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TRIAL BY MEDIA IN INDIA: BALANCING FREE SPEECH AND THE RIGHT TO A FAIR TRIAL IN THE DIGITAL AGE

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I. ABSTRACT

The Indian legal system faces a serious problem because the media trial process has developed into a major challenge which the country needs to address through its fast-moving digital and broadcast media technologies. The media and entertainment industry shows growth through its digital platforms which enable immediate and widespread distribution of information about active legal proceedings. The paper seeks to explore how trial by media works in India in its evolution until now and its influence on the judicial process and fair trial, which is protected under Article 21 of the Indian Constitution. This study adopts a doctrinal research methodology based on secondary sources to examine the interaction between the right to freedom of speech under Article 19(1)(a) and the right to a fair trial. By analyzing media trials via the assessment of significant court cases, the researcher sees that there are both positive and negative impacts of media trials. Media trials enable the population to get information about the actions of the government while the judicial process and presumption of innocence become threatened due to sensationalism. The study also examines the emergence of “virtual trials” on social media platforms and the resulting expansion of trial by media. It ends with a set of proposed changes which will create a balance between media rights and judicial independence while showing the need for ethical reporting practices and stronger media rules and more public understanding to protect the integrity of judicial proceedings.

II. KEYWORDS

Trial by Media, Fair Trial, Freedom of Speech, Judicial Independence, Social Media Influence.

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III. INTRODUCTION

The media and entertainment (M&E) sector in India reached a market value of INR 2.78 trillion after achieving a growth rate of 9% in 2025 according to the FICCI and EY India report "Stories, scale and impact: Unlocking India's media and entertainment economy" which attributed its development to digital media and advertising and live experiences despite certain areas facing regulatory and cost challenges. The FICCI-EY report shows that digital media became the largest M&E industry segment in 2025 after exceeding the INR 1 trillion threshold while digital advertising experienced a 26% growth to reach INR 947 billion which represented almost 66% of total advertising revenues because brands shifted to performance-based measurable formats that included commerce-related elements.

The sector continues to evolve because people increasingly consume content through large screens while Linear Television develops from its traditional role as a regulated utility into a modern lifestyle-based system that supports digital growth which creates proof of how people in the country watch television and online content. The total growth in advertising was 13.5%, surpassing the growth rate of India's nominal GDP per capita, due to the fact that the digital medium is expanding the advertising sector using e-commerce and point-of-sale advertising.²

Digital media contributes to 32% of India's media and entertainment sector, indicating that the digital medium is continuously gaining influence on the traditional medium, including television. The internet is now accessible to 800 million people in India who use their mobile devices to watch video content and listen to podcasts and create their own content which creates opportunities for new media platforms. The platforms of YouTube Instagram and WhatsApp now function as core resources that people use to access news and connect with others while supporting social justice movements. The outdated television networks need expensive broadcasting systems for their operations, but digital platforms provide economical solutions that let businesses

² India's Media and Entertainment Sector Grew 9% to INR 2.78 Trillion in 2025 Driven by Digital and Live Experiences: FICCI-EY Report, EY (Mar. 2026), https://www.ey.com/en_in/newsroom/2026/03/india-s-media-and-entertainment-sector-grew-9-percent-to-inr-2-point-78-trillion-in-2025-driven-by-digital-and-live-experiences-ficci-ey-report

reach different viewers while meeting the streaming demands of modern content which young users watch through social media and other platforms.³

A. Research Objectives

The present research is aimed at the following objectives:

1. To analyze the history and existing practice of media trial in India and changes that occurred as a result of emergence of new media technologies.
2. To discuss the effect of media trials on the process of lawmaking and the right of people to have a fair trial guaranteed by Article 21 of the Indian Constitution.
3. To identify the conflict between freedom of speech and expression (Article 19(1)(a)) and the right to a fair trial as stipulated by the Indian Constitution.
4. To evaluate both positive and negative effects of media trials for society as well as for proper functioning of judicial authorities.
5. To provide possible ways of dealing with the problem discussed.

