



IMPACT OF PUBLIC OPINION ON INDIA'S CRIMINAL JUSTICE SYSTEM

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ABSTRACT

In this research paper, the meaning and definition of public opinion are discussed and how it affects the entire criminal justice system of India. Various factors are discussed which give a detailed idea of how public opinion influences police investigations and then court decisions. This research paper has also discussed the role of media in moulding public opinion. There is a need to reorganize the criminal justice system so as to inspire public confidence by treating all fairly and providing a systematically high standard of service to victims and witnesses, and to provide more justice through a modern and efficient justice system in compliance with the rule of law. The criminal justice system should focus more on actual evidence and witnesses and less on public opinion when delivering justice. Only by ensuring equal justice for everyone, we can assure peace for all.

Introduction

Aristotle observed, "it is an injustice that the order of society is centralized". The criminal justice system upholds the rule of law which is the basic tenet of our democracy and hence plays an important role in maintaining order in the society. The Indian courts are staggering with a lot of pending cases these days. It is important to note that, justice delayed is justice denied and denial of justice is justice buried. Even in this digital era, the delays in the Court proceedings are unforgivable. Effective use of e-governance tools for accelerating the process of solving criminal cases in all regions of India is highly in need. In a court of law, legal technicalities should not override the fundamental need to deliver justice. Although conviction rates for offenses under the Indian Penal Code have improved marginally in recent years, there are many cases where public opinion has influenced police investigations and India's criminal justice system. A recent high court case where the police, on protest raised by the public, removed a suspect from a group of accused and eventually acquitted the accused in the case, is discussed in this research paper. Since the media and the public are always obsessed with crimes, there is a popular culture of news coverage of criminal issues in the country. As a result, the media plays a critical role in moulding criminal justice's social viewpoints by influencing public opinion. This sometimes leads people to anticipate the verdict of criminal proceedings. Since the media influences public preferences in relation to a particular criminal case, the judges and jurors are also likely to deliver their decisions in a manner that favours the media. So, how far does this public opinion influence the Court decisions and ultimately the criminal justice system of India is discussed in this research paper?

2. What does public opinion mean?

According to Anderson and Parker, "a public is that kind of collectivism consisting of numerous scattered and unorganized individuals who have to address a subject about which there may be conflicts of opinion". Kimball young defined opinion as, "a belief somewhat stronger or more intense than just an assumption or effect but less strong than a positive knowledge based on complete or sufficient evidence. Indeed, opinions are beliefs about a controversial subject". After defining these two words 'public' and 'opinion', let us move to the definition and meaning of public opinion.

Morris Ginsberg writes, "public opinion refers to the set of ideas and decisions operating in a community that are more or less formulated, have a certain consistency, and are felt by the people, who entertain or encourage them to be social in the sense that they are the result of many minds acting in common". As a result, 'public opinion' might be defined as 'people's views or decisions on any issue that is for the benefit of the entire community and is a collective product'. Public opinion is an opinion in which the public

finds itself compelled to accept for whatever reason. It is a kind of synthetic average made up of all the different opinions, which are held by the public.

3. Influence of Public Opinion on Police Inquires

In the case of **Mani and Anr. v. State of Kerala**¹, the High Court of Kerala delivered the judgment on 19th July, 2021. A division bench of Justice Vinod Chandran and Justice Ziyad Rehman A.A. has acquitted two non-tribal persons, who were accused in a case related to the rape and murder of a tribal woman that took place on 30th May, 2005. The accused were Mani and Rajan from Agali in Palakkad. The Bench observed that, "when public opinion influences an investigation, its very course gets diverted with exasperating results".

The rape and murder suspect were a close friend of a tribal woman from the same community. He was suspected by the immediate family member of the deceased at the stage of investigation. After death, he carried out himself in a very suspicious manner. He gave a statement that he had slept in the forest all night, leaving the body like that and informed his brother the next morning itself. He too went into hiding when the police reached the spot. However, the Court said the community reacted angrily to the implication of one of its own, prompting the police to remove him from the list of suspects. Investigations were also conducted against the other two suspects, who belonged to a different upper caste group. Consequently, complaints were filed under the Indian Penal Code 1860 and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

According to the public prosecutor, the case was allegedly built on the evidence of Jungian (suspect), who had apparently surrendered himself to the police and said that he had killed her. On the other hand, the Court found his account of the incident to be extremely weak and full of contradictions. The high court, while acquitting the accused in the case, observed the following:

"Other than the evidence of Jungian, who we assume is interested in either defending himself or suppressing details, we find nothing to link the accused to the crime. This incident happened over a decade and a half ago and this prevents us from ordering further investigation, which would be meaningless especially in the absence of any scientific evidence. Again, a woman is molested and murdered and the perpetrators are roaming freely, and the poor soul is not avenged. We do not see any other way but to acquit the accused."

As a result of this case, it can be seen how public opinion influences police inquiry and, as a result, leads to the accused's acquittal by our criminal court system.

