
TRIAL BY MEDIA IN INDIA AND HUMAN RIGHTS IMPLICATIONS: LEGAL AND SOCIAL CONSEQUENCES

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ABSTRACT

Media serves as a backbone of society, ensuring accountability and transparency in the country's democratic operations. However, recently, various media outlets have started prioritizing sensationalism and gimmicks to attract attention and raise profits over quality factual reporting. This has led to the advent of 'trial by media' and parallel investigations by them in a trial even before an actual verdict has been given. This prejudiced style of reporting oftentimes infringes upon various human rights of the parties in a trial, raising questions about the balance of the freedom of the press and the fundamental right to a fair trial.

This paper seeks to analyze the various legal and social consequences of media trials in India with a particular emphasis on their implications on human rights. It explores how such practices destabilize key judicial principles like 'presumption of innocence', 'judicial impartiality' and 'right to privacy'. Furthermore, the paper touches upon various constitutional provisions such as Articles 19 and 21, statutory frameworks like the Contempt of Courts Act and Press Council of India Act along with a study of landmark judicial cases on the same. Detailed case studies such as Sushant Singh Rajput and Aarushi Talwar also throw light on how the rights of the accused are violated. A section exploring the social consequences such as the impact on public opinion, social ostracization and mental distress for the accused is also included in the paper.

The paper thus aims to provide a nuanced understanding of the challenges posed by trial by media in India. It concludes with recommendations for legal reforms, responsible journalism and public awareness initiatives thus helping ensure a balance between media freedom and rights of the parties.

1. Introduction

1.1 Background

The media plays an active role in the maintenance of India's democracy, oftentimes described as the "fourth pillar" along with the legislature, executive and judiciary. It serves to bridge the gap between the three pillars, ensuring accountability and transparency in its operations. Ever since independence, Indian media has served as an informant, exposing corruption and encouraging public discussion. The media is a powerhouse that has the power to penetrate through all strata of society, both the haves and have-nots. In fact, Justice Venkataramiah in the *Indian Express Newspapers (Bombay) (P) Ltd. V. Union of India* case once said that it is the press' responsibility to separate between facts and opinion, despite it not being accepted by the government.¹ This is essential so that the public can make an informed decision and ensure accountability in its operations.

During the British rule, the Indian media helped propagate the Indian National Struggle to all, helping mobilize the people in their struggle against imperialistic rule. Media, then, in its purest form, had only one goal: the spread of truth.² However, as the years passed by and electronic media became more popular, in an effort to rake in profits, media outlets resorted to advertising tactics and gimmicks and prioritized sensationalism over plain facts.

In recent years, the rise of 24/7 news channels and the growth of social media platforms have dramatically reshaped the media environment. While this has made information more widespread and accessible to the public, it has also blurred the line between sensationalism and responsible journalism. Many media organizations now prioritize attention-grabbing stories for higher Television Rating Points (TRPs) over those news stories that are rooted in actual facts. This often leads to news that is over-exaggerated and blown out of proportion with more

¹ Brijesh Kumar Kushwaha, *Unveiling the Phenomenon of Media Trial in Indian Jurisprudence: A Critical Analysis*, 9 Int'l J. Novel Res. & Dev. b288 (2024), <https://ijnrd.org/papers/IJNRD2409135.pdf>

² Monirmay Das, *The Impact of Media Trials on the Criminal Justice System in India* (Apr. 8, 2024), <https://ssrn.com/abstract=4805476>

attention devoted to articles that focus on celebrities than honest-to-good news³. This has led to the distortion of public perception and affects all segments of society, especially in the legal field with the advent of 'Media Trials.

1.2 What is 'Trial by Media'?

Trial by Media refers to the phenomenon whereby the media's prejudiced coverage of a particular trial influences the opinion of society at large and blurs the line between sensationalism and actual factual reporting.⁴ Various media outlets like newspapers, television, digital platforms play the double role of an investigator and a judge, often times resorting to extreme measures to increase their Target Rating Points (TRP), infringing upon the rights of the parties in the trial.

