interview. I ensured adherence to all ethical guidelines regarding academic interviews. I posed each question to each of the respondent and recorded the responses on a Likert scale.

Data Analysis

Inductive and Deductive Approaches

The research study employed the combined use of both inductive and deductive approaches in analysis of the collected data. The inductive approach was applied in analysis of data collected from primary sources while the deductive approach was applied in analysis of data from secondary sources.

The inductive approach, which included analysis of data gathered from interviews, was ideal for this research because it revealed and expounded on the quantitative aspects of the collected primary data. This approach was also an opportunity to undertake various statistical analyses, generate graphical representation of the data and conduct numerical tests that further advanced the arguments of the study and led to the attainment of its objectives.

The deductive approach on the other hand enabled drawing of conclusions in relation to the qualitative aspects of the collected secondary data. These aspects were fundamentally supported by the theories, notions and assertions previously advanced by other scholars in relation to media trial of the criminal justice system.

Analysis of Qualitative Data

Following the transcription of all the interviews entailing open-ended questions, I coded the concomitant data. I also coded the data drawn from the court cases and the related media trials from 2005 to 2015, which included data from databases, reviews of court verdicts, and reviews of media videos and transcripts. To code the data, I

highlighted specific text passages relating to the research questions, which I applied specific labels to. I also used codes to classify particular data. Labelled text passages were viewed as themes, with the labels being thematic codes. The codes had numeric values to allow for addition and analysis of the data using spreadsheets. That enabled generation of graphs and charts for better presentation of the answers to the research questions.

Analysis of Quantitative Data

Following transcription of all the interviews entailing close-ended questions, I coded the concomitant data. This involved highlighting specific text passages relating to the research questions and grading the text passages using Likert scales. The Likert scales enabled generation of graphs and charts for better presentation of the findings.

Ethical Considerations

Ethics most often is explained in terms of behavioral norms that distinguish between proper and improper behavior. In this research, I adhered to the ethical principle of honesty, applying it in reviewing of literature, research methodology, reporting of results and subsequent discussions. There has been no fabrication, falsification, or misrepresentation of any sort in both primary and secondary data. I took utmost care to ensure objectivity by avoiding any bias in data analysis, data interpretation, personal decisions, and expert testimonies. There was no personal involvement or monetary motivation that was likely to affect the objectivity of the research.

Further, I avoided errors and negligence during the research as much as possible. I have critically examined the work to ensure collection of high-quality data and use of appropriate research methodology techniques. Hence I have been cautious about the data sources, alive to the possibility of bias in some sources. Moreover, I have ensured security of all the collected data by storing it in suitably protected digital files as well as on an external hard drive. I have also maintained anonymity of all the individuals involved in this project by not divulging their names, social numbers or any other information that may cause harm to the participants.

Summary

The study contributes to establishing how the media impacts on the Indian justice system. This chapter on research methodology has looked at various principal sections of the project including the research context, design, questions, data collection, and data analysis. The research adopted a mixed method design. The collected data is both qualitative and quantitative. Quantitative data has been sourced from a survey that involved interviews with randomly selected attorneys. It is wide ranging and is best appreciated when summarized in particular ways. Qualitative data has been gathered from a variety of sources, including court cases and related verdicts picked up by the media as media trials from 2005 to 2015.

Data analysis uses both inductive and the deductive approaches. The deductive approach has been applied to analyze data from such literary sources as books, journals, and reports. The inductive approach on the other hand has been used to analyze data collected from primary sources.

Following transcription of the various interviews that entailed open-ended and closed-ended questions, I coded the concomitant data. This involved selecting specific text passages related to the research questions and grading these using Likert scales. The Likert scales enabled generation of graphs and charts that better present the answers to the research questions. The following chapter presents the results emanating from the application of the research methodology.

Chapter 4: Results

The media presents varied perspectives on happenings by covering them in ways that sway, inform, or strengthen public concerns and positions. In recent times, the media has been involved in criminal justice processes, especially ones related to public figures and people involved in high stakes cases. There is a widespread perception that media involvement interferes with judicial processes and impacts the objectivity and veracity of the accounts given by witnesses and the types of evidence that are presented. Even though there is a widespread notion that the processes need to be handled cautiously by the media, there has been no scientific research into how the media influences the Indian criminal justice system. The study was guided by two research questions and a hypothesis:

1. Is there a positive correlation between court verdicts and media trials in India?
2. What is the effect of media trials on the Indian criminal justice system?

H_0 : There is no positive correlation between court verdicts and media trials in India and media trials do not affect the Indian criminal justice system.

H_a : There is a positive correlation between court verdicts and media trials in India and trials interfere with the provision of justice in the Indian criminal justice system.

This chapter presents the study setting, including the personal and organizational factors that influenced the participants. I have also explained the participants' demographics, how data were gathered, how data were processed and analyzed, the

results from data analysis, and evidence of the results' trustworthiness. The chapter concludes with a summary.

Setting

The study setting includes the cultural, physical, and social site where the study was conducted. When one describes a given research study's setting, he or she offers essential context regarding the expected study outcomes' applicability. I interviewed attorneys registered to practice in India. Each of the interviews was recorded. The attorneys were selected via random sampling to ensure that the study's sample was not biased. All of the attorneys were accessible and suitable for the present study. Each attorney was informed of the purpose of the study.

I was aware that media coverage may impact the preferences or views of the public. The attorneys who participated in the study are members of the public. It was possible that where the media reports on cases which are biased and engenders views that are rather strong on the courts, additional media reporting induces attorneys to promote their views via the media. That means that media reporting may carry a marked persuasion effect via coverage that is biased. The effect's degree is dependent on the accordance level between the views espoused by the attorneys and the views that the media promotes or supports. Where the latter are markedly different from the former, additional or more media reporting mitigates the impact of the former on particular court verdicts. For instance, where the negative views regarding a justice system are promoted by a media that criticizes unwarranted damage awards and giddy lawsuits, the media alters the views of attorneys in localities where the attorneys are disposed to judge huge

damage awards devoid of media reporting. On the other hand, where a media criticizes unwarranted damage awards and giddy lawsuits, and promotes the negative views regarding a justice system, it is unlikely to alter the views of attorneys in localities where the attorneys are not disposed to judge huge damage awards.

I adopted a conceptual model to examine the data. The model was linked to the research's objectives: determining whether there was a positive correlation between court verdicts and media trials in India and establishing how media trials affect the Indian criminal justice system. I used a practical conceptual model to map out the actions that were required in light of my prior knowledge and other researchers' regarding the study topic. The conceptual model helped me appreciate how specific variables relating to the subject were linked. The model also helped me answer the research questions.

I laid out the particular mechanisms via which court verdicts and proceedings may be influenced by media coverage. In theorizing how court proceedings and verdicts are influenced by the coverage, I reflected on two distinct factors. First, I considered the influence of the media has on judges' preferences or views and those of the public. Second, I considered the structure as well as nature of incentives given to judges and the public. To ensure that the mechanisms are concrete, I have explored varied factors comprehensively.

Especially, I have discussed the patterns defining how the media reports on court proceedings and justice systems in general. As well, I explored how the media influences the perspectives that people have on court proceedings and determinations. As well, I explored how changing the views of the public through media reporting affect court

determinations. Given that the present study entailed a component requiring the gathering of qualitative data from the attorneys, I focused by and large on meaning-making.

Consequently, I interviewed the attorneys in their usual or natural workplace settings.

Demographics

Qualitative and quantitative data were collected from a survey involving 450 attorneys registered to practice in India and selected via random sampling to ensure that the sample was not biased. Notably, the word demographics does imply the specific features of a given population. The word has Greek roots. One of the roots connotes the people while the other connotes pictures. Some of the commonest demographic features on which researchers base their studies include health status, family size and marital status, sexual orientations, home ownership, education, career practice like in the present study, ethnicity, and age (Gordeev, 2008). In designing the study instruments for the present study including the survey that was carried out, I assessed the study's target subjects.

I was keen to ensure that the participants were all practicing advocates who came into contact with judges frequently. I included only demographic questions that were essential in determining whether participants are practicing legally as advocates in India at the time of the study. I did not include other demographic questions that may have compromised participants' confidentiality.

I included participants who had law degrees and were enrolled with any of the Indian State Bar Councils. To register with any of the Indian State Bar Councils, the

selected attorneys have to meet the guidelines set by the particular council and pay the requisite fees. I ensured that only attorneys who held State Bar Council Enrollment Certificates and who were arguing in Indian courts or practicing in quasi-judicial bodies or judicial entities equivalent to the courts, were included in the study (Butterick & Garner, 2015).

Of the 450 attorneys who participated in this research study, 150 were practicing under limited liability partnerships. Hence their personal possessions could not be utilized in settling the partnership debts (Kraśnicka & Perkowska, 2013). Twenty-five of the attorneys were practicing as sole proprietors, where their personal possessions could be utilized in settling the proprietorship debts. The 25 attorneys practicing as sole proprietors were responsible for executing all their business functions, including those related to tax filing, records management, financing, decision formulation, and overall management. The remaining 275 attorneys were working under partnerships. The following graph is a breakdown of the types of law firms the attorneys were practicing in.

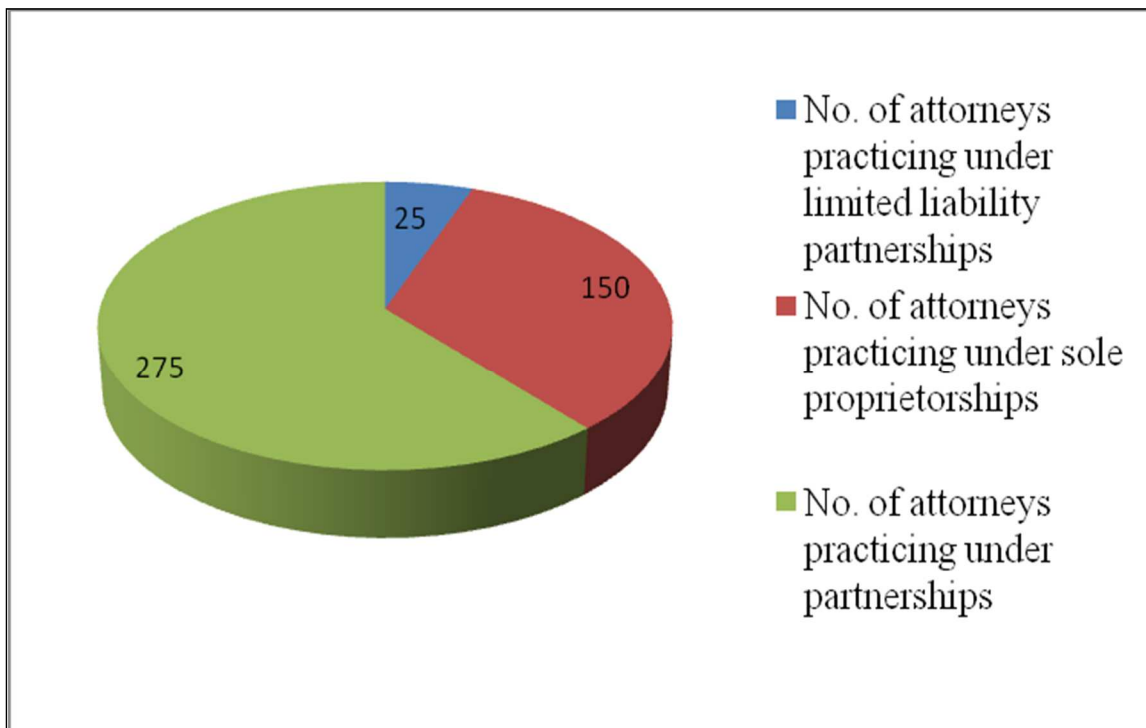


Figure 3. The types of law firms participating attorneys practice in.

Out of the 450 attorneys who agreed to partake in the present research study, 113 had been practicing as attorneys in India for less than 10 years, 125 had been practicing as attorneys in India for 10 to 20 years, and the rest had been practicing as attorneys in India for more than 20 years. The following graph is a breakdown of the durations for which participating attorneys had been practicing in India.

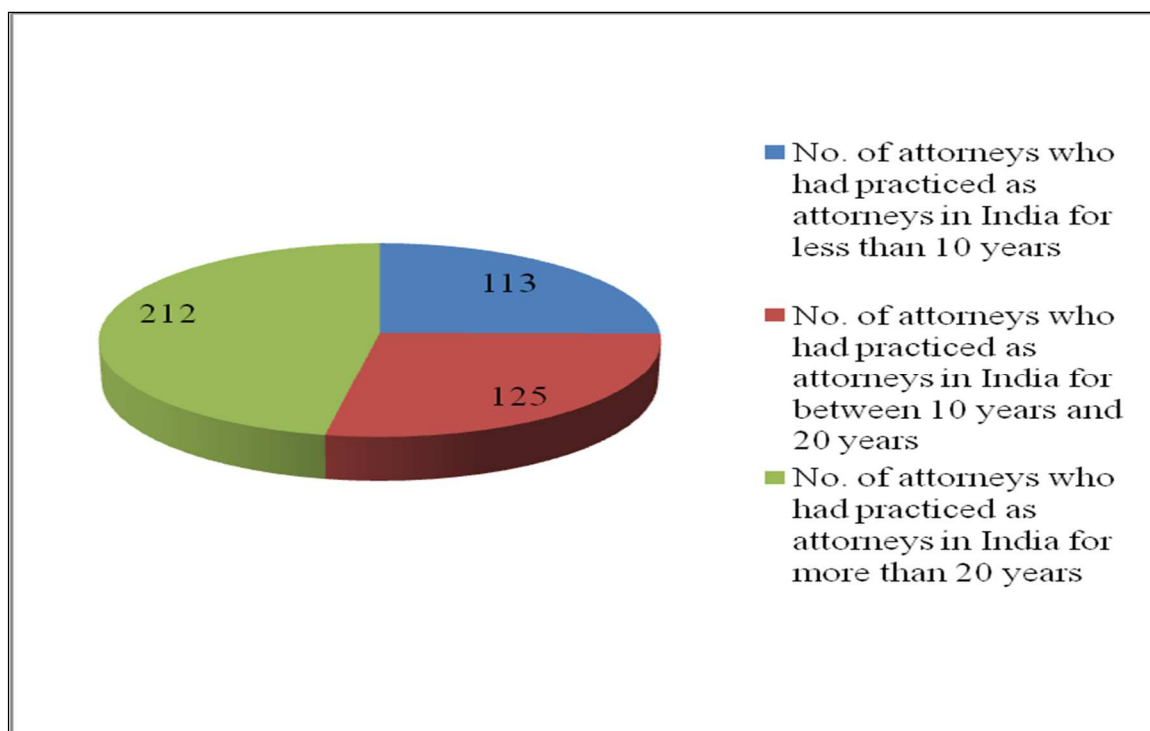


Figure 4. Durations participating attorneys had been practicing in India.

Qualitative Results

Case Information from Video Clips and Related Articles

Sheena Bora's murder

From various videos posted on YouTube, one gathers that Sheena Bora was a Mumbai Metro One executive and was reported missing in April 2012. About three months later, various individuals were taken into police custody on suspicion that they had abducted her, murdered her, and later burned her body. The individuals were Indrani Mukerjea (her mother), Sanjeev Khanna (her stepfather), and Shyamvar Pinturam Rai (Indrani Mukerjea's driver). Khanna and Rai confessed that they had abducted her,

murdered her, and later burned her body. Mukerjea maintained that Bora was alive and residing in the USA.

As I watched the videos, I got the feeling that the media focused excessively and unnecessarily on the personal life of the accused, especially Mukerjea. The media reported private information of the accused that was not related to the charges. This included scrutinizing aspects of the characters and personal lives of the accused that were not related to the investigation of the crimes they were suspected of having committed. From when Mukerjea was arrested, the media appeared to have concluded that she was guilty of murdering her daughter based simply on circumstantial findings and long before her trial for the murder had got underway.

In a research article titled “Media and Democracy – Legal Prospective”, Ghalib Nashter, an assistant professor of law, decried that in the case of Bora, the media “pierced the personal life of the parties” unreasonably (Nashter, 2018, p.16). According to Nashter, the character and personal life elements that the media guided the attention of the public to in relation to the case were not legally linked to the investigation of the crime. He accused the media of sensationalizing the case. Nashter (2018) also accused the media of distorting facts to increase their viewership in a highly competitive media market. Further, Nashter accused the media of extensively covering matters before the courts “by publishing information and opinions that are clearly prejudicial to the interests of the parties involved in litigation pending before the courts” (Nashter, 2018, p.16). The videos and the articles gave the overall message that the involvement of the media in the case had adverse effects on the courts.

Priyadarshini Mattoo case

There are various YouTube videos offering information that Priyadarshini Mattoo was found not only murdered but also raped in her own house in 1996. In 2006, the High Court sitting in New Delhi determined that Santosh Kumar Singh raped and murdered her, reversing the acquittal he had secured from the trial court. The court handed him a death sentence.

About a year later, the death sentence handed to Santosh Kumar Singh was commuted to life imprisonment by the Indian Supreme Court. It is clear from the videos that the acquittal was met by public outrage, which was reported widely in the media. Investigative journalists embarked on establishing the motivations that the court had in handing Santosh the acquittal contrary to the widely-held opinion that he was guilty of raping and murdering Mattoo.

The media unearthed critical information that had not been presented to the trial court. The strength of the information led to the filing of an appeal by the Criminal Bureau of Investigations (CBI) against the acquittal. The appeal saw the case retried by the high court, which eventually quashed the acquittal and handed Singh a death sentence.

From a review of the videos, I formed the opinion that with respect to the case, the media made certain that justice was served albeit after a long delay. The media helped fill critical gaps that had earlier led to the handing of the acquittal.

One of the law firms in India, Singh & Associates, in an article titled “Trial by Media, a Threat to Administration of Justice”, asserted that the effect of the media was “observed in full swing in the cases of...Priyadarshini Mattoo” (Singh & Associates, 2012, pp.22-23). The law firm intimated that:

Media has now reincarnated itself into a ‘public court’ which can also be referred as “Janata Adalat” and has started interfering into court proceedings so much that it pronounces its own verdict even before the court does. It completely overlooks the vital gap between an accused and a convict keeping at stake the golden principles of ‘presumption of innocence until proven guilty’ and ‘guilt beyond reasonable doubt’ (Singh & Associates, 2012, pp.22-23).

The videos gave me the impression that the involvement of the media in the Mattoo case had favorable effects on the high court by ensuring that justice was served.

