



ISSN: 2583-7753

LAWFOYER INTERNATIONAL JOURNAL OF DOCTRINAL LEGAL RESEARCH

[ISSN: 2583-7753]

Volume 3 | Issue 4

2025

DOI: <https://doi.org/10.70183/lijdlr.2025.v03.184>

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MEDIA TRIAL & JUSTICE: A CRITICAL ANALYSIS

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I. ABSTRACT

This study explores the growing phenomenon of media trials in India and its complex relationship with the justice system. Although the media is often celebrated as the “fourth pillar of democracy,” its conduct in high-profile criminal cases has raised difficult questions about fairness, ethics, and the limits of press freedom. Over the years, news reporting has moved beyond its traditional role of informing the public and has, at times, taken the shape of parallel investigations that frame narratives long before courts begin their work. This paper critically examines how such premature conclusions and sensational coverage can influence public opinion, affect the rights of the accused, and indirectly place pressure on judges, lawyers, and investigators. Drawing on doctrinal research, case laws, and statutory developments, the study traces the evolution of Indian media regulations and discusses the tension between the freedom of speech under Article 19(1)(a) and the fundamental right to a fair trial. It also evaluates the impact of media trials on privacy, the presumption of innocence, and the administration of justice through an analysis of landmark cases such as the Jessica Lall trial, the Nirbhaya case, the Aarushi Talwar case, and recent incidents like the Aryan Khan and RG Kar matters. The paper concludes that while media trials can promote accountability and social awareness, unchecked sensationalism poses serious risks to judicial independence. It argues for stronger regulatory mechanisms, ethical guidelines, and public awareness to ensure that media freedom and fair trial rights coexist without undermining each other.

II. KEYWORDS

Fair Trial, Freedom of Speech, Presumption of Innocence, Judicial Independence, Right to Privacy, Contempt of Court, Investigative Journalism, and Yellow Journalism.

III. INTRODUCTION

The media is considered to be the fourth pillar of democracy. Under Article 19(1)(a)² of the

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² The Constitution of India, art. 19(1)(a)

Indian Constitution, which guarantees freedom of speech and expression, the media is granted freedom of the press to continue reporting news and publishing articles regarding cases that are subject to and pending before courts. However, by doing so, the media may prejudge a case and have an impact on the administration of justice, which could result in a miscarriage of justice. The media's involvement in high-profile cases through investigation and ongoing news reporting can generate a great deal of publicity, prejudice, and biased opinions that have a significant impact on the administration of justice.

India proclaimed itself to be a fully democratic nation in 1950 after ratifying the majority of the UDHR's fundamental ideas. The Indian government recognized the value of the press and its influence on the Indian people. The press was instrumental in the independence movement, contributing significantly and constructively by endorsing the public Satyagraha campaign, the boycott of imported goods, and other kinds of freedom resistance.

However, in recent times, the media has been under fire, especially for reporting on high-profile cases, as they attempt to falsify and sensationalize the facts to attract the public's attention. In maintaining justice, the media and the judiciary have equal responsibilities. The media goes beyond and meddles with the duties of the judiciary in the name of investigative journalism. This is a significant barrier to a free and impartial trial. This study examines the impact of Media trial on the justice delivery system.

The media has suddenly transformed into a "public court" (Janta Adalat) and has begun meddling in judicial cases. It totally ignores the crucial distinction between an accused person and a convicted person. What we are witnessing now is a media trial, in which the media conducts its own investigation and shape's public opinion against the accused even before the court takes up the issue.

A. RESEARCH PROBLEM

The influence of media on public opinion and judicial processes has become increasingly pronounced in recent years, leading to the phenomenon commonly referred to as "Media Trials." While the media serves as a critical tool in fostering transparency and accountability,

its premature judgments and sensationalized reporting often challenge the foundational principles of a fair trial and the presumption of innocence. This research seeks to critically analyze the interplay between media trials and the justice system, examining how media portrayal of high-profile cases can impact judicial outcomes. The central problem addressed in this study is the potential conflict between the media's role in shaping public opinion and its influence on judicial independence.

B. RESEARCH METHOD

A doctrinal qualitative approach is adopted, focusing on the interplay between media coverage and judicial proceedings. This study will begin with an extensive review of secondary resources, including scholarly articles, legal commentaries, and books that examine the relationship between media and law. Case laws will be analyzed to identify how media trials have influenced judicial decisions and public perception.

C. RESEARCH OBJECTIVE

- To critically analyze the role of media trial in potentially affecting the integrity of the justice system
- To evaluate the intersection of privacy, contempt of court & media trial
- To comprehend the existing legal frameworks & regulations related to media trial

D. RESEARCH QUESTIONS

- To what extent do media trials impact judicial outcomes and the decisions of key stakeholders, including judges, lawyers, and the public, in the justice system?
- What are the potential conflicts between media freedom and the right to a fair trial, and how can these conflicts be balanced in a democratic society?
- How do media trials affect the rights of the accused, particularly in terms of presumption of innocence and innocent until proven guilty?

E. HYPOTHESIS

Media trials disproportionately influence public opinion and judicial outcomes, potentially undermining the impartiality of the justice system.

F. LITERATURE REVIEW

1. Dr. Sohini Mahapatra, Media Law in India-Freedom, Evolution & Contemporary Issues 184 (Lexis Nexis, Gurgaon, 2023)³

The book provides a comprehensive examination of the complex landscape of media regulation in India. The book traces the historical development of media laws, highlighting significant milestones that have shaped freedom of expression and press rights. The author critiques contemporary legal frameworks, addressing challenges such as censorship, media trial, digital media regulation, and the balance between national security and individual rights. She emphasizes the need for adaptive legal mechanisms to address the rapid changes in technology and media consumption.