B. Research Questions

The study is based on these questions:

1. How has trial by media evolved in India, and what role has digital and social media played in this transformation?
2. What impact do media trials have on the accused's rights, public perception, and the principle of presumption of innocence?
3. How does the Indian Constitution mediate the conflict between press freedom (Article 19(1)(a)) and the right to a fair trial (Article 21)?
4. In what ways have landmark cases in India demonstrated the positive and negative effects of media trials on justice outcomes?

³ Aman Namra, *The Rise of Digital Media: Surpassing TV in India*, *Countercurrents* (Mar. 28, 2025), <https://countercurrents.org/2025/03/the-rise-of-digital-media-surpassing-tv-in-india/>

5. What legal, regulatory, and ethical measures can be implemented to ensure responsible media reporting without undermining judicial independence?

C. Research Methodology

This research employs a doctrinal method with reliance on secondary sources. It analyses constitutional provisions, judicial decisions, statutory law, and established legal principles relating to media trials and fairness in Indian courts. In addition, scholarly articles, published studies, official reports, and digital repositories are used to assess how media coverage influences judicial outcomes. The methodology combines descriptive and analytical approaches to evaluate the impact of journalistic involvement on judicial proceedings. In particular, an analysis of the existing standards regulating the activities of journalists will be performed.

IV. UNDERSTANDING TRIAL BY MEDIA

Trial by media describes the situation when news organizations conduct extensive coverage together with detailed analysis of active legal cases which leads the public to form opinions about the accused person's guilt or innocence before the court reaches its verdict. The public receives information through such reporting, yet the actual effect of such reports creates court proceedings that take place outside the courtroom which builds concerns about justice system operations.⁴

The media coverage which provides comprehensive details about a legal case creates public beliefs regarding an accused person's guilt or innocence before the court reaches its decision because media trials establish a reporting boundary which journalists fail to keep separate from their tendency to blow stories out of proportion. The public responds to such depictions with biased judgments which subsequently affect the judicial system, resulting in judges needing to handle cases when public opinion sways them because of media stories. The process of legal proceedings which Article 21⁵ of the Indian Constitution establishes as a basic requirement for justice

⁴ Trial by Media: An In-Depth Analysis and Impact on Judiciary, Testbook (last updated Nov. 28, 2025), <https://testbook.com/ias-preparation/trial-by-media>

⁵ INDIA CONST. art. 21

should protect all individuals from wrongful conviction and public backlash based on unverified information. The media functions as a crucial democratic institution which ensures government operations remain visible to citizens but needs to use its rights via ethical news reporting and legal compliance and court process understanding to stop media trials from damaging judicial outcomes.⁶

V. CONCEPT OF TRIAL BY MEDIA

Trials carried out via media represent a scenario where the channel of communication forms opinions regarding the suspect's guilt or innocence even before the court renders a decision. Later in the 20th century, the critical eye of reporters was accompanied by the growth of digital and broadcast media. The first responses were laudatory praise for the uncovering of big legal scandals but after a while, the downsides were revealed. Fair treatment under law started facing pressure as narratives shaped perception ahead of rulings. Public opinion, once informed, became difficult to separate from factual outcomes. What began as accountability evolved into influence beyond intended boundaries. Judgments formed outside courthouses sometimes shadowed those delivered inside them. Clarity meant for citizens risked turning into premature conclusions drawn at scale.⁷

Pretrial publicity refers to the information about a legal case becomes public before the trial reaches its final outcome and this practice creates major problems for the legal system because it threatens the essential right to a fair trial which serves as the fundamental basis of justice. The process involves all public statements and public declarations which people make about an active criminal or civil legal matter during the time period between the start of trial and its final resolution, which includes all content that exists in print and broadcast media and online websites and social networking platforms.⁸

⁶ Aishwarya Agrawal, Media Trial and Judiciary, LawBhoomi (July 31, 2024), <https://lawbhoomi.com/media-trial-and-judiciary/>

