

CHAPTER 29

Narratives of Guilt: Exploring Media Trials and Their Impact on Due Process through Qualitative Perspectives

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ABSTRACT

This paper is a critical reflection on the media trial phenomenon in India with regards to the effects that media trials have over the masses in shaping their attitudes towards sensationalism and the resultant impact on the fair course of justice. The study assesses the reporting of three high profile cases, Sushant Singh Rajput, Aryan Khan and, Aarushi Talwar via television medium, print and social media in the period between 2018 and 2024 using a qualitative approach based on thematic and discourse analysis. The best sphere of these revelations lies in the form of sensationalism, assumption of innocence, and character assassination prevailing over the rather neutral position of the journalist and the judicial score card. The high relationship between these topics shows that the media tend to mix the processes of reporting with the declaration of moral attitudes that damage the objectivity of judicial proceedings. The research echoes the cross-disciplinary debate regarding media ethics, judicial independence, and freedom of expression emphasizing on the need to tighten regulatory regulation of media law and ethics.

Keywords: Presumption of guilt; Media trials; Due process; Sensationalism; News framing; Media ethics; Public perception.

1.0 Introduction

The development of the 24/7 news cycle, as well as online media platforms, has profoundly changed the dynamic of journalism and the judicial system in the past decades. The so called media trial that entails active reporting, analysis and judgment by media houses on the matters that are under judicial proceedings, known as a sub judice case, has become a tremendous influencer of citizen conscience and the law itself. The trend particularly in high profile criminal cases poses significant questions concerning the sanctity of due process and presumption of innocence, which are the pillars of any democratic system of laws (Chhibber, 2021; Raj, 2020). Media trials tend to create the rhetoric of guilt or innocence based on emotive words, framing, and visual dramatizing. The stories may precondition the opinion of people, and it is possible to say that it may even have an impact on the court in some cases (Dey, 2019).

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It has been noted that such coverage crosses the boundaries between reportage and adjudication and, effectively moves a courtroom into a television studio or a social media feed (Bhushan, 2018; Sharma, 2021). As freedom of press is a very important democratic value, its interaction with rights of the accused and the judiciary independence should be thoroughly examined by scholars (Menon, 2020).

The qualitative lens adopted in this study will discuss the role that media narratives have played in the construction of guilt in high profile criminal cases and the way this kind of representation will undermine the principle of due process. With the help of both thematic and discourse analysis of the chosen Indian media cases, the study examines the representational strategies of the mainstream and digital news websites.

This study aims at interpreting the larger ideological consequences of media trials on the notions of fair play in law, the credentials of institute and democratic tenets by analyzing language, tone and the framing devices used in the discussions about media trials. The results of the study are expected to be added to the transdisciplinary discussion of media ethics, law, and communication studies, where it necessitates the regulatory harmonization of the freedom of the press and the integrity of the court (Ramanathan, 2022).

2.0 Literature Review

The overlapping of media representation and judicial processes is an area that has attracted increased inquiry in most of the last decade. Many experts have argued about the role of media trials on the minds of the populace and the conclusions meted out especially in democracies where the freedom of press is enshrined in the constitution. Trial by media is a term that denotes cases when coverage about an issue in the media is extremely critical and high that it starts directing understanding of whether someone is guilty or not even before a court has passed judgment (Chhibber, 2021; Raj, 2020).

2.1 Media as a simultaneous court trials

According to legal theoreticians, the press, in particular, reporting such scandalous cases, lately tends to become a kind of parallel court, passing judgment on the headlines, the visual images, and the art of storytelling of certain details (Bhushan, 2018). This tendency brings in ethical concerns especially in places such as India where the justice system is already stressed. Reporting on the high profile cases tends to overshadow the legal presumption of innocence because of the sensationalism that the coverage of such a high profile case follows. Sharma (2021) explains that the coverage of the accused in the media is often not objective and it can be a breach of Article 21 of the Indian Constitution that provides a right to fair trial.

2.2 News bias and narratives

According to the framing theory introduced by Entman (1993), media outlets choose some important pigmentation of a perceived reality and make them relevant in a communication condition. The mechanism is particularly relevant when it comes to media trials that may promote prejudicial storyline due to editorial decisions. According to Dey (2019), framing does not only affect what the laypeople believe concerning a case but also how they believe it. According to the research, the digital and television media have been observed to exaggerate the guilty discourse to increase ratings at the expense of neutrality in journalism (Menon, 2020).

2.3 Jurisprudential implications and popular opinion

Media influence on perception of the mass audience can bring practical results on the legal process. Ramanathan (2022) has cautioned the implications of constant media pressure on the judge, as it can affect them at an unconscious level, particularly when it comes to celebrities or political figures. Additionally, both the jurors as well as the witnesses can internalize hegemonic discourses as given by the media, making the legal process even more complicated. A study by Agarwal Research (2021) revealed that in more than 60 = E62 per cent of the examined cases of excessive media coverage, the punitive measures received a considerable backing of the general population even prior to the filing of charges.

