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# MEDIA TRIAL VIS-A-VIS FREEDOM OF PRESS IN INDIA: A CRITICAL ANALYSIS

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## ABSTRACT

Media plays an important role in every democracy. It aware public about day to day happening, raise the voice of public, keep check on the actions of the government. Freedom of Press is one of the fundamental right under article 19(1)(a) of the Indian Constitution. However in exercising its right media sometime exceeds it limits and hampers the trial conduct by court. It starts parallel trial along with the court and start disseminating the case without full knowledge and permission of court. This media trial has adverse effect on accused and also detrimental effect on administration of justice as judges get pressurized to decide the case in certain way. This article deals with the analysis whether media trial comes under Freedom of Press under Article 19(1)(a) of the Constitution, how media trial cause hindrance, and suggestions to deal with it.

*Keywords:* Media, Trials, Freedom of Press, Constitution, Supreme Court.

## INTRODUCTION

Indian constitution provides certain fundamental rights which are basic rights required to live in democratic society. One of such right includes freedom of speech and expression<sup>3</sup>, which though does not mention freedom of press but that is implicitly included within this right<sup>4</sup>. Through various judicial pronouncements<sup>5</sup> court held that freedom to press is very important in today's society hence along

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<sup>3</sup> The Constitution of India, art.19(1)(a).

<sup>4</sup> VII, Constituent Assembly Debates, 980. Dr.B.R. Amedkar in the Constituent Assembly Debate said that "Democracy can thrive not only under the vigilant eye of its legislature, but also under the care and guidance of public opinion and the press is par excellence, the vehicle through which opinion can become articulate. The press has no special rights which are not to be given or which are not to be exercised by the citizen in his individual capacity. The editor of a press or the manager is merely exercising the right of the expression, and therefore, no special mention is necessary of the freedom of the press."

<sup>5</sup> *Indian Express Newspapers v Union of India* (1985)2 SCR 287, *Brij Bhushan v. State of Delhi* (1950) AIR 129(SC).

with the judicial system, executive branch, and legislative, the media is taken as the fourth pillar of democracy<sup>6</sup>. In order to modify people's perception and also to enhance the awareness regarding social issues, the media is vital. A democracy has no meaning without a liberated press<sup>7</sup>. However, in recent past years, the media has overreached itself and has also entered into the judicial system by holding trials in concurrence with the courts. Due to the active role of media the public court does not acknowledge the notions of "innocent until proven guilty"<sup>8</sup> and "guilty beyond reasonable doubt"<sup>9</sup>. Media trial in simple words means that when happening of any wrong activities or crime come to the knowledge of media; media without the analysis of case and a proper judgment by the court; itself get involved in the investigation of the case and without any proper and authority give a judgment that a certain person is guilty<sup>10</sup>. In *K.M. Nanavati v. State of Maharashtra*<sup>11</sup> the apex court said that "Media trials are defined as certain regional or national news events in which the criminal justice system is co-opted by the media as a source of high drama and entertainment." Trials by media typically start even prior to the courts get a opportunity to try the case; the media does begins its own investigation and disseminates the information so that the public may make up its mind either in favor of or against the accused before the trial ever takes place<sup>12</sup>. The accuser's right of a fair trial is violated as a result of these actions, which negatively affect the trial itself. Although the media has received credit for increasing consciousness over the past ten years, they have mostly come under radar for their excessively interfering reporting of some topics, particularly those concerning well-known people. Media regulation is a challenging, tricky and also complex undertaking in this era of electronic media. It is doubtful whether it is good or bad but the Indian government does not enforce any rules regarding media regulation. Because of this almost complete lack of oversight, the media has emerged as the

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<sup>6</sup> Anubhav Garg, "The Fourth Pillar of Indian Democracy: Freedom of the Press", available at <https://blog.ipleaders.in/the-fourth-pillar-of-indian-democracy-freedom-of-the-press/> (last visited on June 20, 2025).

<sup>7</sup> Ibid.

<sup>8</sup> "This is a legal principle that every person accused of any crime is considered innocent until proven guilty. Under the presumption of innocence, the legal burden of proof is thus on the prosecution, which must present compelling evidence to the trier of fact (a judge or a jury)". *Noor Aga Singh v State of Punjab* (2008) AIR SCW 5964, available at <https://www.casemine.com/judgement/in/56b4948e607dba348f00d3d6> (last visited on June 20,2025).

<sup>9</sup> It is considered to be one of the highest standards of proof in criminal law, and it ensures that individuals are not convicted unless their guilt has been proven beyond any possible question. *Noor Aga Singh v State of Punjab* (2008) AIR SCW 5964, available at <https://www.casemine.com/judgement/in/56b4948e607dba348f00d3d6> (last visited on June 20,2025).

<sup>10</sup> Aditte Dash, "Media Trials: Misuse of Freedom of Speech and Deterrent in the path of Justice" *Manupatra*(July 2021) available at <https://articles.manupatra.com/article-details/Media-Trials-Misuse-of-Freedom-of-Speech-and-Deterrent-in-the-path-of-Justice> (last visited on June 20,2025).

