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# THE FOURTH PILLAR ON TRIAL: PRESS FREEDOM AND MEDIA ETHICS

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## ABSTRACT

The term “*media trial*” emerged in the late 20th and early 21st centuries to describe how news coverage, particularly through television and print media, can shape public perceptions about an individual’s guilt or innocence even before courts pronounce a verdict. Recently, several instances have shown the media acting as both investigator and judge, often delivering public verdicts before the judiciary does. The Supreme Court has clearly stated that the media and judiciary serve distinct roles and should not interfere in each other’s domains. Journalists are expected to report news, not substitute or mimic court procedures.

High-profile cases, such as the death of actor Sushant Singh Rajput<sup>2</sup>, have reignited debates on regulating media coverage of ongoing investigations and trials. Today’s media landscape has evolved significantly, blurring lines between reporting and interfering with judicial processes. The media, through its compelling narratives and popular anchors, has the power to alter public perception, elevating the status of some and tarnishing others. This trend, while linked to freedom of speech and expression, often crosses into harmful interference with the administration of justice. This discussion examines how the right to free speech—enshrined in the Constitution, is sometimes misused, potentially damaging the integrity of the judicial process. There is a growing need to assess how unrestricted media coverage may conflict with the constitutional right to a fair trial.

## INTRODUCTION

In a democratic framework, the press is often hailed as the fourth pillar, entrusted with the crucial task of ensuring transparency and holding those in power accountable. In India, while this role has been praised, it has also drawn criticism, especially in light of the growing prevalence of media trials.<sup>3</sup> These trials often see media outlets assuming the roles of investigator, prosecutor, and judge,

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<sup>1</sup> VIT University, Chennai

<sup>2</sup> Sushant Singh Rajput Case (2020)

<sup>3</sup> Soli J. Sorabjee, *Law of Press Censorship in India* (N.M. Tripathi, 1976).

delivering judgments before courts have the chance to do so. As global discourse increasingly centers around press freedom, India finds itself grappling with the challenge of balancing the right to free expression with the imperative of judicial independence and fair trial.<sup>4</sup>

Like the legislative, executive, and judiciary—each a distinct organ of governance—the press, too, holds an important and autonomous position in democratic societies. It plays a pivotal role in facilitating public discourse by allowing the exchange of ideas across different cultures and communities. While the Indian Constitution explicitly demarcates the powers and functions of the three branches of government, it also legitimizes the role of the press through the fundamental right to freedom of speech and expression under Article 19(1)(a)<sup>5</sup>. Although the Constitution does not specifically mention press freedom, it is implied within this broader right. However, this freedom is not absolute, as Article 19(2)<sup>6</sup> allows the state to impose reasonable restrictions in certain circumstances.

The Sheena Bora murder case<sup>7</sup>, particularly the media's invasive focus on the personal life of the prime accused Indrani Mukherjea, reignited concerns regarding the ethics of media conduct. The intense and often irrelevant scrutiny raised questions about the boundaries of responsible journalism. When left unchecked, the power of the media can transform into a tool of chaos and misinformation. In today's media landscape, many television channels prioritize sensational content aimed at increasing TRPs rather than responsible reporting.

Central to India's criminal justice system is the doctrine that an accused is presumed innocent until proven guilty beyond reasonable doubt in a court of law. Legal safeguards also protect the accused from self-incrimination and grant the right to remain silent. Despite these principles, the media has frequently been seen conducting parallel trials and declaring individuals guilty ahead of any judicial ruling. While media activism has played a vital role in achieving justice in high-profile cases like those of Jessica Lal<sup>8</sup>, Bijal Joshi, Nitish Katara<sup>9</sup>, and Priyadarshini Mattoo<sup>10</sup>, it has also drawn criticism, as seen in the Aarushi Talwar case<sup>11</sup>, where premature conclusions were broadcast, only for the CBI to later exonerate the accused.