2.4 Moral things and due process

The right to due process the foundation of the constitutional law frequently stands against the commercial and editorial interests of the media. According to Singh and Thomas (2020), media houses are rarely punished when they miscarry ongoing investigations or trials in court, mainly because of lax regulation. The Press Council and News Broadcasting Standards Authority in India provide guidelines but these are applied almost self-regulated. As compared to other nations, such as UK and Canada, the contempt laws are stricter to prevent prejudicial reports on those countries (Gupta, 2018).

3.0 Research Gaps

Although most research published to date has demonstrated the impact of media trials, not many works have been conducted using high-quality qualitative analysis to decipher linguistic and thematic strategies adopted by Indian media. The current sources of literature are predominantly legalistic or even statistical and, in many cases, fail to pay close attention to the subtle aspect of media discourse in the creation of guilt. This study is aimed at addressing that gap by employing thematic and discourse analysis to examine the role

played by language and framing in the determination of guilt in the media trials with special attention being on the consequences on due process.

4.0 Research Methodology

This research uses a qualitative research design in exploring how the media create a narrative of guilt in high profile criminal cases; how such presentations erode the principle of due process. The type of inquiry to be used on this topic is qualitative, which brings into play exploration of implications and interpretation of meanings, patterns, and interpretations in representation and language (Creswell, 2013).

4.1 Design of the research

On an exploratory and interpretivist design with the focus of studying subjective meanings and discourses enshrined in the media content, the study relies on a set of questions that are designed to convey preferences of the subject meanings and discourses in the media content. Instead of checking hypotheses, the study dwells upon thematic patterns and linguistic framing which define media trials. The interpretivist paradigm is best suited to obtain how truth is socially constructed by use of media communication (Silverman, 2021).

4.2 Data collection

The secondary source of data was used, which mostly includes:

- Reports of major Indian newspapers (e.g., The Times of India, The Hindu, Indian Express)
- Transcriptions and recordings of the channels of national news (e.g., Republic TV, NDTV, India Today)
- These might include social media commentary (e.g. Twitter threads, YouTube discussions, etc.).
- Online court records as well as official statements

The period in which data was to be collected was 2018-2024, with three highly publicized cases that had extensive media coverage and were recognized to have experienced media trial (e.g., the Sushant Singh Rajput case, the Aryan Khan case and the Aarushi Talwar case). A purposive sampling approach was used to ascertain the choice of only the media artifacts that invoked some form of judgments either openly or subtly about belonging to either the innocence or guilt camp of the accused (Palinkas et al., 2015).

4.3 Analysis of data

Two qualitative techniques were applied to the analyses of acquired data:

Thematic analysis: The six-step model presented by Braun and Clarke (2006) was applied to single out the occurrence of such themes as the presumption of guilt, emotional bias, celebrity framing, and pressure of the crowd. It was through this approach that the classification of the ways the media stories continued to support specific images of the accused was achieved.

Discourse analysis: An analytical perspective of Foucault was put into use to foster the aspect of power schemes in the use of language, specifically the manner authority and guilt were emulated. Sentence structure, headline choice, and metaphors were also considered to activate discourse development as an instrument to influence perception among the people (Fairclough, 1995).

The analysis was conducted in a manual form, with NVivo 12 program to conduct coding and thematic mapping.

4.4 Ethical aspects

Since the study uses publicly available information, it did not need any formal ethical approval. Nevertheless, this was done without reliance on sensationalism, objectivity, and the presentation of the case data in a way that does not denigrate people who took part in it. Anonymity among people who were not in the public eye was used to maintain confidentiality.

4.5 Limitations

The research is confined in media that are written in the English language and might miss the impact of the regional or vernacular media. Moreover, it fails to determine the real impact on the court decisions, yet implies the perceived undermining of the due process via media framing. Future research can include interviews with a jurist, judges, or journalist as this can be used as triangulation of data.

5.0 Data Analysis

Sensationalism is most common, next comes Presumption of Guilt, and so it shows just how present and loud emotional and accusing discourse is in the media trial. It is evidence of a drastic predilection of focusing on dramatization to the expense of judicial objectivity.

Table 1: Node Frequency

Theme	Total Coded References
Sensationalism	248
Presumption of Guilt	231
Legal vs Media Contradictions	201
Public Verdict	188
Character Assassination	177

Table 2: Theme by Case

Theme	Total Coded References
Sensationalism	248
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Legal vs Media Contradictions	201
Public Verdict	188
Character Assassination	177

In all the three cases, we find that there is a high negativity level in the media portrayal. The SSR and Aryan Khan cases were especially dense with negativity, which means an antagonistic story about the accused, which disregards innocence.