This trend is particularly evident in high-profile criminal cases where the parties, especially the accused, are subject to intense public assessment and media verdicts before the matter is even heard in the court.⁵ Moreover, a major cornerstone of the judicial process, that is, the presumption of innocence is often compromised when public opinion turns negative towards the accused due to the biased reporting style. In essence, the media creates a parallel "courtroom" where verdicts and judgements are passed based on mere speculation and leaked information.⁶

1.3 Evolution of Trial by Media

Though the term 'trial by media' is relatively modern, the media's influence over legal discourse goes back to colonial India. The 1799 Press Regulation under Lord Wellesley imposed prior restraint on publications, being one of the earliest precedents for controlling the media.⁷

³ Dr. Seema Yadav, *Media Trial Effects upon Human Rights & Judiciary*, 5 World Wide J. Multidisciplinary Res. & Dev. 18 (2019), https://wwjmr.com/upload/media-trial-effects-upon-human-rights-judiciary_1565775222.pdf.

⁴ Testbook, *Trial by Media: An In-Depth Analysis and Impact on Judiciary*, <https://testbook.com/ias-preparation/trial-by-media> (last visited May 20, 2025)

⁵ Kushwaha, *supra* note 1

⁶ Sree Lekshmi B, *Impact of Media Trial on Rights of Accused and Victim*, 25 S.E. Eur. J. Pub. Health 3494 (2024), <https://doi.org/10.70135/seejph.vi.3447>

⁷ Madhu Bala, *The Media Trials in India: An Analysis*, 11 All Subject J. 39 (2024), <https://www.allsubjectjournal.com/assets/archives/2024/vol11issue3/11063.pd>

The modern concept of media trials dates back to the early 20th century, such as the 1921 Roscoe “Fatty” Arbuckle case in the U.S., where due to the biased media coverage, the reputation of the accused, who was actually innocent and later acquitted was damaged⁸. In India, this phenomenon became more popularized with the introduction of television in the 1990s in the subcontinent and later with the social media explosion in the 21st century.

The rise of social media platforms has further extended the reach and speed of information. Nowadays anyone with internet access can take part in media trials. This has intensified concerns about the influence of media’s unchecked power, prompting bodies like the Law Commission of India to examine the need for reforms.

1.4 Research Questions and Methodology

This research seeks to explore the following questions:

- What are the human rights implications, both legal and social, of trial by media in India?
- To what extent does media trial violate principles such as ‘innocent until proven guilty’, right to privacy and the right to a fair trial?
- What reforms can be introduced to close existing gaps in the current situation?

The methodology employed in this research is doctrinal and analytical. It involves a qualitative examination of primary sources such as constitutional provisions, case laws, and Law Commission reports. Secondary sources include scholarly articles and media case studies.

2. Legal Framework in India

2.1 Constitutional Provisions

The Indian Constitution provides a framework for both protection of media

⁸ Monirmay, *supra* note 2

freedom and the safeguarding of individual rights, particularly the right to privacy and the right to a fair trial.

(1) Freedom of Speech and Expression

Article 19(1)(a) of the Constitution guarantees the right to freedom of speech and expression. This enables the media to inform the public of information that is critical to their functioning in society. The Supreme Court in *Sakal Papers v. Union of India* (1962) expanded on this freedom stating that the press' expression of information must be carried out with proper responsibility and care.^{9 10}

However, it must be noted that this freedom is not absolute. Article 19(2) empowers the State to impose "reasonable restrictions" on this right in the interest of the sovereignty, security, public order, decency, morality, contempt of court, defamation, or incitement to an offence¹¹. These are particularly important as it's a common sight nowadays that various media platforms overstep their boundaries and infringe upon the accused's individual rights. The Court, however, has repeatedly cautioned against this irresponsible media coverage as it can destabilize the judicial system of the country.