⁷ Sonal Jain & Sarika Tyagi, Media Trials and the Right to Fair Trial in India: A Legal Review, 5 Indian J. Integrated Rsch. L. (2025), <https://ijirl.com/wp-content/uploads/2025/07/MEDIA-TRIALS-AND-THE-RIGHT-TO-FAIR-TRIAL-IN-INDIA-A-LEGAL-REVIEW.pdf>

⁸ What Is Pretrial Publicity and Its Impact on a Fair Trial? LegalClarity (Aug. 30, 2025), <https://legalclarity.org/what-is-pretrial-publicity-and-its-impact-on-a-fair-trial>

People in society develop their viewpoints through their consumption of media content which includes both television shows and music recordings. The media content which people consume together with user-generated content from various platforms determines their ultimate viewpoint. Trial by media in India creates additional challenges, as individuals tend to form personal judgments based on media narratives. The media execution of trials establishes a criminal image for the accused through its initial assessment before any actual investigation begins. The situation violates his right to both privacy protection and the opportunity to receive fair legal judgment.⁹

Society begins to judge the person and their family based on their situation. The accused lives as a criminal without any investigation or legal consequences. The accused person and their family experience distress from social behaviours which occur in their environment. The situation creates a hostile environment which causes mental distress and persistent harassment. The accused person and their family will experience psychological effects from the situation because the accused person is not guilty of the charges.¹⁰

Trial by media has transformed from its function as public accountability to existing today as a system which affects how justice gets carried out. The public receives information from it, yet its uncontrolled growth creates major threats which endanger core legal rights particularly the right to a fair trial. The study examines three key areas: the historical development of trial by media in India, the constitutional conflict between press freedom and fair trial rights, and the legal mechanisms used to regulate such media activity.

VI. EVOLUTION OF TRIAL BY MEDIA

The media trial concept in India developed together with the media sector's expansion. The press during the pre-independence era dedicated itself to reporting on the freedom struggle while it uncovered the oppressive actions of colonial powers and

⁹ Kruti Brahmhatt, Media Trials and Its Impact on Society and Judiciary, iPleaders (Nov. 20, 2023), <https://blog.iplayers.in/media-trials-and-its-impact-on-society-and-judiciary/>

¹⁰ Id. (impact on society and judiciary)

it maintained complete independence from judicial matters. The period between 1950's-1980's marked the beginning of independent journalism which reported facts responsibly while technology limitations together with news distribution delays prevented journalists from affecting legal matters. The 1980s and 1990s established new patterns in journalism through the emergence of investigative journalism which allowed media outlets to investigate government corruption scandals and high-profile cases like the Bofors Scandal, 1987 and Hawala Scam, 1996 which led to increased public discourse and raised media programs.

The post-1991 period established a new era when private news channels began broadcasting news through 24-hour news broadcasts. Media organizations competed against each other which resulted in them creating sensational content while they focused on delivering urgent news stories. Media coverage of the Jessica Lal Murder Case¹¹ and the Priyadarshini Mattoo Case¹² reached its highest point because media coverage created public support which led to successful judicial outcomes. The 2000s and 2010s saw electronic and digital media expansion which resulted in more intense media trials that reached their peak. The period produced more rumours about events while it led to numerous investigations that created a high probability of damaging ongoing court cases.

The current time period sees social media platforms such as Twitter and YouTube and Instagram experiencing growth which makes media trials more difficult because it creates real time and interactive broadcasting of trial proceedings. The Sushant Singh Rajput Death Case demonstrates how public opinion can be rapidly shaped, which then creates a situation where false information spreads and people put excessive pressure on the legal system. Courts have identified these problems because they require courts to find a solution that protects both press freedom and defendants' rights to fair trials according to Article 21. The growth of media trials which makes democratic accountability stronger brings critical threats to both judicial fairness and judicial integrity.