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<sup>4</sup> Freedom of press in India : Constitutional Perspectives  
[http://www.supremecourtcases.com/index2.php?option=com\\_content&itemid=1&do\\_pdf=1&id=6752](http://www.supremecourtcases.com/index2.php?option=com_content&itemid=1&do_pdf=1&id=6752) (last visited May 20, 2025).

<sup>5</sup> Constitution of India, Art. 19(1)(a)

<sup>6</sup> Constitution of India, Art. 19(2)

<sup>7</sup> Sheena Bora Murder Case

<sup>8</sup> Jessica Lal Murder Case

<sup>9</sup> Nitish Katara Murder Case

<sup>10</sup> Priyadarshini Mattoo Case

<sup>11</sup> Aarushi Talwar Murder Case

This trend is commonly referred to as "media trial,"<sup>12</sup> a phenomenon where journalistic content—whether in print or broadcast—damages an individual's reputation by fostering a presumption of guilt, often persisting even after judicial verdicts. A critical debate continues between advocates of near-unrestricted press freedom and those emphasizing the right to privacy and fair trial. The issue becomes especially pronounced in cases involving public figures and celebrities, where media influence can distort public perception. Originally intended to inform and educate, media coverage in legal matters has now begun to threaten the very foundations of justice. This underscores the urgent need for practicing responsible journalism that respects both legal procedures and individual rights.

## ROLE OF MEDIA AND CONSTITUTION

Justice Uday Umesh Lalit rightly observed, "*In a country like India, we consider the rights of the press to be of such eminence that we do not want to curtail them; no statute can curtail them. But that does not mean there is complete lawlessness; there should be self-regulations.*"<sup>13</sup> This statement captures the delicate balance between safeguarding press freedom and ensuring responsible journalism in a constitutional democracy.

While the freedom of the press is not expressly mentioned in the Indian Constitution, it is read into Article 19(1)(a)<sup>14</sup>, which guarantees freedom of speech and expression. Judicial interpretation has consistently held that freedom of the press is a subset—a *species*—of the broader genus of free speech. As noted by the Indian Press Commission, democracy flourishes not only under the supervision of its legislature but also under the vigilant eye of public opinion. The press, in this regard, is the most powerful vehicle for shaping and conveying that opinion.

The Supreme Court and various High Courts have reiterated the vital role the press plays in a democratic society:

- In *Romesh Thapar v. State of Madras*<sup>15</sup>, the Court declared that *freedom of speech and of the press is the foundation of all democratic organizations*, essential for political discourse and public enlightenment.

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<sup>12</sup> Namrata Udaykumar Bhatt & Dr. Daxaben B. Parmar, *Constitutionality of Media Trials in India: Balancing Freedom of Press and Right to Fair Trial*, [Online] IP & Legal Filings, available at: <https://www.ipandlegalfilings.com/media-trials-and-judicial-integrity-an-analysis> [(2023)].

<sup>13</sup> Financial Express, "Media must self-regulate when reporting on criminal trial, Says Supreme Court Justice UU Lalit" (September 08, 2018 11:57PM) <https://www.financialexpress.com/india-news/media-must-self-regulate-when-reporting-on-criminal-trial-says-supreme-court-judge-uu-lalit/1307007/>.

<sup>14</sup> Constitution of India, §§ 19(1)(a) No. 1, Acts of Parliament, 1950 (IN).

