
MEDIA TRIALS AND THE RIGHT TO FAIR TRIAL IN INDIA: A LEGAL REVIEW

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ABSTRACT

Media trials have emerged as a contentious issue within India's legal and social discourse. This review article critically examines the legal implications of media trials with specific reference to Article 21 (Right to Life and Personal Liberty) and Article 19(1)(a) (Freedom of Speech and Expression) of the Indian Constitution. It explores how media trials, through prejudicial reporting and sensationalism, can undermine the accused's right to a fair trial and compromise the integrity of the judicial process in a democratic society.

By analyzing existing legal frameworks, key judicial pronouncements, and scholarly opinions, the article identifies significant gaps in India's regulatory approach to media conduct during ongoing legal proceedings. It highlights how unregulated media narratives, especially amplified through digital and social media platforms, have the potential to distort public perception, influence judicial neutrality, and erode the foundational principle of the presumption of innocence.

The article also offers a comparative perspective by examining legal models from countries such as the United Kingdom and the United States, where clearer boundaries between media freedom and fair trial rights are established through codified regulations and judicial interventions. Drawing lessons from these jurisdictions, the study emphasizes the necessity for calibrated legal reforms in India.

It advocates for the introduction of comprehensive media guidelines, institutional safeguards, and digital content regulation mechanisms that can effectively balance freedom of the press with the need to protect the rights of the accused and uphold judicial impartiality. Additionally, the article suggests greater public awareness initiatives to promote responsible journalism practices in India's evolving media environment.

In conclusion, the article contributes to the evolving discourse on press accountability and fair trial jurisprudence in India, emphasizing that

democratic values and justice must coexist through structured legal and institutional frameworks.

Keywords: Media Trials, Fair Trial, Freedom of Press, Judicial Process, Digital Regulation

1. INTRODUCTION

The media, often described as the fourth pillar of democracy, plays a critical role in shaping public discourse, influencing policy decisions, and ensuring transparency in governance¹. Its investigative capabilities and wide outreach enable it to uncover injustices, rally public support, and amplify the voices of the marginalized. In the Indian context, the media has historically been instrumental in reviving interest in cases where the justice system seemed to falter, such as the Jessica Lal² and Priyadarshini Mattoo³ murder trials. However, in an age of 24x7 news cycles and viral digital content, the line between responsible journalism and sensationalism has increasingly blurred.

Media trials pose a serious challenge to the sanctity of the legal process. This phenomenon becomes particularly problematic when it influences public perception, taints evidence, intimidates witnesses, or exerts undue pressure on judicial officers⁴. The rise of social media has only exacerbated these effects, allowing unverified information and opinionated narratives to spread unchecked. As a result, the fundamental principles of criminal jurisprudence, particularly the presumption of innocence and the right to a fair and impartial trial, are put at grave risk⁵.

This article reviews the existing legal landscape surrounding media trials in India, evaluates its impacts on judicial independence, and explores potential solutions. It seeks to examine the constitutional and statutory safeguards in place, analyze judicial responses, assess recent developments, and recommend a balanced framework that upholds both freedom of the press and the integrity of the justice system⁶.

¹ Indian Express Newspapers (Bombay) Pvt. Ltd. v. Union of India, (1985) 1 SCC 1.

² Manu Sharma v. State (NCT of Delhi), (2010) 6 SCC 1.

³ Santosh Kumar Singh v. State through CBI, (2010) 9 SCC 747.

⁴ Arghya Sengupta, *Media Trials and the Right to a Fair Trial*, 12 NUJS L. Rev. (2019).

⁵ Zahira Habibulla H. Sheikh v. State of Gujarat, (2006) 3 SCC 374.

⁶ Law Commission of India, Report No. 200: *Trial by Media: Free Speech and Fair Trial under Criminal Procedure* (2006).

2. Methodology:

This article adopts a doctrinal and analytical research methodology, which is predominantly qualitative in nature. It involves the systematic examination of primary and secondary legal sources including constitutional provisions, statutory enactments, case laws, and authoritative commentaries. The Constitution of India, the Bharatiya Nyaya Sanhita (BNS), the Contempt of Courts Act, and other relevant legislation have been closely scrutinized to understand the legal safeguards related to media trials.

Judicial decisions from the Supreme Court and various High Courts have been critically analyzed to identify evolving jurisprudential trends and the judicial approach toward balancing freedom of the press with the right to a fair trial. Reports of the Law Commission of India and official publications from regulatory bodies have also been reviewed to extract policy recommendations and interpretative insights.