Jessica Lal case

Jessica Lal was a model who was shot dead at a packed socialite party in April 1999. Numerous individuals who witnessed the shooting indicated that she was killed by Manu Sharma. The father of the accused was rather influential and wealthy. After a lengthy trial, Manu and others were handed acquittals by the court. The YouTube videos I reviewed, show that the prosecution was largely compelled to file appeals against the acquittals at the high court due to media pressure.

The high court quashed the acquittals and handed Manu life imprisonment. In the videos, the media came-off as having championed the cause of the middle class against

the powerful, opulent individuals and their families. I gathered that the middle class largely felt that, in relation to the Jessica case, the media advanced the cause of justice in the face of impediments laid out by the rich. The middle class welcomed media vigilantism in the case. From the videos, I felt that the involvement of the media in the Jessica case had favorable effects on the high court by ensuring that justice was served.

In a research study titled “Justice for Jessica: A Human Rights Case Study on Media Influence, Rule of Law, and Civic Action in India”, Alvarez (2011) concluded that the media impacted on the outcome of the case. He felt that “modern media helped the case by making her case as a symbol – Jessica Lal and the trial – readily available to the people” and “the effects themselves are as instantaneous and progressive as the technology that promotes it” (Alvarez, 2011, p.37). The videos and the article by Alvarez (2011) made me conclude that media involvement in the Jessica case had favorable effects on the high court by ensuring that justice was served.

Nitish Katara murder case

I located and watched a number of videos posted on YouTube relating to the murder case of Nitish Katara. From the videos led me to the opinion that there was a marked chance that the perpetrators of the murder would not have been found culpable of the murder and punished by the courts had the media not intervened. Nitish was a businessperson and his father worked for the Indian Administrative Service (IAS). Nitish was romantically involved with Bharti Yadav for four years. Bharti’s father was an influential public figure.

Bharti's family was averse to the relationship and her brother murdered Nitish, burned his body and later disposed of the charred remains on a highway. Immediately after the murder, she conceded that she was romantically involved with Nitish but was pressurized by her family, especially her father, to deny the relationship. A fortnight later, she denied having ever been in a romantic relationship with Nitish.

The videos suggest that the media established the facts surrounding the relationship between Bharti and Nitish and brought pressure to bear on her and her family. Owing to the pressure, Bharti admitted that she had been in a romantic relationship with Nitish. The media also publicized that Bharti's brother had already confessed that he murdered Nitish. Yet the case investigator had not brought the confession to the attention of the trial court: the investigator was a business partner to the accused person's influential father.

From videos of the case, I determined that the media brought the corresponding facts to public attention. In turn, the public pressurized the court and the police to ensure that justice was served. In an article titled "Trial by Media – A Discord of Rights", Chakraborty (2015) affirmed that in relation to the Nitish case and other cases, "reporting by the media...have time and again brought about speedier justice for the victims...and the...same cannot be overlooked" (Chakraborty, 2015, p.221). The videos and the article by Chakraborty made me feel that media involvement in the Nitish case had favorable effects on the trial court by ensuring that justice was served.

Bijal Joshi rape case

From various YouTube videos, one learns that Bijal Joshi took her own life in January 2004 after being tortured as well as gang-raped by various men, including her then lover, Sajal Jain. Sajal invited Bijal to a hotel for New Year celebrations. Sajal and his friends tortured as well as gang-raped her at the hotel. Before taking her own life, Bijal penned a suicide note.

In the note, she indicated that she had been tortured and raped by Sajal, Ashok Jaiswal, Sugam Jaiswal, Karan Jain, and Jaiswal Chandan. Sajal's father owned the Apollo Millennium Hospital and was a leading industrialist. After the death of Bijal, Sajal got hospitalized at his father's hospital, feigning food poisoning. The police arrested him ready to press two charges against him – abetting suicide and rape.

From the videos, the accused in the Bijal case would not have been punished had the media not intervened aggressively. In a research article titled “Role of Media in Securing Social Justice to Women in India: An Analysis in Present Scenario”, Dr. Anil Balhera, an assistant professor of law, asserted that in relation to the case, the media covered it as a breakdown of justice since the accused were misusing the legal procedures. The media piled pressure on the courts and the police to deliver justice in the case (Balhera, 2018).

Owing to the media pressure, the National Commission for Women carried out independent investigations that indicated the related police investigations had many lapses. Balhera contended that “media's role was significant at this stage because it

prevented the accused from misusing the legal machinery” (Balhera, 2018, p.128). From the videos and the article by Balhera, I felt that the involvement of the media in the Bijal case had favorable effects on the trial court by ensuring that justice was served.

Murder of Aarushi Talwar

I watched a number of videos of the still unresolved murder case of Aarushi Talwar who was allegedly murdered by her doctor parents. She was murdered in May 2008 at her home. From the videos, it was clear that the case attracted heavy media coverage and involvement. The media sensationalized the case, publicizing scandalous allegations against the murdered girl.

The court handed acquittals to those accused of the murder, arguing that the prosecution had not presented satisfactory evidence against them. It also heavily criticized the media for having carried out very shallow investigations into the murder. From the criticism, the court seems to have expected the media to get involved in the case, and investigate the murder systematically.

In “Media – A Valuable Means to Justice”, Monisha Gade, an assistant professor of law, asserted that the media sensationalized the case and presented the murder as a simple case of honor killing. Different television stations purposefully distorted information related to the case to attract more viewers, occasioning lots of confusion. The media focused on aspects of the personal life of the victim that were completely unrelated to the legal dimension of the case (Gade, 2016, p.96).

The media “made every effort to highlight the elements of illicit relationships, adultery, fornication, mystery and honor killing in a bid to challenge the popularity of daily soaps” (Gade, 2016, pp.95-96). Gade regretted that:

The media was willing to stoop to 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 (Gade, 2016, p.96).

The videos and the article by Gade (2016) depict media involvement in the case as having adverse effects on the court’s verdict, failing to ensure that justice was served. In admonishing the media, the court pointed out the media impact on the judges.

Ruchika case

I watched three YouTube videos regarding the Ruchika Girhotra case that showed Ruchika was molested by an inspector general of police. When she filed a complaint against the inspector, she, her family and her friends suffered systematic harassment by police officers. The harassment made her take her own life.

After many years, tens of adjournments, and hundreds of hearings, the inspector was found guilty of having molested Ruchika. The court handed him a six-month imprisonment. The CBI appealed the ruling, seeking that the sentence be enhanced to at least two years. The Chandigarh District Court enhanced it to one and a half years. Later,

the Supreme Court released the inspector on bail terms, upholding the earlier ruling of six-month imprisonment.

The videos led me to form an opinion that the media sensationalized the case and was keen on ensuring that Ruchika got justice. At some point, the media exerted so much pressure on the criminal justice system that the case was reopened. Some form of justice was eventually served in the case owing to the media's relentless pursuit of justice and intervention. In an article titled "Trial by Media and Criminal Justice Administration", Suman and Abhishek (2014) concluded that the media played critical roles in ensuring that the case reached a satisfactory conclusion by justice having been administered.

His Holiness Sri Jayendra Saraswathi Swamigal murder case

From various videos posted on YouTube, I gathered that a religious person was murdered within the compound of the Varadharaja Perumal Temple, which he was managing. A report filed by Dhanasekaran Prakash, an investigative media practitioner, helped in the arrest of Vijayendra Saraswati and His Holiness Sri Jayendra Saraswathi Swamigal as the key suspects in the murder of the manager. In the report, it was clear that the manager had leveled various criticisms against the suspects before he was murdered. Ultimately, 24 people were accused and tried for murdering the manager.

The Puducherry Principal District Session Court handed acquittals to all the 24 individuals, determining that the evidence to prove their involvement in the murder was unsatisfactory. The media triggered a public hysteria milieu regarding the case, which impeded a fair appraisal of the evidence. The media widely publicized the narrative that

His Holiness Sri Jayendra Saraswathi Swamigal was culpable of the murder. However, the Andhra Pradesh and Madras high courts as well as the Supreme Court severally determined that he was not guilty of the crime. The courts heavily criticized the media regarding their coverage of the case and their attempts to pass judgment on His Holiness Sri Jayendra Saraswathi Swamigal before the courts had passed theirs.

In an article titled “Trial by Media – A Discord of Rights”, Chakraborty (2015) affirmed that:

In 2005, there were accusations all around by the media on a religious leader, Holiness Shri Jayendra Saraswathi Swamigal, of being guilty of a murder. However, the Madras High Court and the Supreme Court both found no credible material against him at all. They in fact came down upon the media for such blatant misuse of their power (Chakraborty, 2015, p.222).

Tehelka's Rahul Gandhi interview

I watched several videos posted on YouTube relating to an interview granted by Rahul Gandhi to *Tehelka*, a popular magazine. At the time of the interview, he was the Congress Party's vice chairman. In the interview, he made a claim that was widely interpreted as meaning that he could have been the Indian Prime Minister when he was only 25 had he so wished. The claim attracted a lot of uproar, making the magazine to eventually back down from the claim, after having stood by it for an extended period. It appears that the magazine unnecessarily seized the claim and catapulted it into a widely followed story in the country.

After watching the videos, I formed the opinion that, by publishing the claim, the magazine tarnished Rahul Gandhi's reputation markedly. The magazine turned the interview into a devastating situation for the vice chairman even after promising the nation that it was his first major interview. The way the claim, which was the byproduct of a casual conversation, was presented by the media was typified by a number of misrepresentations as the Congress later established.

The article titled "Media Trial in India: Pros & Cons" by Rajesh Kumar Malik, an assistant law professor, has it that the misrepresentations might have been motivated by the growing ruthless and fierce competition between different media houses. Malik (2016) asserts that the way the media handled the claim was akin to a media trial. The media are now characterized by:

'aggressive journalism' where a multitude of cameras are flashed at the suspects or the accused. The most objectionable part, and unfortunate too, of the recently incarnated role of media is that the coverage of a sensational crime and its adducing of 'evidence' begins from the very early stage, mostly even before the person who will eventually preside over the trial even takes cognizance of the offence (Malik, 2016, p.9).

ISRO espionage case

A number of YouTube videos depict that Nambi Narayanan, a renowned scientist, was wrongly charged with leaking critical (ISRO) defense information to foreign intelligence officials for monetary gain. Yet it is clear from his lifestyle that he had not

benefited from the corrupt gains as his accusers had alleged. When he was jailed after being arrested, officials from the Indian Intelligence Bureau (IIB) were keen on having Narayanan falsely accuse the ISRO leaders, especially one Muthunayagam. He refused to level the false accusations and was subsequently tortured until he passed out. He was admitted for the requisite medical care. India's Supreme Court and the CBI dismissed the charges brought against Narayanan.

When the bureau was processing the case, some media houses wrongly sensationalized it as having been a typical spy-sex-political scandal. The bureau concluded that the state failed to prove the espionage allegations against the scientist. Krishnakumar (1998), in an article headlined "Requiem for a Scandal", accused the media of having played a dangerous and mischievous role in the case. The media may have helped the cause of justice in the case in some ways but there is a high probability that it "played into the hands of certain individuals" and sensationalized the case "to save themselves and their circulation figures" (Krishnakumar, 1998, para. 23).

2G spectrum case

Elementarily, the 2G spectrum issue was a suspected scam allegedly perpetrated by top government officers and politicians during the era of the Indian United Progressive Alliance government. The Comptroller and Auditor General released a report that showed that the government had undercharged mobile service providers for licenses allocating particular 2G spectrum mobile phone frequencies. A public interest litigation case relating to the allocation of the frequencies was brought to the courts with the principal accused person being the then Minister of Communications and Information

Technology. The case ended up at the Supreme Court. The Supreme Court ruled that the spectrum was allotted in an arbitrary and unconstitutional way, consequently quashing the allocation of 122 frequencies issued between 2007 and 2009.

After watching several YouTube videos relating to the 2G spectrum case, my opinion was that the media played varied significant roles in the case. The media sensationalized the report by the Comptroller and the Auditor General, triggering public anger against corruption in the country. Various political formations, including Bharatiya Janata Party (BJP), exploited the anger, turning it into the political capital that helped them ascend to power by ousting the United Progressive Alliance government.

Chenoy (2017), in an article titled “2G Scam Verdict: Why Prosecution, Media and BJP Have Egg on Their Face Today” notes that the scandal immensely dented the image of United Progressive Alliance especially after the media stoked “public anger...widely” (para. 5). Owing to media intervention, the case “attracted a lot of attention” yet many of the claims made in the media were not “found to be supported by any legally admissible material” (para. 7). Some “prominent public-spirited persons” made such claims and agreed to “make representations on record but refused to enter the witness-box” (para. 7).

Salman Khan’s acquittal

Salman Khan was taken into police custody in September 2002 for negligent and rash driving. He had lost control of his car and it had rammed into a bakery in Mumbai, killing one person and injuring four others. Initially, he was charged with culpable

homicide but the charges were later dropped. In July 2013, he was charged before the Bombay Sessions Court. He denied the charges, pleading not culpable. About two years later, the court convicted him of the charges: drunk-driving, occasioning the death of one person, and injuring four persons. He was handed a five-year jail sentence.

On the day he was handed the sentence, the Bombay High Court ruled in favor of his plea to be released on bail pending the determination of an appeal he had lodged against the sentence. The high court consequently suspended the sentence. The principal witness in the case was a police officer who died in unclear circumstances before the appeal was determined. The court allowed the appeal, ruling that the prosecution did not present evidence proving the charges. It acquitted Salman Khan of the charges. The government filed an appeal against the acquittal at the Supreme Court, which admitted the appeal and refused to grant a plea by the accused to fast-track the processing of the appeal.

The YouTube videos I watched regarding the case led me to the opinion that the media did not help in providing accountability and transparency in the case. The media heightened public awareness by prompting related public discussions. According to Senthivel (2016), in an article headlined “Role of Media in Making Public Policy on India’s Criminal Justice System: A Study of News Reporting on Actor Salman Khan’s Acquittal in A Murder Case”, the media has helped “set the agenda for the criminal justice system and reinforce support for punitive policies” (p.1).

In support of a petition proposed and promoted by Shekar (2018), he noted that the media supported the accused shamelessly and unjustifiably since he is a celebrity

(para. 1). He accused the media of helping “the rich and famous buying their way out of accountability and systems of justice” by endorsing their regrettable actions and compromising the capacity of the criminal justice system for ensuring that all persons are treated equally in court (para. 2). In support of the petition calling on all people to “Condemn Actor Salman Khan and the Indian Media’s Terrible Coverage of His Court Case”, Shekar (2018) expressed his frustration with the media portrayal of the accused as “kind” and “compassionate”, disregarding “the humanity and the rights of the people he hurt” (para. 5).

Shivani Bhatnagar murder case

Shivani Bhatnagar, an *Indian Weekly* journalist, was murdered in January 1999. Various YouTube videos show that her killing was a scandal involving leading Indian politicians. Ravi Kant Sharma, a police officer, was charged in court with the murder. The media intimated that the police officer got her murdered when she threatened to make their secret intimate relationship public. Others who faced the court on the same charge alongside the police officer were Sri Bhagwan Sharma, Pradeep Sharma, and Satya Prakash. The Delhi Trial Court found the four culpable of the murder and handed each of them life imprisonment. The four appealed against their conviction at the Delhi High Court, with the court allowing the appeals filed by Ravi Kant Sharma, Sri Bhagwan Sharma, and Satya Prakash. The appeal filed by Pradeep Sharma was disallowed.

My opinion on watching the videos was that the media sensationalized the case. Ravi Kant Sharma’s wife called a media conference in which she refuted a confession she had allegedly made conceding that her husband was involved in the murder. She dared

the media to seek clarification from BJP's leader on whether her husband was involved in the case. The media unjustifiably focused on the private lives of his family members, including airing the footage of his teenage daughters waiting to see him while he was in police custody.

In a report titled "Guilty Mileage: How the Indian News Media Covered the Judgments in Two High-Profile Cases", Ghosh (2008) accused the media of executing a shadow trial of those suspected having been involved in the murder crime. Ghosh (2008) opines that the media hastened the speed with which the courts processed the murder case – the principal accused was handed a sentence by the court within a week of being convicted of the crime. Further, the media gave the principal accused, his family and friends more coverage than the victim and her family.

Sunanda Pushkar case

Four years after the death of Sunanda Pushkar, the police accused her husband Shashi Tharoor, a prominent politician, of her murder. YouTube videos relating to the case show that the police were persuaded to charge the politician by conspiracy theories developed belatedly by the media that pointed towards him as the principal accused. The media facilitated and pushed for public discourses regarding the witness statements filed in relation to the case, influencing the charging of the politician with the murder. The public discourses clearly covered some *sub-judice* matters regarding the case.

In an article titled "Some Media Act as Prosecutor, Judge & Executioner: Shashi Tharoor", the Free Press (2017) reported that Shashi Tharoor had accused the media of

trying him in relation to the case, dragging him through “false trials” (para. 1). Further, he accused the media of not valuing truth above particular target rating points and turning into “a prosecutor, judge and the executor” (para. 5). He also accused the media of falling into passing judgments on accused persons in their competition to break the news before other competing channels. He decried that “too often, journalists become the willing accomplices of motivated leaks and malicious allegations” (para. 6). He was of the opinion that the “the country requires not less journalism but better journalism” (para. 7).

Coal scam case

According to several videos posted on YouTube, the coal-allocation political scandal was highly publicized. The Comptroller and Auditor General of India published a report that accused the government of ineffectively allocating coal blocks to particular entities from 2004 to 2009. Following the publication of the report, the CBI commenced investigations to establish whether corruption influenced the allocation of the blocks. The bureau named several Indian companies in its initial report, indicting them for having overstated their worth, for having failed to avail information on previous coal allocations made to them, and for having hoarded their coal allocations instead of developing them.

The media reacted to the reports, triggering public anger against the government and the companies. The media reaction involved news items from the reports that further helped expose the scam. In an article titled “Trial by Media: Growing Influence of Media over Implementation of Law”, Priyanka Mittal (2018) agrees that the media helped in exposing the coal scam by constantly informing the public about the progress of the case.

According to Mittal (2018), the media was an information carrier and an informant regarding the scandal and sensationalized the related information (pp.1-2).

National Herald case on Gandhis

As yet, the *National Herald* scam case is still before the Delhi High Court.