<sup>15</sup> *Romesh Thapar v. State of Madras*, AIR 1950 SC 124

- In *Printers (Mysore) Ltd. v. Assistant Commercial Tax Officer*<sup>16</sup>, the Court underscored the necessity of *active and intelligent citizen participation*, facilitated through robust public debate and a free press.
- The decision in *LIC v. Manubhai D. Shah*<sup>17</sup>. Shah affirmed that freedom of expression is the *lifeblood of democracy*—any suppression of this right, the Court warned, would erode the very foundation of democratic governance and pave the way for autocracy.
- In *Nilesh Navlakha v. Union of India (2021)*<sup>18</sup> The Bombay High Court cautioned against media excesses that interfere with fair investigation and judicial independence. Media must not publish prejudicial content, such as photos or statements about accused persons before proper legal identification or verdicts. Such actions violate the spirit of Article 19(2) and pose a real risk to a fair trial.
- *State of Maharashtra v. Rajendra Jawanmal Gandhi (1997)*<sup>19</sup> The Supreme Court emphasized that the credibility of the media rests on objectivity and unbiased reporting, not sensationalism.
- *Maneka Gandhi v. Union of India*<sup>20</sup> Justice Bhagwati emphasized that *open discussion and public debate* serve as the primary corrective for government action in a democratic society.

These judgments collectively affirm that while the press in India enjoys broad constitutional protection, this freedom is not absolute. It is subject to reasonable restrictions under Article 19(2), which include concerns related to public order, defamation, contempt of court, decency, morality, and the sovereignty and integrity of India.

During the Constituent Assembly Debates, Dr. B.R. Ambedkar<sup>21</sup> clarified that the press does not enjoy any special privileges beyond what is available to individual citizens. He argued that an editor or publisher exercises the same right to freedom of expression as any citizen, and thus there was no need for a separate constitutional mention of press freedom.

## MEDIA TRIALS: A THREAT TO JUDICIAL SANCTITY

“While the media is the watchdog of democracy, it cannot become a bloodhound. Sensationalism and premature conclusions undermine public confidence in the justice system.”- **Justice B.V.**

**Nagarathna**

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<sup>16</sup> (*Printers (Mysore) Ltd. v. Assistant Commercial Tax Officer*, (1994) 2 SCC 434.

<sup>17</sup> *LIC v. Manubhai D. Shah*, (1992) 3 SCC 637.

<sup>18</sup> *Nilesh Navlakha v. Union of India*, 2021 SCC OnLine Bom 56

<sup>19</sup> *State of Maharashtra v. Rajendra Jawanmal Gandhi*, (1997) 8 SCC 386.

<sup>20</sup> *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248

<sup>21</sup> Dr. Ambedkar’s Speech in Constituent Assembly Debates, VII, 980

The idea that popular media can shape and even distort the course of judicial proceedings is not a recent revelation—it traces back to the very origins of mass communication. With the rise of television and digital platforms, however, this influence has magnified exponentially. The Supreme Court of India has described a media trial as “the impact of television and newspaper coverage on a person’s reputation by creating a widespread perception of guilt, irrespective of a court’s verdict.” While the media plays a vital role in fostering public awareness and transparency, there is an urgent need to demarcate the boundaries between responsible reporting and prejudicial commentary.

Sensationalized narratives, especially in high-profile cases, often compromise the neutrality of public opinion. Anchors and panelists, in pursuit of ratings, frequently engage in speculative debates that mimic judicial proceedings—passing moral judgments and vilifying the accused without the scrutiny of legal safeguards. This not only infringes upon the fundamental principle of ‘*innocent until proven guilty*’ but also places undue pressure on investigating authorities and the judiciary.

Time and again, courts have expressed disapproval of this growing trend. Several judges have highlighted the ethical lapses inherent in such coverage and have cautioned media houses against substituting themselves for the judiciary. As noted by veteran legal journalist Mr. Dhananjay Mahapatra, “*Over the years, many trials have been manipulated. The accused’s strategy of controlling witnesses has succeeded, while lawyers and judges often stand disabled by media-driven narratives.*”<sup>22</sup> This statement starkly underscores the disruptive power of media trials—not only in influencing public perception but in potentially obstructing justice itself.

Hence, while the media remains a cornerstone of democracy, it must wield its power with responsibility and restraint. The thin line between investigative journalism and judicial interference must not be crossed, lest it compromise the very ideals it seeks to uphold.