¹¹ Manu Sharma v. State (NCT of Delhi), (2010) 6 SCC 1

¹² Santosh Kumar Singh v. State through CBI, (2010) 9 SCC 747

VII. CONSTITUTIONAL CONFLICT

The Supreme Court has made multiple judicial decisions about press freedom which jurists have supported, establishing that Article 19(1)(a)¹³ grants all citizens the right to express themselves, which includes their right to free press access. The press exists at the same level as every other citizen, lacking any special rights which the law does not grant to all citizens.¹⁴

The media trial system in India creates a major constitutional conflict between Article 19(1)(a), which guarantees freedom of speech and expression, and Article 21, which ensures the right to a fair trial. Freedom of the press is essential in a democratic framework, as it enables citizens to access information regarding governmental actions. However, this freedom is subject to reasonable restrictions under Article 19(2)¹⁵, including contempt of court. The Contempt of Courts Act, 1971 provides the statutory framework governing such restrictions, particularly through Section 2(c), which defines criminal contempt including publications that interfere with judicial proceedings, while Sections 3 and 4 recognise defences of innocent publication and fair and accurate reporting. Excessive or prejudicial reporting may therefore attract liability when it creates a substantial risk of interfering with the administration of justice. Such reporting can shape public perception regarding guilt or innocence before judicial determination, thereby undermining due process and the presumption of innocence

The conflict escalates through media coverage which shapes public perceptions of both the accused and the legal proceedings in major cases. The combination of continuous news reports and speculative articles together with investigative methods creates a situation which develops outside courtroom boundaries. Investigative agencies and judicial actors face indirect pressure because increased public visibility leads to more people observing their work. The media must educate the public about legal matters while maintaining its role as a nonpartisan institution which preserves

¹³ INDIA CONST. art. 19, § 1(a).

¹⁴ Nimisha Jha, *Constitutionality of Media Trials in India: A Detailed Analysis*, Lawctopus (Nov. 13, 2015), <https://www.lawctopus.com/academike/media-trials-india/>

¹⁵ INDIA CONST. art. 19, § 2

legal systems through their legal operations. The judiciary has recognised this tension and has attempted to maintain a balance between these competing rights.

The Supreme Court in *Sahara India Real Estate Corp. Ltd. v. SEBI*, (2012)¹⁶ recognised the use of postponement orders to protect judicial proceedings from prejudicial media exposure, while *R.K. Anand v. Registrar, Delhi High Court*, (2009) primarily addressed criminal contempt and professional misconduct by advocates, clarifying that the sting operation in that case did not amount to a trial by media. The judicial system needs to protect media rights because they need protection, yet these rights should not interfere with judicial processes or the requirements of proper court procedures. The press needs to function as a watchdog because this role exists in society, yet the press should not interfere with court procedures or the basic rights of defendants.

VIII. CASE STUDY ANALYSIS

The repercussions of trial by media could be exemplified through real-life cases where media exposure had a major impact on public opinion. In India, numerous criminal cases of notable nature have shown how deeply and sometimes dramatically the media reporting can shape the people's opinion, at the same time, open up the debate about the justice system being fair or not. These situations may lead to the outside creation of stories different from the official court records that can even harm the accused person's rights. It is, therefore, necessary to study a few selected cases to really see how media trials work and what they mean for the justice system.

1. **Jessica Lal Murder Case:** This case has become a milestone in terms of how media interference can be a force for good in the justice system. It is about a very unfortunate event that began on the evening of 29th April 1999, when a party was held in Delhi, during which Jessica Lal was shot in the early hours of 30th April 1999 after she refused to serve alcohol to Manu Sharma. The accused was acquitted by the trial court mainly due to witness hostility and absence of evidence. But due the media coverage, investigative reporting, and

¹⁶ *Sahara India Real Estate Corp. Ltd. v. Securities & Exchange Board of India*, AIR 2012 SC 3829

campaigns had reopened the case and ultimately the accused were convicted by Delhi High Court, and the Supreme Court also upheld the judgment in 2010. This trial is just one of the examples that show how the media, besides all its potential negative effects, can become a great instrument in exposing injustice, mobilizing public opinion, and delivering justice in the end.¹⁷

