

Chapter - IV

THE RISE OF MEDIA TRIALS IN INDIA

BY

Ankita Chattopadhyay

Abstract

The enhancement of 'media trials' on the legal landscape in India has posed a problematic issue, reshaping the relationship between public opinion and court room. Media attention in high-profile criminal cases, in particular, extends beyond merely collecting facts to framing narratives that shape perceptions of guilt and innocence. In this chapter, we explore how media trials have evolved and developed consciousness in India specifically with a reference to its impact on public perception and legal proceedings. Investigating the impact of sensationalist reporting, 24-hour news cycles, and social media amplifications on the presumption of innocence and the impartiality of legal proceedings are important areas of focus. The chapter discusses situations where media narratives have influenced public opinion, preceded court rulings, and occasionally impacted legal outcomes, citing case studies from recent decades. The chapter also emphasizes the conflict between media freedom and the right to a fair trial by going over the ethical and legal frameworks governing journalism. Additionally, it examines social media's function as a "new court" that can affect judicial impartiality, change public opinion, and undermine the presumption of innocence.

Additionally, the chapter offers a comparative overview by examining legislative frameworks from countries such as the United States and the United Kingdom, where judicial actions and codified laws establish distinct boundaries between the rights to a fair trial and media freedom. The study promotes the implementation of updated media regulations, institutional safeguards, and digital content monitoring systems that effectively balance press freedom and judicial objectivity. The chapter ends with recommendations for responsible reporting tactics and legislative frameworks to lessen the negative effects of media trials.

Keywords: Media Trials, Judicial Integrity, Fair Trial, Public Perception, Freedom of Press.

Introduction

In any nation, its strength as a democracy relies on how stable and well-balanced the four main pillars are. Known as India's fourth pillar and frequently regarded as the nation's face, the media supports the legislative, judicial, and executive branches by educating the public and upholding institutional accountability. However, this pillar has started to erode in recent years due to the increase in media trials. The media's function has changed from reporting objective, unambiguous facts to functioning as courts and rendering decisions. When a case attracts a lot of public attention, the tendency to turn news coverage into a show becomes even more prevalent instead of concentrating on ethical journalism.

As the result of this shift, purpose of media coverage has changed a lot. Media as the “new court” usually begins its trail before the courts get the chance to look into the case, by conducting its own investigation and broadcasts the outcomes that impact the public perception to support or oppose the alleged accused before the trial even occurs.¹ Moreover, sensationalism in the media harms public trust and threatens the fairness of judicial process that risk the entire democratic system. As, the growing influence of media trials has created serious challenges in India, and their damaging impact on society makes immediate action necessary.

Media Trial: Concept and Development

The term "media trials" describes the practice of media outlets, particularly newspapers and television networks, providing extensive coverage of court cases while frequently serving as the investigator, prosecutor, and judge. "Trial by media is an individual's public image, which is created through media, and their public perception of that individual's guilt; irrespective of their actual guilt or innocence as determined by the court process." In high-profile court cases, the media is often held accountable for creating such a sensationalized atmosphere that it resembles a mob lynch, making it nearly impossible for the defendant to receive a fair trial. Even in cases where the accused is found not guilty, the public will continue to perceive them as guilty, and they will be under continual public scrutiny.”²

This broad media coverage frequently affects the perception of public on accused's presumption of guilt or innocence even before the court rendered a judgement. The trend of the media trial developed

¹ Saif Hussain, 'Indian Journal of Integrated Research in Law SOCIAL MEDIA TRIALS in INDIA: A COMPREHENSIVE ANALYSIS of LEGAL IMPLICATIONS and SOCIETAL IMPACT INTRODUCTION' <<https://ijirl.com/wp-content/uploads/2023/09/SOCIAL-MEDIA-TRIALS-IN-INDIA-A-COMPREHENSIVE-ANALYSIS-OF-LEGAL-IMPLICATIONS-AND-SOCIETAL-IMPACT.pdf>> accessed 20 December 2025.

² R.K. Anand v. Delhi High Court, (2009) 8 SCC 106

with the emergence of sensational media reporting and growth of publicizing journalism in the late 20th century.³ The steady expansion in India's media sector including development of private news channels, real-time reporting and social media platforms has significantly increased the sensational treatment of legal matters. The pursuit of Television Rating Points (TRPs), digital engagement, and virality has driven many media channels to act as a "kangaroo court"⁴ and prioritize emotional sensationalism over factual accuracy. The protection of an accused person's right to a fair trial, responsible reporting, and journalist ethics have all been called into question by media trials in recent years.

