

## THE VERDICT OF A JURY – AN ANALYTICAL INSIGHT INTO 12 ANGRY MEN (1957)

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Many are aware that the Nanavati case was the last known case of a jury in India. Many are unaware still that even now Parsi matrimonial disputes are settled with the help of a jury in India, and even until 1973 jury trials were held in West Bengal also. A jury according to Merriam Webster<sup>1</sup> dictionary, is a body of persons sworn to give a verdict on some matter submitted to them. Jury trials have always been a controversy and the Indian Jury Act of 1826, introduced the Jury system formally into the courts of India. Introduced by the in East India Company, India independently abolished jury trials reportedly in 1959 and statutorily by The Criminal Procedure Code, 1973, after the sensational overturning of the jury verdict by the Bombay High Court in the all famous Nanavati case. Probably juries were fundamental protectors of liberties and freedoms according to the legal fraternity.

### Of Jury:

Juries have been in existence even in the Vedic period. The Journal of the Royal Asiatic Society<sup>2</sup> of Great Britain and Ireland in Volume III, No.2 (1836), pp.244-257 (14 pages, published by Cambridge University Press) has reported the article which was read at a general meeting of the Society on 16th January, 1836, on the introduction of trial by jury, in the Honourable East India company courts of law by the late Rám Ráz, a native judge of Mysore and a member of the Royal Asiatic Society that, as reported in page 251, about a text quoted in the Smriti Chandrika. The quote however, clearly points out the functions of the several members of the court as, “The chief judge interrogates, the king executes; the *Sabhyas*, or as assessors, judge of the facts (*Karyá pravartiká*)<sup>3</sup>,

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<sup>1</sup> <https://www.merriam-webster.com/dictionary/jury>

<sup>2</sup> The Journal of the Royal Asiatic Society has been published by the Society since 1834 and is distinguished not only by its longevity but also by its consistency in providing a forum for scholarly articles of the highest quality on South Asia, the Middle East (together with North Africa and Ethiopia), Central Asia, East Asia and South-East Asia. It publishes articles on history, archaeology, literature, language, religion and art, and reviews of books in these fields.

<sup>3</sup> Kārya (कार्य).—(I) brought into existence by activity (क्रियया निर्वृत्तं कार्यम् (*kriyayā nirvṛttaṃ kāryam*)) as opposed to नित्य (*nitya*) eternal;

and the law determines the punishment.” But some explain the word which I<sup>4</sup> have translated judge of the facts, as judge of the whole matter and make it comprehend as both the law and the facts.<sup>5</sup> With this as it me, it is clear on the whole, that the *sabhāsads*, or *sabhyas* <sup>6</sup>, so far as regards their verdict on the case, resemble the juries of the English court.

Though juries have disappeared in India, the young officers of the judiciary have their own doubts and presumptions about these juries. Many seldom know the difference between a verdict and a judgement also. Equally are most of us ignorant of the fact that in a criminal trial, the jury verdict must be unanimous. A jury consists of 12 jurors,<sup>7</sup> and the jury members decide for themselves without any directions from the judge or the lawyers or anyone else. The jury is directed to attend the trial throughout and then the jury assists the Judge. They sit beside the Judge and hear the trial throughout.

### **12 Angry Men - The film:**

The only hypothetical link which a viewer would have about the movie, 12 Angry Men, would be with regard to the number. Even though there have been various types of decisions put forth by juries in many cases, if the Jurors cannot agree on the verdict, it results in a hung jury. This is a mis-trial. It is necessary that all 12 jurors unanimously, with consensus of mind put forth a verdict, so that the judge need not decide further and there may be no subsequent trial.

Released in 1957, 12 Angry Men is a movie which has linked itself with reasonable doubt and the consensus of mind, to put forth a verdict. For a film to be great, there is no necessity for expensive special effects or elaborate costumes or extensive scenery. This film is a foolproof evidence to the said fact. Reportedly, this movie was one of the two films shown to the students at Harvard Business School in 1974–75 as part of a class on human behaviour.

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<sup>4</sup> Here I pertains to, late Rām Ráz, a native judge of Mysore and a member of the Royal Asiatic Society

<sup>5</sup>Rājz, Rājim, and H. S. Grāmē. “On the Introduction of Trial by Jury in the Hon. East India Company's Courts of Law.” *The Journal of the Royal Asiatic Society of Great Britain and Ireland*, vol. 3, no. 2, 1836, pp. 244–257. *JSTOR*, www.jstor.org/stable/44011989. Accessed 3 Sept. 2020.

<sup>6</sup>A sabhā in [Ancient India](https://en.m.wikipedia.org/wiki/Sabh%C4%81) was an assembly, congregation, or council. <https://en.m.wikipedia.org/wiki/Sabh%C4%81>

<sup>7</sup>One primary reason why today's juries tend to have 12 people is that the Welsh king Morgan of Gla-Morgan, who established jury trials in 725 A.D., decided upon the number, linking the judge and jury to Jesus and his Twelve Apostles.

It may be great astonishment to people who read this article, as to how a member of the judiciary could appreciate a movie said to have happened in a court room. Sometimes, it is fact that, what happens is depicted in a movie. This is a rare occurrence, but when depicted without exaggerations, a movie becomes an epic. This is a masterpiece.