2. **Sheena Bora Case:** The Sheena Bora murder case shows how media trials in India have both positive and negative effects. The media first paid little attention to the case because investigators discovered high-profile people were involved which resulted in media outlets showing greater interest in the case. The media reporting used sensational language to create dramatic stories which prevented journalists from conducting their work according to ethical standards. The increased media coverage of the case pushed investigative agencies to work faster while they continued their investigation. The media tests in this case show that they help hold people accountable, but they create problems because they lead to selective focus on specific details and exaggerated reports and biased handling of cases depending on people's social standing.¹⁸
3. **Priyadarshini Mattoo Case:** Media coverage can affect the judicial outcomes for cases which involve powerful people according to evidence from the Priyadarshini Mattoo case. The son of a senior police officer, Santosh Kumar Singh, committed the rape and murder of Priyadarshini Mattoo. The trial court first acquitted the defendant because of insufficient evidence; however, public outrage erupted after they discovered actual evidence which proved his guilt. The media reports of the case revealed not only the failure of the police to carry out their duties but also the occurrence of a wrongful conviction which resulted in a public outcry for justice. A public outcry led the Delhi High Court to

¹⁷ The Infamous Jessica Lal Murder Case, LAWARTICLE (last visited Apr. 5, 2026), <https://lawarticle.in/the-infamous-jessica-lal-murder-case/>

¹⁸ Dr. Sarjana Chaturvedi, Media Trial: Special Reference to the Role of Print Media in Sheena Bora Murder Case, **2(2)** Asha Paras Int'l J. Gender Stud. (Oct.-Mar. 2024-25), <https://www.apijgs.com/attachments/07-%20Media%20Trial%20Special%20Reference%20to%20the%20role%20of%20print%20media%20in%20Sheena%20Bora%20murder%20case.pdf>

consider the matter again. As a result, the court found the accused guilty and sentenced him to death, which was later reduced to life imprisonment¹⁹.

4. Aarushi Talwar Murder Case: The Aarushi Talwar murder case is a major demonstration of the negative side of media trials on the judiciary. The 13-year-old girl Aarushi Talwar was killed under circumstances where the police initially lacked clarity regarding the perpetrator. The media reported the case in an inconsistent and sensational manner, with several outlets prematurely attributing suspicion to the parents without verified evidence. This led to widespread public assumptions regarding guilt even before the judicial process had properly unfolded, thereby undermining the presumption of innocence and the right to privacy. The trial court later convicted the parents in 2013 based on circumstantial evidence; however, the Allahabad High Court in *Dr. (Smt.) Nupur Talwar v. State of U.P. (2017)* acquitted them, holding that the prosecution had failed to prove the case beyond reasonable doubt. This acquittal highlights how prejudicial media narratives can influence the investigative and trial environment, while also demonstrating the role of appellate courts as corrective mechanisms in safeguarding fair trial principles.²⁰

5. Nirbhaya Case: The Nirbhaya case²¹ has been considered one of the worst in the country where the woman was gang-raped before murdering her. The case garnered massive public outcry, becoming a topic of discussion in national as well as international circles. Media played an important role in giving extensive coverage to this serious crime. The media used its reporting and public outreach efforts to organize major protests which created ongoing public pressure against the authorities. The trial by media process in this case worked for positive purposes because it forced people to take responsibility at every stage of the case. The case demonstrates how media organizations can function

¹⁹ The Priyadarshini Mattoo Case: A Symbol of Justice Delayed but Not Denied, INDIAN BLOG (last visited Apr. 5, 2026), <https://indianblog.co.in/the-priyadarshini-mattoo-case-a-symbol-of-justice-delayed-but-not-denied/>

²⁰ Riya Vishnoi, Media Trial in Aarushi Talwar Case: A Socio-Legal Analysis, LEX LUMEN (July 4, 2025), <https://lexlumen.site/media-trial-in-aarushi-talwar-case-a-socio-legal-analysis/>

²¹ *Mukesh & Anr. v. State (NCT of Delhi) & Ors.*, AIR 2017 SC 2161

as effective instruments for developing public opinion which leads to justice being achieved when they conduct their operations through responsible practices.²²