Subramanian Swamy, a popular politician, filed the case against Sonia and Rahul Gandhi and their associated companies plus persons. Swamy claimed that the Gandhis, via their Associated Journals Limited firm, were advanced a loan by the Indian National Congress and failed to repay it as agreed. The courts have since determined that the Gandhis have a case to answer. The Gandhis, through Young Indian Pvt. Limited that acquired a stake in Associated Journals Limited, pleaded with the court to grant a stay on income tax court proceedings related to the loan. The Gandhis also pleaded with the court to grant a stay order against media reporting regarding the case. The court disallowed both pleas.

From the videos regarding the case, my opinion is that the Gandhis were averse to the media reporting as they thought it would hurt their political prospects. The media has been sensationalizing the case and related information, appearing to pursue particular political ends. In an article titled “National Herald Case: No Relief for Rahul Gandhi”, ANI (2018) reported that the Gandhis were uncomfortable that the media presented the disallowing of the pleas as setbacks.

Acquittal of BJP President Amit Shah and death of Judge Lohiya

From media videos, I gathered that Judge Lohiya was appointed to sit on the bench determining the highly publicized case of the murder of Sohrabuddin Sheikh when

the court removed Judge Utpat from the bench. Amit Shah, the national BJP leader, was facing the charge of murdering Sohrabuddin. Unlike Judge Utpat, Judge Lohiya allowed the national BJP leader, Amit Shah, to be represented in court without necessarily having to physically attend court until the charges against him had been framed accordingly. However, Judge Lohiya required Amit to attend court physically whenever he was within Maharashtra state, where the litigation was happening.

But Amit failed to attend court physically when he was within the state, leading to Judge Lohiya ordering that he be in court physically in the succeeding court session when the judge was to read the court's verdict on the case. However, before the date set for the session, Judge Lohiya died, apparently in suspicious circumstances according to the media. Judge Gosavi replaced Judge Lohiya on the bench and acquitted Amit of every charge relating to the murder of Sohrabuddin.

From the videos, it was clear that some sections of the media were keen on presenting the circumstances surrounding the death of the judge as suspicious. The judge's family protested the manner in which the media projected the circumstances. In an article titled "Father's Death Not Suspicious, Says Son of Judge Who Died Hearing Case in Which Amit Shah Was Accused", *Huffington Post* (2018) reported that the family had indicated that it was devoid of doubts regarding how the judge died and had pleaded with the media to stop sensationalizing the death. The family held that the judge died after suffering a cardiac arrest.

Vijay Mallya's case

From various YouTube videos, I gathered that Vijay Vittal Mallya faced court proceedings aimed at extraditing him to India from the UK to be charged with various financial crimes. While watching the videos, I got the feeling that based on media coverage of the case and the accusations leveled against him in India, there was a high likelihood of denying him a just trial in the Indian courts. The media was replete with powerful commentaries and panel discussions aimed at shedding light on the accusations; commentaries and discussions that seemed to achieve the intended consequences. The consequences included adversely covering various possible elements of the expected trial and urging the criminal justice system to speedily process the accusations. In an article titled "UK: Vijay Mallya's Defense Questions Impartiality of Indian Judicial System", Khanna (2017) alluded that the media was coercing the system to "pursue criminal proceedings against" Vijay Mallya (para. 6).

Balakrishna's charges of attempted murder

In 2004, a Hyderabad local court acquitted Balakrishna Ramarao of a shooting charge, ruling that the prosecution had not proved its case. Notably, the prosecution presented tens of witnesses to testify against him as well as 44 and 58 pieces of material and exhibits respectively to the court. I watched YouTube videos related to the case where I gathered that, owing to media coverage, the case against Balakrishna attracted marked publicity that led to negative public opinion against the accused. In an article titled "Trial by Media – A Discord of Rights", Chakraborty (2015) seems to agree that "adverse publicity had been given to his case" by the media (p.226).

Balakrishna's defense attorneys presented a media trial defense, citing a USA Supreme Court judge who had noted that "judges are subconsciously influenced by several forces", including media coverage (p.226). Nidhi (2016), in a study titled "Media Trial: A Legal Dilemma" agreed with the attorneys that the rulings made by judges are shaped by the sentiments expressed often by and in the media. The sentiments create:

Impression...on the judge's mind or even on the minds of witnesses for a litigant...and...judges are human beings and undue influence of irresponsible expression may taint the rational process of adjudication (pp.7-8).

According to Nidhi (2016), although the Indian Supreme Court had admitted that the media impacts on the states of judges' minds, the country's judiciary has continued to implicitly deny the impact in recent times. In the Balakrishna case, the court did not admit the media trial defense, ruling that the media trial grievance stood "on a different footing" and that "judges do not get influenced by propaganda or adverse publicity" (p.8).

Nirbhaya rape case

From various YouTube videos, I gathered that the violence meted against a 23-year-old girl Nirbhaya, triggered lots of public anger. The media drew lots of attention to the growing incidence of sex crimes in the country. It highlighted the ordeal suffered by the girl and seemed to have pushed the Supreme Court to uphold the death sentences handed to the accused by lower court.

According to Chowdhury (2013) in an article titled “Media Trials: Contradiction to Media Ethics?” the media compelled the criminal justice system to give unique significance to the case owing to the publicity given to the case. In an article titled “Satyaveer Singh Rathi vs. M/S. Zee Television Ltd on 23 January 2016”, Lau (2016) protested that in regard to the case, the media exerted lots of pressure on the criminal justice system, creating “enormous strain on the judges”. Lau (2016) cited Justice Kurian Joseph as having advised that media trials in pending cases should be avoided to save judges of the enormous strain created by it. “Please stop trying (cases) in the media till a case is over. Never try a case in the media, it creates a lot of pressure on judges, they are also human beings.” Referring to “the amount of pressure that is built,” he recalled how a judge who dealt with a case had once told him that “If I had not given that punishment they would have hung me, the media had already given their verdict, (like) it is going to be this only (Lau, 2016, para.1).

Results of Qualitative Survey Responses

I posed the qualitative survey questions to attorneys participating in this study by reading out the questions to them from a questionnaire. The survey was aimed at eliciting their attitudes, perceptions, feelings, experiences, or beliefs regarding media trials. The questions were rather concise as reflected in Appendix A. The questions and consequent responses are captured in the results of the survey analysis below.]

How do you think Indian media has influenced trial in India?

Each of the respondents answered that the Indian media has influenced trial in at least one way or the other. The cited influences included the media:

- Focusing disproportionately and without cause on the personal lives of some accused persons, especially reporting on private information of the accused that is not related to the charges they are facing
- Triggering public outrage against the accused and forcing judges to make rulings aimed at appeasing the public
- Unearthing critical information that the courts use in determining particular cases, especially where the information helps fill critical gaps in the evidence accessed by the courts
- Championing the causes of given sections of the populations, especially the causes of the vulnerable in society
- Investigating particular cases and providing formal investigators with critical leads
- Sensationalizing some claims or facts relating to given cases to ensure justice is served or to tamper with the course of justice
- Passing judgments that either favor the accused or the victims
- Helping provide accountability and transparency in given cases

Do you know of a recent case that was blown off balance by media before or after trial?

Each of the respondents indicated that he or she knew of at least one case that the media helped throw off balance before or after it was tried. One of the respondents said:

I handled many cases that have been blown off balance especially by the social media. Social media has posed grave risks to some of the cases I have handled in recent times by diminishing the chances that my clients have had for getting tried fairly by our courts.

Another respondent asserted that:

I have been unable to win two of the cases of those I have handled in the last one year for my clients since the judges could not view the clients as being innocent before they tried them owing to the onslaught they were facing from the media. In one of the cases, I feel that the judges concluded that my client was a murderer only because the media called him as much. That was very sad! You cannot try a person fairly when you are convinced that he is a murderer, can you?

Another respondent opined that:

I am very worried that some cases will never be tried as they should since the media has already interfered with the rights of the accused persons seriously. In one of the cases I handled recently, the judge confided in me that he could not issue a stay order since the media would have ended his career. The issuance of the stay order was necessary to secure the integrity of the proceedings before the

judge. By the time the judge issued his final determination of the case, the accused had long sold off the properties that were being contested, and left to a far-off country. The determination was all in vain.

How frequent do cases of trial by media happen in India?

By and large, the respondents agreed that the media trial cases happen daily in India. One of the respondents offered that:

For every passing minute, there are hundreds of Indians trying their fellow countrymen on Facebook and Twitter. New media has changed the legal landscape immensely. Media trials are now an everyday reality in the country, courtesy social media.

Which are the most frequent cases influenced by media in India?

It was clear from the responses that some categories of cases are subjected to media trial more than others. Cases involving politicians are most frequently subjected to media trial followed closely by cases involving radical breaches of the accepted moral codes. A number of the respondents provided specific examples of the particular cases that have been influenced by media in the country in recent times. The examples include the politics-related cases involving such public figures as:

- Balakrishna Ramarao
- Vijay Mallya
- Judge Lohiya

- Sonia and Rahul Gandhi
- Shashi Tharoor
- Shivani Bhatnagar

Do social media influence trials equally or is this only recorded by other forms of public media?

Majority of the respondents felt that social media influence trials in the same way as traditional public media. They indicated that social media and traditional media equally influence trials, with the responses about the influences been similar to those cited in questions above.

Do you believe that there are offenders who were harshly or lightly judged due to media influence?

The respondents were unanimous in their perception that some accused persons got harsher or lighter judgments from the courts owing to media influence. One of the respondents was of the opinion that:

Influential people are able to extract lighter sentences from our courts by paying the media to argue their cases favorably before the judges. How do you explain the recent determinations made by the courts regarding the Salman Khan case?

Salman Khan's drunk and drive, hit and run, and black buck poaching cases are cited in the previous section of this research. One of the respondents held that the court has been more lenient on Salman than other accused persons, quipping that:

I hold that Salman is one dangerous criminal that the court should have dealt with very firmly. The media gave the court the gloves it wore when processing him. Notably, the media kept focusing the court's attention on his charity forum. The court did not train its eyes on his criminal culpability in the hit-and-run crime as it trained the eyes rather hard on the charity forum. It never dawned on the judges that they had in their hands an illegal black buck poacher as media trained their eyes rather hard on the charity forum! The media succeeded in its efforts to make the court sympathize with the poacher. It sanitized him and presented him before the judges as a decent person whose life revolved around helping others. The charity narrative worked wonders for him in various courts, pushing the courts to find that the prosecution could not prove any of the charges laid against him!

Why do you think judges are easily influenced by media in making judgment when there is a law to guide them?

The respondents indicated that there are various reasons why the media influence judges rather easily in judgments formulation regardless of the many laws developed to guide them. The reasons that were noted by most of the respondents were that:

- Judges consume and appropriate media content just like the rest of the public
- Some judges are not keen on the judicial oath obligating them to examine the matters before them objectively
- Some judges lack the requisite training

- When judges are writing judgments, they consider public opinion – they may get informed about the opinion by the media
- The media focuses disproportionately and without cause on the personal lives of some accused persons, especially reporting on private information on the accused that is not related to the charges they are facing
- The media triggers public outrage against the accused thus forcing judges to make rulings aimed at appeasing the public
- The media unearths critical information that the courts use in determining particular cases before them, especially where the information helps fill critical gaps in the evidence accessed by the courts
- The media champions the causes of certain sections of the populations, especially the causes of the vulnerable in society
- The media investigates particular cases providing formal investigators with critical leads
- The media sensationalizes some claims or facts relating to certain cases to ensure justice is served or to tamper with the course of justice
- The media at times passes judgments favoring either the accused or the victims
- The media helps provide accountability and transparency in various cases
- Judges are averse to being criticized by the media

- The media are trusted by the public
- The judges are not sequestered when trying cases to ensure that they are not influenced by the media
- The media exercises more power than the judges
- The media pressurizes judges subconsciously
- The media creates a hype among members of the public on how judges handle cases and determine them
- The media makes judges lose anonymity, lowering their privacy as they work
- The media may jeopardize the security of judges

Should this be happening or, in other words, should media or publicity be regarded more than law that defines or guides rulings?

All the respondents affirmed that although the media influences judges rather easily, that should not be the case and in the interest of justice, the judges ought to have more regard for what the law requires of them than for publicity or media. One of the respondents offered that:

I am persuaded that the only time our judges should have high regard for the media are when they are not processing the matters carried by the media. They can only serve us well when they are faithful to what the law provides rather than what the media thinks of them.

In your opinion, is this ending soon or will the situation worsen?

There were mixed feelings regarding whether the respondents expect the media trial situation to end soon or worsen in the days ahead. About half of the respondents felt that the situation will end soon owing to the continued sensitization of court officers and the public in general about the dangers posed by media trials and the possible banning of the media from reporting on certain matters active before the courts. The other half shared the opinion that the situation will worsen in future owing to the emergence of new forms of media and the continued high regard for media freedom and human rights.

What do you think should be done to protect offenders in the future from being sentenced based on public demand and not as per the legal requirements?

The respondents had different suggestions on what should be done to put media trials to an end, protecting accused persons from being sentenced owing to public pressure rather than the consideration of appropriate legal requirements. The suggestions included that:

- The police should be barred from releasing information to the media on matters that are active before the courts
- The public should be educated on and informed about the rights of accused persons to fair trial
- The media should be barred from reporting on matters that are active before the courts or barred from reporting elements of such matters
- Jurors and judges should be made to respond to particular searching questions on the publicity they have heard regarding the cases they are handling

- Attorneys and other judicial officers should be barred from making particular statements when outside the purview of the court rooms through the formulation of appropriate guidelines and laws
- Media trials should by law be viewed as contemptuous of the courts if they have the potential for scandalizing, prejudicing, or hindering trial

One of the respondents who held this last view noted that:

The most effective way of regulating the media to ensure that media trial comes to an end is by exercising our courts' contempt jurisdiction in efforts geared towards punishing the media houses, individuals, and journalists who breach the elementary codes of conduct that the courts set for media practice. The Supreme Court should issue guidelines on how the court system should utilize the contempt authority to stop media trial. The guidelines should be designed in ways that make them effective in ending media trial.

Another respondent opined that:

Our courts can end media trial swiftly if our legislators put in place laws that characterize media trial as being an affront on the entire criminal justice system. There should be laws making media trial criminal in particular cases. There should be laws that will make everyone very afraid of commenting on matters before the courts with the aim of swaying the perceptions of the judges processing the matters. There should be laws declaring that if media trial is proved regarding

particular cases, the handling of the cases by the courts will be declared a mistrial and the cases will be retried again.

Quantitative Results

As noted earlier, following the transcription of all the interviews entailing close-ended questions, I coded the concomitant information. To code the information, I highlighted specific text passages relating to the research questions and graded these using well-considered Likert scales. The Likert scales enabled generation of graphs and charts to better present the answers to the research questions. There were two sets of quantitative questions: the first set sought to determine whether the attorneys view judges as being influenced in making various determinations by the media and the second set of questions sought to determine how media trials affect the Indian criminal justice system via news framing. The questions for each set are shown in the sections below.

Are Judges Influenced by the Media in Making Various Determinations?

Can the media be used to complicate a simple case under trial?

Out of the 450 attorneys registered to practice in India who participated in the present study, 323 “strongly agreed” that the media can be used to complicate simple cases under trial, 67 “agreed” that the media can be used to complicate simple cases under trial and none of them failed to give an opinion regarding this question. Forty of the respondents “disagreed” and 20 “strongly disagreed” that the media can be used to complicate simple cases under trial.

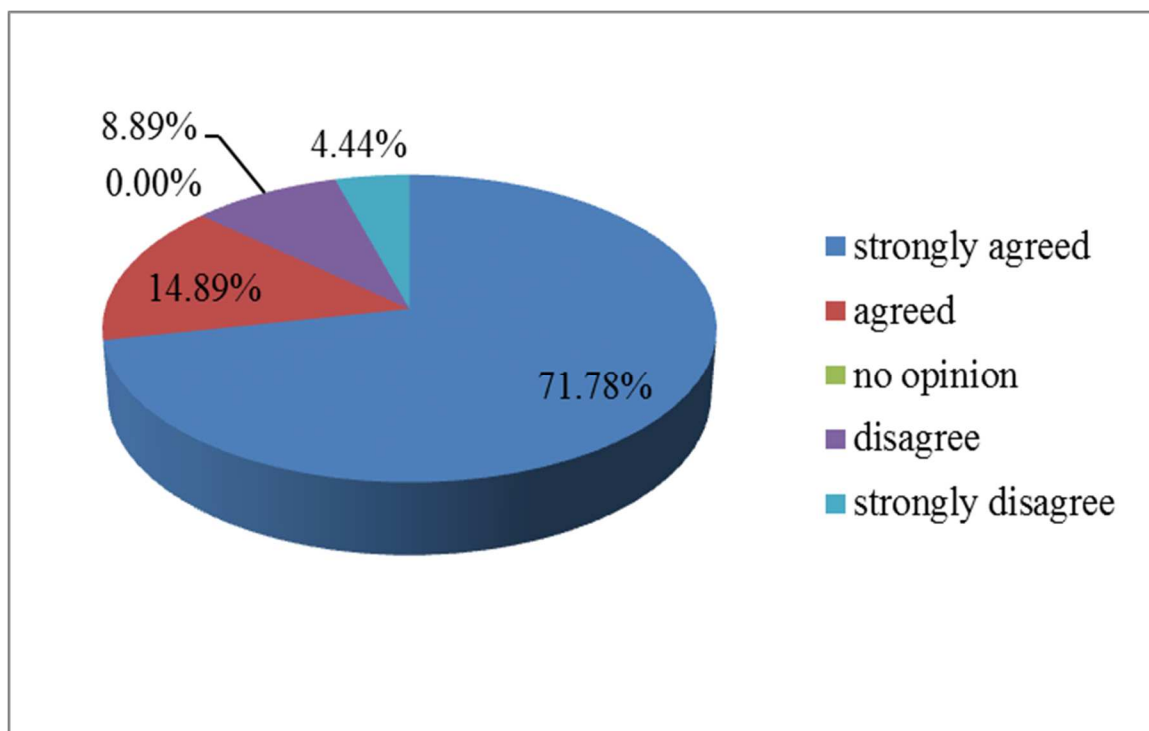


Figure 5. Can the media be used to complicate a simple case under trial?

There was no significant relationship between the attorneys' types of businesses and their responses to the proposition (Pearson correlation coefficient, $r = 0.05087$).

There was a significant correlation between the durations for which they had practiced as attorneys in India and the responses they gave in relation to the proposition ($r = 0.653387$). The longer one had practiced as an attorney, the stronger was his or her agreement with the proposition.

Can the media be used to simplify a complex case under trial?