2. M. Neelamalar, Media Law & Ethics 177-178, PHI Learning Pvt. Ltd., Delhi, 2023)⁴

The book offers an insightful exploration of the intersection between legal frameworks and ethical considerations in media practice. The book outlines key principles of media law, emphasizing the importance of ethical standards in journalism and communication. The author addresses critical issues such as defamation, privacy, and intellectual property rights, while also discussing the ethical dilemmas faced by media professionals in the digital age.

3. Adv. Surekha Vitthal Bhosale, "A Critical Analysis of Media Trial and Its Effect on Indian Judiciary"⁵ 2022 JETIR April 2022, Volume 9, Issue 4

This paper focuses on how media-conducted trials impact the accused's right to a fair trial and highlights the tension between press freedom, judicial independence, and fair trials.

³ Dr. Sohini Mahapatra, *Media Law in India-Freedom, Evolution & Contemporary Issues* 184 (Lexis Nexis, Gurgaon, 2023)

⁴ M. Neelamalar, *Media Law & Ethics* 177-178, PHI Learning Pvt. Ltd., Delhi, 2023)

⁵ Adv. Surekha Vitthal Bhosale, "A Critical Analysis of Media Trial and Its Effect on Indian Judiciary" 2022 JETIR April 2022, Volume 9, Issue 4

Under Article 19(1)(a) of the Indian Constitution, which guarantees freedom of speech and expression, the media is granted freedom of the press. As a result, they are able to report news and publish articles based on interviews with witnesses and other parties about cases that are sub-judice pending before the court of law. By doing this, the media may cause pre-judice in the case and have an impact on the administration of justice, which could result in a miscarriage of justice. The role that the media plays in high-profile cases through investigations and ongoing news reporting can generate a lot of publicity about the issues and lead to prejudice or bias, which have a significant impact on the administration of justice. In certain cases, judges must render a neutral decision based solely on the facts and evidence presented in the court of law, and they may also be forced to rule against the accused even if they are innocent.

4. Tharini. R, "Media Trial and Its Impact on Administration of Justice" 2024 IJCRT, Volume 12, Issue 2 February 2024, ISSN: 2320-2882⁶

The legislative, executive, and judiciary are the three main pillars that support Indian democracy. According to Lord Macaulay, the "media" is the fourth pillar of democracy. Changing people's perceptions and increasing awareness are always important. Only free and independent media can accomplish this, guaranteeing democracy. The Supreme Court has upheld the freedom under Article 19(1)(a), which guarantees the "Freedom of speech and expression," despite the fact that Part 3 of the Indian Constitution does not specifically provide for the "Freedom of Media." The state of media has advanced to the point that individuals can now access global events through the digital realm. However, the media has recently come under fire, especially for falsifying information to attract public attention. The judiciary and the media share equal duty for enforcing justice, and they should never clash. This is a major barrier to a fair and impartial trial. The freedom and the extent of the restrictions placed on it are the main topics of this study work & focuses further on the effects of media trials that circumvent the right to free speech and expression and interfere excessively with the administration of justice.

⁶ Tharini. R, "MEDIA TRIAL AND ITS IMPACT ON ADMINISTRATION OF JUSTICE" 2024 IJCRT, Volume 12, Issue 2 February 2024, ISSN: 2320-2882

5. Gifty Oommen, "Privacy as A Human Right and Media Trial in India" The Age of Human Rights Journal, 3 (December 2014) pp. 102-121 ISSN: 2340-9592⁷

This paper focuses on how the right to privacy is infringed upon by Media Trials. India had already ratified the 1948 United Nations Declaration on Human Rights (UDHR) before gaining its independence. Through its ardent support of the popular movement of Satyagraha, the boycott of foreign goods, and other such kinds of freedom fight, the press had played a very significant and fruitful part in the independence campaign. The print media had such an impact that it alarmed the British by portraying a powerful India, even though the actual country was a fractured one controlled by princely monarchs and inhabited by impoverished people. The principle of privacy is protected under Article 12 of the UDHR 1948 and Article 17 of the ICCPR 1966. This is not the same as the life and liberty guaranteed by Article 21 of the Constitution. As a signatory and party to the UDHR 1948, India is required to uphold privacy as a fundamental constitutional right and to give it more weight when it comes to the press.

6. S. Devesh Tripathi, "Trial by Media- Prejudicing the Sub-Judice" RMLNLU Lucknow⁸

The media has suddenly transformed into a Janta Adalat and begun meddling in legal procedures. It totally ignores the crucial distinction between an accused person and a convicted person, putting the ideal concepts of "guilt beyond a reasonable doubt" and "presumption of innocence until proven guilty" at risk. Even before the court takes up the case, the media conducts its own independent investigation and shape's public opinion against the accused in a media trial. As a result, the accused, who should be believed innocent, is presumed to be a criminal, depriving him of all his rights and liberties. This influences the public and occasionally even judges. Sadly, laws intended to control journalistic behavior are insufficient to stop civil rights violations.

7. Monirmay Das, "The Impact of Media Trials on The Criminal Justice System in

⁷ Gifty Oommen, "Privacy as A Human Right and Media Trial in India" The Age of Human Rights Journal, 3 (December 2014) pp. 102-121 ISSN: 2340-9592

⁸ S. Devesh Tripathi, "Trial by Media- Prejudicing the Sub-Judice" RMLNLU Lucknow

India.”⁹ SSRN 2024

The media landscape has seen tremendous change in the twenty-first century, moving from more conventional media like television and newspapers to more contemporary platforms like social media. A British member of parliament named Lord Macaulay famously described the media as "the fourth pillar of democracy" many years ago, and this idea has been widely repeated ever since. Many people believe that a free and independent media is necessary for a functioning democracy. However, modern media is very different from its historical origins. A number of causes lead media organizations to occasionally compromise their journalistic integrity and standards, which has negative effects on the country. In today's society, media meddling in ongoing legal cases has become routine. This paper aims to examine the effects of media trials and how they continue to impede the proper administration of justice by using the pretext of freedom of speech and expression.