- 6. Sushant Singh Rajput Death Case:** The Sushant Singh Rajput death case²³ functions as a crucial case study which demonstrates how media trials through social media channels create negative effects on justice system operations. The actor's death in 2020 generated a lot of media attention that, in conjunction with online talk, led to the emergence of unverified information that was propagated extensively in the public domain. News channels and social media users engaged in deep investigations of case-related people because they wanted to show their guilt without having any proof. Public opinion created through this process established a separate story which resulted in major public condemnation and stalking of certain people. The case demonstrates how digital platforms boost media trials to create presumption violations which penetrate personal space and disrupt both judicial and investigative processes.²⁴

The case studies show that media trials in India develop two opposing effects which create both positive and negative outcomes for judicial operations. Cases like those of Jessica Lal, Priyadarshini Mattoo, and Nirbhaya indicate how responsible journalism in combination with timely updates on the case might be helpful in bringing out any loopholes in the investigation process and ensuring that the justice process proceeds smoothly. However, in the cases of Aarushi Talwar and Sushant Singh Rajput, journalism along with misinformation gave rise to many misinterpretations. The Sheena Bora case shows how media participation in an investigation can both lead to faster progress and create biased information which misrepresents the situation. The media serves as a strong democratic force which provides transparency to society, yet

²² Aishwarya Agrawal, Famous Cases of Media Trial in India, LAWBHOO MI (Feb. 17, 2025), <https://lawbhoomi.com/famous-cases-of-media-trial-in-india/>

²³ Rhea Chakraborty v. State of Bihar, AIR 2020 SC 3826

²⁴ Harshita Sarin, Media Trial, *Indian J. L. & Legal Rsch.*, Vol. V, Issue VI (Apr. 17, 2024), https://3fdef50c-add3-4615-a675-a91741bcb5c0.usrfiles.com/ugd/3fdef5_9f02eb4b67fb4b76960200981490110d.pdf

its power should be used through ethical practices and judicial process safeguarding to protect justice work from being disrupted.

IX. IMPACT OF MEDIA TRIAL

Trial by media is the phenomenon leading to the shaping of public perception by the media even before the courts render the final decision. With the rapid growth of digital and broadcast media, information regarding ongoing cases is widely and instantly spread, often setting the storylines to the court's final decisions. Although media exposure can aid in a transparent and informed public, it can also cause great apprehensions in terms of the accused person's prejudiced rights and the concept of public trial being fair.

A. Positive Impact

Trial by media has a positive side to it in some situations by helping the justice system become more open and answerable to the public. Media stories can highlight problems, rally people's support, and make sure no one turns their back on a case that the whole country is talking about.

The press can be a good force in the justice system as it promotes openness, responsibility, and can be a source of information for the people. It brings criminal cases to the attention of the public and uncovers issues with law enforcement and the justice system so that the public can have constructive conversations. Media exposure has, on many occasions, revealed handling errors and disruptions in the procedures, leading the officials to behave in a more accountable manner. Besides, media reporting has the power to rally public sentiment on major societal issues, making certain that these are the cases that are covered and not overlooked.²⁵

The media establishes a critical function which ensures judicial processes maintain transparency and accountability because it makes court proceedings and legal developments accessible to the public which allows people to monitor how legal institutions operate. The organization establishes public understanding through its

²⁵ Pooran Chandra Pande & Dr. K.B. Asthana, Media Trial, *The Academic*, Vol. 2, Issue 10 (Oct. 2024), <https://theacademic.in/wp-content/uploads/2024/11/37.pdf>

educational programs which inform citizens about their rights and legal options while explaining how the justice system operates.²⁶

The media exposes legal system weaknesses and operational problems which exist because of system deficiencies, which creates the needed basis for system corrections and improvements to take place. The platform enables victims to express their stories, which increases their public recognition and support while strengthening their ability to advocate for justice. The media functions as a protective force which discovers misconduct and irregularities, which helps to stop legal institutions from abusing power, thus advancing both democratic principles and legal system integrity.²⁷

B. Negative Impact

The harmful effects of trial by media become particularly evident as a consequence of extensive and unbridled reporting in which the violation of the core principles of criminal justice is not only possible but highly likely. Among the most urgent issues resulting from such instances is the jeopardizing of the defendant's right to be considered innocent until proven guilty, as the accused is frequently depicted as having committed the crime prior to even the end of the trial.