Furthermore, select case studies from 2000 to 2025 have been included to provide real-world illustrations of the impact of media trials on judicial proceedings. These cases were chosen for their public relevance, judicial significance, and media coverage. Secondary sources such as law review articles, academic journals, editorials, and opinion pieces have also been consulted to incorporate diverse scholarly perspectives. This method ensures a comprehensive and critical engagement with the subject matter and supports the formulation of pragmatic legal and policy suggestions.

3. Review of Literature and Legal Framework:

This section provides a comprehensive synthesis of the theoretical and doctrinal literature that informs the ongoing discourse on media trials and the right to a fair trial. The literature reviewed includes classical and contemporary academic writings, legal commentaries, judicial pronouncements, and regulatory guidelines that elucidate the evolution, challenges, and regulation of media trials in India. It aims to uncover how various legal scholars, courts, and legislative bodies have interpreted and addressed the issue, and highlights the dynamic tension between media freedom and judicial sanctity. The section is divided into four sub-parts: the concept and evolution of media trials; the constitutional and statutory framework; judicial interpretations; and the most recent jurisprudential developments between 2023 and 2025.

3.1 Concept and Evolution of Media Trials

Media trials refer to a form of trial by media, where television channels, newspapers, and online platforms publicly debate and declare an accused guilty or innocent, often before the courts reach a verdict⁷. This phenomenon is rooted in the broader rise of investigative journalism and sensational media coverage in the late 20th century⁸. Initially hailed for bringing transparency and public awareness to high-profile cases, media trials quickly gained traction as a double-edged sword, raising serious concerns about the violation of individual rights and the distortion of justice⁹.

The term "media trial" gained prominence in India during the late 1990s and early 2000s, particularly following the Jessica Lal murder case¹⁰ (1999) and the Priyadarshini Mattoo case¹¹. In both instances, relentless media coverage helped reignite public interest, resulting in retrials and eventual convictions. These examples demonstrated the positive impact of media pressure in overcoming institutional apathy and ensuring accountability. However, they also set a precedent where media began assuming quasi-judicial functions—forming opinions, conducting parallel investigations, and presenting subjective narratives as facts¹².

As the Indian media landscape expanded—with the proliferation of private news channels, social media platforms, and real-time reporting—the tendency to sensationalize legal matters intensified¹³. The race for TRPs (Television Rating Points), virality, and social media engagement led many outlets to prioritize emotion and speculation over accuracy and objectivity. Media trials have since extended to cases involving celebrities, politicians, activists, and vulnerable individuals, often resulting in character assassination, witness tampering, and prejudicial public discourse¹⁴.

Legal scholars and commentators have consistently critiqued this trend, noting that such public adjudication erodes the foundational principles of criminal law, particularly the presumption of innocence and due process¹⁵. Moreover, when media narratives shape public sentiment

⁷ Praveen Singh, *Trial by Media: A Threat to Administration of Justice*, 45 JILI 479 (2003).

⁸ M. P. Raju, 'Media and the Judiciary: Conflict or Cooperation?', 1 SCC J. 17 (2001).

⁹ Sidharth Luthra, 'Impact of Media Trials on Judicial Proceedings in India', *Indian Bar Review*, Vol. 37 (2010).

¹⁰ *Manu Sharma v. State* (NCT of Delhi), (2010) 6 SCC 1.

¹¹ *Santosh Kumar Singh v. State through CBI*, (2010) 9 SCC 747.

¹² Law Commission of India, Report No. 200 (2006).

¹³ Arghya Sengupta, *Media Trials and the Right to a Fair Trial*, 12 NUJS L. Rev. (2019).

¹⁴ Aparna Chandra et al., *Fair Trial in India*, *National Law School of India Review* (2022).

¹⁵ *Ibid.*

before a verdict is delivered, it becomes difficult for judges and jurors to remain completely unaffected—no matter how insulated the judicial process claims to be¹⁶.

In essence, while the media continues to play an essential role in upholding democratic transparency, its increasing encroachment on judicial independence calls for a careful reassessment of its boundaries and responsibilities in reporting sub judice matters¹⁷.

3.2 Legal Provisions and Constitutional Rights

Media trials engage multiple constitutional and statutory dimensions, requiring a nuanced interpretation of competing rights and responsibilities. The Indian legal framework provides several safeguards intended to balance freedom of expression with the sanctity of judicial proceedings. The Constitution of India, being the supreme law of the land, guarantees fundamental rights that form the cornerstone of the debate on media trials.

Article 21¹⁸ of the Constitution guarantees the right to life and personal liberty, which the judiciary has consistently interpreted to include the right to a fair trial. Any media activity that compromises this right, such as prejudging the accused or influencing judicial outcomes, is constitutionally impermissible. Concurrently, Article 19(1)(a)¹⁹ guarantees the freedom of speech and expression, a right that encompasses press freedom. However, this right is not absolute and is subject to reasonable restrictions under Article 19(2)²⁰, which includes contempt of court, defamation, and incitement to an offense.