G. SCOPE AND LIMITATION

1. The scope of this research includes:

- Comprehensive understanding of what constitutes a media trial & notable case studies
- Examination of how media coverage can shape public perception, influence the decision-making process in courtrooms, and impact the rights of the accused and the victims.
- Critical analysis of the extent to which media trials affect the right to a fair trial, the presumption of innocence, and the impartiality of the judiciary.
- Suggesting measures to mitigate the negative effects of media trials while preserving the integrity of freedom of expression and the right to information.

2. Limitations:

- This research does not quantify the direct impact of media coverage on judicial outcomes & relies on qualitative analysis and inferred correlations

⁹ Monirmay Das, "The Impact of Media Trials on The Criminal Justice System in India" SSRN 2024

rather than precise statistical data.

- The study is constrained by the availability of reliable data and credible sources regarding ongoing or concluded media trials & no on-field data has been gathered for the purpose

IV. ROLE OF MEDIA IN A DEMOCRATIC SOCIETY

The media has been commonly referred to as "the fourth pillar of democracy" since the British Member of Parliament Lord Macaulay made this famous statement many years ago. The media has a broad impact on many facets of society, such as politics, culture, economics, and education.

- **Information provider:** The public is informed by the media on significant advancements, fresh data on a variety of subjects, and current occurrences. It ensures that the public has access to current and accurate information by acting as a link between the government, institutions, and the people.
- **Watchdog Role:** By exposing malpractice, misuse of authoritative power, and corruption, the media acts as a check on the government, big business, and other influential organizations.
- **Influencing public perception:** The public's views and perceptions can be influenced by the media. Opinions on social, political, and economic issues can be shaped by news coverage, editorials, and even entertainment.
- **Consciousness:** Because it increases public knowledge of important topics like social justice, human rights, the environment, and health, the media is a potent instructional instrument. Documentaries, educational programs, and informative content all aid in the dissemination of knowledge.
- **Encouraging Democracy:** Democracy cannot exist without an independent and free media. By giving people knowledge, they make the public decide on matters including political debates, policies, and campaign reforms.
- **Promoting Social Transformation:** By drawing attention to important social

concerns like poverty, inequality, prejudice, and environmental catastrophes, the media can be a force for positive social change. Action and reform are often sparked by campaigns and media coverage of these concerns.

- **Forum for Open Discussion:** The media provides a forum for the discussion of different points of view, promoting understanding and conversation about divisive topics. Social media, opinion articles, and talk shows are a few instances of how the media fosters public conversation.

V. IDEA OF MEDIA TRIAL & ITS FEATURES

The practice of media organizations, holding their own "trials" of parties involved in controversies and often influencing public opinion¹⁰ before the court system is complete, is known as media trials. Serious questions about justice, equity, and the role of the media in society are raised by this divisive practice. There is a tendency for the media to act as a "public court" since it is thought of as the voice of the people. The media trial starts well before the actual trial in court. In an attempt to create controversy or influence the legal system, the media holds concurrent hearings. Media trial is also overlapped by yellow journalism, which is a type of news reporting that emphasizes sensationalism over content and uses dramatization, emotive language, attention-grabbing headlines, and exaggeration to draw readers or viewers. In order to increase ratings, views, or revenue, yellow journalism seeks to arouse strong emotions like fear, anger, or sympathy rather than concentrating on verified facts and in-depth analysis.

- **Prejudice and Bias:** The accused are often presented in a certain way during a media trial, which shapes the public's opinion of their guilt or innocence before the court renders a verdict. This representation can be biased or based on incomplete information.
- **Public Opinion and Pressure:** The public may exert pressure on the legal system by extensive media coverage, leading it to behave in a way that is in line

¹⁰ Tharini. R, "Media Trial and Its Impact on Administration of Justice" 2024 IJCRT, Volume 12, Issue 2 February 2024, ISSN: 2320-2882

with popular opinion. Indirect effects of public opinion on juries, judges, and law enforcement could jeopardize a trial's impartiality.¹¹

- **Sensationalism:** In an attempt to draw in more audience, media trials usually accentuate the dramatic, scandalous, or emotive aspects of court cases rather than offering objective legal facts. This could deceive and distort the audience.
- **Interference with the Legal Process:** When media coverage is done excessively or prematurely, it can cause problems for the proper legal process. It could influence witnesses or even the accused and put strain on the legal system.

A. REPORTING ON COURT CASES

“Where there is no publicity, there is no justice”- Jeremy Bentham. Publicity is required for justice to be perceived & to be done in order for the general public to strengthen its faith in the legal system. The fundamental tenet of the open justice rule is this: it acknowledges that criminal trials are public proceedings with broad public interest.¹² The Indian legal system also uses the open courts system that is statutorily recognized under section 366 of the BNS,¹³ which clearly stipulates that, unless the courts specifically order otherwise, the general public should have access to criminal proceedings. However, it can be difficult to draw a clear line between what the media can report and when it crosses it, which leads to the issue of media trials. Whether it's cameras in crematoriums or microphones in grieving faces, the media these days sells grief by turning it into gossip and ignoring the reality.