Out of the 450 attorneys registered to practice in India who participated in the present study, 367 "strongly agreed" that the media can be used to simplify a complex case under trial, 80 "agreed" with the proposition, and none of them failed to give an

opinion. There were 2 attorneys who “disagreed” that the media can be used to simplify a complex case under trial and 1 who “strongly disagreed” with the proposition.

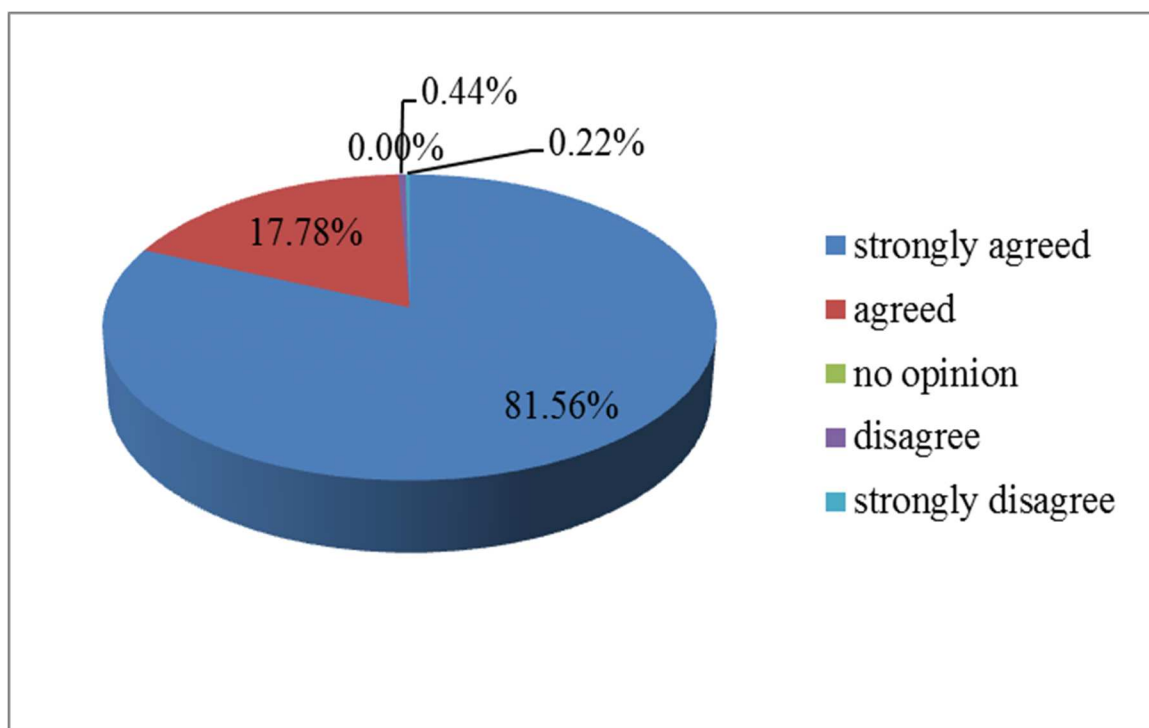


Figure 6. Can the media be used to simplify a complex case under trial?

There was no significant relationship between the attorneys' types of businesses and their responses to the proposition ($r = 0.046352$). There was a significant correlation between the durations they had practiced as attorneys in India and their responses to the proposition ($r = 0.563259$). The longer one had practiced as an attorney in India, the stronger was his or her agreement that the media can be used to simplify a complex case under trial.

I believe public media can influence judges' perception of a case under trial.

There were 430 attorneys out of the 450 attorneys who “strongly agreed” that public media can influence judges’ perception of a case under trial, 12 who “agreed” and 0 who failed to give an opinion. Seven attorneys “disagreed” that public media can influence judges’ perception of a case under trial and 1 “strongly disagreed” with the proposition.

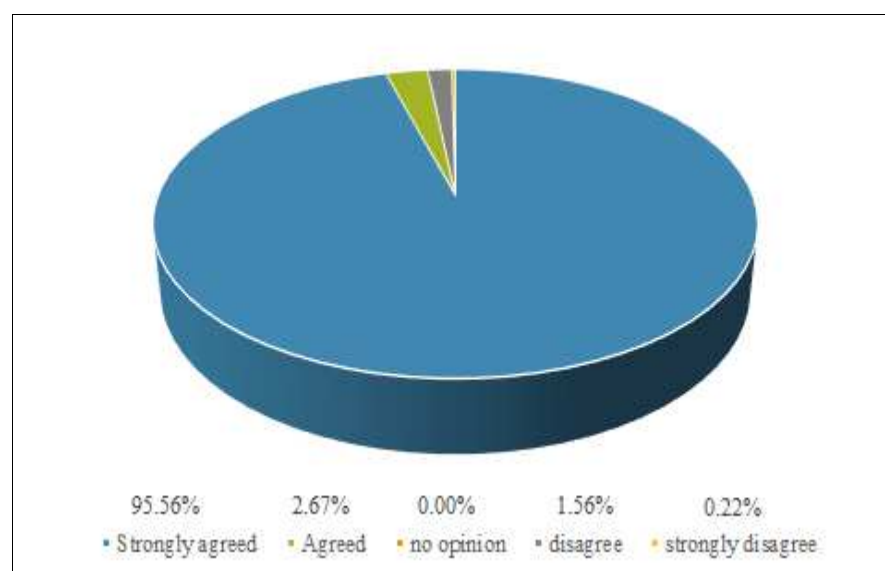


Figure 7. Public media can influence judges’ perception of a case under trial.

There was no significant relationship between the attorneys’ types of businesses and their responses to the proposition ($r = -0.090691$). There was a significant correlation between the durations the attorneys had practiced in India and their responses to the proposition ($r = 0.277485$).

I normally have judges handling my defense case as a friend on Facebook, MySpace, Twitter or any other social media platform.

Out of the 450 attorneys, 310 “strongly agreed” that they normally have judges handling their defense case as friends on social media, 55 “agreed”, and 33 failed to give an opinion on whether judges handling their defenses are their friends on social media. There were 42 attorneys who “disagreed” that they normally have judges handling their defense case as friends on social media and 10 who “strongly disagreed” with the proposition.

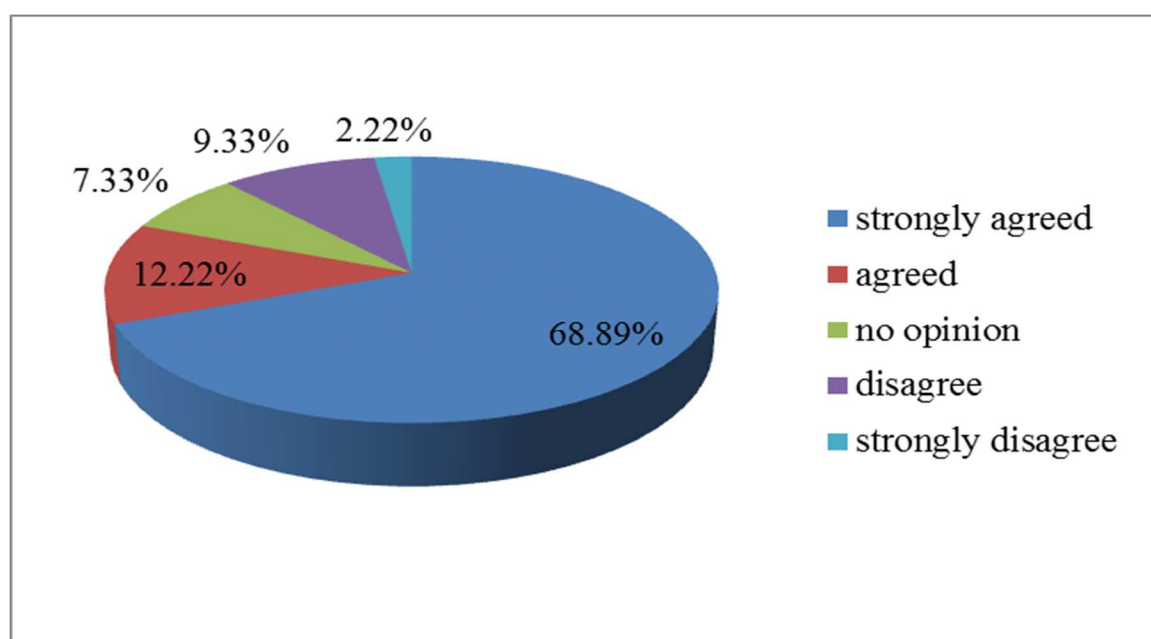


Figure 8. Judges handling defense case as a friend on social media platform.

There was no significant relationship between the attorneys’ types of businesses and their responses in relation to the proposition ($r = 0.160955$). There was a significant correlation between the durations they had practiced as attorneys in India and their

responses to the proposition ($r = 0.710245$). The longer one had practiced as an attorney in the country, the stronger was his or her agreement with the proposition.

I normally discuss the case casually on social media with the judge handling it.

Out of the 450 attorneys, 163 “strongly agreed” that they normally discuss the case casually on social media with the judge handling it, 112 “agreed”, and 175 of them failed to give an opinion. None of the attorneys “disagreed” or “strongly disagreed” that they normally discuss the case casually on social media with the judge handling it.

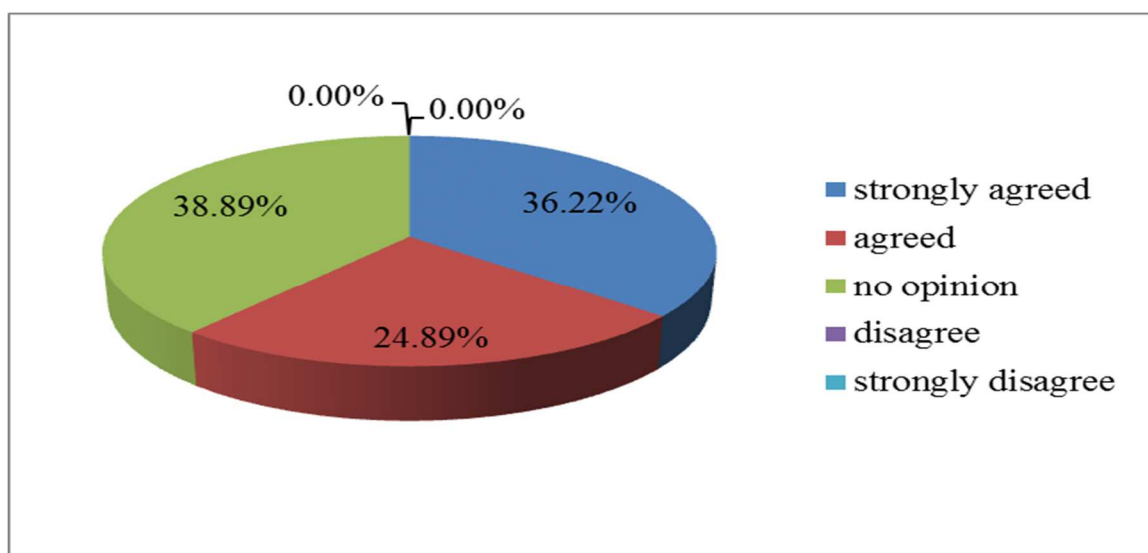


Figure 9. Attorney normally discusses the case casually on social media with the judge handling it.

There was a moderate positive relationship between the attorneys’ types of businesses and their responses to the proposition ($r = 0.515887$). There was a significant correlation between the durations they had practiced as attorneys in India and their

responses to the proposition ($r = 0.935033$). The longer one had practiced as an attorney, the stronger was his or her agreement with the proposition.

I know of an attorney who has a judge handling his or her defense case as a friend on social media.

Out of the 450 attorneys, 290 “strongly agreed” that they know of an attorney who has a judge handling his or her defense case as a friend on social media, 113 “agreed” with the proposition, and none failed to give an opinion. Seven attorneys “disagreed” that they know of an attorney who has a judge handling his or her defense case as a friend on social media and 40 “strongly disagreed” with the proposition.

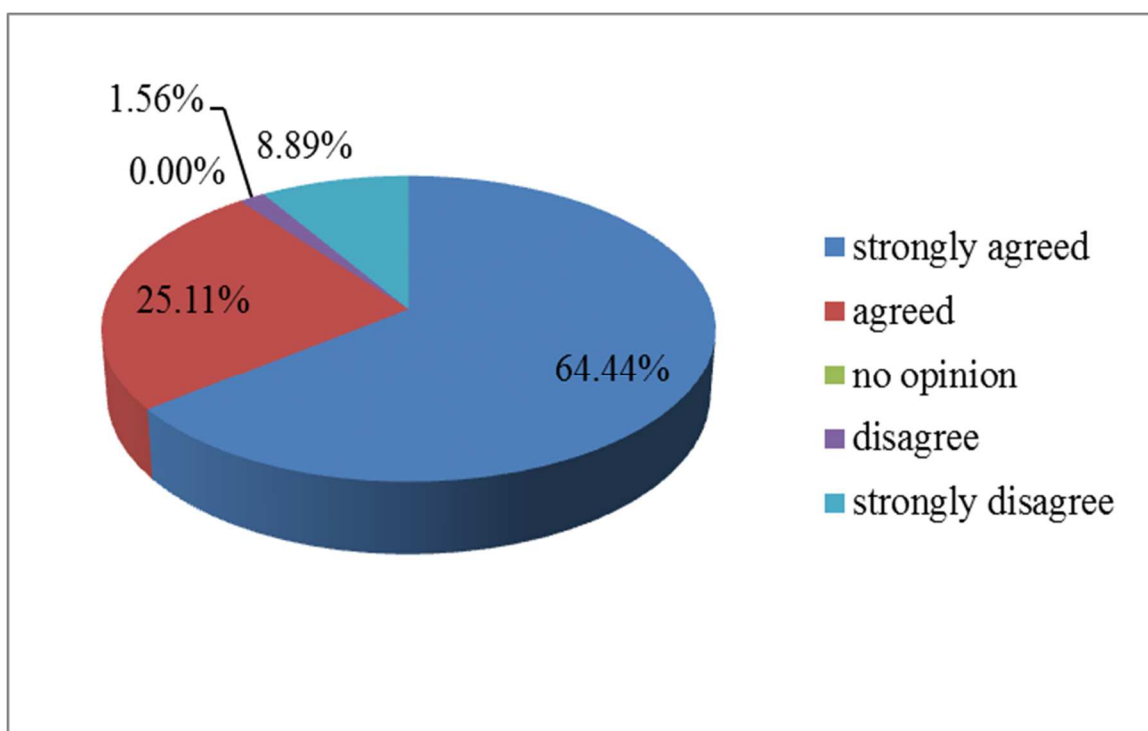


Figure 10. Lawyer knows an attorney who has a judge handling his or her defense case as a friend on social media.

There was no significant relationship between the attorneys' types of businesses and their responses in relation to the proposition ($r = 0.022357$). There was a significant correlation between the durations the attorneys had practiced in India and their responses ($r = 0.664038$). The longer one had practiced as an attorney the stronger was his or her agreement with the proposition.

I know of an attorney who discussed the case he or she is handling casually on social media with the judge.

Out of the 450 attorneys, 303 “strongly agreed” that they know of an attorney who discussed the case he or she was handling casually on social media with the judge, 67 “agreed” with this proposition, and none of them failed to give an opinion. Fifty-three attorneys “disagreed” that they know of an attorney who discussed the case he or she was handling casually on social media with the judge and 27 “strongly disagreed” with the proposition.

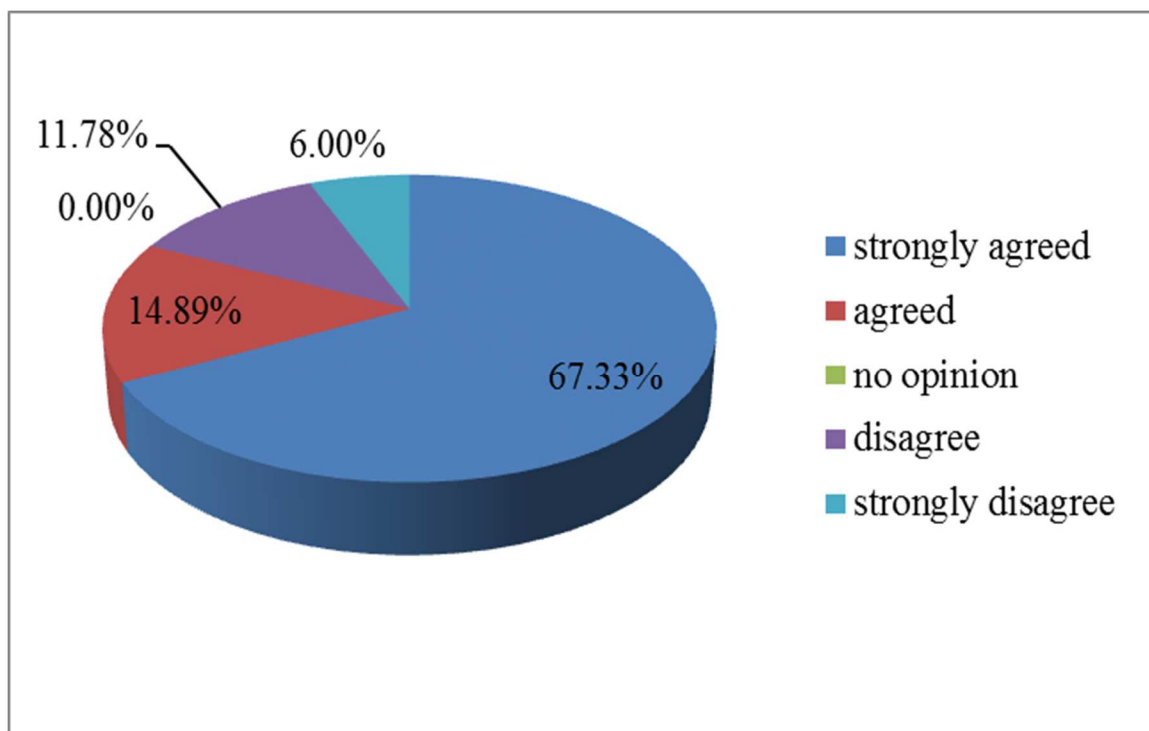


Figure 11. Lawyer knows of an attorney who discussed the case he or she is handling casually on social media with the judge.

There was no significant relationship between the attorneys' types of businesses and their responses ($r = 0.154927$) but there was a significant correlation between the durations for which they had practiced as attorneys in India and the responses ($r = 0.707693$). The longer one had practiced as an attorney the stronger was his or her agreement with the proposition.