(2) Right to Privacy

Even though it's not explicitly given in the Constitution, the right to privacy has been recognized as a part of Article 21 under the K.S. Puttuswamy judgment.¹² Furthermore, in *R. Rajagopal v. State of Tamil Nadu* (1994), the Supreme Court stated that the court must balance the right to privacy of the accused with the freedom of expression of the media.^{13 14} It emphasized that while the press has the right to discuss matters of public concern, it must do so without infringing upon the privacy of individuals. Acts like the Digital Personal Data Protection Act, 2023

⁹ Sakal Papers (P) Ltd. v. Union of India, AIR 1962 SC 305 (India)

¹⁰ Lekshmi, *supra* note 6

¹¹ Ibid

¹² Justice K.S. Puttaswamy (Retd.) & Anr. v. Union of India & Ors., (2017) 10 S.C.C. 1.

¹³ Lekshmi, *Supra* note 6

¹⁴ R. Rajagopal v. State of Tamil Nadu, (1994) 6 S.C.C. 632.

were established later on to protect individuals from unwarranted intrusions, including the media.

(3) Right to a Fair Trial

Article 21 also guarantees the right to a fair trial as stated in the *Maneka Gandhi v. Union of India* (1978) judgement.^{15 16} This right includes the principle of presumption of innocence, the right to legal representation, the right to be informed of charges, and the right to be heard by an impartial tribunal. However, media trials nowadays create a prejudiced public environment against the parties of a trial by conducting their own parallel media trials thus influencing judges, witnesses and even the availability of legal counsel for the accused. These media trials are often the “anti-thesis of rule of law” and can even lead to displacement of justice.¹⁷

2.2 Statutory Laws and Regulatory Mechanisms

(1) Contempt of Courts Act, 1971

The Contempt of Courts Act, 1971, is a key legal instrument that is used for regulating media conduct in relation to judiciary.¹⁸ This Act is broad in scope in the sense that it addresses both civil and criminal contempt. Civil contempt refers to willful disobedience of court orders. On the other hand, criminal contempt refers to actions that lower the authority of the court, interfere with judicial proceedings or obstruct the administration of justice.¹⁹

The Supreme Court in *Sahara India Real Estate Corp. Ltd v. SEBI* (2012), talked about the importance of adhering to the Act as sensationalized reporting could create a prejudiced environment. The Act thus aims to balance the freedom of the press with the need for a fair judicial process and trial.^{20 21}

¹⁵ *Maneka Gandhi v. Union of India*, (1978) 1 S.C.C. 248; A.I.R. 1978 S.C. 597.

¹⁶ Lekshmi, *Supra note 6*

¹⁷ Kushwaha, *Supra not 1*

¹⁸ Contempt of Courts Act, No. 70 of 1971, INDIA CODE (1971).

¹⁹ Michael Crowell, *Contempt* (UNC Sch. of Gov't, Jan. 2015), https://www.sog.unc.edu/sites/www.sog.unc.edu/files/additional_files/Contempt%20Jan%2015.pdf.

²⁰ *Sahara India Real Estate Corp. Ltd. v. Securities & Exch. Bd. of India*, (2012) 10 S.C.C. 603

²¹ Bala, *supra note 7*

(2) Bharatiya Nyaya Sanhita, 2023 (BNS)

- Section 356: (Defamation) This section helps provide protection against false statements that can harm an individual's reputation. Media outlets can be held liable for defamation if they publish any unsubstantiated stories that can tarnish or destroy one's character or place in society²²
- Section 72: This section prohibits the disclosure of the identity of victims in certain cases. For example, sexual offenses. ²³
- Section 73: This section restricts the publication of information regarding court proceedings without prior permission. This helps ensure fairness and privacy of court trials. ²⁴

(3) Press Council Act, 1978 and Cable Television Networks (Regulation) Act, 1995

The Press Council of India, established under the Press Council Act, 1978 works to maintain the freedom of the press while ensuring that a set standard of journalistic ethics is followed. It can censure media organizations for unethical reporting but lacks punitive powers.²⁵ Similarly, the Cable Television Networks (Regulation) Act, 1995 sets standards and regulations for television content and empowers the government to act against those channels that violate ethical norms, including those that interfere with the rights of an accused, victim or a witness in an ongoing trial. ²⁶