<sup>11</sup> AIR1962 SCR Supl. 605.

<sup>12</sup> Ruchika Mohapatra, "Trial by Media in India: Effect on Judiciary, Democracy and Society" *Lawctopus*(2024) available at <https://lawctopus.com/clatalogue/clat-pg/trial-by-media-in-india/> (last visited on June 20,2025).

most powerful medium for mass communication, and it regularly transgresses fundamental media ethics to the disappointment of everybody. When the media is allowed unchecked, unfettered authority to publish and transmit information in regard to cases, it breeds injustice among the public and those in charge of determining the accused's guilt in court<sup>13</sup>. The accused's trial may be significantly affected by this. These days, the media has a big say in the outcome of high-profile trials, together with evaluating and making commentary about the effectiveness of the court where the trial is taking place. Numerous studies have effectively demonstrated the direct or indirect impact of media trials on the legal system<sup>14</sup>. Due to its detrimental impact on society as a whole, media trials have become a significant issue in India that need immediate attention. The power of the judiciary or court of law is currently being challenged by the media, which has suddenly become a powerhouse. The unbridled and unrestrained power of freedom of the press has made the judiciary a mere quiet spectator and scapegoat.<sup>15</sup> People in hope of justice go to the court where they suppose that unaffected, unbiased as well as fair judgment would be given to them. But unnecessary involvement of media, their unfair practices like media trial do affect the justice system. Hence there should be balance between freedom of press and exploiting its freedom by the media.

## **MEDIA TRIAL WHETHER PART OF FREEDOM OF PRESS**

According to the Supreme Court, the media's wide-ranging persuade can seriously harm a person's image by giving the notion that they are culpable even before a court of law has even rendered a judgment<sup>16</sup>. This occurs more frequently in high-profile cases where the media incites public panic, putting the accused's life in jeopardy and portraying him as guilty regardless of the court's decision. After that, the accused will have to live his whole life under observation from the public. What began as a publicity stunt to draw more viewers has gone on for too far that it is threatening the democracy from which it derives its authority. Article 19 of the Indian Constitution protects the right to free speech as well as expression<sup>17</sup>. Trial by the media and its principles are not mentioned anywhere in the Constitution. Freedom of speech and

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<sup>13</sup>Tanya Arora, "Don't cross the line: Courts on media trials and erring conduct of anchors" *Citizen for Justice and Peace* (2024) available at <https://cjp.org.in/dont-cross-the-line-courts-on-media-trials-and-erring-conduct-of-anchors/> (last visited on June 16, 2025).

<sup>14</sup> *Ibid.*

<sup>15</sup> *Supra* note 8.

<sup>16</sup> *Saibal Kumar Gupta and Ors. v. B.K. Sen and Anr* 1961 AIR 633.

<sup>17</sup> Mohd. Aqib Aslam, "Trial By Media And Its Impact" available at <https://www.legalserviceindia.com/legal/article-7099-trial-by-media-and-its-impact.html> (last visited on June 20,2025).

expression includes within it freedom of the press and media.<sup>18</sup> Regardless of the intermediate being used, the foundation perception of freedom of speech is the expression as well as communication of ideas. However, this article contains some boundaries that limit the freedom; the legislature can enforce rational limitations on how this right can be exercised. "Democracy can thrive not only under the vigilant eye of its legislature, but also under the care and guidance of public opinion and the press is par excellence, the vehicle through which the opinion can become articulate,"<sup>19</sup> the Indian Press Commission said in a discussion of this topic. The freedom granted to the nation's citizens is not in any way given more weight or a higher status than press freedom. During the Constituent Assembly Debates, Dr. B. R. Ambedkar discussed press freedom, saying that "the press has no special rights which are not given or which are not to be exercised by the citizens in his individual capacity. The editor of a press or the manager is merely exercising the right of the expression and therefore no special mention is necessary of the freedom of the press"<sup>20</sup>. Through a number of case laws, the Honorable Court has underlined time and again how crucial a free press is to a democracy. The Court ruled in *Romesh Thapar v. State of Madras*<sup>21</sup> that freedom of the press is a part and parcel to freedom of speech and expression. By disseminating information that enables the public to learn more about their own chosen government, the media can be defined as an organization that serves the public interest. One of the main reasons the government is eager to restrict their freedom is because the media frequently criticizes the government and points out flaws in its policies. In India, press freedom cannot be limited unless and until it is used extremely, in which case such limitations would be defensible. Although press freedom is a fundamental component of democratic system, it must be condensed when it begins to overreach and impede the efforts of other democratic actors. On the grounds of unconstitutionality, the petitioner in *Sakal Papers Ltd. v. Union of India*<sup>22</sup> challenged "The Newspaper (Price and Page) Act, 1956" and "The Daily Newspaper (Price and Control) Order, 1960" because the government imposed irrational limitations on the number of pages that could be published and the lowest amount price at which the newspaper could be sold. The setback was that the government had asked the petitioners to elevate the newspaper's price while maintaining the same page count. As a result, there was less circulation. The Supreme Court ruled that it is worthless to raise the price of some papers to an unappealing level in order to decrease their circulation. The court's conclusion was

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<sup>18</sup> *Supra* note3.