I believe a judge handling a critical case changed his or her decision out of public media influence.

There were 255 out of the 450 attorneys who “strongly agreed” that they believe a judge handling a critical case changed his or her decision out of public media influence, 111 “agreed”, and 12 failed to give an opinion. There were 41 attorneys who “disagreed”

while 31 “strongly disagreed” that they believe a judge handling a critical case changed his or her decision out of public media influence.

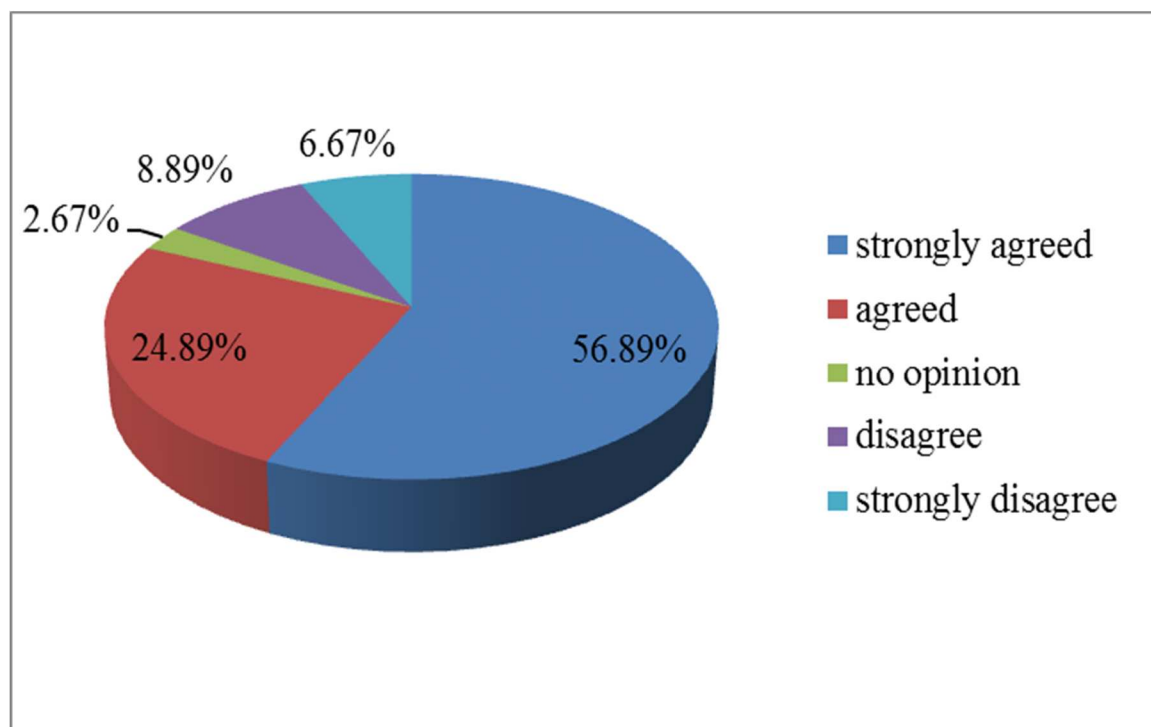


Figure 12. Lawyer believes a judge handling a critical case changed his or her decision out of public media influence.

There was no significant relationship between the attorneys' types of businesses and the responses they gave in relation to the proposition ($r = 0.227601$). There was a significant correlation between the durations the attorneys had practiced in India and their responses ($r = 0.758057$). The longer one had practiced as an attorney, the stronger he or she agreed with the proposition.

I know of a judge who had or has a casual social media relation with a group or individuals with personal interest in a case he or she was/is handling.

Out of the 450 attorneys, 340 “strongly agreed” that they know of a judge who had or has a casual social media relation with a group or individuals with personal interest in a case he or she was or is handling, 35 “agreed” with the proposition, and 25 failed to give an opinion. 32 attorneys “disagreed” that they know of a judge who had or has a casual social media relation with a group or individuals with personal interest in a case he or she was or is handling while 18 “strongly disagreed”.

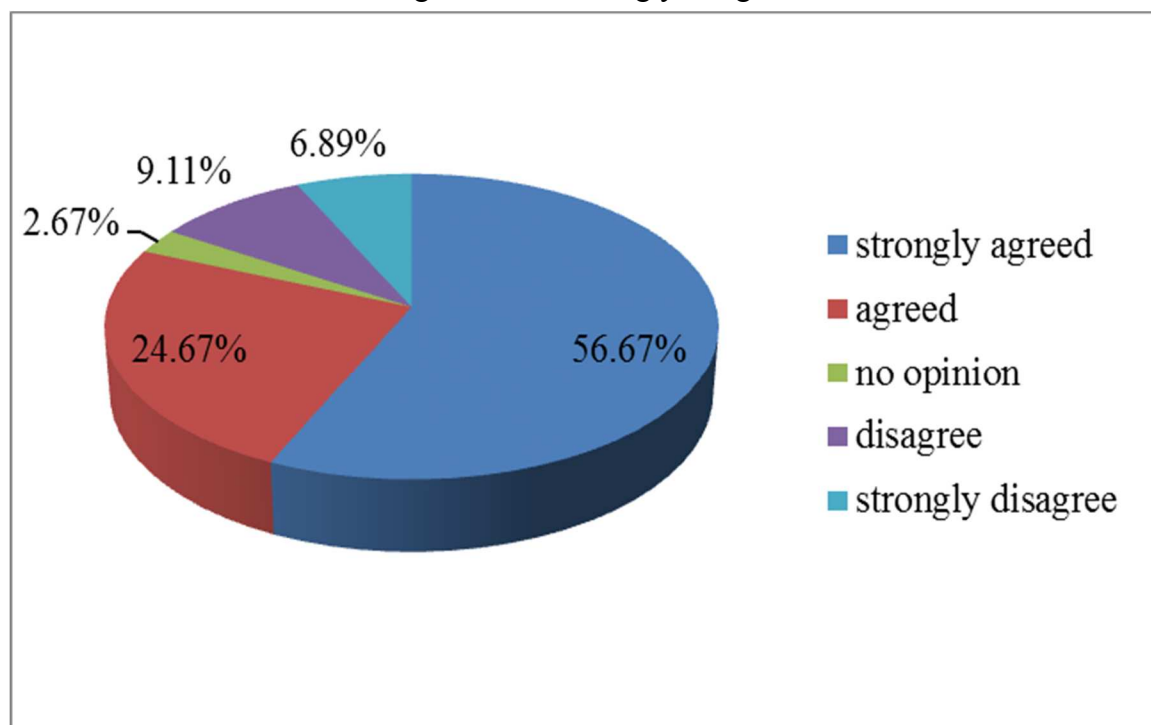


Figure 13. Lawyer knows a judge who had or has a casual social media relation with a group or individuals with personal interest in a case he or she was or is handling.

There was no significant relationship between the attorneys' types of businesses and their responses to the proposition ($r = 0.041777$). There was a significant correlation between the durations they had practiced as attorneys in India and their responses ($r = 0.641777$). The longer one had practiced as an attorney, the stronger he or she agreed with the proposition.

I know of a judge who visits offenders' or defenders' social media accounts to gather more information about any of the two before making a ruling.

Out of the 450 attorneys, 153 "strongly agreed" that they know of a judge who visits offenders' or defenders' social media accounts to gather more information about any of the two before making a ruling, 118 "agreed" with the proposition, and 2 failed to give an opinion. One hundred attorneys "disagreed" that they know of a judge who visits social media accounts of offenders or defenders to gather more information before making a ruling while 77 "strongly disagreed".

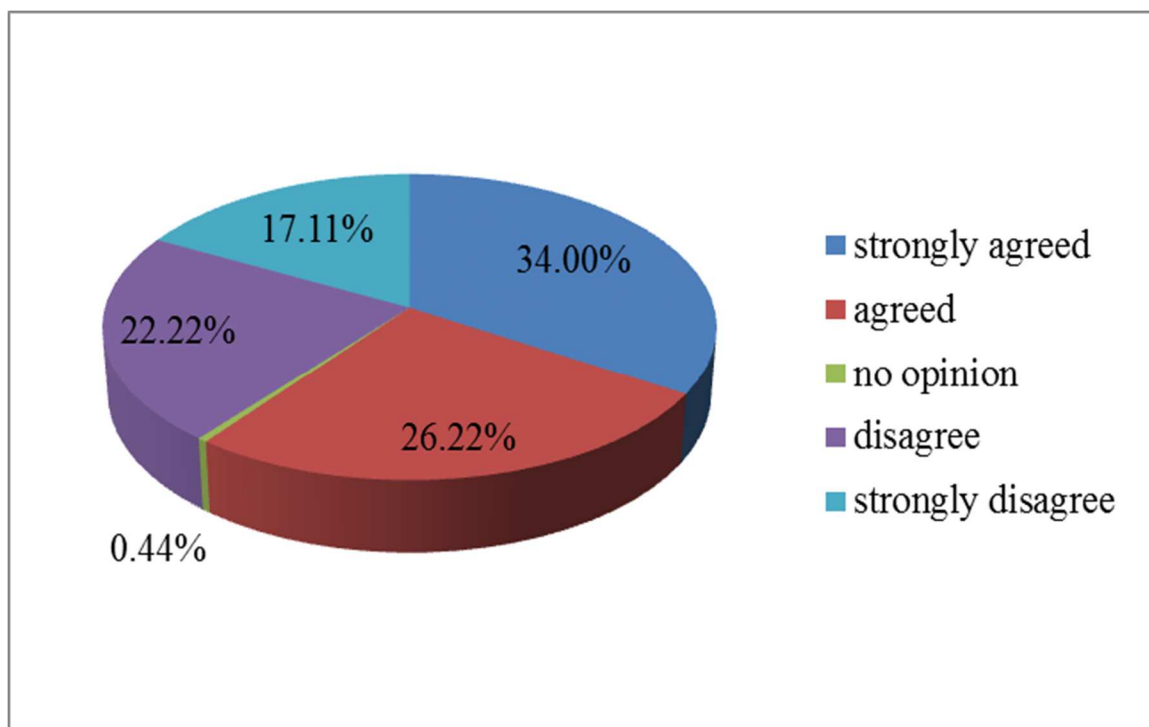


Figure 14. Lawyer knows a judge who visits offenders' or defenders' social media accounts to gather more information about any of the two before making a ruling.

There was a moderate relationship between the attorneys' types of businesses and their responses in relation to the proposition ($r = 0.465742$) and a significant correlation between the durations the attorneys had practiced in India and their responses to the proposition ($r = 0.916616$). The longer one had practiced as an attorney, the stronger was his or her agreement with the proposition.

I believe intensive case analysis by media before completion of legal process influences judgment.

Out of the 450 attorneys, 303 “strongly agreed” that they believe intensive case analysis by media before completion of legal process influences judgment, 73 “agreed” with the proposition, and 5 failed to give an opinion. There were 60 attorneys who “disagreed” that they believe intensive case analysis by media before completion of legal process influences judgment and 9 who “strongly disagreed”.

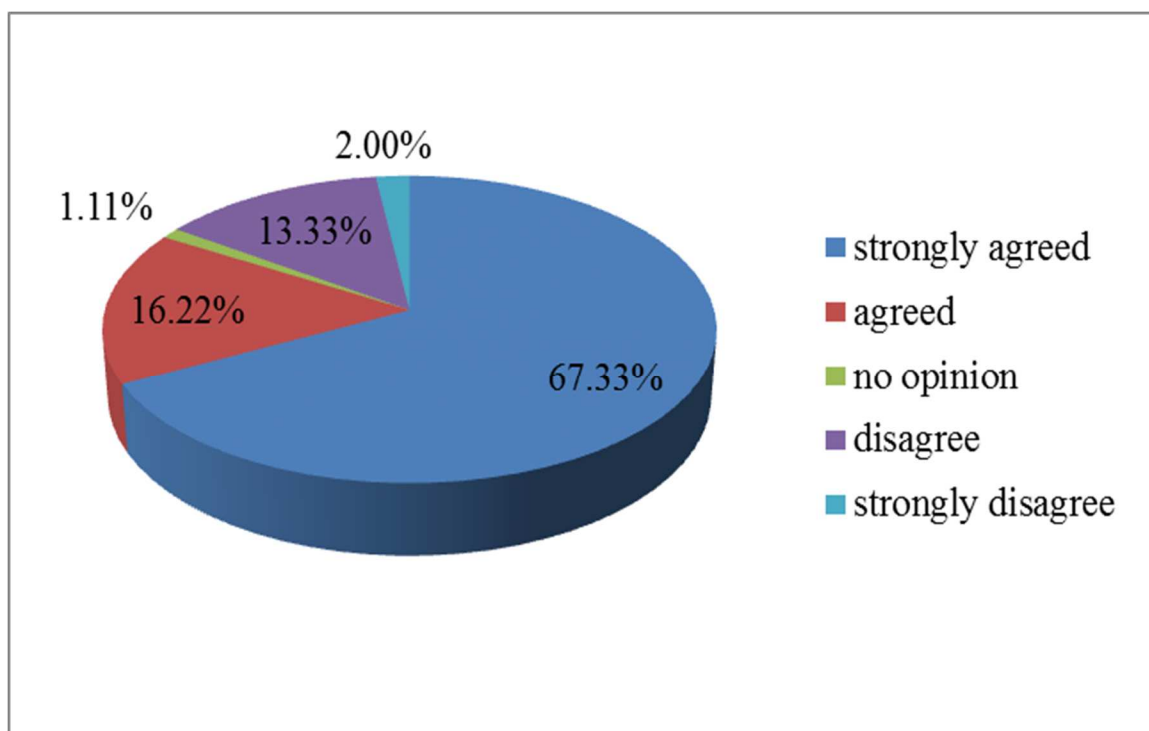


Figure 15. Lawyer believes intensive case analysis by media before completion of legal process influences judgment.

There was no significant relationship between the attorneys’ types of businesses and their responses to the proposition ($r = 0.147837$) but there was a significant correlation between the durations they had practiced as attorneys in India and the

responses ($r = 0.707946$). The longer one had practiced as an attorney, the stronger was his or her agreement with the proposition.

How Media Trials Affect the Indian Criminal Justice System via News Framing

I believe that there are offenders in India whose sentencing was basically done by the media and not by the judge.

Out of the 450 attorneys registered to practice in India, and who participated in this study, 368 “strongly agreed” that they believe that there are offenders in India whose sentencing was basically done by the media and not by the judge, 81 “agreed” with the proposition, and none of them failed to give an opinion. One attorney “disagreed” that there are offenders in India whose sentencing was basically done by the media and not by the judge while none “strongly disagreed”.

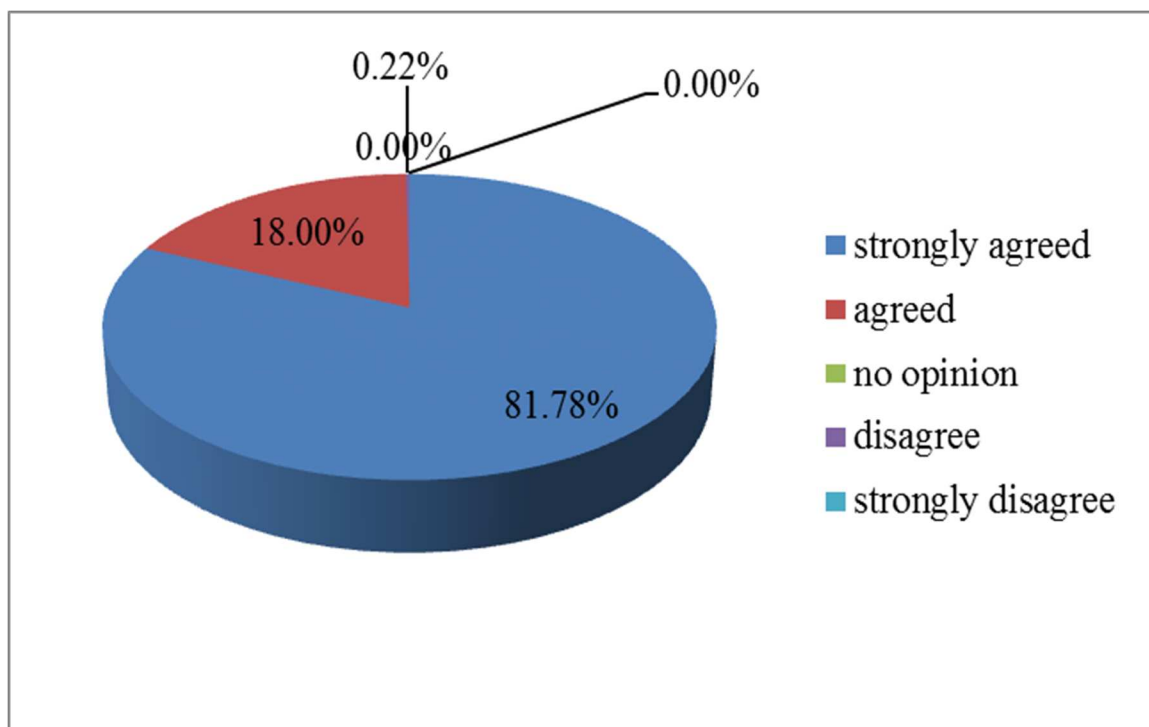


Figure 16. Lawyer believes that there are offenders in India whose sentencing was basically done by the media and not by the judge.

There was no significant correlation between the attorneys' types of businesses and their responses to this proposition ($r = 0.053906$). There was a significant correlation between the durations the attorneys had practiced in India and their responses ($r = 0.574837$). The longer one had practiced as an attorney, the stronger he or she agreed with the proposition.

I know of a critical case in India whose ruling was 50% or more influenced by intensive media involvement.

Out of the 450 attorneys, 302 “strongly agreed” that they know of a critical case in India whose ruling was 50% or more influenced by intensive media involvement, 72 “agreed” with the proposition, and 5 failed to give an opinion. 61 attorneys “disagreed”

that they know of a critical case in India whose ruling was 50% or more influenced by intensive media involvement while 10 “strongly disagreed” with the proposition.