(4) Rule of Sub Judice

The principle of sub judice in contempt law restricts the publication of material on matters which are under ongoing judicial consideration. This is to ensure that there is no risk of prejudice in a trial due to the hypothetical influence of publicity on the judiciary and the public. ²⁷This ensures that presumption of innocence, a core

²² Bharatiya Nyaya Sanhita, § 356 (2023).

²³ Bharatiya Nyaya Sanhita, § 72 (2023).

²⁴ Bharatiya Nyaya Sanhita, § 73 (2023).

²⁵ Kushwaha, *supra note 1*

²⁶ Ibid

²⁷ Khushi Lunawat, *Media Trials and Its Effect on Indian Democracy and Judiciary*, 9 J. Emerging Tech. & Innov. Res. d578 (2022), <https://www.jetir.org/papers/JETIR2211379.pdf>.

human right under Article 21, is still maintained and not tarnished by biased reporting.

2.3 Judicial Precedents

(1) Aarushi Talwar Case

The Aarushi Talwar Case (2008) is a textbook example of the negative impact of media trials. Media coverage was very intense and speculative after the double murder of Aarushi Talwar and Hemraj. Various news outlets and tabloids sensationalized the story, and the Talwars were portrayed as guilty even before any court verdict. This relentless scrutiny defamed not only the family but also pressured the investigators and the judiciary, The CBI even sought a restraining order against such reporting. Finally, the Allahabad High Court acquitted the Talwars in 2017 but the damage to the Talwars reputation was already done.^{28 29}

(2) Nirbhaya Case

The 2012 Nirbhaya case saw the media play two roles: One where it raised awareness and mobilized public outrage, and the other where it engaged in a damaging media trial. While it brought national attention to sexual violence, it was often sensationalized with graphic details. The accused were demonized in the public eye and the intense coverage created an environment where harsh punishment was demanded by the public at the expense of due process. This risked undermining the accused's right to a fair trial.³⁰ Some media outlets also violated the victim's identity and threatened her family's privacy. This case shows that media trials, even when well-intentioned, can compromise legal standards by prioritizing sensationalism over balanced reporting.³¹

²⁸ Amith S. M., Mohan Kumar K., Apeksha S. Kottari & Varnitha Shetty, *Impact of Media Trials on the Judicial Process and the Fundamental Rights of the Accused in India*, 12 Int'l J. Creative Research Thoughts 230 (2024), <https://www.ijcrt.org/papers/IJCRT2411028.pdf>:contentReference[oaicite:2]{index=2}

²⁹ *State v. Rajesh Talwar & Nupur Talwar*, Sessions Trial No. 471 of 2013 (Special Court, Ghaziabad, Nov. 25, 2013).

³⁰ *Mukesh & Anr. v. State (NCT of Delhi)*, (2017) 6 SCC 1 (India).

³¹ Amith, *supra* note 28

(3) *Sushant Singh Rajput Case*

The Sushant Singh case was a textbook example of a media trial being harmful.³² Following the actor's death, television channels and social media were flooded with conspiracy theories and allegations. It changed the narrative from suicide to murder wherein colleagues, friends and family were criminalized under the public eye. This also led to widespread vilification of the accused leading to emotional online harassment campaigns against them. The privacy of all those involved were repeatedly violated, with personal messages and detail broadcasted to millions. Ultimately, this overshadowed official investigations and demonstrated how such media trials can undermine justice and damage reputations.³³

2.4 Balance between Free Press, Privacy and Fair Trial: Analysis of Legal Principles

The Indian Constitution is a guarantee of three fundamental rights that run into loggerheads: the right to freedom of speech and expression (Article 19(1)(a)), the right to a fair trial (Article 21) and the right to privacy (Article 21).