<sup>19</sup> *Supra* note2.

<sup>20</sup> VII, Constituent Assembly Debates, 980. Dr.B.R. Amedkar in the Constituent Assembly Debate.

<sup>21</sup> AIR1950 SC124.

<sup>22</sup> AIR1962 SC 305.

that since the freedom of speech and expression guaranteed by Article 19 of the Indian Constitution includes the right to publish and circulate, it can only be restricted on the grounds specified in Article 19 (2) of the Constitution. Though they are unsure of the limitations that should be in place to prevent misuse, even liberals believe that unrestricted freedom of speech and expression in the media could result in destruction. The restrictions outlined in Article 19(2)<sup>23</sup> were a well-considered step to ensure a functioning democracy and to keep an eye on the media. These limitations begin with the "right to reputation," the law pertaining to "contempt of court," and so on. When the press or media engages in libel or slander against an individual or organization, they are held accountable. The freedom of the media cannot be used to violate someone's right to privacy.

## IS MEDIA TRIAL HINDRANCE TO FAIR TRIAL

It is rational to grant that the media has sparked a conflict between press freedom and a fair trial. When questioned about this, the media argues that a democracy cannot exist without a free press and media, which is a right derived from the people's right to be informed about the daily activities of their elected government on issues that impact them.<sup>24</sup> In order to boost their viewership, the media repeatedly has a tendency to distort the facts to go well with their own interests, which habitually leads to a disappearance from the rule of law.<sup>25</sup> The right to a fair trial for those involved in such a case or trial is flattened by this departure and outwit into the judiciary. By biasing facts, it violates citizens' rights, which is why it's critical to strike a balance between the press's freedom of speech and citizens' rights to a fair trial. Like press freedom, the right to a fair trial is a fundamental component of a democratic society.<sup>26</sup> The entire basis of democracy would be up ended as media trials caused people to begin suspicion against judiciary's ability to administer justice. Even though there have been cases where media interfering has helped victims as well as accused people to get justice, there is still the question of whether the right to free speech can be expanded in a way that compromises the right to a fair trial. The media seldom distinguishes among an accused person and a convicted person, which

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<sup>23</sup>The Constitution of India, art. 19(2).

<sup>24</sup> Drishti IAS, "*What Role does Media Play in Promoting Democracy?*" available at [https://www.drishtias.com/daily-updates/daily-news-editorials/media-bias-and-democracy/print\\_manually](https://www.drishtias.com/daily-updates/daily-news-editorials/media-bias-and-democracy/print_manually) (last visited on June 20, 2025).

<sup>25</sup> Shabnam Saidalavi, School of Legal Studies, Cochin, "*Media trial: freedom of speech v. fair trial*" available at [https://www.lawctopus.com/academike/media-trial-freedom-of-speech-v-fair-trial/#:~:text=In%20India%20the%20Right%20to,a\)%20of%20the%20Constitution%20and](https://www.lawctopus.com/academike/media-trial-freedom-of-speech-v-fair-trial/#:~:text=In%20India%20the%20Right%20to,a)%20of%20the%20Constitution%20and) (last visited on June 20, 2025).

<sup>26</sup> "It is the principle that the right to have a court proceeding that is fair and effective, regardless of the outcome". *Zahira Habibullah Sheikh and ors. v. State of Gujarat* (2004) 3 S.C.R. 1050.

also has blow on the “audi alteram partem principle”<sup>27</sup>. Therefore, even before the court's verdict, the media almost always declares the accused guilty, which causes public hysteria that destroys the accused's life even if he is later found not guilty. The media has acknowledged the position of a Court of Public<sup>28</sup>, which not only presents skewed viewpoints and manipulates the facts, but also exerts pressure on the courts to follow their reports and opinions. The core of democracy and our Constitution is the right to a fair trial<sup>29</sup>, which encompasses a number of other rights like the right of a speedy trial<sup>30</sup>, the right of legal representation,<sup>31</sup> and the right to be presumed innocent until proven guilty<sup>32</sup>. This right is crucial for maintaining the reliability of the legal system and the public's trust in it, in addition to helping the accused. Among another cases, cases of Sexual offenses, in which the media probes the victim's sexual past and occasionally publishes it, are the worst cases depicted<sup>33</sup>. As is often the case, this causes harsh social disgrace and may also lead to the sufferer taking their own life. The victims' and accused's reputations are at risk because they are treated like news stories. The focus of recent news stories has shifted from topics of public interest to topics in which public is interested<sup>34</sup>. Because there is more room for broadcasting and almost no surveillance, the use of electronic media has led to an increase in these media trials. Parallel trials<sup>35</sup> by the media, particularly in under trial matters, spoil a judge's ability to deliver a fair decision based on the merits of the case. The judge is portrayed as a biased, dishonest individual who is incapable of carrying out his or her duties if the judge rules or renders a verdict that differs from the opinion or verdict expressed by the

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<sup>27</sup> “This principle means no man should be condemned unheard or both the sides must be heard before passing any order.” Ashwini Dhanapalan, “*Audi Alteram Partem*” available at <https://www.legalserviceindia.com/legal/article-46-audi-alteram-partem.html> (last visited on June 30,2025).