B. INFLUENCE OF MEDIA TRIAL

These days, it may be seen in some TV news segments, viral clickbait articles, and social media posts that prioritize virality over accuracy. The ethical basis of journalism, which ought to be based on truth, accountability, and public service, is undermined by media trials, which deflect attention from important concerns. Since media trial starts much before the actual court proceedings start, it has a lot of negative impacts on various aspects.

¹¹Monirmay Das, “The Impact of Media Trials on The Criminal Justice System in India” SSRN 2024

¹² Dr. Sohini Mahapatra, Media Law in India-Freedom, Evolution & Contemporary Issues 184 (Lexis Nexis, Gurgaon, 2023)

¹³ Bharatiya Nyaya Sanhita 2023 (Act 45 of 223), s 366

- **Freedom of speech & expression:** Despite having its roots in the basic right to freedom of speech and expression, media trials can have far-reaching effects. Pre-trial coverage by media organizations has the potential to sway public opinion and breed bias before the case is even half completed. If this free speech is allowed to continue unchecked, it could undermine the presumption of innocent and cause prejudice in the eyes of the public. In a democracy, the right to free speech is essential, but it must be balanced to prevent it from impairing the rights of those engaged or the fairness of legal procedures.
- **Fair Trial:** Indian criminology deeply follows the principle of innocent until proven guilty.¹⁴ But media trials can significantly impact the right to a fair trial by creating public bias and influencing perceptions before a legal verdict is reached. When the media sensationalizes or speculates about a case, it is capable of forming a presumption within judges and the general public, leading to a prejudgment of the accused and place undue pressure on the judicial system to align with public sentiment rather than focusing solely on the evidence and facts presented in court.
- **Right to privacy:** Media trials can significantly impact an individual's right to privacy, especially in the context of a fair trial. When media platforms disclose personal details, evidence, or unverified information, it can lead to public scrutiny, which may compromise the impartiality of judicial proceedings. Such exposure can influence witnesses, and even the court, indirectly pressuring the legal process and making it harder for the accused to receive a fair and unbiased trial. The excessive media attention often shifts focus from legal arguments to sensationalized narratives, undermining the judicial system's integrity. Invading to someone's privacy is not acceptable. The right of privacy is even protected under Article 12 of the UDHR 1948 and Article 17 of the ICCPR 1966.

¹⁴ Adv. Surekha Vitthal Bhosale, "A Critical Analysis of Media Trial and Its Effect on Indian Judiciary" 2022 JETIR April 2022, Volume 9, Issue 4

- **Contempt of court:** When a media trial affects the legal system and compromises the impartiality of the court, it may be considered contempt of court. Media trials happen when reporters or media organizations cover current legal matters in-depth and frequently with bias, so holding their own "trial" in the public eye. This could taint public perception. If such media coverage harms the administration of justice, it is considered contempt of court because it could lead to bias or obstruct the right to a fair trial. Courts have the authority to punish such conduct in order to uphold judicial integrity and guarantee that decisions are made exclusively on the basis of relevant facts, arguments & evidences.
- **Influence on judges & judiciary:** Even though judges are meant to be impartial but human mind is fallible. Media trials can have a significant impact on judges, potentially influencing their decision-making process and compromising judicial impartiality. While judges are expected to be objective and unaffected by external factors, constant media scrutiny and public pressure created by sensational coverage of a case may create an environment where judges feel compelled to consider public opinion or media narratives. This could undermine the fairness of the trial, as judges may be wary of delivering decisions that go against the popular sentiment fueled by the media. If judges are perceived as being biased by the media or public opinion, it threatens the independence of the judiciary and undermines the core principle of justice
- **Effect on victim, accused & witness:** Media trials can have profound and often damaging effects on the victim, accused, and witnesses in a legal case. For the victim, excessive media scrutiny can lead to sensationalism, invasion of privacy, and emotional distress, potentially re-traumatizing them and affecting their mental well-being. The narrative constructed by the media may also shift public perception, which can either unjustly glorify or vilify the victim. For the accused, media trials can severely prejudice the public and

judicial opinion against them, violating the principle of "innocent until proven guilty." This can lead to social ostracism, reputational damage, and even affect their right to a fair trial as public pressure mounts on the judiciary. In some cases, it may result in a hasty conviction based on public outcry rather than evidence. Witnesses may also be negatively impacted, as intense media coverage can cause fear of reprisal, social pressure, or influence their testimony. They may feel intimidated or influenced by the media portrayal of the case, potentially altering the authenticity of their statements in court.

C. TRANSFORMATION OF INDIAN MEDIA LAW

- **Press & Registration of Books Act, 1867:** The purpose was to control the printing presses used in India for books, journals, and newspapers. By requiring publishers to maintain printed copies of their materials and provide information to the government, it effectively controlled the distribution and registration of publications. The Act has undergone numerous revisions to bring it up to date with new and digital media formats, but it still functions as a regulatory framework.
- **The Vernacular Press Act of 1878:** It was enacted with the intention of stifling the Indian language press's expanding power and its rising criticism of British policy. This Act gave the government the authority to censor newspapers before they were printed in vernacular languages. It was repealed in 1881 and brought attention to the colonial control of the press. This laid the groundwork for subsequent press control laws.
- **The Newspaper (Incitement to Offences) Act, 1908:** It was enacted in reaction to the emergence of nationalist movements. It gave the government the authority to seize journalistic articles that encouraged violence or insurrection against the British Empire. The Act emphasized the government's involvement in content regulation and was important for the discussion of press freedom. It hinted to future legislation intended to suppress seditious content.