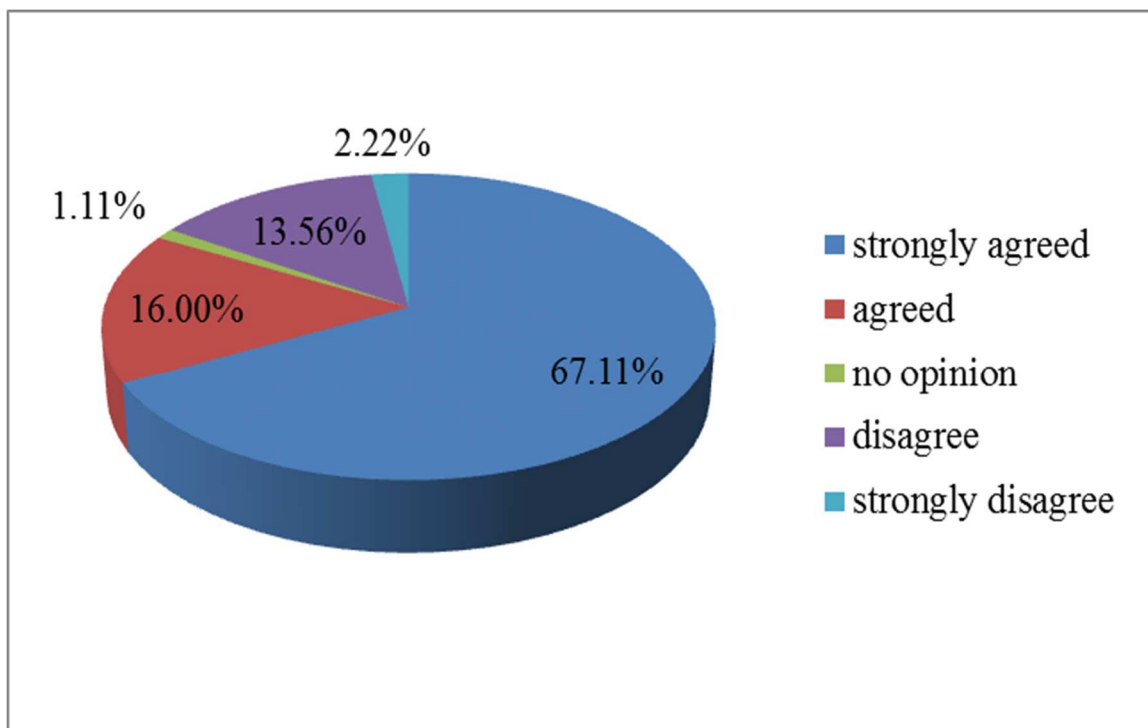


Figure 17. Lawyer knows of a critical case in India whose ruling was 50% or more influenced by intensive media involvement.

There was no significant correlation between the attorneys' types of businesses and their responses to the proposition ($r = 0.153982$). There was a significant correlation between the durations the attorneys had practiced in India and their responses to the proposition ($r = 0.710995$). The longer an attorney had practiced the stronger was his or her agreement with the proposition.

I have witnessed an offender receiving harsher sentence than required by the law due to Indian public demand through excess publicity.

Out of the 450 attorneys, 312 “strongly agreed” that they have witnessed an offender receiving harsher sentence than required by the law due to Indian public demand through excess publicity, 82 “agreed” with this proposition, and none failed to give an opinion. There were 6 attorneys who “disagreed” that they have witnessed an offender receive harsher sentence than required by the law due to Indian public demand through excess publicity and 50 “strongly disagreed” with the proposition.

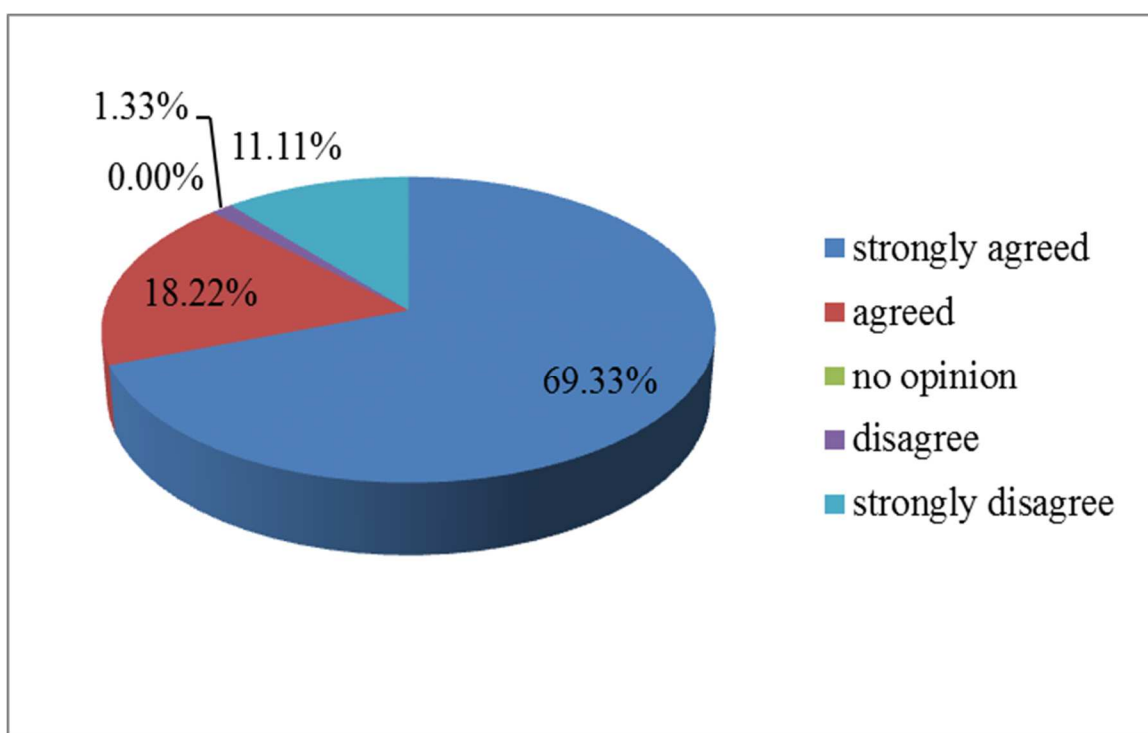


Figure 18. Lawyer has witnessed an offender receiving harsher sentence than required by the law due to India public demand through excess publicity.

There was no significant correlation between the attorneys' types of businesses and the responses to the proposition ($r = 0.058901$). There was a significant correlation between the durations they had practiced as attorneys in India and the responses ($r = 0.649819$). The longer one had practiced as an attorney, the stronger he or she agreed with the proposition.

There are cases in India that were blown off balance by the media due to the surrounding events.

Out of the 450 attorneys, 395 “strongly agreed” that there are cases in India that were blown off balance by the media due to the surrounding events, 35 “agreed” with this proposition, and none of the attorneys failed to give an opinion. Twenty attorneys “disagreed” that there are cases in India that were blown off balance by the media due to the surrounding events and none “strongly disagreed”.

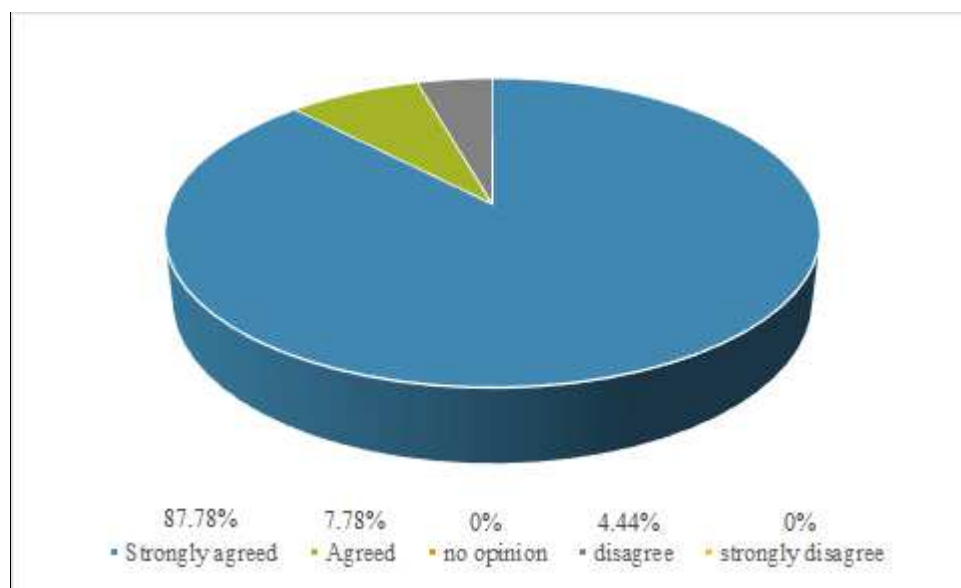


Figure 19. There are cases in India that were blown off balance by the media due to the surrounding events.

There was no significant correlation between the attorneys' types of businesses and their responses in relation to the proposition ($r = -0.114246$). There was a moderate positive correlation between the durations they had practiced as attorneys in India and their responses in relation to the proposition ($r = 0.446838$). The longer one had practiced as an attorney, the stronger was his or her agreement with the proposition.

I know a case in India that was unfairly ruled to gain publicity.

There were 395 out of the 450 attorneys who “strongly agreed” that they know a case in India that was unfairly ruled to gain publicity, 35 “agreed” with the proposition, and none failed to give an opinion. 10 attorneys “disagreed” that they know of a case in India that was unfairly ruled to gain publicity and another 10 “strongly disagreed”.

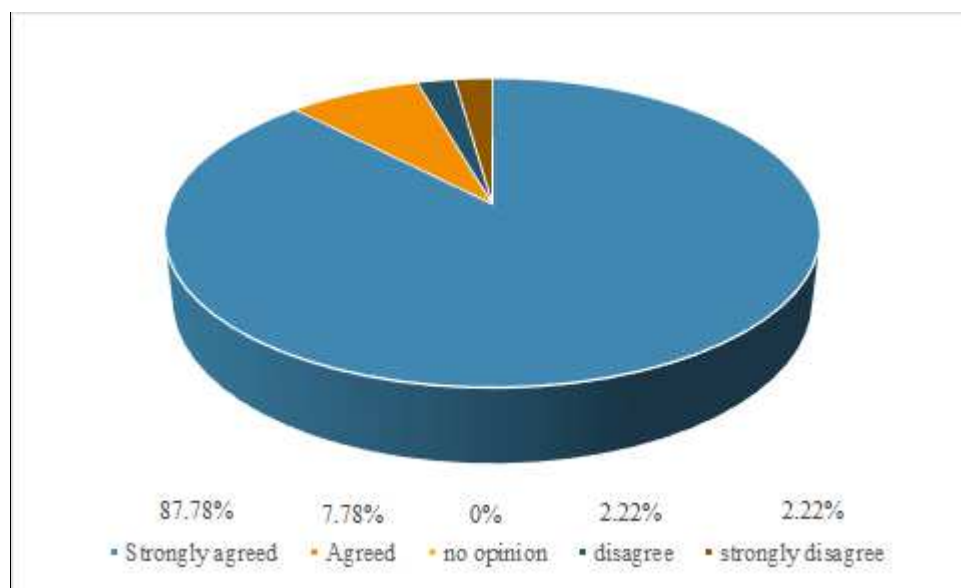


Figure 20. Lawyer knows a case in India that was unfairly ruled to gain publicity.

There was no significant correlation between the attorneys' types of businesses and their responses to the proposition ($r = -0.113074$). There was a moderate correlation between the durations the attorneys had practiced in India and the responses ($r = 0.430682$). The longer one had practiced as an attorney, the stronger he or she agreed with the proposition.

About 50% of critical criminal cases in India are determined by media long before the trial.

Out of the 450 attorneys, 140 “strongly agreed” that about 50% of critical criminal cases in India are determined by media long before the trial, 130 “agreed” with the proposition, and 23 failed to give an opinion. There were 100 attorneys who “disagreed” that about 50% of critical criminal cases in India are determined by media long before the trial and 57 who “strongly disagreed”.

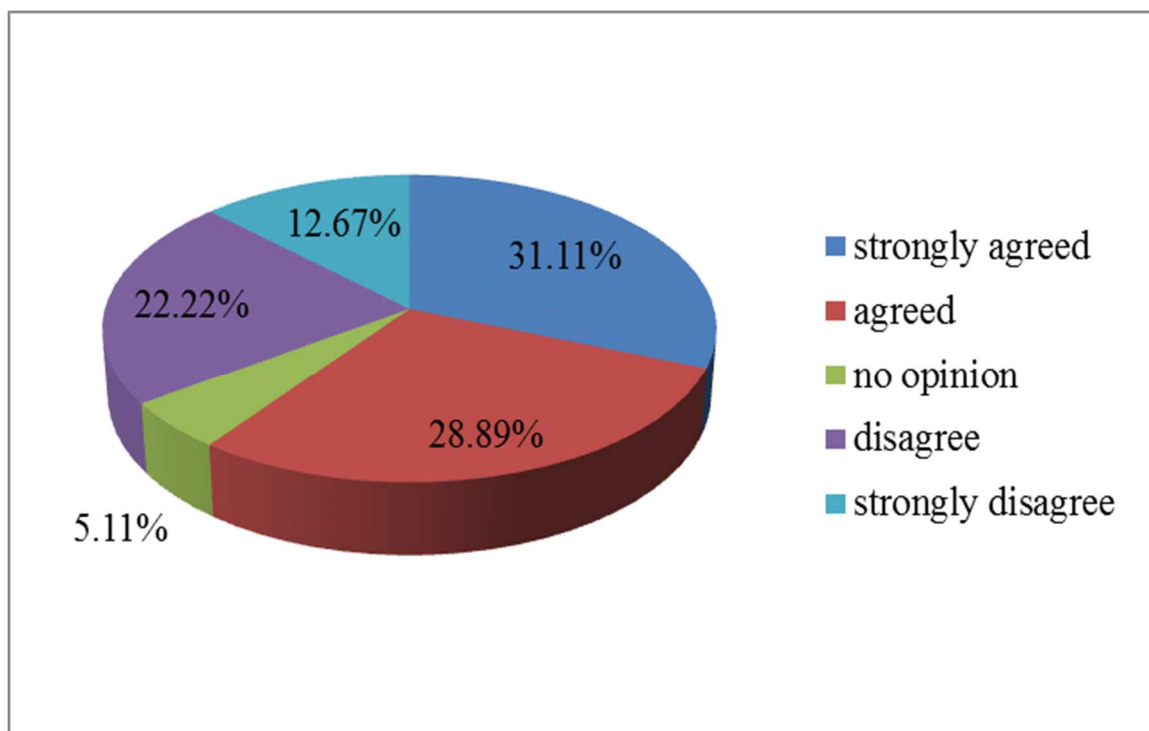


Figure 21. About 50% of critical criminal cases in India are determined by media long before the trial.

There was a moderate correlation between the attorneys' types of businesses and their responses to the proposition ($r = 0.420175$). There was a large positive relationship between the duration's attorneys had practiced in India and the responses ($r = 0.926935$). The longer one had practiced as an attorney, the stronger he or she agreed with the proposition.

Media influence judges' publicity after the trial of a critical criminal case in India.

Out of the 450 attorneys, 237 "strongly agreed" that media influence judges' publicity after the trial of a critical criminal case in India, 113 "agreed" with the proposition, and 32 failed to give an opinion. There were 60 attorneys who "disagreed"

that media influence judges' publicity after the trial of a critical criminal case in India and 8 who "strongly disagreed".

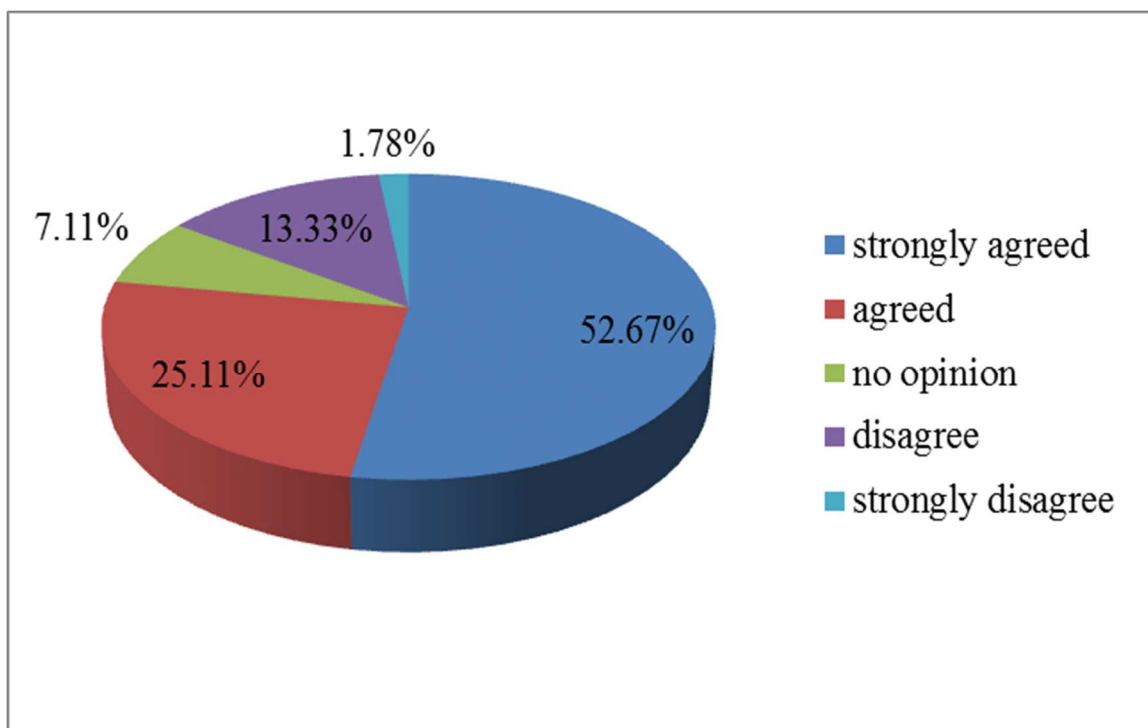


Figure 22. Media influence judges' publicity after the trial of a critical criminal case in India.

There was no significant correlation between the attorneys' types of businesses and the responses they gave in relation to the proposition ($r = 0.290533$). There was a large positive relationship between the durations they had practiced as attorneys in India and their responses ($r = 0.80737$). The longer one had practiced as an attorney, the stronger he or she agreed with the proposition.

Summary

The present study was conducted to find how media interference affects the Indian criminal justice system. This was determined by establishing if there was a

positive correlation between court verdicts and media trials in India as well as by establishing the effect of media trials on the Indian criminal justice system.