A media trial occurs when the media attempts to pronounce judgment on an ongoing legal matter, influencing public perception and potentially prejudicing judicial proceedings. While media scrutiny can bring attention to issues that may otherwise be suppressed, the danger lies in bypassing due process<sup>23</sup>.

Media trials refer to the coverage of sub-judice matters by the press in a way that may influence public perception and, indirectly, judicial outcomes. While media can spotlight miscarriages of justice or bring attention to neglected issues, unregulated narratives can undermine legal safeguards and violate the principle of presumption of innocence. The media, in such instances, assumes roles beyond its constitutional mandate, acting simultaneously as prosecutor, judge, and jury.

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<sup>22</sup> Dhananjay Mahapatra, Criminal Justice System Has Collapsed: SC, Times Of India, Feb. 6 2009

<sup>23</sup> Naresh Kumar & Rahul Varshney, *Trial by Media and Its Effect on Fair Trial*, Vol. 2 MVN U. L. Rev. 45, 45–52 (2021).

Media trials in India have had a significant influence on the judicial process, yielding both constructive and detrimental outcomes. On the positive side, persistent media attention has, at times, played a crucial role in highlighting systemic shortcomings and galvanizing public demand for accountability and legal reform. Notable examples include the Jessica Lal murder case and the Nirbhaya gang rape case<sup>24</sup>, where intense media coverage led to the reopening of investigations, public outcry, and ultimately, the enactment of stricter laws to address the issues at hand. However, this influence is not without its drawbacks.

## FAIR TRIAL

*“We are witnessing media running kangaroo courts. Freedom of speech is essential, but freedom of speech cannot mean the freedom to prejudice a trial.”- Justice N.V. Ramana*

The golden rule that runs through the web of civilized criminal jurisprudence is that an accused is presumed innocent until proved guilty of the charged offence. Presumption of innocence is a human right recognized as such under Article 14(2)<sup>25</sup> on the International Covenant on Civil and Political Rights 1966<sup>26</sup>. Article 11(1)<sup>27</sup> of the Universal Declaration of Human Rights 1948, also provides that any person charged with penal offences has a right to be presumed innocent until proved guilty according to law in public trial in which he has all the guarantees necessary for his defence<sup>28</sup>.

A just society is fundamentally anchored in the principle that every accused person is entitled to a fair trial—an essential safeguard against arbitrary power and a cornerstone of the rule of law. This principle is enshrined in Article 10<sup>29</sup> of the Universal Declaration of Human Rights (UDHR), which affirms that *“everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.”* This universal recognition underscores that fairness in judicial proceedings transcends national borders and forms the moral and legal foundation of criminal justice systems worldwide. The right to a fair trial is a universally recognized principle embedded in international, regional, and domestic legal frameworks<sup>30</sup>.

Principles of fair trial: the following are the principles of fair trial:- i) Adversary trial system : ii) Presumption of innocence iii) Independent, Impartial and Competent judge: iv) Knowledge of

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<sup>24</sup> Nirbhaya Gang Rape Case

<sup>25</sup> International Covenant on Civil and Political Rights, § 14(2), No. 999, Acts of Parliament, 1966 (UN).

<sup>26</sup> Adopted and opened for signature, ratification and accession by General Assembly Resolution 2200 A (XXI) of 16 December 1966. Entered into force on 23 March 1976 in accordance with article 49.

<sup>27</sup> Universal Declaration of Human Rights, 11(1), No. A/RES/217(III), Acts of Parliament, 1948 (UN).

<sup>28</sup> Art. 14(1), ICCPR, (1966) 999 UNTS 171, 1976 Can. T.S. No. 47, in force, including Canada, 1976.

<sup>29</sup> Universal Declaration of Human Rights, § 10, No. A/RES/217(III), Acts of Parliament, 1948 (UN).