- **Indian Press Act, 1910:** This law gave the government broad authority to confiscate press equipment and demand security deposits from newspapers in the event that they broke the law, with the goal of quelling revolutionary movements. The draconian nature of this Act led to its removal in 1921, but it strengthened the legal basis for government interference with journalistic freedom.
- **Indian Press (Emergency Powers) Act, 1931:** Implemented during India's struggle for independence, it gave the government power to suppress publications deemed to encourage civil disobedience or violence. This was a direct response to the growing anti-colonial movement. The oppressive nature of the Act was criticized and later influenced the drafting of more liberal post-independence press laws.
- **Press (Objectionable Matters) Act, 1951¹⁵:** Enacted post-independence to address concerns about irresponsible reporting. It aimed to regulate objectionable content in the press while balancing freedom of speech and the need for public order. This Act was eventually repealed, but its objectives were later covered under other laws that balance press freedom with restrictions on hate speech, defamation, etc.
- **Cinematograph Act, 1952¹⁶:** To control the distribution of motion pictures and content-based certification of those films. The **Central Board of Film Certification (CBFC)** was founded by the Act to guarantee that movies are suitable for general audiences to see. This Act, which has undergone numerous amendments, has broadened its purview to include the regulation of digital content in accordance with shifting societal and cultural standards around media censorship.
- **The Contempt of Court Act of 1971¹⁷:** It was enacted with the intention of

¹⁵ Press (Objectionable Matters) Act, 1951 (Act No. 56 of 1951)

¹⁶ Cinematograph Act, 1952 (Act No. 37 of 1952)

¹⁷ Contempt of Court Act of 1971 (Act 70 OF 1971)

preventing publications or acts that could cause scandal, undermine the authority of the judiciary, or impede judicial procedures. It struck a compromise between upholding the independence of speech and the dignity of the judiciary. Though it has drawn criticism for being overly strict, it is still applicable today. Court rulings in recent times have attempted to reconcile the rights to free expression with the laws against contempt.¹⁸

The Indian Constitution's Article 19(1)(a)¹⁹, which guarantees freedom of speech subject to reasonable constraints, is one of the current media regulations. Other modern laws that regulate internet material include the Information Technology Act of 2000²⁰. The progression illustrates how difficult it is to strike a balance between accountability and freedom of the press in a democracy.

D. LEGITIMACY OF MEDIA TRIAL

As demonstrated by famous decisions like *Sahara India Real Estate v. SEBI* (2012)²¹, where the Supreme Court ruled that courts can issue temporary "postponement orders" to avoid prejudiced reporting, courts have the authority to limit media reporting when it jeopardizes the integrity of judicial procedures. Therefore, although media trials are not intrinsically unlawful, they may become so if they obstruct the right to a fair trial and the due process of law.

E. RIGHTS AND LEGAL REMEDIES FOR MEDIA TRIAL VICTIMS

- **Public complaint against a newspaper or journalist for ethical transgressions:** Any member of the public may file a complaint against any publication or journalist with the Press Council of India. If a media organization is determined to be at fault, the Council has the authority to investigate the matter and impose sanctions.
- **Injunction Suit:** Media publications or broadcasts that defame or scandalize

¹⁸

¹⁹ Constitution of India, art. 19(1)(a)

²⁰ Information Technology Act of 2000 (Act 21 OF 2000)

²¹ 2012 (10) SCC 603

victims, damage their reputation, or infringe upon their rights to privacy or a fair trial may be sued in order to obtain an injunction. To stop more injury, courts can grant injunctions, either temporary or permanent.²²

- **Postponement Order:** If media coverage of court proceedings could jeopardize the trial's outcome or the impartial administration of justice, impacted parties may ask trial courts for postponement orders.
- **Lawsuit for Damages:** Victims may bring legal action to recover money for losses incurred as a result of media slander, such as tangible property loss and reputational harm.
- **Defamation Suit:** Section 356 of the Bharatiya Nyaya Sanhita allow individuals to take actions against defamation.
- **Writs:** Through writ petitions, victims can ask the court to step in and stop the release of offensive materials that could taint the fairness of trials or impede the administration of justice. If it is necessary to protect justice, courts may issue orders prohibiting the publication of certain information or the identification of specific individuals.

VI. FAIR TRIAL VS. FREEDOM OF SPEECH WITH RESPECT TO MEDIA TRIAL

The tension between the right to a fair trial and freedom of speech, particularly in the context of media trials, raises critical questions about the balance between public interest and individual rights. Freedom of speech & expression, as enshrined in Article 19(1)(a)²³ of the Constitution, grants the media the right to report on matters of public significance, including ongoing legal proceedings. However, this right is not absolute and is subject to reasonable restrictions to protect the right to a fair trial, which ensures that individuals receive impartial justice without undue influence or bias.²⁴ Sensational media coverage can

²² Monirmay Das, "The Impact of Media Trials on The Criminal Justice System in India" SSRN 2024

²³ Constitution of India, Art 19(1)(a)

²⁴ Monirmay Das, "The Impact of Media Trials on The Criminal Justice System in India" SSRN 2024

undermine this principle by shaping public opinion and prejudicing the judicial process, potentially leading to a conviction based on popular sentiment rather than evidence. Courts must navigate this delicate balance, ensuring that while the media fulfills its role as a watchdog, it does not compromise the integrity of the judicial system. Ultimately, both rights are essential; the challenge lies in harmonizing them to uphold the rule of law while safeguarding democratic freedoms.

A. LAW COMMISSION REPORTS ON MEDIA TRIAL

The Law Commission of India has consistently advocated for a balance between press freedom and the integrity of the judicial process. Several Law Commission of India reports have addressed concerns related to media trials and their impact on the justice system. The reports emphasize the need to regulate media conduct to protect the rights of individuals involved in legal proceedings, particularly the right to a fair trial. Some key Law Commission reports relevant to media trials are:

1. 200th Law Commission Report (2006)²⁵ - Trial by Media: Free Speech vs. Fair Trial under Criminal Procedure

This report focuses directly on the issue of media trials and their effect on the justice system.