<sup>28</sup> Media is not court like other Courts. But here media is called Court of Public as it represent and protect the rights of the Public. *LawTeacher The Law Essay Professionals*, “Effect of Trial by Media before Indian Courts” available at <https://www.lawteacher.net/free-law-essays/commercial-law/effect-of-trial-by-media-before-courts-law-essay.php> (last visited on June 30, 2025).

<sup>29</sup> *Supra* note 24.

<sup>30</sup> *Kartar Singh v. State of Punjab* [1994 SCC (3) 569]. “The right to a speedy trial is a human right that ensures that a criminal suspect's trial is not delayed by the government prosecutor in an arbitrary or indefinite manner. It is a fundamental right under Article 21 of the Constitution of India”.

<sup>31</sup> Shankarlal Raheja “*Understanding the jurisprudence of an accused's right to legal representation*” available at <https://blog.ipleaders.in/understanding-jurisprudence-accuseds-right-legal-representation/> (last visited on June 29, 2025).

<sup>32</sup> *Supra* note 6.

<sup>33</sup> Poulomi Banerjee, “Media walks a fine line while reporting on crimes like rape, sexual assault” *Hindustan Times*(2017) available at <https://www.hindustantimes.com/delhi-news/media-walks-a-fine-line-while-reporting-on-crimes-like-rape-sexual-assault/story-bTGRYSNH8fhdwMFdGEejI.html> (last visited on June 30,2025).

<sup>34</sup> Shashi Tharoor, “Media driven by breaking news culture: Shashi Tharoor” *The Hindu* (2024) available at <https://www.thehindu.com/news/national/kerala/media-driven-by-breaking-news-culture-shashi-tharoor/article67720210.ece> (last visited on July 4, 2025).

<sup>35</sup> NDTV, “*Media Runs "Parallel Trials" In Sub-Judice Matters, Supreme Court Told*” available at <https://www.ndtv.com/india-news/media-runs-parallel-trials-in-sub-judice-matters-supreme-court-told-1912047> (last visited on July 4,2025).

media. A very dangerous situation has arisen as a result of the ongoing scrutiny in subjudice matters. It can be assumed without any distrust that the media encompass vast authority and persuade over the public, this authority when distorted under the blanket of participative reporting affect the case by subconsciously disturbing the verdict of the judge, since the media has tried the case preceding to the pronouncement of the Court.

## CONSEQUENCES OF MEDIA TRIAL

Media trial affects the public opinion, judiciary in making decisions. India has seen a number of "media trial cases" due to its diverse population and active media. These incidents have sparked discussions about impartial reporting, journalistic ethics, and the effect on the accused's right to a fair trial. The 1999 *Jessica Lal Murder Case*: After the accused were found not guilty due to insufficient evidence, the media was crucial in reviving this well-known case. The primary accused was found guilty after the case was retried in response to public outcry sparked by media coverage<sup>36</sup>. The 2012 *Nirbhaya Rape Case* sparked nationwide demonstrations calling for stronger anti-sexual violence legislation and justice for Nirbhaya. In this case, the media was crucial in drawing attention to social problems and promoting change. Even though the aforementioned instances show how effectively the media can affect public opinion and court cases, it is crucial to make sure that the search for the truth does not compromise a person's rights.<sup>37</sup> As in case of *murder case of Sheena Bora* In a similar vein, news outlets covered every facet of the Sheena Bora murder case, including the investigation, the accused, and the purported motive. Because of how the case was portrayed in the media, many people thought that the main accused, Indrani Mukherjea, and the other accused were guilty before the court's decision. This resulted in a trial by public opinion. The way the case was covered by the media also sparked debate about the media's place in the nation's legal system.<sup>38</sup> Although when media put forward any news incident it is certainly good for public but when it extended it freedom it may be disadvantages to the society, or to the nation as whole such as:

- Incapable to decide between Fake and authentic

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<sup>36</sup> Gaurav Prakash and Raj Tomar, "*Jessica Lal murder case: The epitome of judicial and media activism in India*" available at <https://blog.ipleaders.in/jessica-lal-murder-case-the-epitome-of-judicial-and-media-activism-in-india/> (last visited on July 17, 2025).

<sup>37</sup> Divya Arya, "*Nirbhaya 10 years on: The lives the Delhi gang rape changed*" available at <https://www.bbc.com/news/world-63817388> (last visited on July 18, 2025).