The Contempt of Courts Act, 1971²¹ serves as a crucial statutory tool to curb media excesses that interfere with judicial proceedings. It empowers courts to penalize actions that scandalize the court or tend to interfere with the due course of justice. While this provision is essential for upholding judicial dignity, its application must be carefully balanced to avoid arbitrary curtailment of press freedom.

¹⁶ Zahira Habibulla H. Sheikh v. State of Gujarat, (2006) 3 SCC 374.

¹⁷ A. G. Noorani, 'Media Trial and the Rule of Law', Frontline, Vol. 23, No. 15 (2006).

¹⁸ INDIA CONST. art. 21.

¹⁹ INDIA CONST. art. 19, cl. 1(a).

²⁰ INDIA CONST. art. 19, cl. 2.

²¹ Contempt of Courts Act, No. 70 of 1971, Acts of Parliament, 1971.

With the enactment of the Bharatiya Nyaya Sanhita (BNS)²², newer legal interpretations have emerged. Provisions such as Section 356 (defamation) and Section 77 (obstruction of justice) have potential implications for curbing media misconduct that maligns individuals or hampers legal proceedings.

Additionally, the Cable Television Networks (Regulation) Act, 1995²³ regulates content disseminated through TV channels, mandating adherence to the Programme Code. Violations can lead to penalties and suspension of broadcast licenses. However, the law remains silent on digital platforms, creating a regulatory gap that allows online media to function without equivalent scrutiny.

Thus, while the existing legal architecture does provide foundational safeguards, its fragmented application and enforcement have rendered it insufficient to comprehensively address the challenges posed by modern media trials.

- Article 21 – Right to life and personal liberty, which includes the right to a fair trial.
- Article 19(1)(a) – Freedom of speech and expression, including freedom of the press.
- Contempt of Courts Act, 1971 – Penalizes publications that interfere with judicial proceedings.
- Bharatiya Nyaya Sanhita (BNS) – Provisions relating to defamation (Section 356) and obstruction of justice (Section 77).
- Cable Television Networks (Regulation) Act, 1995 – Governs permissible content on TV channels.

3.3 Judicial Approach to Media Trials

The judiciary has expressed concern over media overreach in multiple cases, consistently underscoring that while the media plays a crucial role in promoting transparency and accountability, it must exercise restraint when reporting on matters that are sub judice. Courts in India have recognized that media trials can adversely affect the administration of justice by

²² Bharatiya Nyaya Sanhita, No. 45 of 2023, Acts of Parliament, 2023.

²³ Cable Television Networks (Regulation) Act, No. 7 of 1995, Acts of Parliament, 1995.

prejudicing the minds of the public, influencing witnesses, and potentially impairing the impartiality of the judiciary.

One of the primary concerns articulated by the courts is the violation of the principle of presumption of innocence—a core tenet of criminal jurisprudence. Judicial pronouncements have emphasized that the media must refrain from acting as parallel courts or substituting its narrative for judicial determinations. Judges have noted that media narratives based on incomplete facts or biased opinions can damage reputations, intimidate litigants, and erode public confidence in the judicial system.

To mitigate these risks, Indian courts have developed judicial tools such as postponement orders, gag orders, and contempt proceedings. These are invoked in exceptional circumstances where there is a real and substantial risk of prejudice to a fair trial. However, courts have also cautioned against excessive judicial interference that might infringe upon constitutionally protected freedoms.

Some of the landmark decisions that demonstrate this judicial balancing act include:

- ***Sahara India Real Estate Corp. Ltd. v. SEBI*²⁴**: The Supreme Court laid down the principle that courts may pass postponement orders to prevent media reporting that could obstruct justice, thereby recognizing the need for judicial safeguards against media trials without compromising press freedom.
- ***R.K. Anand v. Registrar, Delhi High Court*²⁵**: In a case involving a sting operation, the Court held that while investigative journalism can expose corruption, it should not disrupt legal proceedings or provoke public outrage that prejudices ongoing trials.
- ***Arun Jaitley v. State of Uttar Pradesh*²⁶**: The Court reaffirmed the delicate balance that must be maintained between freedom of the press and responsible journalism, especially in sensitive criminal cases.

These decisions collectively reflect the judiciary's evolving approach to media trials, grounded in the belief that fair trial rights and freedom of expression must coexist harmoniously within

²⁴ *Sahara India Real Estate Corp. Ltd. v. SEBI*, (2012) 10 S.C.C. 603 (India).