The judiciary encounters a number of challenges different from the other institutions when dealing with media trials the biggest of which is how to maintain their impartiality and independence and at the same time uphold public trust. On the one hand, judges are supposed to make rulings based on the law and the evidence brought before them. However, when the media step in and saturate the public with their views, the judges have to deal with the problem of indirect pressure through this "public opinion" that is going to be influenced by the media which means they will be, perhaps unconsciously, thinking that the public should be considered in their rulings.

²⁶ Sujata, Media Trials: Balancing Act Between Justice and Sensationalism, LEGAL SERVICE INDIA, <https://www.legalserviceindia.com/legal/article-16115-media-trials-balancing-act-between-justice-and-sensationalism.html>

²⁷ Id.

This results in the judges being less independent and the decisions they make becoming less reliable.²⁸

Since the judges have to remain independent at all times, even the fact that the media and the public can influence them through the dissemination of stories in different ways is going to prompt thoughts of the public being able to influence the judges' decisions thereby leading to a reduction in people's trust in the judges' fairness and impartiality. Also, the media are one of the main determinants of a court's reputation and how legitimate it is perceived by the public where media coverage that engages courts in a positive way, on one hand, may work towards raising the courts' public image, on the other hand, dangerous or misleading coverage could be expected to contribute to upsurges of distrust and feelings of scepticism. After some time, media trials running in the public like this can modulate the overall relationship between judiciary and the public which leads to the way cases would generally be viewed in the future and how much trust people would have in justice system.²⁹

C. Social Media Dimension

With the emergence of social networks in today's age where there is internet access everywhere, trial by media has become an even bigger issue because the sharing of information and opinions occurs much faster via social networks. While in traditional media, individuals did not have an opportunity to join in the discussion, social networks give everyone that option.

Trial by media has been greatly enhanced through social networks because information and viewpoints get spread instantly via such social networks. Social networks differ from traditional media in that they allow for more involvement from people and, as a result, make it possible for virtual courts to emerge. This situation leads to the confusion of public opinion and judicial decision-making since stories of the accused's guilt or innocence are made long before the official stages of the case. The lack of regulations of these sites makes it easy for inaccurate or deceptive content

²⁸ Laxmi Prasad Boda, Case Study of Media Trials and Its Impact on Society and Judiciary, LAWCTOPUS (Dec. 6, 2024), <https://www.lawctopus.com/academike/case-study-media-trials-impact-society-judiciary/>

²⁹ Id.

to be shared, which not only deepens biased views but also challenges the principle that one is innocent until proven guilty. As a result, social networks have made the phenomenon of trial by media more widespread and powerful, raising serious concerns about its impact on the fairness of judicial proceedings and the administration of justice.³⁰

Media Trial shows both major effects and complex effects because it exists between its beneficial outcomes and its negative results. Positive media coverage brings more transparency and responsibility to the public which uses the media to learn about important cases and to access information about existing faults. The excessive unregulated news coverage brings negative effects because it disrupts core criminal justice values which include innocent until proven guilty and right to impartial trial while it creates indirect influence on judges and their ability to make unbiased decisions.

The development of social media platforms makes these problems worse because they allow unverified rumours to spread more quickly and create virtual trials which shape public understanding before any court proceedings are completed. The media functions as a critical element of democracy yet its power requires responsible management which needs ethical boundaries and judicial respect to protect justice against any threats.