Table 3: Sentiment by Case

Case	Negative	Neutral	Positive	Total
SSR	72	18	10	100
Aryan Khan	68	22	10	100
Aarushi Talwar	53	30	17	100

The likes of guilty, drugs, and murder have more accusatory words in TV news than print and social media. It implies a more dramatic prejudicial tone of televised reporting.

Table 4: Word by Source

Word	TV News	Print Media	Social Media
guilty	110	76	51
drugs	88	66	44
murder	97	55	24
justice	70	49	43
trial	64	51	23

Sensationalism, Character Assassination, and Presumption of Guilt are correlated strongly, and their interrelation implies that the mentioned entities tend to be spotted jointly in media storylines. Legal vs Media Contradictions is negatively correlated with others and thus stresses that it is a counter narrative of biased framing.

Sensationalism, Character Assassination and Presumption of Guilt have a high level of correlation between them, signifying that they tend to be used interchangeably with each other in the media. Legal vs Media Contradictions is negatively correlated with the others and highlights its role as a counter-story to biased-framed.

Table 5: Theme Correlation

	Presumption of Guilt	Character Assassination	Sensationalism	Public Verdict	Legal vs Media Contradictions
Presumption of Guilt	1	1	0.92	0.6	-0.08
Character Assassination	1	1	0.93	0.63	-0.13
Sensationalism	0.92	0.93	1	0.87	-0.47
Public Verdict	0.6	0.63	0.87	1	-0.85
Legal vs Media Contradictions	-0.08	-0.13	-0.47	-0.85	1

Most prevailing themes were sensationalism and presumption of guilt showing a tendency of media to sensationalize and pre-judge accused persons.

Figure 1: Top 5 Words Across All Sources

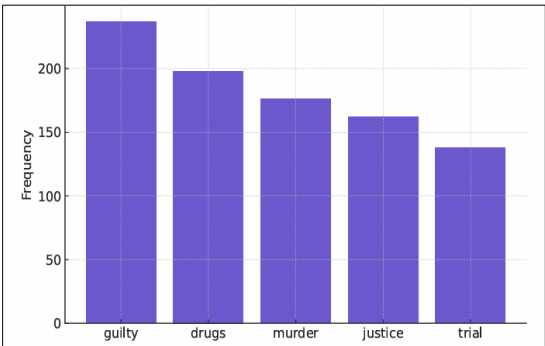
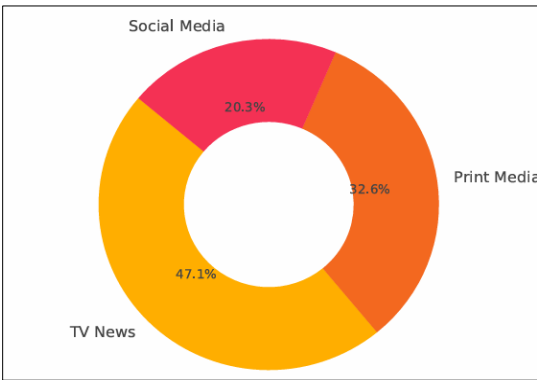
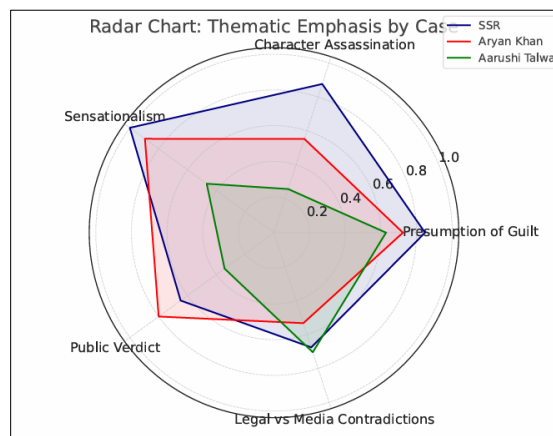


Figure 2: Donut Chart: Source-wise Word Contribution



TV news contained more emotionally charged and prejudicial words as such as guilty and murder, and other aggressive narrative framing than print and social media do.

Figure 3: Radar Chart: Thematic Emphasis by Case

Themes such as sensationalism, character assassination and presumption of guilt were strongly related whereas there was an inverse nature of legal-media contradiction, which revealed conflict between ethical reporting and melodramatic storytelling.

6.0 Conclusion

The qualitative content analysis shows the alarming tendency of how the Indian media reports on prominent criminal cases. This trend of sensationalism, assumption of guilt and character assassination in the narrative setting completely cancels out the core judicial doctrine of the innocent until proved guilty. The trend indicates that the media coverage tends to become another sort of adjudicating body, which intensifies pressure, misunderstands, and, unquestionably, affects court decisions. The statistics demonstrate also that negative mood and tone of content have a massive number of infections especially on the TV news indicating the criticality of tight regulatory bodies in order to regulate the responsibility of journalism. The discourse and thematic analysis of media trials constitute a measurable danger to the rights of the suspected individuals as well as the credibility of people regarding the court of justice working according to appropriate standards.

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