It raises concerns about:

- **Prejudicial Reporting:** The report discusses how sensationalist media coverage can influence the perception of the accused and the public, thus interfering with the judicial process.
- **Judicial Independence:** It underscores the need to protect the judiciary from external influences, including media pressure.
- **Recommendations:** The report recommends a statutory framework to regulate media reporting during ongoing trials, suggesting restrictions on the media from reporting matters that could prejudice the outcome. It proposes the

²⁵ 200th Law Commission Report, "Trial by Media: Free Speech Vs. Fair Trial under Criminal Procedure (Amendments to the Contempt of Court Act, 1971)" (2006)

introduction of a specific Contempt of Court Act provision to deal with prejudicial pre-trial publicity. The report suggests that media trials amount to contempt of court if they interfere with the administration of justice.

2. 77th Law Commission Report (1978) - Delay and Arrears in Trial Courts

Although not exclusively on media trials, this report touches on the media's role in exacerbating delays in the judicial process by creating public pressure, leading to hasty or poorly executed trials. The report emphasizes the need for courts to operate without external pressures.

B. SIGNIFICANCE OF MEDIA TRIAL

Every coin has two sides. Even though media trial has a lot of negative impact on the criminal justice system, it also possesses some significance.

- **Education and Public Awareness:** The public can learn about legal procedures, rights, and issues related to particular cases through media trials. They increase public awareness of significant social issues, including justice, crime, and legal changes, while also educating people about the law and its ramifications.
- **Transparency and Accountability:** Media coverage of high-profile cases can help hold law enforcement and the judiciary responsible. It can reveal wrongdoing, corruption, or shortcomings in the legal system, bringing about reforms and guaranteeing that the public can hold individuals in positions of authority accountable. Reform and Social Discourse. Important social discussions regarding victim rights, justice, and societal concerns, including sexual assault, domestic abuse, and institutional discrimination, can be sparked by media trials. They are able to draw attention to social issues and promote the required changes in society.
- **Advocacy and Support for Victims:** Legal case coverage can provide victims with a voice and increase public sympathy and support. In addition to creating a sense of community and solidarity and increasing awareness of the

difficulties they encounter, it can also inspire other victims to come forward.

- **Promoting Reporting That Is Responsible:** Public scrutiny might encourage more ethical reporting techniques in a market where media outlets are in competition. Upholding ethical standards in their reporting may serve as a driving force for journalists to preserve their credibility and audience's trust.
- **Improving the Court System:** One way that the media might operate as a check on the legal system is through factual and impartial coverage. Legal practitioners are encouraged to uphold the highest standards of practice because they are aware that the public is watching them.
- **Taking Up Legal Matters:** Media trials have the potential to involve the general public in legal matters, hence increasing public interest in the judiciary and promoting citizen participation in democratic processes. An informed electorate and active participation in politics may result from this interaction.
- **Effect on Legislation:** Media attention to high-profile incidents can result in legislative improvements or changes to public policy. Press coverage of public protests and demands for justice might encourage the passage of new laws or changes to existing ones.

VII. PRESS COUNCIL AND JOURNALISTIC CODE OF ETHICS FOR MEDIA TRIAL

The Press Council of India (PCI) is an autonomous quasi-judicial organization that was created by statute to uphold and enhance journalistic standards while also protecting press freedom. It serves as a watchdog, making sure the media respects moral principles. The PCI stresses adherence to its Journalistic Code of Ethics in the context of media trials, when the press reports on legal procedures and shape's public opinion of guilt or innocence. Fairness, truth, and impartiality are required by these guidelines, which also warn against sensationalism and case-prejudice. The media must uphold the rule of law, refrain from interfering with the administration of justice, and make sure that their reporting does not

infringe upon the rights of individuals or excessively influence public opinion prior to court decisions.²⁶

According to Section 13(1) of the Press Council Act, 1978,²⁷ The Council may "build up a code of conduct" for newspapers, news agencies, and journalists in order to further these goals and uphold high standards in journalism, as well as encourage a sense of responsibility and public service among those working in the Indian journalism industry.

A. ANALYSIS OF MEDIA ETHICS VS MEDIA LAWS

Parameters	Media Ethics	Media Laws
Meaning	Discipline that addresses right and wrong, as well as moral obligation and duty	These are formal legal regulations enforced by the state, governing what the media can and cannot do.
Purpose	They include truthfulness, accuracy, fairness, impartiality, and respect for privacy.	Laws offer clear boundaries but may sometimes lag behind rapid changes in media technologies and practices.
Scope	Ethical standards are broad and subjective and might differ depending on the society, business, or individual. Ethical standards are dynamic and subject to shifts in public expectations and societal norms. For example, handling fake news	These laws are uniform and binding across all media outlets, with penalties for violations.

²⁶ Adv. Surekha Vitthal Bhosale, "A Critical Analysis of Media Trial and Its Effect on Indian Judiciary" 2022 JETIR April 2022, Volume 9, Issue 4

²⁷ Press Council Act, 1978 (Act 37 of 1978) s 13(1)

	and online harassment are two new ethical issues brought about by the growth of social media.	
Flexibility	In areas where the law may not go, media ethics frequently encourage accountability by upholding standards that are higher than necessary.	Violations can result in fines, imprisonment, or bans on publication/broadcast.