<sup>30</sup> IP & Legal Filings, [https://www.ipandlegalfilings.com/media-trials-and-judicial-integrity-analysis/?utm\\_source=chatgpt.com](https://www.ipandlegalfilings.com/media-trials-and-judicial-integrity-analysis/?utm_source=chatgpt.com) [(last visited May 20, 2025)].

accusation: v) Right to open trial vi) Right to free legal aid vii) Right to free legal aid viii) The trial in the presence of the accused ix) Evidence to be taken in the presence of the accused x) Protection against illegal arrest xi) Right to bail xii) Prohibition on double jeopardy xiii) Right against self-incrimination

The idea cannot be included in a legislation, and Indian courts have progressively broadened its definition to cover a range of criminal procedure-related topics.

Under European Union law, Article 6<sup>31</sup> of the European Convention on Human Rights (ECHR) guarantees a fair and public hearing within a reasonable time by an independent and impartial tribunal, along with essential rights such as legal representation, presumption of innocence, and interpretation assistance<sup>32</sup>. The European Court of Human Rights (ECtHR) has reinforced these protections in landmark rulings like *Salduz v. Turkey*<sup>33</sup> and *Pélissier and Sassi v. France*<sup>34</sup>.

In the United States, the Fifth, Sixth, and Fourteenth Amendments collectively uphold due process, legal counsel, impartial jury trials, and protection against self-incrimination. Decisions such as *Gideon v. Wainwright* and *Sheppard v. Maxwell*<sup>35</sup> have significantly shaped the contours of fair trial rights.

In India, the right to a fair trial is read into Article 21 of the Constitution, fortified by Articles 14 and 20(3), and elaborated through statutory provisions in the Criminal Procedure Code. Media trials create a conflict between two fundamental public rights: freedom of the press and the right to a fair trial. This tension has made media trials a problematic issue. Press freedom is based on the public's right to be informed about decisions affecting them, justifying investigative journalism and public campaigns.

In *Zahira Habibullah Sheikh & Anr v. State of Gujarat*<sup>36</sup>, the Supreme Court emphasized that the concept of a fair trial cannot be rigidly or exhaustively defined; instead, its applicability must be assessed case by case, depending on whether any action before or during the trial compromised fairness to the extent of causing a miscarriage of justice. A truly fair trial demands the absence of bias or prejudice towards the accused, witnesses, or the subject matter. The idea of a "media trial" arises when media reporting interferes with legal proceedings, potentially denying the accused a fair and unbiased hearing. Defined a fair trial as one conducted by an impartial judge and prosecutor in

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<sup>31</sup> Article 6 of the European Convention on Human Rights, in *Human Rights Act 1998*, § 1, No. 42, Acts of Parliament, 1998 (UK).

<sup>32</sup> ECOSOC 2006/23, reference to the principles by the Commission on Human Rights of the United Nations General Assembly in 2006 A/HRC/4/25, Paragraph 19.

<sup>33</sup> *Salduz v. Turkey*, App No. 36391/02, ECtHR (2008)

<sup>34</sup> *Pélissier and Sassi v. France*, App No. 25444/94, ECtHR (1999)

<sup>35</sup> *Sheppard v Maxwell* 346 F.2d 707 (1965)

<sup>36</sup> ((2004) 4 SCC 158)



a calm judicial environment, free from bias or prejudice. Articles 14<sup>37</sup>, 20, 21, and 22<sup>38</sup> of the Constitution guarantee every person within India the right to a fair trial, which is an unalienable right under Article 21<sup>39</sup>, interpreted alongside Article 14.

In *R. Rajagopal v. State of Tamil Nadu*<sup>40</sup>, the Court held that press freedom includes the right to discuss public figures' involvement in public matters but requires a balance with privacy rights and protection against defamation, in line with democratic principles. Thus, press freedom is derived from Article 19(1)(a)<sup>41</sup> of the Constitution, which guarantees freedom of speech and expression to all citizens equally. The press does not enjoy any special privileges beyond those granted to ordinary citizens and is subject to the same restrictions applicable to all.