²⁵ *R.K. Anand v. Registrar, Delhi High Court*, (2009) 8 S.C.C. 106 (India).

²⁶ *Arun Jaitley v. State of Uttar Pradesh*, (2016) 2 S.C.C. 342 (India).

the framework of constitutional governance.

3.4 Recent Jurisprudence (2023–2025)

The period between 2023 and 2025 witnessed significant judicial interventions aimed at curbing the adverse impact of media trials while safeguarding press freedom. These rulings have contributed to shaping a nuanced legal framework that attempts to strike a balance between Articles 19 and 21 of the Constitution²⁷.

In September 2023, the Supreme Court of India, while hearing a batch of petitions concerning custodial leaks and media briefings, directed the Union Home Ministry to frame guidelines regulating interactions between police officials and the press²⁸. The Court stressed that premature disclosures regarding ongoing investigations could violate the presumption of innocence and have the unintended consequence of shaping public narratives before trial. This move was hailed as a step toward institutionalizing ethical boundaries in criminal reporting.

In December 2023, the Supreme Court in *Abhishek Banerjee v. Union of India*²⁹ declined to issue a blanket media gag order on reporting of an ongoing case involving a prominent political figure. The Court, while reaffirming the precedent laid down in *Sahara India Real Estate Corp.*³⁰, held that prior restraint on media reporting must be exercised sparingly and only when there is a demonstrable and substantial risk of prejudice to the administration of justice. The decision reiterated the judiciary's commitment to upholding freedom of the press even as it recognized the potential harms of prejudicial reporting.

In a landmark judgment delivered in November 2024, the Kerala High Court categorically held that no media outlet should pronounce an accused guilty before the conclusion of a criminal trial³¹. Comparing such practices to a "kangaroo court," the High Court underscored that the dignity and privacy of the accused are constitutionally protected under Articles 21 and 14. It emphasized the chilling effect such reporting has on due process and witness protection, and urged the legislature to enact a statutory code of media conduct.

²⁷ INDIA CONST. art 19,21.

²⁸ Supreme Court Directive in Custodial Leak PILs, Order dated Sept. 2023 (India).

²⁹ *Abhishek Banerjee v. Union of India*, (2024) 9 S.C.R. 110(India).

³⁰ *Sahara India Real Estate Corp. Ltd. v. SEBI*, (2012) 10 S.C.C. 603 (India).

³¹ Kerala High Court Order, W.P. (CrI.) No. 4578 of 2024, Judgment dated Nov. 17, 2024 (India).

In *Asian News International v. Wikimedia Foundation*³², spanning 2024–2025, the Delhi High Court initially issued interim orders restraining Wikipedia from publishing allegedly defamatory material related to ANI's journalistic integrity. However, in May 2025, the Supreme Court overturned this decision and emphasized judicial caution in issuing sweeping injunctions against digital platforms. The Court reasoned that while defamation must be addressed, the right to receive and disseminate information in the digital space is integral to Article 19(1)(a)³³. This ruling is particularly significant for the future of content moderation and liability on online platforms.

Collectively, these decisions indicate a trend toward greater judicial engagement with the evolving challenges posed by media trials. They reflect a deeper understanding of how modern media ecosystems can influence judicial processes and the urgent need to safeguard procedural fairness in the digital era.

4. Gaps and Challenges Identified:

Despite growing judicial awareness and some statutory safeguards, several gaps and structural challenges persist in regulating media trials in India:

- **Lack of Regulatory Oversight over Digital Media:** Unlike television and print media, digital platforms remain largely unregulated in terms of content dissemination. There is no statutory mechanism to ensure accountability for social media channels, YouTube influencers, or independent digital news outlets. This absence of oversight permits unchecked dissemination of prejudicial content, often targeting accused persons or ongoing legal proceedings.
- **Sensationalism and TRP-Driven Reporting:** Media houses are often incentivized to prioritize sensational content over factual accuracy due to competition for viewership and advertisement revenue. The race for TRPs has resulted in selective presentation of facts, use of inflammatory headlines, and dramatization of criminal cases—all of which distort public perception and affect the impartiality of ongoing trials.
- **Erosion of the Presumption of Innocence:** Public discourse driven by media narratives frequently leads to character assassination of accused individuals, regardless of the legal

³² *Asian News International v. Wikimedia Foundation*, S.C. Order dated May 2025 (India).

³³ INDIA CONST. art 19, cl.1(a).

outcome. Such trial-by-media undermines the principle that a person is innocent until proven guilty, causing irreversible damage to personal reputation and the fairness of legal proceedings.