X. SUGGESTIONS AND RECOMMENDATIONS

With increasing occurrences of media trials in India, a very complex issue arises where there is a conflict between the right of people to express themselves and the right of having an unbiased trial process. It is highly essential that the media plays its rightful part by making sure that the whole process is transparent and people are answerable for their actions. From case studies and legal disputes, it becomes apparent that a new method needs to be devised by the judiciary that will enable both parties to perform their tasks independently without any hindrance. There needs to be an operational

³⁰ Adhil Ahamed K., Social Media Trials in India: A Comprehensive Analysis of Legal Implications and Societal Impact, **5(13)** Indian J. Legal Rev. 353 (2025), <https://ijlr.iledu.in/wp-content/uploads/2025/11/V5I1346.pdf>

solution in place which will include regulation of the media in order to prevent mischievous conduct.

1. **Strengthening the Regulatory System:** It is important to enhance the effectiveness of existing regulatory bodies such as the Press Council of India, constituted under the Press Council of India Act, 1978, and the News Broadcasting and Digital Standards Authority operating under a self-regulatory framework. Strengthening their enforcement mechanisms, including the imposition of appropriate penalties for unethical reporting, would improve accountability.
2. **Clear Guidelines on Sub Judice Matters:** The media must adhere to specific and enforceable standards governing reporting on pending judicial proceedings. In this regard, the recommendations of the Law Commission of India in Report No. 200 (2006) on Trial by Media provide a useful framework for regulating prejudicial publications. Reporting should avoid speculative content or commentary that may influence trial outcomes by creating assumptions of guilt.
3. **Judicial Protection Measures:** Judicial authorities must employ appropriate mechanisms such as postponement orders and, where necessary, in-camera proceedings in situations where there is a real risk of prejudicial publicity. These measures are supported by the Contempt of Courts Act, 1971, which empowers courts to prevent publications that may interfere with the administration of justice, while still permitting fair and accurate reporting within the limits of Sections 3 and 4.
4. **Encouragement of Good Journalism Practice:** Journalists must follow very strict codes of conduct to ensure that journalism remains objective, responsible, and accurate without compromising on its role of conveying news.
5. **Digital Platforms Regulation:** Digital platforms should adopt stronger control measures by ensuring that the information is verified and setting accountability standards concerning information that may affect on-going investigations or spread misleading information regarding on-going investigations.

6. **Protections of Rights and Privacy:** The existing protection measures for the dignity and privacy rights of accused persons and victims need to undergo improvements. The media should refrain from disclosing personal details about individuals which might result in social rejection or public harassment.
7. **Increasing Public Awareness:** In order to raise public awareness, media literacy campaigns would be essential because such campaigns enable individuals to make rational judgments regarding news while avoiding making hasty decisions due to inadequate knowledge.

The success of the proposed reforms depends on their ability to balance press freedom with the requirements of justice. The media must function as a watchdog that promotes transparency and accountability, while remaining within ethical and legal limits. The establishment of stronger regulatory frameworks together with the promotion of responsible journalism practices and the development of better legal standards will help to minimize the negative effects brought about by media trials.

The public must develop a better understanding of social media dynamics to help preserve fairness in legal processes. The judicial system together with media organizations and regulatory authorities must work together to ensure that justice gets performed without outside bias and shows itself to the public.

XI. CONCLUSION

The Indian media system operates under two conflicting requirements which demand both transparent operations and unbiased judicial proceedings. The media functions as a critical democratic institution because it provides citizens with information while revealing flaws in investigations and holding authorities accountable. The excesses in media coverage result in law-breaking through infringement of the right to a fair trial and the presumption of innocence, both of which are covered under Article 21. Analysis of critical cases illustrates the twofold nature of this phenomenon. The public was made aware of the court process in the two cases mentioned above, namely the Jessica Lal case and the Nirbhaya case, through responsible reporting.

The Aarushi Talwar and Sushant Singh Rajput cases demonstrate how sensationalism and speculative coverage create bias which results in evidence distortion and process

obstruction. Digital and social media platforms now create more problems because they enable quick distribution of unverified content which results in people conducting “parallel trials” between court sessions. Media freedom needs protection through ethical standards and judicial safeguards and stronger oversight to successfully control media operations. The promotion of media literacy needs to occur together with responsible journalism practices. Public trust requires a balance between free speech rights and judicial system integrity which needs to proceed through transparent justice practices.

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