(1) *The Constitutional Tension*

The right to a fair trial is a cornerstone of justice. As recognized in *Zahira Habibullah Sheikh v. State of Gujarat*, the Supreme Court held that denying a fair trial of a person is an injustice not only to the victim but also to society. For a fair trial to take place, an impartial judge and an environment devoid of bias or prejudice is required³⁴.³⁵ However, when media coverage becomes prejudiced, the presumption of innocence of the accused is erased and it influences the course the justice.

However, at the same time, freedom of the press is important for an informed public and smooth democratic governance. The press acts like a watchdog, ensuring

³² Krishna Kishore Singh v. Lapalap Films Pvt. Ltd., CS(COMM) 306/2021 (Delhi High Court, July 11, 2023).

³³ Amith, *supra* note 28

³⁴ Kushwaha, *supra* note 1

³⁵ *Zahira Habibullah Sheikh & Anr. v. State of Gujarat & Ors.*, (2004) 4 S.C.C. 158 (India).

transparency and accountability. However, this freedom is not absolute. Article 19(2) lists down exceptions in the interest of the sovereignty and integrity of India, the security of the state, public order, decency or in relation to contempt of court.

(2) Media Trials: Impact of Fair Trial and Privacy

In the *State of Maharashtra v. Rajendra Jawanmal Gandhi*, the Supreme Court cautioned that “trial by press, electronic media, or public agitation is the very antithesis of the rule of law”, warning that such practices may lead to the disruption of justice^{36 37}. Cases like the Sushant Singh Rajput case have shown how media’s influence can lead to a lack of neutrality in the public’s opinion of the parties and undermine judicial fairness.

The right to privacy has gained increasing recognition over the past few years, especially after the landmark judgement in *K.S. Puttaswamy (Retd.) v. Union of India* where privacy was deemed integral to one’s life under Article 21³⁸. Privacy acts as a safeguard against an intrusion into one’s personal matters like family, friends etc. However, the growth of media, especially social media, has made it easier for personal information to be passed and disseminated without consent under the excuse of “public interest”.

The Andhra Pradesh High Court in *Labour Liberation Front v. State of Andhra Pradesh* described such media intrusions as a “gross misuse of technological advancements”, emphasizing the need for responsible journalism.^{39 40} Cases like the Aarushi Talwar murder and the Jessica Lal Murder show us how the intrusion of media can compromise investigations and damage reputations.

Furthermore, in the *Kartongen Kemi Och Forvaltning AB v. State through CBI* (Bofors case), the court talked about the need for an equilibrium between the right

³⁶ Monirmay, *supra* note 2

³⁷ *State of Maharashtra v. Rajendra Jawanmal Gandhi*, (1997) 8 S.C.C. 386 (India).

³⁸ Justice K.S. Puttaswamy (Retd.) & Anr. v. Union of India & Ors., (2017) 10 S.C.C. 1.

³⁹ Kushwaha, *supra* note 1

⁴⁰ *Labour Liberation Front v. State of Andhra Pradesh*, W.P. No. 5736 of 1997 (Andhra Pradesh High Court Aug. 22, 1997).

to a fair trial and role of media in investigations.⁴¹ ⁴²The court also stated that the right to a fair trial is equal, if not more important than the right to information of the public and right to freedom of speech of the media.

Thus, the need for balance is evident. On one hand, the media's role in fostering transparency is indispensable. On the other hand, unchecked media intrusion can lead to harassment and undue influence in trials, violating the right to privacy and fair trials.

3. Social Consequences

Media trials in general, when observed from a bird's eye view, have three facets from a social perspective:

- They shape public opinion in ways that negatively affect parties in the trial
- They influence judicial proceedings and affect judges' bias towards parties
- They affect society through the spread of misinformation and stigmatization

(1) Impact on Public Opinion

Media coverage of legal cases highly shapes the public interest and attitude towards it. For example, high profile cases like that of Nambi Narayanan highlight the dangers of sensationalized and unverified reporting which can lead to mass disapproval and lasting harm to an individual's reputation even when innocent⁴³. The Supreme Court had later criticized the media for not adhering to the presumption of innocence rule after noting the severe toll taken on Narayanan's career and life. Such prejudicial narratives spun by the media not only alienate the accused but also harm their families and friends, leading to emotional distress, stigma and ostracization by society.