<sup>38</sup> Garima Harsh, "*The Role of Mass Media in Investigation the Most Prominent Cases*" available at <https://legalvidhiya.com/the-role-of-mass-media-in-investigation-the-most-prominent-cases/> (last visited on July 27, 2025).

Though media represents fact of any case, but due to personal touch of media person, getting views of audience media present news in such way they seem to be unable to discriminate between what is real and what is fake; right and wrong; and good and bad; still new media tools have a tremendous amount of amplifying power. Hence Case decisions cannot be made based on media trials. *Harper Collins Publishers India vs. Sanchita Gupta @ Shilpi & Ors*<sup>39</sup>. is the case in which the Delhi High Court stated that while discussions/publications cannot be barred, baseless speculations infringe on individuals' reputations and must be curtailed. In *Harijai Singh and Anr v. Union of India*<sup>40</sup> Supreme Court held that "freedom of press is not absolute, unlimited and unfettered at all times and in all circumstances as giving as unrestricted freedom of the speech and expression would amount to an uncontrolled license. If it were wholly free even from reasonable restrictions it would lead to disorder and anarchy. The freedom is not to be misunderstood as to be a press free to disregard its duty to be responsible. In fact, the element of responsibility must be present in the conscience of the journalists. In an organized society, the rights of the press have to be recognized with its duties and responsibilities towards the society. Public order, decency, morality, and such other things must be safeguarded. The protective cover of press freedom must not be thrown open for wrong doings."

- False demonstration of facts

The media has been efficient in presenting actions that must remain confidential. Even though the accused have not yet been found culpable by a court of law, media trials have led to erroneous portrayal of them and lead to spoil their careers simply because they were represented by press media as culprit. Media trials have drawn a lot of criticism because they have the potential to compromise justice.<sup>41</sup> The basic presumption of innocence, which is a pillar of fair trial principles, may be undermined by media trials.

- Not Good for democratic system

The media has failed to fulfill its obligations, putting democracy at a disadvantage, impacting individuals and undermining the system. While electronic media has no accountability because what it shows disappears into thin air, print media still has some accountability. The judiciary's position on media trials is exemplified by the following additional court cases: In the 1961 case of *Saibal Kumar Gupta and Ors. vs. B.K. Sen and Anr.*<sup>42</sup>, the Supreme Court ruled that newspaper investigations during

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<sup>39</sup> AIR 2020 ONLINE DEL 1381.

<sup>40</sup>AIR 1997 SC 73.

<sup>41</sup> Kruti Brahbhatt, "Media trials and its impact on society and judiciary" available at <https://blog.ipleaders.in/media-trials-and-its-impact-on-society-and-judiciary/> (last visited on July29,2025).

<sup>42</sup>AIR 1961 SC 633.

ongoing trials could impede the administration of justice, potentially harming either the prosecution or the accused. In "*R.K. Anand v. Registrar, Delhi High Court*"<sup>43</sup> that a media trial held concurrently has no legal standing in our legal system because it puts the rights to "free speech and expression" and "right to a fair trial" at odds. The 2008 Aarushi Talwar Murder Case<sup>44</sup> is frequently mentioned as an example of a case where media trials went too far. In addition to having a detrimental effect on the lives of those involved, sensational reporting and baseless rumors also brought up ethical concerns in the media.

- Incite Hatred and Violence

Media depicts certain fake and paid news which have the power to affect public opinion and also disseminate disagreement among the different societal groups as well as hatred and violence.<sup>45</sup>

- Prejudices the Investigation

A case's investigation may be hampered by media trials. Numerous conspiracy theories were spread as a result of the media's coverage of the Sushant Singh Rajput case<sup>46</sup>, drawing attention away from the actual investigation. The case's media coverage was also criticized for influencing the verdict and interfering with the investigation.

- Undermines the Judicial Process

The judicial process may also be compromised by media trials. The *Hathras case's*<sup>47</sup> media coverage drew criticism for being insensitive and for breaking the law by disclosing the victim's identity. Such behavior has the potential to compromise the legal system and influence a case's verdict. Concerted campaigns against judges, particularly on social media, and media trials affect judicial functioning.<sup>48</sup> Justice delivery is being impacted by media debates on court-pending issues that are ill-informed, biased, and agenda-driven. Another detrimental effect of media trials, which is a significant accusation, is that it biases the judge making the decision or the case in question. In America, there is a powerful belief that the media's reports and trials have no bearing on the opinions of jurors and judges.<sup>49</sup> In

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<sup>43</sup> AIR 2013 SC 670.

<sup>44</sup> Vartika Nanda, "*Media trial in Aarushi Talwar case*" available at <https://vartikananda.com/vn-ki-paathshala/media-trial-in-aarushi-talwar-case/> (last visited on July 30,2025).

<sup>45</sup> *Supra* note 23.

<sup>46</sup> Sonam Saigal "Sushant case: media trial impacts investigation, says HC" (*The Hindu* 2021) available at <https://www.thehindu.com/news/cities/mumbai/sushant-case-media-trial-can-affect-probe-says-hc/article33600567.ece> (last visited on August 1,2025).