## INDIA POSITIONS

The concept of press freedom dates back to 1766 with Swedish legislation and is now recognized as a fundamental human right under Article 19 of the Universal Declaration of Human Rights. Similarly, the Indian Constitution guarantees freedom of speech and expression under Article 19(1)(a)<sup>42</sup>, although this right has limits related to sovereignty, security, morality, and other concerns. Article 19(1)(a)<sup>43</sup> of the Indian Constitution guarantees the right to freedom of speech and expression, which includes the freedom of the press. However, this right is not absolute. Article 19(2)<sup>44</sup> permits reasonable restrictions in the interest of contempt of court, defamation, and public order. The media influences public opinion and plays a critical role in demanding justice, but it must not overstep by usurping judicial powers, as both the judiciary and media are crucial for societal progress.

India ranks 159 out of 180 countries in the 2024 World Press Freedom Index by Reporters Without Borders. This decline reflects a confluence of factors, including increasing legal threats, violence against journalists, and media polarization driven by political and commercial interests.

In the landmark case *The Secretary, Ministry of Information and Broadcasting v. Cricket Association of Bengal*<sup>45</sup>, the Supreme Court held that the government does not have exclusive control over electronic media. It affirmed that under Article 19(1)(a) of the Constitution, individuals have the right to broadcast or

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<sup>37</sup> Constitution of India, §§ 14, No. 1, Acts of Parliament, 1950 (IN).

<sup>38</sup> Constitution of India, §§ 22, No. 1, Acts of Parliament, 1950 (IN).

<sup>39</sup> Constitution of India, 21, 22, No. 1, Acts of Parliament, 1950 (IN).

<sup>40</sup> (1994) 6 SCC 632

<sup>41</sup> Constitution of India, §§ 19(1)(a), No. 1, Acts of Parliament, 1950 (IN).

<sup>42</sup> *Supra* note 39

<sup>43</sup> *Supra* note 39

<sup>44</sup> Constitution of India, §§ 19(2), No. 1, Acts of Parliament, 1950 (IN).

<sup>45</sup> *The Secretary, Ministry of Information and Broadcasting v. Cricket Association of Bengal*, (1995) 2 SCC 161

telecast important events occurring globally. The Court emphasized that broadcasting services should be regulated by the public rather than the government.

Similarly, in *Bennett Coleman & Co. v. Union of India*<sup>46</sup>, the Court recognized a free press as an essential element of the broader right to freedom of expression. Although it upheld the Newsprint Control Order of 1962—which regulated the minimum number of pages a newspaper could publish—the Court acknowledged its impact on the fundamental right guaranteed by Article 19(1)(a).

In *Indian Express Newspapers (Bombay) Pvt. Ltd. v. Union of India*<sup>47</sup>, the judiciary underscored that freedom of the press is central to political and social discourse. The verdict asserted that any law or executive action that curtails free speech should be invalidated. Moreover, it emphasized the press's responsibility to scrutinize government actions and expose shortcomings in order to serve public interest and facilitate an informed democratic society.

In the more recent case of *Vinod Dua v. Union of India*<sup>48</sup>, the Supreme Court dismissed sedition and other charges brought by a BJP leader against journalist Vinod Dua, who had criticized Prime Minister Narendra Modi and the central government. The Court referred to the precedent set in *Kedar Nath Singh v. State of Bihar*<sup>49</sup>, reiterating that journalists are entitled to constitutional protection for expressing critical views.

In the Bofors case (*Kartongen Kemi Och Forvaltning AB and Ors. v. State through CBI*<sup>50</sup>), the Delhi High Court highlighted the positive role of media in the criminal justice system. The Court acknowledged that media coverage can encourage witnesses to come forward, deter false testimony by placing witnesses under public scrutiny, reduce crime through societal condemnation, and promote public discussion on important matters.