4. Role of Media in Shaping Public Opinion

Since the 1950s era, television has been an important tool for shaping public opinion. The media use a variety of advertising methods to disseminate information and change people's perceptions. The belief that the messages delivered by the media have a significant impact on specific populations,

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such as changes in the strengthening or weakening of the beliefs held by those particular groups, is a common definition of the impact of the media on human behavior, thoughts, and attitudes. Various researches have been done over the years on the impact of media on the public. It is determined by several variables, including the demographics of the population and the psychological mood of those people. Media effects can be good or negative, gradual or immediate, long-term or transient. Some of them confirm pre-existing beliefs, while others challenge them.² The public is Influenced by the Media in the following ways:

They use it to infer information, form patterns, and combine different sources of information into new behaviors. First cognitively by sending new information or messages through news coverage, and then behaviorally using this pattern to create, infer information into novel behavior, and to combine different sources of information. Second, through influencing people's beliefs. People may choose to rely on certain sets of information, even knowledge about events they have not yet observed. Third, through influencing people's attitudes by sending signals that cause them to draw particular conclusions about connected subjects. Fourth, media is successful in case of individuals because media content affects people emotionally when they come in contact with it. Fifth, through influencing the public physically, that is, by displaying information that causes people to react physically and instinctively. Finally, on a microscopic level, by influencing individual behaviors.

The media is regarded as the fourth pillar of democracy in India. Its function in a democratic democracy is to promote transparency, accountability and public knowledge, as well as to provide a forum for public debate. However, as the media becomes more corporatized, it is crossing its limits by announcing its decision before the start of the Court hearing, thus violating the norms of a fair trial. The media has an influence on public opinion by declaring an accused person guilty in the public eye before a court decision.³

5. Public Opinions Influence on the Court's Decision

The media creates a public opinion and the judges of the courts are influenced by them. In a country where justice is often delayed or denied, a public opinion win might jolt a fast-track court into action. A public opinion sometimes overrides the rule of law. Astonishingly, the courts are also being influenced by public opinion. The Nirbhaya case shook the conscience of the nation and several amendments were introduced in the criminal law to redefine the scope of crimes, thereby providing for effective and speedy investigation and trial. The delay in such matters has, in recent times, create agitation, anxiety, and unrest in the minds of the public. It is one of the cases where agencies have swiftly considered the public outrage, which ensured that the court has to award the death sentence.⁴ In the judgment of Nirbhaya case, Justice Dipak Mishra has said:

"It appears that the enslavement of wanton lust, the servitude of the wholly unfettered sensual desire and the abhorrent bestiality of passion reigned in the psyche of the appellants to commit a crime which could convene with a tsunami of shock in the mind of the collective and could completely destroy the surroundings of the civilized marrow."

In the case of **Gurvail Singh v. State of Punjab**⁵, the Apex Court took a view that public opinion is a relevant factor that influences the decisions of courts. Though the Court in Ayodhya has cleared the path for a straightforward land purchase process in the public domain, the case is much more than a property dispute. The governing Bhartiya Janta Party couldn't help but use it as a political rallying cry. It was even sensationalized by the

media under the nickname "Ram". As a result, under such situations, public opinion and the resulting pressure on the case are unavoidable.⁶

In the **Navtej Sandhu case**⁷, the Apex Court emphasized that "the conscience of the society" would be satisfied only when the convict is awarded death sentence. In the 2016 National Anthem case, the ruling was modified to non-required instruction from mandatory direction of playing the national anthem before movies in cinema halls, after many public disputes. The **Kashinath Mahajan judgment**⁸ (SC/ST Atrocities Act⁹) was reversed by the Parliament due to widespread agitation and strike by the community.

Therefore, from the aforesaid cases, we can see that influence of public opinion on the decision of courts or on the judiciary is not a novel thing. The public's attention is drawn to terrible crimes and even religious conflicts, and the courts have started on a road that goes beyond the rule of law.

6. Conclusion

Judiciary cannot exist independent of society and public opinion and hence, their interaction is inevitable. But the rule of law is unsurmountable. Throughout the research paper, we have seen how public opinion influences police investigation, the judiciary, and ultimately the whole criminal justice system. There is no doubt that media publicity and public opinion play a great role in preventing the miscarriage of justice and help in the fast proceeding of the cases of the criminal justice system of India. Jessica Lal, Priyadarshini Mattu, Ruchika Girhotra, and many more like them would never be got justice without public opinion. But the judgments and sentencing should not follow the public opinion always but it should be only based on evidence and the witnesses, otherwise, innocents may be the victims of public outrage or public opinion. Therefore, while dealing with criminal matters, it is necessary to call for the information regarding the status of criminal cases at the ground level from various duty holders like investigating agencies, prosecution, medico-forensic agencies, legal-aid agencies, etc. and then implementation of various provisions of criminal law as well as respective amendments related to those crimes. In sum, an educated, engaged, and cultivated civil society can be the best watchdog and public order and the rule of law should be embedded in the public from childhood itself.

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