B. RECENT JUDICIAL TRENDS OF MEDIA TRIAL

1. Dhananjay Chaterjee Vs State of West Bengal²⁸

This rape case culminated in the first death sentence carried out in India post-independence. It highlighted the significant impact of media trials on public perception and the judicial process. The death sentence was given only on the basis of circumstantial evidence. The intense media coverage surrounding the case shaped the narrative, often influencing public opinion and creating a sense of urgency for justice. This media raised concerns about the fairness of the trial, as it risked prejudicing the jury and creating a climate of bias. Ultimately, the case exemplified the complex interplay between media, public sentiment, and the legal system, emphasizing the need for careful consideration of media influence in high-profile criminal cases. Even today, the execution of Dhananjay is considered to be a miscarriage of justice.

2. Sidhartha Vashisht @ Manu Sharma Vs State (NCT Of Delhi)²⁹ [Jessica Lall murder Case]

The murder of model Jessica Lall was the subject of this case, which demonstrated the significant impact of media trials on court cases and public opinion. In addition to keeping

²⁸ 1994 SCR (1) 37

²⁹ 2010 AIR SCW 4302

the case in the public eye, the wide-ranging media coverage helped to form narratives about the victim and the accused. Public opinion became divided as a result of the overabundance of media coverage, with many people supporting justice yet voicing doubts about the fairness of the legal system. Due to sensationalism and public pressure, the case highlighted the two-pronged nature of media involvement: although it increased calls for accountability, it also ran the risk of jeopardizing the impartiality of the legal system

3. Mukesh & Anr V. State (NCT Of Delhi) & Ors³⁰ [Nirbhaya Case]

Media trials that sparked public indignation and a demand for justice had a significant impact on the Nirbhaya case, which involved the vicious gang rape and murder of a young woman in Delhi in December 2012. Numerous demonstrations and a national dialogue on women's safety and legal reforms were sparked by the news media's unrelenting coverage of the murder, which brought to light its horrifying aspects. In addition to maintaining the case's prominence in public opinion, the heavy media coverage put pressure on the legal system to speed up the trial and render a decision. This case is a classic example of the positive angle of the Media trial.

4. Santosh Kumar Singh Vs State Th. CBI³¹ [Priyadarshini Mattoo case]

A 25-year-old law student named Priyadarshini Mattoo was discovered raped and killed at her New Delhi home. Santosh Kumar Singh, a well-known and powerful accused person and the son of former Senior IPS Officer J.P. Singh, is one of the cases that has caused public outrage over the injustice. The entire Indian judiciary has been distorted as a result of the widespread corruption in the legal system and political influence over the years. The media's attention brought attention to the need for transparency and accountability, but it also carried the risk of influencing public opinion and the trial itself. Two narratives emerged as a result of the increased media attention: one supporting justice and the other casting doubt on the fairness of the court procedures.

5. State Tr.P.S. Lodhi Colony, New Delhi Vs Sanjeev Nanda³² [Sanjeev Nanda

³⁰ AIR 2017 SC (CRIMINAL) 899

³¹ (2010)9 SCC 747

³² 2012 (8) SCC 450

Case]

The case involved the high-profile hit-and-run incident resulting in multiple fatalities, media trials significantly influenced public perception, and the legal proceedings. The extensive coverage of the case not only brought the tragic details to light but also shaped a narrative of outrage and demand for justice, reflecting societal frustration with perceived impunity among affluent individuals. While the media's focus on the case heightened awareness of issues like privilege and accountability, it also raised concerns about the fairness of the trial, as sensational reporting risked swaying public opinion and potentially prejudicing the judicial process. This case underscored the delicate balance between media scrutiny and the rights of the accused, highlighting the powerful role of the media in shaping legal outcomes in high-profile cases.

6. Nupur Talwar V. CBI³³ [Arushi Talwar Murder Case]

The Arushi Talwar case, involving the mysterious murder of the 14-year-old girl in 2008, became a focal point for media trials that dramatically shaped public perception and discourse around the investigation. The extensive coverage turned the case into a sensational spectacle, speculating about the Talwar family's involvement and presenting unverified information as fact. Initially, the parents of the deceased, Rajesh and Nupur Talwar, were convicted in November 2013 by the CBI trial court, despite the lack of direct evidence proving their guilt. However, in 2017, the Allahabad High Court acquitted them, citing insufficient evidence and the failure to prove guilt beyond a reasonable doubt. The case remains unsolved.

7. Indrani Pratim Mukerjea Vs Central Bureau of Investigation³⁴ [Sheena Bora Murder Case]

The Sheena Bora murder case, which came to light in 2015, was significantly shaped by media trials that generated intense public interest and scrutiny. The dramatic revelations surrounding the crime, including allegations of familial betrayal and complex motivations, were extensively covered by the press, often sensationalizing details and speculating on the

³³ Dr. (Smt.) Nupur Talwar v. State of U.P. and Anr. (2017) Allahabad High Court

³⁴ 2022 SCC Online SC 695

relationships involved. This media frenzy not only fueled public outrage but also created a narrative that influenced perceptions of guilt and innocence before the legal proceedings concluded. While the media played a role in raising awareness about the case, it also raised concerns about the impact of such coverage on the fairness of the trial, highlighting the potential for bias and the challenges of ensuring justice in an environment dominated by public opinion.

8. Rhea Chakraborty Vs the State of Bihar³⁵ [Sushant Singh Rajput Case]

The Sushant Singh Rajput case, following the actor's tragic death in June 2020, ignited a media trial that captured national attention and polarized public opinion. Extensive coverage by various news outlets fueled speculation about the circumstances of his death, leading to widespread discourse on mental health, nepotism in the film industry, and the pressures faced by actors. The media's relentless pursuit of sensational narratives often overshadowed factual reporting, influencing public sentiment and creating a trial-like atmosphere in the court of public opinion. The news channels, in order to increase their TRP, tried to put forward facts that were not even relevant or worth reporting. The Media was framing Rhea Chakraborty without any proper evidence, leading to the formation of a biased public opinion.