- **Judicial Delays and Media Influence:** The slow pace of the judicial system often coincides with prolonged media scrutiny. In this vacuum, public narratives take shape independent of the courts, pressuring judges and prosecutors, and sometimes influencing trial strategy and witness testimony.
- **Inadequate Codified Guidelines for Sub Judice Reporting:** Although courts have issued postponement and gag orders in exceptional cases, there is no codified national framework regulating how media should cover ongoing trials. This regulatory void leaves too much discretion to individual editors and reporters and often leads to ethical lapses.
- **Limited Media Literacy and Public Awareness:** The general public often lacks the tools to critically analyze media content or distinguish between allegations and convictions. This contributes to the power of misleading narratives and undermines the democratic purpose of both media and the legal system.
- **Underutilization of Existing Legal Remedies:** While contempt laws and defamation provisions exist, they are seldom invoked against powerful media entities due to political pressure, bureaucratic inertia, or fear of being perceived as curtailing free speech. This results in a lack of deterrence against reckless reporting.

These challenges underscore the need for comprehensive legal reforms, institutional safeguards, and public education to prevent media trials from sabotaging the very justice they claim to uphold.

5. Comparative Perspective:

International legal systems have adopted diverse approaches to regulate the intersection of media and justice, offering valuable models for India to consider:

United Kingdom: The UK follows a strict liability model under the Contempt of Court Act, 1981. This law makes it a criminal offense to publish any material that poses a substantial risk

of seriously prejudicing active proceedings, regardless of intent³⁴. The law has been actively enforced, and UK courts issue reporting restrictions (gag orders) frequently in high-profile cases. Moreover, the UK's Independent Press Standards Organisation (IPSO) enforces a Code of Practice that upholds journalistic ethics, including respecting the presumption of innocence³⁵.

United States: The US follows a more liberal model that places a premium on First Amendment rights. While media freedom is broadly protected, the judiciary employs tools like jury sequestration, change of trial venue, and voir dire (jury vetting) to preserve the impartiality of proceedings. Landmark cases like *Sheppard v. Maxwell* (1966)³⁶ acknowledged that excessive media coverage could undermine due process, leading the court to recognize the judiciary's duty to safeguard fair trials against media influence.

These models reflect a spectrum between pre-publication restraints and post-publication penalties. India's regulatory framework could benefit from adopting hybrid approaches—retaining judicial restraint, enforcing ethical self-regulation by the press, and enhancing public education.

6. Conclusion and Suggestions:

The phenomenon of media trials poses a profound challenge to the administration of justice in India. As this review has illustrated, while the media plays a critical role in fostering democratic accountability and public participation, its unchecked intervention in legal matters—especially during the pendency of trials—can seriously compromise the constitutional right to a fair trial. The growing influence of electronic and digital media, coupled with the absence of stringent regulatory oversight, has amplified the risk of prejudicial reporting and public misinformation.

To address these issues, a multi-pronged approach is necessary:

- **Codification of Media Guidelines:** There is an urgent need for a codified and enforceable code of conduct that governs media reporting on sub judice matters. Such a framework should be developed in consultation with media stakeholders, the judiciary, and civil society.

³⁴ Contempt of Court Act, 1981, c. 49 (U.K.).

³⁵ IPSO Editors' Code of Practice, INDEPENDENT PRESS STANDARDS ORG. (U.K.).

³⁶ *Sheppard v. Maxwell*, 384 U.S. 333 (1966) (U.S.).

- **Judicial Sensitization and Capacity Building:** Specialized training programs for judges and prosecutors should be instituted to sensitize them to the influence of media in high-profile cases and to equip them with tools to manage such influence while preserving judicial independence.
- **Media Accountability Mechanisms:** Strengthening institutions like the Press Council of India and expanding their jurisdiction to digital platforms can ensure that media houses adhere to ethical norms. Penal consequences for trial-by-media violations must be explicitly defined and rigorously enforced.
- **Public Awareness and Media Literacy:** Educating the public about the dangers of media trials and the legal principle of presumption of innocence is essential for fostering a more informed citizenry that resists sensational narratives.
- **Balancing Rights through Judicial Doctrine:** Courts must continue to evolve jurisprudence that balances Article 19(1)(a) with Article 21, ensuring that neither press freedom nor fair trial rights are disproportionately affected. Proportionality and necessity must guide all interventions that seek to regulate media behaviour.

In conclusion, the future of justice delivery in India depends on a calibrated legal framework that both protects press freedom and insulates judicial processes from undue influence. Legislative clarity, institutional reforms, and ethical journalism are the cornerstones of preserving this balance in a rapidly digitizing democracy.