The Supreme Court, in *State of Maharashtra v. Rajendra Jawanmal Gandhi*<sup>51</sup>, cautioned that trials must follow the procedures prescribed by law. It emphasized that media trials or trials influenced by public pressure undermine the rule of law and risk causing injustice. Judges must protect the judicial process from such external pressures, strictly follow legal procedures, and base their decisions solely on the evidence before the court.

The Aryan Khan drug case (2021)<sup>52</sup> and the Sushant Singh Rajput case (2020) serve as stark reminders of the perils of media overreach in high-profile criminal investigations. In Aryan Khan's case, the Narcotics Control Bureau's arrest of the Bollywood actor's son sparked intense media

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<sup>46</sup> *Bennett Coleman & Co. vs Union of India*, AIR 1973 SC 106.

<sup>47</sup> *Indian Express Newspapers (Bombay) (P) Ltd. v. Union of India*, (1985) 1 SCC 641

<sup>48</sup> *Vinod Dua vs Union of India*, LL 2021 SC 266

<sup>49</sup> *Kedar Nath Singh vs State of Bihar*, AIR 1962 Supp. (2) SCR 769.

<sup>50</sup> 2004 (72) DRJ 693

<sup>51</sup> *Supra* note 18

<sup>52</sup> *Aryan Khan Drug Case* (2021)

speculation, with television channels circulating unverified evidence and drawing premature conclusions about his guilt. However, the Bombay High Court ultimately found no substantive evidence of drug possession or consumption, underscoring the dangers of media narratives that precede judicial scrutiny. Similarly, the tragic death of actor Sushant Singh Rajput<sup>53</sup> prompted an aggressive media campaign, wherein several outlets engaged in speculative reporting and implicated various individuals—most notably actress Rhea Chakraborty—without substantiated proof. Regulatory bodies such as the Press Council of India and the News Broadcasting Standards Authority later condemned the coverage as sensationalist and unethical. Both cases reveal how media trials can compromise the presumption of innocence, obstruct due process, and highlight the urgent need for stricter regulatory frameworks to uphold journalistic responsibility and protect the integrity of the justice system.

## US POSITION

The United States, as the birthplace of modern free speech jurisprudence, holds press freedom as a foundational right under the First Amendment. However, this freedom often collides with the Sixth Amendment, which guarantees every accused the right to a fair trial by an impartial jury. This tension becomes pronounced during high-profile cases, where intense media scrutiny risks prejudicing legal proceedings. The U.S. legal system has responded to this challenge by developing a set of judicial tools aimed at balancing these competing constitutional values.

A landmark example is *Sheppard v. Maxwell* (1966)<sup>54</sup>, where the U.S. Supreme Court overturned a murder conviction due to the "carnival atmosphere" created by media coverage, affirming that courts must take strong measures to ensure impartial proceedings.

More recently, the trial of Derek Chauvin for the murder of George Floyd showcased the judiciary's proactive approach, where extensive jury screening and cautionary instructions were employed to minimize the impact of media narratives.

Unlike countries with strict contempt laws or centralized media regulation, the U.S. relies on judicial discretion and procedural remedies to strike a balance between press freedom and judicial fairness. Nevertheless, the rise of social media and decentralized news dissemination continues to challenge traditional safeguards, highlighting the need for ongoing adaptation in the face of an evolving media landscape.

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<sup>53</sup> Sushant Singh Rajput Case (2020)