Most of the YouTube videos and the various articles regarding various cases relating to the research subject resulted in me forming an opinion that there was a strong correlation between court verdicts and media trials in India and that media trials affect the Indian criminal justice system. For instance, the media impacted on the court's verdict in the Bora case by extensively covering matters before the courts. According to Nashter (2018), the media published "information and opinions" which prejudiced "the interests of the parties involved in litigation pending before the courts" (p.16).

In the Priyadarshini Mattoo case, the media appear to have forced the high court to quash the acquittal and hand a death sentence to Singh. In this instance, the media seem to have ensured that justice was served albeit after a long delay by filling critical gaps that had earlier led to the acquittal. Owing to media pressure in the Jessica Lal case, the high court quashed the acquittals and handed Manu a life imprisonment sentence: the media advanced the cause of justice in the face of impediments laid out by the rich.

In the Nitish Katara case, the media brought the corresponding facts to the attention of the public. In turn, the public pressurized the courts and the police to ensure that justice was served. Hence involvement of the media in the Nitish case had favorable effects on the trial court. From the videos and articles related to the Bijal case, I concluded that the accused would not have been punished had the media not aggressively intervened by piling pressure on the courts and the police to deliver justice in the case (Balhera, 2018).

In the Ruchika case, the media influenced the courts to jail the inspector after many years, tens of adjournments, and hundreds of hearings. When the government filed an appeal against the acquittal of Salman Khan at the Supreme Court, the court admitted the appeal and refused to grant a plea by the accused to fast-track the processing of the appeal because of public pressure retched up by the media. Watching the Vijay Mallya's case videos, I gathered that the extensive coverage of the case by the media in addition to the accusations leveled against him in India had a high likelihood of denying him just trial in the Indian courts. The media was replete with powerful commentaries and panel discussions aimed at shedding light on the accusations.

According to Chakraborty (2015) and Nidhi (2016), media interference affects the Indian criminal justice system since there is a positive correlation between court verdicts and media trials in India. According to Chakraborty (2015), "judges are subconsciously influenced by several forces" such as media coverage (p.226). Nidhi (2016) agrees that the rulings made by judges are shaped by the sentiments often expressed by and in the media. According to Nidhi, the Indian Supreme Court admitted that the media impacts on the states of judges' minds (p.8).

The responses given to the qualitative questions suggested that media interference affects the Indian criminal justice system since there is a positive correlation between court verdicts and media trials in India. The respondents indicated that there are various reasons why the media influence court judgments rather easily regardless of the existence of many laws developed to guide judges. The reasons include that judges consume and appropriate media content just like the rest of the public, some judges are not keen on the

judicial oath obligating them to examine the matters before them objectively, some judges lack the requisite training, and judges consider public opinion that is usually informed by the media when writing judgments. Other reasons that make the media influence court judgements include that the media trigger public outrage against the accused forcing judges to make rulings aimed at appeasing the public, the media unearth critical information that the courts use in determining particular cases before them especially where the information helps fill critical gaps in the evidence accessed by the courts, and judges are averse to being criticized by a media that is highly trusted by the public.

The respondents were unanimous in their perception that some accused persons got harsher or lighter judgments from the courts owing to media influence. One of the respondents was of the opinion that influential people are able to extract lighter sentences from the courts by paying the media to argue their cases favorably to influence the judges. The responses also showed that some categories of cases are subjected to media trial more than others, with subsequent impacts more likely to be impacted upon by the media than the other cases. Media trial is mostly subjected to cases involving politicians followed closely by cases involving radical breaches of universally accepted moral codes.

Responses to the quantitative questions suggest media interference affects the Indian criminal justice system. This is because there is a positive correlation between court verdicts and media trials in India. Of the 450 attorneys who participated in the study, 323 (72%) strongly agreed that the media can be used to complicate simple cases under trial, 367 (82%) strongly agreed that the media can be used to simplify a complex

case under trial, and 430 (96%) strongly agreed that public media can influence judges' perception of a case under trial. One hundred and sixty three (36%) of the attorneys strongly agreed that they normally discuss a case casually on social media with the judge handling it, 255 (57%) strongly agreed that they believe a judge handling a critical case changed his or her decision out of public media influence while 111 (25%) agreed that they believe a judge handling a critical case changed his or her decision because of public media influence.

There were 340 (76%) attorneys who strongly agreed that they know of a judge who had or has a casual social media relation with a group or individuals with personal interest in a case he or she was or is handling while 35 (8%) agreed with this proposition. Of the attorneys, 153 (34%) strongly agreed that they know of a judge who visits social media accounts of offenders or defenders to gather more information about any of the two before making a ruling while 118 (26%) agreed with the proposition.

Three hundred and three (67%) of the attorneys strongly agreed that they believe intensive case analysis by media before completion of legal process influences judgment in a court case while 73 (16%) agreed with the proposition. There were 368 (82%) attorneys who strongly agreed that they believe that there are offenders in India whose sentencing was basically done by the media and not by the judge.

Out of the participating attorneys, 374 (83%) of them strongly agreed or agreed that they know of a critical case in India whose ruling was 50% or more influenced by intensive media involvement. Three hundred and ninety-four (88%) of the attorneys, strongly agreed or agreed that they have witnessed an offender receive harsher sentence

than required by law due to excessive publicity leading to public demand for harsher sentencing.

There were 430 (96%) of the attorneys who strongly agreed or agreed that there are cases in India that were blown off balance by the media due to the surrounding events. 270 (60%) of the attorneys strongly agreed or agreed that about 50% of critical criminal cases in India are determined by media long before the trial. Of the participants in the surveys, 350 (78%) of the attorneys strongly agreed or agreed that media influence judges' publicity after the trial of a critical criminal case in India.

Reliability Testing

Cronbach's Alpha method was employed to test reliability of the data by measuring internal consistency of items in the questionnaire. The measure varies between 0 (zero) and 1 (one). Closer the alpha to one, the greater the internal consistency of items in the questionnaire. Total number of questions or items in the Likert scale questionnaire was tested and the Cronbach's Alpha test result was 0.98.

Inference from Cronbach's Alpha test

Cronbach's alpha test gave a result of 0.98 that falls between 0.90 and 1.00. This indicates high internal consistency of the data sets and items.

Validity Testing

By subjecting the data to graphic analysis, I found no significant relationship between the types of businesses of the law firms the attorneys were practicing in had been registered as and the responses they gave in relation to the proposition overall.

Further, there was a significant correlation between the duration the attorneys had practiced in India and the responses they gave in relation to the proposition ($r = 0.664038$). The longer one had practiced as an attorney, the stronger was his or her agreement with a given proposition.

Further, calculating coefficients of correlation between questions and outcome of variables through the measure of association between variables indicates both the size and the direction of relationship between variables. Correlation coefficient is denoted by “r” whose value is always between minus one and plus one (-1 and +1).. The variables must be normally related.

Correlation Analysis: Media Trials and Impact

The correlative analysis of each question on media trials and its impact reveals that most of the variables in question and variable impact assigned to subgroups are significantly correlated, supporting the H_a and rejecting the H_0 . Thus, the current study is valid in concluding that there is positive correlation between court verdicts and media trials in India as well as that the media trials interfere with the provision of justice in the Indian criminal justice system.

Chapter 5: Discussion, Conclusions, and Recommendations

The media influences public discourse and opinion regarding events in the society. Journalists report stories in a manner that will capture the public's attention regarding what is going on in different institutions. Of late, the media has also been involving itself in criminal justice trials, especially high-profile cases. There have been concerns that media trials have interfered with criminal justice processes. There is widespread agreement that criminal justice processes should be handled carefully by the media.

The present study was guided by the narrative policy framework (Shanahan, Mcbeth, & Hathaway, 2011). The framework is useful in determining how policy narratives relate to policy changes (Sabatier & Weible, 2014). The study included a mixed-methods design to examine qualitative and quantitative data. The study was carried out to establish how media interference affects the Indian criminal justice system by determining whether there is a positive correlation between court verdicts and media trials in India. Also, the study was carried out to establish how media interference affects the Indian criminal justice system by determining the effects of media trials on the Indian criminal justice system. Findings indicated that media interference affects the Indian criminal justice system as some court verdicts are shaped and influenced by media trials. Also, findings indicated that media interference affects the Indian criminal justice system as media trials have other effects on the system such as that the media at times blows off balance some cases due to the surrounding events.

Interpretation of the Findings

Media Affects Judges' Behavior, Thoughts, and Attitudes

The present study findings confirmed that the media influences criminal justice systems by influencing human behaviors, thoughts, and attitudes. Using psychological frameworks, phenomenology, and in-depth interviews, Howell-Collins (2012) found that inmates think media reporting affects their cases adversely. McQuail (2010), using a stimuli response model, found that the media has lasting effects on criminal justice systems as it affects institutional behaviors, ideologies, and social realities. Berelson (1959) found evidence that the media had idiosyncratic effects on human beings. Berelson also established that the effects were dependent on various factors, including social psychological states and demographics.

Berryessa (2014) explored the influences that media coverage has on judges' perceptions, especially regarding disorders and criminality. Berryessa found that judges perceive media reports on the disorders either negatively or positively. Even then, almost every judge has encountered a media report on the criminality and the disorders that he or she has felt is outrightly harmful as well as misleading to how the public perceives the disorders. That means that judges are exposed like the general public to media reports on the disorders and violent criminality and their correlation. Also, judges recognize the potential ill effects of the negative media reports on the correlation. Berryessa appeared to agree with Cheryl (2010) that when a juror uses media information in determining suitable verdicts, there is a high chance that he or she may not acknowledge the use of the

information. There is also a chance that he or she will insist that he or she appreciates the requirement that some previously observed information should not be considered.

The present study's findings were consistent with the conclusions that Berelson (1959), Howell-Collins (2012), and McQuail (2010) made regarding whether the media can affect the behaviors, thoughts, and attitudes of judges handling cases. When the media publishes "information and opinions that are clearly prejudicial to the interests of the parties involved in litigation pending before the courts," the media has adverse effects on the courts (Nashter, 2018, p.16). Media trials affect the capacity of judges to remain faithful to the "golden principles of 'presumption of innocence until proven guilty' and 'guilt beyond reasonable doubt'" (Singh & Associates, 2012, pp.22-23). The Mattoo case videos gave me the feeling that the involvement of the media had favorable effects on the high court. The media affected the human behaviors, thoughts and attitudes of the judges who handled the case, compelling them to ensure that justice was served. The videos and the article by Alvarez (2011) gave me the feeling that the involvement of the media in the Jessica case had favorable effects on the high court as well. The media affected the human behaviors, thoughts and attitudes of the judges who handled the case, compelling them to ensure that justice was served.

The present study confirmed that the media can affect the attitudes of judges toward accused persons. Gade (2016) suggested that the media has enough capacity to besmirch judges' memory. Salman Khan was capable of getting favorable court rulings because the media portrayed him as being a kind, compassionate person. The media succeeded in its efforts to make the court sympathize with the poacher. The media

sanitized him and presented him before the judges as a decent person whose life revolved around helping others. The charity narrative worked wonders for him in various courts, pushing the courts to find that the prosecution could not prove any of the charges against him. The media gave the court the gloves it wore when processing him. Notably, the media kept focusing the attention of court on his charity forum. The court did not train its eyes on his criminal culpability in the hit-and-run crime as it trained the eyes rather on the charity forum.

The media seemingly made some judges disregard the humanity as well as rights of the victims. Justice Kurian Joseph noted that judges are subconsciously prejudiced by the media:

Media trials in pending cases should be avoided and thereby judges saved of the enormous strain created by it. “Please stop trying (cases) in the media till a case is over. Never try a case in the media, it creates a lot of pressure on judges, they are also human beings,” Referring to “the amount of pressure that is built,” he recalled how a judge who dealt with the case had once told him that “had he not given that punishment, they would have hung him.” The Judge said “If I had not given that punishment they would have hung me, the media had already given their verdict, (like) it is going to be this only. (Lau, 2016, para.1)

The present study confirmed that human behaviors, thoughts, and attitudes of judicial officers can be affected by the media as rulings made by judges are shaped by the sentiments expressed by and in the media rather often. That is because “judges are human beings and undue influence of irresponsible expression may taint the rational process of

adjudication” (Nidhi, 2016, pp.7-8). One of the respondents asserted that some judges could not view the clients as being innocent before they tried them, owing to the onslaught they were facing from the media. In one of the cases, the respondent felt that the judge concluded his client was a murderer only because the media called him as much. About 95.56% of the respondents strongly agreed that public media can influence judges’ perception of a case under trial. Also, 67.33% of respondents strongly agreed that they knew of an attorney who discussed a case he or she was handling in social media with the judge. In addition, 56.89% of respondents strongly agreed that they believed a judge handling a critical case changed his or her decision because of public media influence.

Cultivation analysis theorists hold that heavy media users are more inclined to believe that media messages are valid and real than light media users. Judges who are heavy media users are more inclined to believing that media messages are valid and real than judges who are light media users (Gerbner & Gross, 1976). Judges and other people who are heavy media users are more likely to see violent acts than judges and other people who are light media users. The former are more affected by the thinking that their environment and clients, including suspected criminals, are far more dangerous as well as worse than they actually are. The former are also more likely to suffer Mean World Syndrome (MWS) than the latter (McQuail & Windahl, 1993). MWS is the thinking that the world or one’s surroundings are far more dangerous and worse than they actually are. The theorists’ elementary focus is on the impact that using the media has on media users’ attitudes as opposed to the behavior created by the users.

Efforts Are Required to Limit Media Interference in Criminal Justice Systems

The literature that was reviewed showed that different criminal justice systems have since accepted that the media can interfere with them and have put in place measures to limit the interference. In the US for example, no one is allowed to cover criminal proceedings using electronic media by virtue of the 53rd federal criminal procedure that became applicable in mid-1946. The only exception to the rule is when there is a statute authorizing the coverage. The code of conduct developed in the 1970s and applicable in the US requires that judges should not allow for the broadcasting, photographing, televising, or broadcasting of court proceedings within courts and the adjacent areas whether the matters under considerations are civil or criminal. From 1996, the US Courts of Appeal have been allowed to decide whether to allow for photographing or recording of their appellate arguments in line with the extant statutory provisions, local and national rules as well as other applicable regulations.

Venkatesan (2012) concluded that in India, judges are becoming more and more accommodating regarding the coverage of court proceedings by the media. In 2012, judges in the Indian Supreme Court expressed their willingness to have the proceedings recorded if it does not give room to contempt of court. The court pronounced that it was set to put in place guidelines controlling how the media should report on court proceedings to strike a good equilibrium between securing media freedom and safeguarding basic human rights, especially the right to liberty and life on one hand and freedom of speech on the other hand (Venkatesan, 2012).

The findings relating to the stance of the US court system on media reporting and the conclusions made by Venkatesan (2012) were corroborated by this research. I found out that in the *National Herald* scam case, Sonia and Rahul Gandhi pleaded with the court to grant a stay order against media reporting regarding the case but the court disallowed the plea. Watching videos regarding the case makes me form an opinion that the Gandhis were averse to media reporting as they thought it would hurt their political prospects. This is because the media has been sensationalizing the case and related information, at times appearing to pursue particular political ends.

Almost all the respondents in this study suggested that the media should be barred from reporting on matters that are active before the courts or barred from reporting elements of the matters. This is to put an end to media trials, consequently protecting accused persons from being sentenced due to public pressure rather than consideration of the appropriate legal requirements. Most respondents suggested that the police should be barred from releasing information to the media on matters that are active before the courts. One of the respondents who held that media trials should by law be viewed as contemptuous of the courts if they have the potential for scandalizing, prejudicing, or hindering trial noted that:

The most effective way of regulating the media to ensure that media trial comes to an end is by exercising our courts' contempt jurisdiction in efforts geared towards punishing the media houses, individuals, and journalists who breach the elementary codes of conduct that the courts set for media practice. The Supreme Court should issue guidelines on how the court system should utilize the contempt

authority to stop media trial. The guidelines should be designed in ways that make them effective in ending media trial.

The respondents were averse to media reporting and analysis regarding various cases. Out of the 450 attorneys, 376 (83.5%) strongly agreed or agreed that they believed intensive case analysis by media before completion of legal process influences judgment.

Media Coverage Impacts How Justice Systems Are Viewed

Reviewed literature suggested that politics-related cases have high likelihood of media coverage and media trial. Greenhouse (1996), a renowned US Supreme Court reporter, indicated that media coverage of the US courts did not concern the public greatly as much as the day-to-day politics did. There have been many studies especially regarding how social media affects political decisions and politics in general. World over, social media are known to have a conversation power, which is important in promoting citizenship engagement (Banaji & Buckingham, 2010). Social media give rise to virtual political communities that allow their members to express themselves to others using varied formats such as video, photo and text (Carpini, Cook & Jacobs, 2004). From the review, one can conclude that social media encourage political talk as well as participation (Banaji & Buckingham, 2010).

Greenhouse (1996) asserted that judges mostly pronounce themselves to the public via their opinions, which the public finds difficult to access. Particularly, that is quite the case where politicians cede to judicial officers the challenging questions facing the public. The way the press covers the courts and judges' opinions is thus critical in

ensuring that the judicial system remains legitimate and healthy in the eyes of the public in a democracy (Brace, Hall & Langer, 1999). The sentiments and conclusions made by Greenhouse (1996), Banaji and Buckingham (2010), Carpini, Cook and Jacobs (2004), Banaji and Buckingham (2010), and Brace, Hall and Langer (1999) were by and large confirmed by this study, especially with regard to politics-related cases.

The study suggested that owing to media publicity that politics-related cases attract, there have been many politicians and parties keen on settling political scores through court litigation. That possibly explains why most of the cases that I focused on because of intense media trial also had political connotations. Jessica Lal was a model shot dead at a packed socialite party allegedly by Manu Sharma, whose father was a political figure. The interview granted by Rahul Gandhi to *Tehelka*, a popular magazine, attracted lots of media commentary because Rahul Gandhi is a politician. The *National Herald* scam case still before the Dehli High Court pits Subramanian Swamy, a popular politician, against Sonia and Rahul Gandhi and their associated companies plus persons. The 2G spectrum issue attracted lots of media commentary and trial because some parties sought political mileage from it. The police accused Shashi Tharoor, a prominent politician, of murdering his wife Sunanda Pushkar, four years after her death. According to several videos posted on YouTube, the coal allocation political scandal was highly publicized. Amit Shah, a political leader, was accused of murdering Sohrabuddin, with the case receiving wide coverage due to the suspicious changes in the judges.