9. Aryan Shah Rukh Khan V/S The Union of India & Anr³⁶ [Aryan Khan Drug Case]

The Aryan Khan drug case, involving the son of Bollywood superstar Shah Rukh Khan, was marked by intense media scrutiny that transformed the legal proceedings into a high-profile spectacle. From the moment of Aryan's arrest during a cruise raid in October 2021, the media's extensive coverage played a crucial role in shaping public discourse, often speculating on the implications of his celebrity status and the broader context of drug use in the film industry. This relentless focus not only heightened public interest but also risked influencing perceptions of guilt and innocence before the case was adjudicated.

³⁵ AIR ONLINE 2020 SC 685

³⁶ CRIMINAL BAIL APPLICATION NO. 3624 OF 2021

10. Kolkata Doctor Rape and Murder Case³⁷ [RG Kar Rape & Murder Case]

"The recent RG Kar Medical College case is another example of how a significant media trial can shape public perception and influence legal proceedings. The ongoing media coverage has played a pivotal role in ensuring the quick arrest of the primary suspect, Sanjay Roy, and in amplifying public outrage toward the incident. The media's intense scrutiny and coverage have not only kept the case in the national spotlight but have also fueled widespread public protests, demanding justice and accountability. This case highlights the critical role of the media in shaping public sentiment and pressuring authorities to take swift action."

VIII. SUGGESTIONS

- **Strengthening Legal Frameworks**

- Strengthen and enforce laws that restrict the media from commenting on ongoing trials. This ensures that media coverage does not prejudice the legal proceedings.
- Implement stronger penalties for media houses or journalists who engage in trial by media, sensationalize cases, or influence public opinion unfairly.
- Hold media outlets accountable for contempt of court when they cross the line into influencing judicial outcomes.

- **Regulatory Oversight**

- Establish an independent media ombudsman or regulatory bodies to monitor and regulate biased, misleading, or sensationalist coverage, especially in criminal cases.
- Media channels must adhere to strict broadcasting standards, ensuring that news reporting on judicial matters remains factual and non-

³⁷ *Re: Alleged Rape and Murder Incident of a Trainee Doctor in R.G. Kar Medical College and Hospital, Kolkata* (2024 SCC Online SC 2056)

sensational.

- Strengthen press councils with the power to act against irresponsible reporting that hampers justice and ensures journalistic ethics.

- **Media Ethics and Responsibility**

- Encourage media organizations to train journalists on ethical reporting, especially on judicial matters where the stakes are high for both the accused and the victims.
- Establish better fact-checking and editorial review mechanisms to prevent sensationalist or incorrect reporting from influencing public opinion.

- **Public Awareness Campaigns**

- Raise public awareness about the importance of separating media narratives from legal outcomes, ensuring that people understand the role of the judiciary and the dangers of prejudicial media coverage.
- Promote media literacy to help the public critically evaluate news and media stories, recognizing sensationalism versus objective reporting.

- **Balanced Coverage**

- Encourage the media to present balanced coverage of legal issues, ensuring both sides of a case are fairly represented without premature judgments.
- Media coverage should focus on factual reporting rather than speculative commentary or opinions that could bias the public or the judiciary.

- **Legal Recourse for Affected Parties**

- Individuals affected by media trials should have clear legal avenues for pursuing defamation or libel claims if their reputation is harmed due to

premature or false reporting.

- Ensure that those who are accused in media trials have a clear and quick avenue to present their side of the story or issue corrections in media outlets.

- **Judicial Independence and Media Guidelines**

- Develop judicial guidelines on how to manage cases affected by media trials, including when to move trials to different venues or sequester jurors.
- Maintain courtroom transparency to prevent unnecessary speculation by the media, but with strict rules on what can be reported while a trial is ongoing.

IX. CONCLUSION

The emergence of media trials is a significant challenge to the criminal judicial system in India & it has raised concerns about the presumption of innocence, impartiality, and fairness. Although the media is vital in promoting accountability, openness, and public knowledge, its unbridled influence can occasionally have negative effects. Respecting the right to a fair trial and acknowledging the freedom of speech and expression guaranteed by the Constitution are essential.

But a media trial can have both beneficial and harmful outcomes. While it serves as a watchdog, it occasionally overreacts in the interest of investigative reporting. The work of the police and judiciary is being deliberately interfered with and affected by this, moving in the direction of justice administration. The judiciary needs to be on guard against the media's improper influence so that justice is administered impartially and without bias.

X. REFERENCES

- Adv. Surekha Vitthal Bhosale, "A Critical Analysis of Media Trial and Its Effect on Indian Judiciary", 2022 JETIR April 2022, Volume 9, Issue 4
- Dr. Sohini Mahapatra, Media Law in India-Freedom, Evolution &

Contemporary Issues 184 (Lexis Nexis, Gurgaon, 2023)

- Gifty Oommen, "Privacy as A Human Right and Media Trial in India" *The Age of Human Rights Journal*, 3 (December 2014) pp. 102-121 ISSN: 2340-9592
- M. Neelamalar, *Media Law & Ethics* 177-178, PHI Learning Pvt. Ltd., Delhi, 2023)
- Monirmay Das, "The Impact of Media Trials on The Criminal Justice System in India" SSRN 2024
- S. Devesh Tripathi, "Trial by Media- Prejudicing the Sub-Judice" RMLNLU Lucknow
- Tharini. R, "Media Trial and Its Impact on Administration of Justice" 2024 *IJCRT*, Volume 12, Issue 2 February 2024, ISSN: 2320-2882