<sup>54</sup> *Sheppard v. Maxwell*, 384 U.S. 333 (1966) – U.S. Supreme Court

## INTER-RELATIONSHIP BETWEEN MEDIA TRIALS AND ARTICLE 21

Article 21 of the Indian Constitution guarantees the fundamental right to life and personal liberty, a provision that the Supreme Court of India has interpreted broadly to include the right to a fair and impartial trial. These rights are the foundation of criminal jurisprudence, ensuring that every accused person has a fair opportunity to defend themselves in court, free from external biases or influences. However, the rise of sensational media coverage and media trials presents significant challenges to this constitutional protection. Media trials occur when news outlets and social media platforms intensely cover ongoing criminal cases with speculative reporting, often portraying the accused as guilty before the court has reached a verdict. Such coverage can undermine the accused's presumption of innocence, a fundamental principle of criminal law, and cultivate a biased public opinion that may influence judges, prosecutors, and jurors. This phenomenon thus undermines the very essence of Article 21 by compromising the accused's right to an unbiased and fair hearing. While the Indian Constitution also protects the freedom of speech and expression under Article 19(1)(a), this right is not absolute and is subject to reasonable restrictions under Article 19(2), which includes restrictions related to contempt of court, defamation, and maintaining public order. The judiciary has recognized the inherent tension between these two constitutional rights—the freedom of the press and the right to a fair trial—and has emphasized the need to balance them carefully. For instance, in *Sahara India Real Estate Corp. Ltd. v. SEBI* (2012)<sup>55</sup>, the Supreme Court emphasized the judiciary's power to defer or regulate the release of information in some instances to keep away from trial by media and maintain the integrity of the judicial process. Likewise, the Contempt of Courts Act, 1971 authorizes courts to penalize publications that predispose towards interfering with the administration of justice.

Despite these legal safeguards, the rapid growth of 24/7 news channels and digital media platforms has made it increasingly difficult to control prejudicial reporting. The intense media spotlight on high-profile cases such as the Aryan Khan drug case and the Sushant Singh Rajput death investigation has drawn criticism for sensationalism and irresponsible journalism, which arguably compromised fair trial rights. Media trials can also exert pressure on investigative agencies and influence judicial outcomes, raising serious concerns about the erosion of judicial independence and the rule of law.

In response, legal experts and courts have advocated for stronger regulatory mechanisms to hold the media accountable without compromising press freedom. Suggestions include empowering self-

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<sup>55</sup> *Sahara India Real Estate Corp. Ltd. v. SEBI*, (2012) 10 SCC 603

regulatory bodies like the Press Council of India with binding enforcement powers, introducing stricter contempt proceedings for prejudicial reporting, and enhancing media literacy among the public to critically assess news content. Ultimately, protecting the right to a fair trial under Article 21 and preserving the indispensable role of the press in a democratic society demands a delicate, balanced course of action. It demands cooperation between the judiciary, legislature, press associations, and civil society in order to build mechanisms that protect justice and democratic principles in an age of widespread media power.

## CONCLUSION

The media possesses tremendous power in a democratic government and plays a critical role in influencing public perception. However, with this power comes the responsibility to act ethically and maintain public trust. Media freedom is essential, but it must be exercised within the bounds of reason. Absolute freedom can be dangerous if misused, and it should not override the rights of others. As highlighted in *R.K. Anand v. Delhi High Court*<sup>56</sup> the judiciary must draw the line—the *Lakshman Rekha*—to ensure that media does not interfere with the due process of law.

While the press is rightly seen as the fourth pillar of democracy, it must operate with transparency and integrity. In an era dominated by digital and 24/7 media, it has become an integral part of daily life. Yet, when media oversteps and engages in sensationalized "media trials," it risks undermining the very justice system it is meant to support. The state must avoid unjust censorship, but the media must also self-regulate and avoid prejudicing investigations or trials. Responsible journalism is the foundation of a strong democracy.

Hence, while freedom of the press is a cornerstone of Indian democracy, its exercise must be tempered with responsibility. The judiciary has consistently held that restrictions must not be excessive or arbitrary, and should align strictly with the grounds mentioned in Article 19(2). In a time of rising sensationalism and media trials, the need for ethical journalism and institutional self-regulation becomes paramount. The press must act as a responsible pillar of democracy—not only free but also fair, factual, and accountable.

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<sup>56</sup> *R.K. Anand v. Delhi High Court*, (2009) 8 SCC 106