<sup>47</sup> Garima Harsh, "*The Role of Mass Media in Investigation the Most Prominent Cases*" available at <https://legalvidhya.com/the-role-of-mass-media-in-investigation-the-most-prominent-cases/> (last visited on August 1, 2025).

<sup>48</sup> Kurti Brahmhatt "*Media trials and its impact on society and judiciary*" available at <https://blog.ipleaders.in/media-trials-and-its-impact-on-society-and-judiciary/> (last visited on August 4, 2025).

<sup>49</sup> N.V.K. Murthy, "*Freedom of the Press and Fair Trial in the U.S.A.*" *36 Sage Journal* (1959)

contrast to America, India abolished the jury system a long time ago. It is thought that judges in our nation may be unconsciously influenced by the news. This unintended consequence arises because the judge is frequently under pressure to rule in favor of the publications by the media and the public, who have been influenced by the media. According to 20th-century renowned judge Lord Denning, media reports and publicity may have an impact on other men, but judges are immune to such influences. This opinion was not shared by the House of Lords. According to Justice Frankfurter, an individual who is qualified to serve as a judge cannot be intentionally swayed by what he observes or hears outside of the court.<sup>50</sup> The facts and arguments the judge hears are always the foundation for the court's decisions. However, since judges are only human and administering justice is a delicate task; careless publications could tempt them and divert them from the path of justice.

Contempt of court charges should be brought against news reports that are published with the goal of influencing the presiding judges' opinions on the subject. Such trials should not be held by the media because, even if the judges are impartial and qualified, they may be unconsciously swayed by their environment. It is impossible to completely rule out the possibility that such trials contribute to the development of biases and prejudices. The judicial system is at serious risk from biased remarks that are broadcast or published because they may affect both the judges and the litigants' witnesses. The Supreme Court ruled that "the grievance relating to trial by press would stand on a different footing" in *Balakerishna Pillai v. State of Kerala*<sup>51</sup>. Judges are not swayed by negative publicity or propaganda. The practice of investigative journalism has also been criticized by the court for impeding the gathering of evidence and interfering with the judicial process.

- Violates the Accused's Rights

The accused's rights may also be violated during media trials. The accused were portrayed negatively in the media's coverage of the Nirbhaya case<sup>52</sup>, which was criticized for swaying public opinion prior to the trial. Such conduct may impact a case's outcome and infringe upon the right to a fair trial. Sensational details and dramatic narratives are frequently the focus of media trials. It disregards the subtleties and complexity of court cases. An atmosphere where information, including private information, can spread quickly and unchecked has been created by the emergence of social media

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available at <https://journals.sagepub.com/doi/abs/10.1177/107769905903600305> (last visited on August 15, 2025).

<sup>50</sup>Att Gen v .BBC (1981) A.C.303; 354(HL); Advocate Koj,Report No. 200 available at <https://www.advocatekhoj.com/library/lawreports/trialbymediafreespeech/15.php?Title=Trials%20by%20Media%20free%20speech%20and%20fair%20trial%20under%20Criminal%20Procedure%20Code&STitle=In%20P.C.%20Sen%20in%20re%20the%20Supreme%20Court%20observed> (last visited on August16, 2025).

<sup>51</sup> AIR 1996 SC 901.

<sup>52</sup> *Supra* note 44.

and the 24-hour news cycle. The accused may suffer grave repercussions as a result of the trial media's harsh scrutiny and unfavorable depictions. This covers physical harm as well as threats and intimidation. Because it violates the concepts of fairness, impartiality, and due process, media trials have the potential to reduce public confidence in the legal system.<sup>53</sup>

- Sensationalizes Crime

Media trials have the power to incite fear as well as sensationalize crime. Sensationalizing the crime and fostering a culture of fear were two criticisms leveled at the media's coverage of the Nirbhaya case. Such behavior may be harmful to society and result in the stigmatization of particular groups. The Media Trial describes how media reporting affect a person's reputation or the conclusion of a case, usually prior to a court decision<sup>54</sup>. It entails how the media portrays of case details and accusations affect public opinion, which occasionally results in the presumption of guilt. Public opinion may be prejudiced by severe media coverage, which could put indirect pressure on the legal system. In states where jury trials are conducted, it may also affect the jury. But it's significant to keep in mind that in high-profile cases, media attention can also end result in more openness and scrutiny. Some actions that can be taken to counter balance these opposing views include strict observance to journalistic ethics, self-regulation within media organizations, unbiased and accountable reporting, and also encouraging media literacy among the common public.<sup>55</sup>

- Infringing right to privacy

Article 21 of Indian Constitution containing Right to Life and Liberty includes within it Right to Privacy<sup>56</sup> which means privacy of every person regarding personal life, sexual life, and other personal details of person should be preserved. Media in exercising its freedom for expressing its view, opinion do exceeds its right and in doing so it may expose personal information of person and hence infringing their rights to privacy.<sup>57</sup> In famous case of *Pradyuman Thakur*<sup>58</sup> apex court held that rumors and half-aware news by the media can harm the life and reputation of any person. In this case media report

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<sup>53</sup> Unacademy, "Trial by Media" available at <https://unacademy.com/content/upsc/study-material/law/trial-by-media/> (last visited on August 19, 2025).