Furthermore, in the case of *State of Bihar v. Lal Krishna Advani*, the Supreme Court emphasized that the right to reputation of an individual is part of Right to life under

⁴¹ Kushwaha, *supra* note 1

⁴² *Kartongen Kemi Och Forvaltning AB v. State through CBI*, 2004 (72) DRJ 693 (Delhi High Court Feb. 4, 2004).

⁴³ Lekshmi, *supra* note 6

Article 21⁴⁴ ⁴⁵. However, media trials nowadays look the other way in matters like these.

(2) *Effect on the Judicial Process*

The influence of media trials on the judicial process is a growing concern. Even though the judiciary is expected to uphold impartiality towards the parties, the extensive reach of media can unintentionally influence not only judges but also witnesses and investigation bodies. The Anglo-Saxon legal traditions recognize that judges are also unintentionally influenced by persistent media narratives, leading to bias.⁴⁶ This Anglo-Saxon view was recognized in India by the acceptance of the P.C.Sen case in the *Reliance Petro Chemicals Ltd vs Proprietors of Indian Express News Papers* whereby the Supreme Court agreed that the speech and actions of the Chief Minister could sow bias in the judges and the subsequent delivery of justice⁴⁷. ⁴⁸

Additionally, intense media scrutiny can exert undue pressure on law enforcement bodies like the ED, NIA etc., leading to potential skewing of the investigation process. In high-profile cases, this media-fueled environment can also intimidate and influence witnesses leading to an upheaval of the credibility aspect of the judicial process.

(3) *Societal Ramifications and the Role of Social Media*

The societal impact of media trials extends beyond the courtroom. Individuals are subject to various stigmas, resulting in job loss, social isolation, and, in extreme cases, mob violence. This is further perpetrated by the swift spread of unverified information through traditional and modern media patterns. Social media, especially, plays an important role in magnifying misinformation, creating echo chambers of information. Despite the existence of regulatory bodies, the huge magnitude and viral nature of digital content can cause lies to overtake the truth, causing prolonged harm to the accused and their families. Moreover, the inability of the media to properly distinguish between a convict and an accused destabilizes the principles of “Audi alteram partem”.

⁴⁴ Kushwaha, *supra* note 1

⁴⁵ *State of Bihar v. Lal Krishna Advani*, (2003) 8 S.C.C. 361 (India).

⁴⁶ Monirmay, *supra* note 2

⁴⁷ Aasia Hassan, *Media Trials: Investigative Journalism vs. Right to Fair Trial*, 2 Indian J. Integrated Rsch. L. 1 (2021), <https://ijirl.com/wp-content/uploads/2021/12/MEDIA-TRIALS-INVESTIGATIVE-JOURNALISM.pdf>.

⁴⁸ *Reliance Petrochemicals Ltd. v. Proprietors of Indian Express Newspapers Bombay Pvt. Ltd.*, (1988) 4 S.C.C. 592; AIR 1989 SC 190 (India).

This has led to the institutionalization of media trials into a “Populace Court”, weakening the actual justice system of the Indian judiciary.⁴⁹

Additionally, sensationalized reporting also impinges on the privacy and dignity of the victim and the accused, and the Supreme Court has consistently emphasized on the importance of responsible and sensitive media reporting, especially in cases of sexual violence. However, whether the media respects the victim-centric approach is left to be seen.

4. Recommendations

Media trials, thus, while being an example of the principle of free speech and public interest, pose challenges to the protection of fundamental human rights, especially the right to privacy, right to a fair trial and the presumption of innocence. In light of the legal and social impacts assessed in the paper, a set of targeted reforms is required urgently to combat the ill-effects of such unregulated media trials.