It was clear from the research that some categories of cases are subjected to media trial more than others. Cases involving politicians are the ones most frequently subjected

to media trial followed closely by cases involving radical breaches of accepted moral codes. A number of the research respondents provided specific examples of particular cases influenced by media in India in recent times. These include politics-related cases involving public figures such as the ones related to Balakrishna Ramarao, Vijay Vittal Mallya, Judge Lohiya, Sonia and Rahul Gandhi, Shashi Tharoor, and Shivani Bhatnagar.

Miljan (2014) broadly agrees with the conclusions drawn by Vining, Wilhelm and Collens (2014), even though the former focused on the Canadian situation. According to Miljan (2014), in America, the media are increasingly inclined towards interpreting Supreme Court decisions from a frame that is essentially political. On the other hand, in Canada, the media are increasingly inclined towards interpreting Supreme Court decisions from a frame that is essentially legal.

There is rather limited literature on whether the media sensationalizes the criminal acts of those considered to be of odd natures. Nonetheless, reviewed literature suggests that, indeed, the media sensationalizes criminal acts of those considered to be of odd natures, including those with mental disorders, occasioning negative, as well as imprecise, public views regarding the affected persons (Gunasekaran and Chaplin, 2012).

Judges Are Wary of How They are Viewed by the Media After Delivering Particular Rulings

From the reviewed literature it was clear that judges may be tempted to make rulings in particular ways to avoid the wrath of the media. According to Matter and Stutzer (2013), Mulder (2009), and Wentland (2012), the misperceptions created among

judges by media reports affect how they formulate decisions. When damage awards are overestimated and the media consequently criticizes pro-plaintiff biases of the justice systems, judges and jurors may be compelled to be less disposed towards decreeing large damage awards or other determinations that highly favor the plaintiffs. Past research studies on civil cases consistently establish that media reporting largely exaggerates the pro-plaintiff bias that judges have and exaggerates damage award amounts. That means that the media commonly typifies courts, especially in the West, as having a high chance of decreeing excessively huge damage awards: with juries and judges who are deemed to be out-of-control being highly persuaded to punish rich defendants.

From the analyses done by Platania and Crawford (2012), it is clear that the agendas that the media sets affect their audiences, particularly through the shaping of their realities. Interconnectedness afforded by the internet means news can quickly be distributed far and wide. The impact of the agendas and media's adherence to these agendas are increasingly significant. Kwong, Chan, Leung, Ho, Wong and Wong (2015) established that the effect and strength of the media via agenda setting might impact on government policies as well as public choices and attitudes.

In this study, out of the 450 attorneys, 269 (60%) of the respondents strongly agreed or agreed that the media influence judges' publicity after the trial of a critical criminal case in India while only 68 (15%) disagreed or strongly disagreed with this proposition.

The respondents indicated that there are various reasons why the media influence judgment formulation rather easily regardless the existence of many laws to guide judges.

The reasons noted by most of the respondents included that judges consider public opinion when writing judgments. Consequently, the media may inform the judges of the prevailing public opinion, may trigger public outrage forcing judges to make rulings aimed at appeasing the public, may champion causes of given sections of the populations, and may also investigate particular cases to provide formal investigators with critical leads. Other reasons cited for why media easily influence judges include that the media exercise more power than the judges, the media pressurize judges subconsciously, the media create hype among members of the public in the light of how judges handle cases and determine them, the media make judges lose anonymity, and the media may jeopardize the security of judges.

Limitations of the Study

I focused on conducting a quasi-experiment using open-ended questions and YouTube videos. Some of the questions and videos delved into matters that were actively before the courts and that the media still had an interest then. That presented considerably tricky situations because it was hard to keep the media completely away from the cases they were still interested in. Hence, there were no control experiments in the quasi arrangement. To overcome this limitation, I focused on a range of cases that were already in existence with some of the cases having attracted the media at their early stages while others had not.

I assumed that media are capable of interfering with criminal justice system when slightly or intensively involved in the operations of the justice system. The level of influence however matters based on the method in which media get to be involved.

Among the most probable ways in which media are believed to interfere with operations of the criminal justice system is by airing trial cases either as news, by giving opinion, by critically analyzing how a certain case is being conducted, or by following the case from when a crime takes place, how the investigation is carried out, the arrest and the prosecution process. This information can be provided in different media that include television, newspaper, radio, and social media.

Despite the rich qualitative data, I got during the research, I did not enhance it via triangulation. Rather, I only relied on the 450-attorney sample size as representing the whole of the attorney population in India.

Recommendations

Methodology

In future, the rich qualitative data that I got in the study can have its credibility bolstered by triangulation. The triangulation may involve using alternative data sources, including data from legal professional journals. The data can also be triangulated through the use of alternative methods. The data can also be triangulated using multiple researchers to mitigate the possible researcher bias in the current study or using multiple theories as a study's conceptual framework.

Policy

Extend judicial immunity to cover retired judges

In light of the fact that the study established judges are susceptible to media influences in their day-to-day work since most of them fear that they will get adverse

media coverage after delivering rulings in particular ways, there is a need to reconsider the judicial immunity granted to judicial officers, possibly extending it to cover retired judicial officers. Out of the 450 attorneys surveyed for this study, 237 (52.67%) strongly agreed that media influence judges' publicity after the trial of a critical criminal case in India. Hence, judges may be tempted to make rulings in particular ways to avoid the wrath of the media. There is high likelihood that judges are afraid that adverse media coverage or media trial may see them answer to charges related to their routine work when still serving as judges or even after retiring. In recent times, the Indian judicial system has been bedeviled by cases brought against retired judges, including Retired Justice Chinnaswamy Swaminathan Karnan and Retired High Court Judge Ishrat Masroor Quddusi.

At present, only serving judges in India enjoy judicial immunity. If the immunity is extended to judicial officers after they retire, the judges will markedly be impartial and fearless when passing judgments while in office. They will not be afraid of the opinions carried by the media as opined by one respondent:

Our courts can end media trial swiftly if our legislators put in place laws that characterize media trial as being an affront on the entire criminal justice system. There should be laws making media trial criminal in particular cases. There should be laws that will make everyone very afraid of commenting on matters before the courts with the aim of swaying the perceptions of the judges processing the matters. There should be laws declaring that if media trial is proved regarding

particular cases, the handling of the cases by the courts will be declared a mistrial and the cases will be retried again.

Indian legislators should consider repealing or substituting the Judges Protection Act of 1985 and the India's penal code section 77 that decrees that any act judicially and in good faith done by any judge as he or she exercises the power granted to him by the extant law cannot be considered to be an offence (Ramesh, 2012). By extending this immunity to cover judges even after they retire, the judges will not be afraid that the media may give them adverse coverage which may see them facing civil or criminal charges after they retire; helping them withstand media influences or pressure while in office (Leveson, 2012; Sengupta & Sharma, 2018). Extending the immunity may also optimize the capability of serving judges in the country to deal with the public passionately, enthusiastically, impartially, and fearlessly; the corresponding media opinions notwithstanding.

The Supreme Court should develop a universal guideline on media reporting on matters before the courts.

Some judges allow the media to report on particular proceedings they preside over while others disallow such reporting. Thus, there is a need for the Indian Supreme Court to develop universal media reporting guidelines that will be binding on all the courts. Almost all the respondents in this study suggested that the media should be barred from reporting on matters that are active before the courts or from reporting elements of the matters. This would put media trials to an end, protecting accused persons from being sentenced because of public pressure rather than consideration of the appropriate legal

requirements (Leveson, 2012; Sengupta & Sharma, 2018). Further, many respondents suggested that the police should be barred from releasing information to the media on matters that are actively before the courts.

One of the respondents who held that media trials should by law be viewed as contemptuous of the courts if they have the potential for scandalizing, prejudicing, or hindering trial noted that the most effective way of regulating the media to ensure that media trial comes to an end is by exercising our courts' contempt jurisdiction efforts geared towards punishing the media houses, individuals, and journalists who breach the elementary codes of conduct that the courts set for media practice. The Supreme Court should issue guidelines on how the court system should utilize the contempt authority to stop media trial. The guidelines should be designed in ways that make them effective in ending media trial. In developing the guidelines:

- The Supreme Court should institutionalize the procedures or process by which parties to cases before the courts can make certain that the media does not cover them until the courts grant them particular orders or rulings (Ranganathan & Rodrigues, 2010).
- The Supreme Court should be keen not to muzzle the freedom of press and speech.
- The Supreme Court should spell out the specific circumstances that will warrant particular courts to ban media reporting on matters before them and clarify the scopes and limitations of such bans (Sengupta & Sharma, 2018).

- The Supreme Court should ensure that the guidelines are not subjective, ad hoc, or arbitrary (Ranganathan & Rodrigues, 2010). The guidelines should especially be clear on who exercises the discretion to decide postponement and or stoppage of media coverage on matters before particular courts.
- The Supreme Court should spell out the recourses available to persons who feel that they do not get justice from the courts owing to how the media reports or covers matters that they are party to in court (Sengupta & Sharma, 2018).
- The Supreme Court should express itself on any other matters it deems appropriate for the purposes of shielding the judicial system from the adverse effects of media trial whilst upholding the constitutionally guaranteed freedoms of press and speech.

Training for judges.

The training offered to judges by the National Judicial Academy and persons aspiring to serve as judges in the future should be revamped to especially ensure the training increases their capacity for resisting media pressure. The National Judicial Academy trains judges serving in the Indian High Courts and Supreme Court during their terms. It seeks to offer training that bolsters their efficiency, productivity, and fairness in managing and administering their courts. The training should help decimate the extent to which media coverage affects the opinions of the persons as they serve as judges. Notably, this study confirmed the findings of previous studies that had established that

the media influence criminal justice systems by influencing human behaviors, thoughts and attitudes.

The training should focus on the trainees' psychological wherewithal (Berelson, 1959; Howell-Collins, 2012; McQuail, 2010). Using psychological frameworks, phenomenology, and in-depth interviews, Howell-Collins (2012) found out that inmates think media reporting affected their own cases adversely often. McQuail (2010), using a Stimuli Response Model, found out that the media has lasting effects on criminal justice systems as it affects institutional behaviors, ideologies, and social realities. Berelson (1959) found substantial evidence supporting the thinking that media effects had an idiosyncratic effect on human beings. Berelson also established that the effects were dependent on various factors that include psychosocial states and demographics. Consequently, the training offered to judges and would-be judges should be designed in ways that ensure that, in relation to media pressures, it accordingly affects the psychosocial states, behaviors, thoughts, attitudes, ideologies, and social realities.

Implications

As Pettit (2010) explains, researchers, through their findings, play the role of convincing others to direct their attention and resources towards a particular social problem. For policymakers to make final decisions on whether or not to make changes to existing policies, they must rely on data that has been collected and properly analyzed by the researcher. In the present society, the challenges faced are highly complex, some of which may seem to lack solutions. My findings will enable policymakers to come up with innovative responses which contribute to social change. Furthermore, I considered power

dynamics and reality to ensure that I come up with powerful knowledge that can effect social change.

Across India, politics-related media trials have taken up considerable proportions. There is a common contestation that some renowned cases, including the one involving Priyadarshini Mattoo, could have remained unraveled had the media not focused on it. This research provided insights into the contestation. The research helpfully delved into the matter of justifiability of media trials. India has various democratic pillars, including the media. There are many media houses in India operated by politicians and corporations (Khandekar, 2013). The media shapes decision making in trials regarding sentimental and emotional raking regardless of the applicable legal considerations (Ranjan & Kashyap, 2014). It was clear from the responses that some categories of cases are subjected to media trial more than others. The cases involving politicians are the cases that are most frequently subjected to media trial followed closely by the cases involving radical breaches of accepted moral codes. It emerged that media trial is now a preferred way of settling political scores in the country. Going forward, it will be important to interrogate the degree to which politicians should be allowed to own and control the media.

The respondents felt that the Indian criminal justice system should be legally reengineered to put media trials to an end, protecting accused persons from being sentenced or from receiving harsher sentences because of public pressure rather than consideration of the appropriate legal requirements. Suggested interventions included the police to be barred from releasing information to the media on matters that are active before the courts, the public to be educated and informed about the right of accused

persons to fair trials, and the media to be barred from reporting on matters that are active before the courts or barred from reporting elements of the matters. Other suggestions include jurors and judges to have to respond to particular searching questions on their perceptions of media publicity regarding cases they are handling, attorneys and other judicial officers to be barred from making particular statements when outside the purview of the court rooms through the formulation of the appropriate guidelines and laws, and media trials to be considered as contemptuous of the courts if they have the potential for scandalizing, prejudicing, or hindering trial.

Conclusion

The scope of studies on the effects of the media on criminal justice systems is now rather broad. This brings about organizational difficulty going by the extant literature. Nonetheless, when one tries to organize the effects of the media in line with the target audiences, level, or aggregate of the audiences, he or she is likely to be effective. Some of the media effects are at a macro-level (audience aggregate) while others are at a micro-level (individual). There are varied, representative theories related to the latter that include the priming theory, the framing theory, the mass communication theory, the social cognitive theory and the elaboration likelihood theory.

Prior to this study, there had been only minimal scientific research into the impacts that media coverage has on given justice systems, including the Indian criminal justice system. Specifically, there is a persistent requirement for more scientific studies into how media coverage shapes or influences trials that are underway in the Indian criminal justice system. The current study will most likely trigger public discourses on

how particular justice processes are influenced by the coverage. For a long time, India's criminal justice system has remained unenthusiastic about allowing unfettered media access to their functions and deliberations. I felt that there was a need for objective and scientific study to determine the impacts, if any, that the media has on the system's processes and determinations in particular cases.

This study was executed to establish how media interference affects the Indian criminal justice system by establishing if there was a positive correlation between court verdicts and media trials in India and the effect of media trials on the Indian criminal justice system. From the study, it was clear that media interference and trial affects the Indian criminal justice system, often adversely.

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Appendix A: Qualitative Interview Protocol

Trial by Media's Influence on the Criminal Justice System in India

Recorded Interview Protocol

Recording Starts

This is _____, a Ph. D student at Walden University. I'm personally interviewing today, date _____ and the time _____. The interview is taking place at _____ and _____ currently the interviewee.

Name of the attorney: _____

Nature of Practice: Proprietor/LLP/Partnership

Number of years at practice: <10 years/ Between 10 and 20 years/ >20 years.

Sir/Ma'am,

This study is voluntary. You are free to accept or turn down this interview. No one at Walden University or me being the Researcher will treat you differently if you decide not to be in the study. While you are part of this interview also, you can still change your mind. You may stop at any time.

Do you understand that this interview is voluntary and wish to participate?

Yes/No.

Thank you for consenting to participate in this interview. During the process of this interview, I will ask you several questions relating to "Trial by Media's Influence on

the Criminal Justice System in India”. I humbly request you to be as truthful as possible during the process of answering my questions. At any given point of time, if you feel or do not like to answer any question, you are requested to stop me and advise me that you would rather not answer the question. This interview should take no longer than 30 minutes.

- i. How do you think Indian media has influenced trials in India?
- ii. Do you know of a recent case that was blown off balance by media before or after trial?

Kindly explain

- iii. How frequent do cases of trial by media happen in India?
- iv. Which are the most frequent cases influenced by media in India?
- v. Do social media influence trial equally or this is only recorded by other forms of public media?
- vi. Do you believe that there are offenders who were harshly or lightly judged due to media influence?

Kindly explain

- vii. Why do you think judges are easily influenced by media in making judgments when there is a law to guide them?
- viii. Should this be happening or in other words, should media or publicity be regarded more than law that defines or guides rulings?

- ix. In your opinion, is this ending soon or is the situation worsening?
- x. What do you think should be done to protect offenders in the future from being sentenced based on public demand and not as per the legal requirements?

I would like to thank you for taking part in this study and answering my questions patiently. If you have any or further questions related to this interview or study, you may contact me via email _____, or via phone no: _____. You may also direct the questions to my research dissertation chair _____ via email

Notes

Appendix B: Questionnaire With Likert Scale

Trial by Media's Influence on the Criminal Justice System in India

Questionnaire Administered

by

The questionnaire has two sets of questions classified under Part 1 & 2.

Below is a list of questions which focus on determining whether attorney perceives judges to be influenced by media, classified under Part I, and Part II of the questionnaire determines how media trials affect the Indian criminal justice system through news framing.

Part I

I believe media can be used to complicate a simple case under trial

Strongly agree Agree Neutral Disagree Strongly disagree

I believe media can be used to simplify a complex case under trial

Strongly agree Agree Neutral Disagree Strongly disagree

I believe public media can influence judges' perception of a case under trial

Strongly agree Agree Neutral Disagree Strongly disagree

I normally have judges handling my defense case as a friend in Facebook, MySpace, Twitter or any other social media platform

Strongly agree Agree Neutral Disagree Strongly disagree

I normally discuss the case casually on social media with the judge handling it

Strongly agree Agree Neutral Disagree Strongly disagree

I know of an attorney who has a judge handling his defense case as a friend on social media?

Strongly agree Agree Neutral Disagree Strongly disagree

I know of an attorney who discussed the case he or she is handling casually in social media with the judge

Strongly agree Agree Neutral Disagree Strongly disagree

I believe a judge handling a critical case changed his or her decision out of public media influence

Strongly agree Agree Neutral Disagree Strongly disagree

I know of a judge who had or have a casual social media relation with a group or individuals with personal interest in a case he or she was/is handling

Strongly agree Agree Neutral Disagree Strongly disagree

I know of a judge who visits offenders' or defenders' social media accounts to gather more information about any of the two before making a ruling

Strongly agree Agree Neutral Disagree Strongly disagree

I believe intensive case analysis by media before completion of legal process influence judgment

Strongly agree Agree Neutral Disagree Strongly disagree

Part 2

I believe that there are offenders in India whose sentencing was basically done by the media and not by the judge

Strongly agree Agree Neutral Disagree Strongly disagree

I know of a critical case in India whose ruling was 50% or more influenced by intensive media involvement

Strongly agree Agree Neutral Disagree Strongly disagree

I have witnessed an offender receiving harsher sentence than required by the law due to India public demand through excess publicity

Strongly agree Agree Neutral Disagree Strongly disagree

There are cases in India that were blown off balance by the media due to the surrounding events

Strongly agree Agree Neutral Disagree Strongly disagree

I know a case in India that was unfairly ruled to gain judge publicity

Strongly agree Agree Neutral Disagree Strongly disagree

About 50% of critical criminal cases in India are determined by media long before the trial

Strongly agree Agree Neutral Disagree Strongly disagree

Media influence judges' publicity after the trial of a critical criminal case in India

Strongly agree Agree Neutral Disagree Strongly disagree