<sup>54</sup> Laxmi Prasad Boda, "Case study of Media Trials and its Impact on Society and Judiciary" available at <https://www.lawctopus.com/academike/case-study-media-trials-impact-society-judiciary/> (last visited on August 20, 2025).

<sup>55</sup> Mayukh Gupta, "Constitutional Provisions Regarding Freedom of Press & Role Played by the Media in delivering Justice" available at <http://www.legalservicesindia.com/article/217/Freedom-of-Press-In-India.html> (last visited on September 10, 2025).

<sup>56</sup> *Justice K.S. Puttaswamy Retd. and Anr. v. Union of India*, (2017) 10 SSC 1.

<sup>57</sup> Dr. Poonam Kataria, Freedom of Press vis-à-vis Right to Privacy, 1 *INTERNATIONAL JOURNAL OF ADVANCED RESEARCH AND DEVELOPMENT* 36, 36-39 (2016).

<sup>58</sup> Vanya Verma, "Famous cases of media trials in India" available at <https://blog.ipleaders.in/famous-cases-media-trials-india/> (last visited on September 22, 2025).

about a bus conductor was falsely accused after a seven-year-old boy was discovered dead. Without a court trial, media trials found him guilty, which had serious repercussions for the conductor's career and personal life. This case serves as an example of how rumors in the media can unfairly impact people's lives.

Leading case of Supreme Court is the 2018 case of *Justice K.S. Puttaswamy (Retd) vs. Union of India*<sup>59</sup>, the Supreme Court acknowledged that media trials may violate people's right to privacy and warned the media against doing so. In another most highlighted case of death of film celebrity Sushant Singh Rajput (2020); Rhea Chakraborty, the actor's girlfriend, was subjected to constant media attention as well as character assassination after the passing of the actor which lead to various project loss by the actresses, mental harassment, unnecessary and negative trolling by the public at large. The investigation and administration of justice were hampered by media trials, as according to the Bombay High Court. The Supreme Court has repeatedly emphasized the need for responsible journalism and the negative consequences of media trials. Here are a few noteworthy examples: Case of Air India Urination (2023)<sup>60</sup> a man was accused of peeing on an Air India flight in this incident. The court emphasized that everyone has the right to dignity, which was violated in this case, and criticized media outlets for being motivated by TRP ratings.

## SUGGESTIONS

The media should not supply as a extraordinary agency for the court; they should only do is journalism. Although the media serves as a watchdog and provides as a forum for the public to gain knowledge of about social events, it is vital to understand that this has only resulted in global bias against a particular group of people or community. The media should be aware that its job is to bring attention to problems that the general public faces. For people who are unable to speak for themselves, the media can serve as a voice. Since India has a judiciary for this purpose, the media shouldn't render judgments.

- Making of stringent laws and regulations can be a great step in preventing media man; journalists from extending its rights and although by virtue of Article 19(2) of the Indian Constitution certain restrictions is imposed on press on its freedom but that is not sufficient

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<sup>59</sup> (2017) 10SSC1.

<sup>60</sup> The Economists, "*A humiliating incident on an Air India flight triggers outrage*" available at <https://indiatoday.in/law/story/air-india-urination-is-case-against-shankar-mishra-falling-flat-here-are-some-facts-2329586-2023-02-02cc> (last visited on September 21, 2025).

while dealing with the repercussions that follows from unethical act of media. It does not prevent from interfering in the court justice system, does not prevent from infringing right of privacy of the person. Hence effective legislations should be framed to prevent media from such practices. Providing punishment or imposing penalty of fine act as sanction to them and hence need of the time.

- While conducting interviews by the media person; the journalist should maintain the decency and dignity. Privacy of person should be maintained. Any questions; or allegations which tends to harm the reputation of the person should be avoided. Special care is required for more sensitive cases like rape victims; martial affairs cases etc. Following; stalking person at the name of getting information should be avoided. The first time a court set guidelines for how media outlets and networks should cover court cases was in the well-known Public Interest Litigation case known as Nilesh Navalakha v. Union of India. The Court released a number of guidelines, among them the following essential instructions: The victim's privacy and dignity must always be respected; It is best to keep the case's sensitive details private at all times. The admission or confession given in front of an investigator is not allowed to be published. Interviews with anyone involved in the case are prohibited when the case is still pending.
- Unbiased media is need of the time. Authentic by media should be at priority and in preserving it media should not be influenced by the politicians; influential person; celebrities and person of elite class and hence a true disclosure of information should be done by the media. In *Shreya Singhal case*, the Supreme Court once more addressed this issue, stating that while it is acceptable to discuss or support a cause, even if it is unpopular, when it proceeds unchecked, it is recommended that laws be put in place to control it. To put it another way, the court was saying that while media trials are morally and legally acceptable when they are conducted within the bounds necessary to guarantee a thorough investigation and an unbiased trial, they must be illegal when they go beyond that bound and are broadcast solely to create a sensation and make money.
- Authorities should be constituted to keep check on the unethical practices of the media; journalists. Although there are bodies like Press Council of India but bodies with no power to punish cause no benefit to society hence proper controlling and punishing powers should be given to them.
- Special training; workshops should be organized as pre-requisites for any journalist and must in case of sensitive matters like rape, sexual offences.