From a legal standpoint, the most pressing reform is the strengthening of the Contempt of Court Act, 1971 as recommended by the Law Commission of India in its 200th report. The scope of ‘contempt’ is currently narrow and should be broadened to cover prejudicial publications from the point of arrest and not only after the filing of a charge sheet. This amendment would close the gap where media’s influence and coverage can influence judicial opinion and outcomes before formal charges are even laid.^{50 51}

Furthermore, introducing statutory guidelines that define the boundaries for media reporting on sub judice matters is also important. They should give an overview and define ethical boundaries on disclosing sensitive details, making claims etc.^{52 53}

Third, Courts must be granted powers to issue temporary postponement orders to delay

⁴⁹ Arunav Talukdar, *Media Trial and Right to Freedom of Speech and Expression: An Analysis* (Master’s dissertation, Nat’l L. Univ., Assam, 2018) (on file with National Digital Library of India), <https://ds7-backend.ndl.gov.in:8443/dlnluassam/api/core/bitstreams/deea1b8e-7099-4e3e-902d-618593a3861b/content>.

⁵⁰ Kushwaha, *supra* note 1

⁵¹ Law Commission of India, *200th Report: Trial by Media: Free Speech vs. Fair Trial under Criminal Procedure (Amendments to the Contempt of Court Act, 1971)* (2006), https://lawcommissionofindia.nic.in/cat_mass_media/

⁵² Kushwaha, *supra* note 1

⁵³ Law Commission of India, *supra* note 51

the publication or broadcast of material that could affect ongoing trials. This would help balance between media freedom and the accused's right to a fair trial.^{54 55}

Fourth, as highlighted in the *Ajay Goswami v. Union of India*, the current Press Council faces many limitations as it has no jurisdiction and control over digital media platforms. However, by granting it powers to regulate the content published, such a loophole can be closed off.⁵⁶

Along with legal reforms, the media industry must adopt institutional ethical standards. For example, journalists and editors should undergo regular training on the human rights aspect of reporting, avoiding sensationalism and instead focus on factual reporting. Media should be held accountable through a stronger and independent regulatory framework with corrective powers. And last but not the least, media literacy campaigns should be carried out so that the public can become more aware of the negative effects of media trials and the importance of the independence of the judicial trial process.

5. Conclusion

Thus, the paper has thrown significant light on the threat that media trials pose to both society and an individual at large. Socially, they lead to mass prejudice and in extreme cases, riots. Individually, they damage the reputation of the accused, undermine fairness and the presumption of innocence of the victim. While it's true that under Article 19 of the Indian Constitution, the freedom of the press is guaranteed, it can be seen that it's subject to exceptions. That is, the freedom of the press cannot be at the expense of fundamental human rights, especially the right to privacy and the right to a fair trial.

The current legal framework is inadequate to manage the rapid pace and vast reach of modern media, especially because of the advent of 24/7 news cycle and the virality of social media. This gap is often exploited by the media to potentially influence public opinion and sometimes even judicial verdicts before the trial has reached its completion.

⁵⁴ Kushwaha, *supra* note 1

⁵⁵ Law Commission of India, *supra* note 51

⁵⁶ *Ajay Goswami v. Union of India*, (2007) 1 S.C.C. 143; A.I.R. 2007 S.C. 493

Therefore, timely and well-planned reforms are necessary and essential. The law must adapt and change itself accordingly with the dynamic ever-changing nature of the media. Introducing clear statutory guidelines and strengthening enforcement mechanisms while encouraging media houses to uphold high ethical standards is necessary. It's a need of the present for the media to revert to its roots where it was democracy's 'fourth pillar' and not merely a sensationalized profit maker.

Thus, balancing free expression and the right to a free trial is necessary for democracy. Safeguarding both rights ensures that justice without bias or influence is served. Only through such an approach can we protect individual rights and uphold public trust in the judiciary.

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