### **The hot room :**

The whole plot unfolds when a young murderer, is charged of the murder of his father and has undergone full trial in a court room. And the judge, in a holistic state of mind, hands over the verdict to be given by a jury who has witnessed the trial along with him. The jurors are led into the jury room and locked. 12 in number, each juror exhibits exemplary characters.

They are disciplined, when they sit with their particular numbers and indisciplined when they shout at each other with their opinions, in frustrated and overwhelmed state of mind. The exhibits are analysed, the points are pondered, facts are discussed, doubts are raised and justifications are given for every reasonable doubt to be reasonable . The jurors being 12 in number, have each a reasonable doubt at the end of the discussion and the unanimity so arrived at by the jury unfolds pity, intelligence, observations, discussions, analysis, critical study, apprehensions, opinions, actions and also insult, and sarcasm.

It all begins when one juror votes not guilty to the murderer and he explains the reasonable doubt which he has in his mind, as to why it is reasonable and why it is a doubt. His explanation of reasonable doubt creates another doubt which also sounds reasonable to another juror. The jury has the responsibility of deciding the death of a prisoner and hence the caption “life is in their hands: death is on their minds,” reflects the prejudices and pre-conceptions about a trial, the accused and the law. The grim and suffocating situation in the jury room is an exemplary cast of the minds.

One juror is already in a preset preconceived, prejudicial mindset as to the murderer being guilty. He was the toughest one throughout the film and the last one to be convinced that there might be a reasonable doubt. This relates to many of a judicial officer today having preset and preconceived mindset about an appearance relating to an offence. Never judge a book by its cover, and the proverb, all that glitters is not gold can be aptly suggested at this point. One member of the jury is on an “I don’t care,” situation. While there is a new member, there are also senior experienced

hands. Similar to our present situations, there are various members of the jury one who is willing to sit for one whole day to hear and another member who is not willing to even spend half an hour for the cause of a few baseball match tickets.

**And all those reasonable doubts:**

The beginning of the film is when one juror begins that, he does have a reasonable doubt. The doubt being a son would not kill his father. (Really??) The principle of reasonable doubt, the belief that a defendant is innocent until proven guilty, is one of the most enlightened elements of our Constitution. The defendant/accused is shown only in one frame.

Evidence debated so clearly also implants in the mind of the viewer that even seeing a man rushing through can only be a supposition. The evidence of an old man who deposed that he had reached the doorstep within 15 seconds and we see one of the jurors imitating the shuffling step of the old man, who is supposed to be a stroke victim, to know whether he would have gotten to the door in time to see the murderer fleeing is also reasonable doubt. Re-creation of the mode of walking of the old man is so descriptive, one can see, no Judge would have tried it.

The reasonable doubt turns interesting when, the switchblade and the angle of the switchblade which was used during the crime was discussed. The switchblade was the weapon used for committing the crime and the same was analysed by the jury. It was customary for the person using a switchblade to dive it horizontally into the abdomen of the person and not at an angle. The method of using a switchblade itself was enough to create a reasonable doubt in the minds of the jury. The switchblade had only ripped apart the minds of the jury rather than the person of the deceased.

The discussion turns to the beauty point when one of the witnesses who is a woman, had tried to appear more younger by colouring her hair and not wearing her spectacles, was also the pin point of another reasonable doubt. Many may wonder how, but, when somebody's life is at stake nobody can decide in five minutes, is the theme of the movie. Those spectacle marks on the nose of the woman were the cause of another reasonable doubt, the reasonable doubt being not about wearing of spectacles but about seeing through the spectacles.

The movie then turns more sarcastic when there is a personality conflict, and prejudice that, the accused belongs to a particular specific group of people. There are racist rants. With a sense of pathos and pity by saying “this boy’s been kicked around all his life...He’s had a pretty terrible sixteen years. I think maybe we owe him a few words. That’s all.” ,the juror puts forth an appeal of indirect apathy to the neglected. These racist prejudices are well available on the brink of every class of society in our nation. Criticism and insult for being a foreigner, and attacked for being the same, logically is also well applicable in our society. In particular when one member of the jury vandalises the character of the accused, as hailing from a particular sect of the society, a shrill conscience would immediately be hurt . But for this vandalism and prejudice, our Indian society would have been more civilised.

The whole plot is shot inside one single dark humid jury room and is claustrophobic when we think about the chambers from which we as judges decide cases. A humid sultry climate, about to rain atmosphere, distant thunder, suffocation, stuffiness all contribute to the anger which makes the mind of every juror working.

The shifting of opinion of every juror from guilty to not guilty, appears more than a paradigm shift as we can sense shame in their faces. Enthusiasm as and when there are more votes to have decided not guilty is also shared by every viewer. The audience are in awe when the last juror votes, “not guilty”. We have seen many characters who are hard, stubborn, aggressive and avenging and who do not want to change. Change happens when the heart changes and the mind is blown away with reasonable doubt

**Conclusion :**

I, find this movie guilty of being a masterpiece beyond reasonable doubt , and it being so, has to be mandatory and statutorily watched by every judicial officer, **in the interest of justice.**

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