- Media should maintain its code of laws and ethics; social responsibility as well as credibility by not snooping in the matters of court so before time. Instead, they should do the delve into, keep a check on high profile cases, as well as should find the evidence and keep it to them until and unless they find the truth suppressing.
- Media should be cautious while dealing with the under trial cases. Precautious measures should be used while dealing with sensitive news like in dealing with rape cases identity of victims should not be revealed at any cost. Court proceedings should be published subject to permission of the court; only such news is subjected to publish as permitted by the court and such proceedings should be true; unbiased and not influence by hype of TRP.

## CONCLUSION

The Supreme Court made it clear in *R. Rajagopal case* that Article 19(1) guarantees freedom of speech and expression, which includes the right to freedom of the press, in it. However, since Article 19(2) specifically names decency and defamation as two grounds to restrict media rights, this privilege is subject to reasonable limitations. The foundation of this dynamic democracy in India is made up of the judiciary and the press. In maintaining the rule of law and the letter of the Constitution, they are vital and significant. It is essential that both should support each other rather than attempt to take the place of one another. While the accused also have a right to protection during criminal investigations, the media has a responsibility to report the incident. Both organizations are in charge of making sure that information is only acquired and disseminated to the general public following extensive research, assessment, and analysis. This is required because, as the case develops, it becomes increasingly familiar to the public's view, endangering not only the accused's reputation but also that of his or her entire family. Even though he or she was found not guilty following a thorough legal process conducted by the court, it becomes difficult for him or her and their entire family to live a dignified life. It is important to remember that the Apex Court has not yet established any rules for determining when it might be necessary to forbid the publication or broadcasting of a case's facts in print, television, or digital media. It only stated that a gag order may be imposed in cases where the distribution of the same would cause real and significant harm. The Court warned that while following the legal process is in the best interests of society, protests and other public discourse cannot override or even slightly alter the case's outcome during this time. To sum up, no freedom can be regarded as unqualified; therefore, even the freedom of the press and media is subject to certain limitations in order to protect the interest of public. Any democratic institution, whether it be the legislature, the

courts, or the executive branch, will inevitably be abused if it is granted unfettered freedom. It is advised that the media exercise some degree of self-regulation over its territory, even though the efforts made to closely monitor the police investigation and carry out sting operations are laudable. The right to a fair trial should be cherished by the media, and prying with court proceedings should be avoided. One of the main reasons the media should be accountable for what they make public and transmit is because of their mammoth influence over the general public. The media has a moral responsibility to present the public with objective information so that they can draw conclusions or develop opinions. The entire disaster can be accredited to electronic media, even though print media is keeping pace and rarely deviate from them. Due to its lack of regulation, electronic media has been experiment to settle on what works and what doesn't. In order to be in command of its audience, the media should abstain from posting and publishing offensive, sensationalized news that only presents one side of the issue. The intense commercialization of the trade has led it to be inclined by politicians as well as businessmen who will grant them with appropriate financial support to grow to the peak of the ranking. This has lead to further harmful effects than good. One could squabble that the media has played the role as a catalyst in a number of cases, such as the murder case of Jessica Lal, where the media was instrumental in bringing the wrongdoer to justice through a number of sting operations. In the Priyadarshini Mattoo case, the media also had a considerable impact on the administration of justice, but these are exceptional cases where media meddling has been advantageous. Through its reports, the media almost compelled the court to sentence the convicted inmates in the Nirbhaya Rape case to death, igniting public panic. As a result, interference has typically done more harm than good. As long as it only serves as a catalyst and refrains from intruding on the judiciary by finding one of the parties guilty before the trial, the media will benefit them. The media should be aware of the distinction between assisting the court in administering justice and impeding it by interfering and going beyond its bounds. Reporting the case's facts and circumstances is the media's responsibility, but the judiciary alone has the authority to make decisions. Media is for the welfare of the public, the main motives of media person and of journalists are to inform public about the crimes, making the authorities more responsible for their acts and hence these should be kept in media. Using it freedom should be in such way as not to prevent the fair trial by the court. Media should work for harmony of the nation and in doing so act with co-ordination with other pillar of democracy which include court in it. Hence it can be concluded that media should avoid unnecessary media trial and fair chance of court trial should be given to the parties. However it does not affect the freedom of the press and media to express its opinion and news.