Constitutional Freedom of Media Trial

The framework of the right to speech and expression protected by Article 19(1)(a) of the Indian Constitution gives birth to constitutional freedom of media trials.⁵ This provision has explicitly stated that "all citizens shall have the right to freedom of speech and expression", which allows every individual including media to express opinions, disseminate information, and report on matters of public importance.⁶ The freedom under Article 19(1)(a) of Indian Constitution forms the backbone of a free press, enabling it to act as the "fourth pillar" of democracy, responsible for informing the public, shaping disclosure, and holding authorities accountable. However, the Constitution of India does not provide an absolute freedom to media as it restrains it through reasonable limitation under Article 19(2), which includes restrictions in the interest of contempt of court, public order, defamation, morality, decency and the integrity of judicial process that can be imposed by state.⁷

Moreover, Article 21 of the Indian Constitution provides a provision for a fair trial, in that order the judiciary in several occasions attempted to balance the two fundamental constitutional values of freedom of the press and the right to a fair trial by directing media houses against speculative reporting, parallel investigations, or revealing sensitive data prematurely. Although, the term "freedom of press" is not particularly mentioned in the provisions of the Indian Constitution, the development of media freedom has been recognised through some prominent cases including *Brij*

³ Ritesh Chaudhary and Praveen Kumar Rathi, 'Legal Frameworks and Ethical Journalism in India Defamation, Privacy, and the Public's Right to Know' (*ResearchGate* 6 July 2025) 44
<https://www.researchgate.net/publication/393448647_Legal_frameworks_and_ethical_journalism_in_india_Defamation_privacy_and_the_public> accessed 11 December 2025.

⁴ Self-appointed mock court where the judgement against the accused is predetermined.

⁵ Kushwaha B, 'Unveiling the Phenomenon of Media Trial in Indian Jurisprudence: A Critical Analysis' (2024) 9 *IJNRD.ORG* 288 <<https://www.ijnrd.org/papers/IJNRD2409135.pdf>> accessed 20 December 2025

⁶ Arnab Bose, 'Violation of Constitutional Values and Democratic Institutions' (*Rgics.org* 24 December 2024) <<https://www.rgics.org/democracy/violation-of-constitutional-values-and-democratic-institutions/>> accessed 11 December 2025.

⁷ *Supra* note 6

*Bhusan Sharma v. State of Delhi*⁸, *Bennett Coleman & Co. v. Union of India*⁹, *Maneka Gandhi v. Union of India*¹⁰ and *Romesh Thapar v. State of Madras*¹¹ where the Supreme court has acknowledged the significance of free press in democratic functioning. Yet in judgements like *Sahara India Real Estate Corp. v. SEBI*¹², the apex court has emphasised that the media must not obstruct justice or create a “trial by media” situation that could influence witnesses, bias courts or shape public perception in negative manner.

Media Trials and Judicial Fairness

Media trials create intense public scrutiny that can challenge judicial impartiality. In many cases, media coverage of a suspect creates negative public opinions (“assumptions of guilt”) towards that person. As a result, this creates an environment of social pressure within which judges may not be able to remain objective. If the media drives public sentiment through sensationalistic means, it creates a greater likelihood that judges will have preconceived notions about the case before the trial, thereby making it impossible for them to offer a fair trial that is free of personal bias.

Media trials may restrict an individual's ability to pursue justice through the courts and also undermine the relationship between media outlets and those who utilize them. As an example, during the coverage of high-profile incidents, such as the terrorist acts committed against Mumbai in 2008, news outlets speculated on guilt and sentencing, which limited the courts' ability to act as the only entity with the ability to resolve disputes between individuals. News reports that speculate on guilt and sentencing before all evidence is presented can cause people to lose faith in their ability to receive a fair hearing from the court system and call into question the fundamental tenet that courts are the final authority on justice, whereas media outlets should not be viewed as such.¹³

When the media's interference extends beyond their reporting duties into the realm of speculation and morality, this has a detrimental impact on the proper administration of justice. An accused person has the right to a fair trial under the Constitution regardless of the seriousness of the crime. However,

⁸ Brij Bhushan and Anr v. The State of Delhi, (1950) AIR 129, 1950 SCR 605, 1950. This case established that freedom of speech and expression is a fundamental right in India, encompassing the freedom of the press, unless there is a clear and present danger to public order or incitement of violence.

⁹ Bennett Coleman vs Union of India, AIR 1973 SC106

¹⁰ Maneka Gandhi vs Union Of India, 1978 AIR 597, 1978 SCR (2) 621

¹¹ Romesh Thappar vs The State Of Madras, AIR 1950 SC 124

¹² Sahara India Real Estate Corp.Ltd.& Ors vs Securities & Exch.Board Of India & Anr, AIR 2012 SUPREME COURT 3829, 2012 (10) SCC 603

¹³ Vignesh Iyer, ‘Media Can Report 26/11 Trial | India News’ (*Hindustan Times* 23 March 2009) <<https://www.hindustantimes.com/india/media-can-report-26-11-trial/story-AZyAfmyDmDOYvKzX4hVLhI.html>> accessed 20 December 2025.

the sensationalized media coverage creates an unfair environment for each case that violates the principle of fairness that governs the administration of justice and hinders ongoing trials. In *Sahara India Real Estate Corporation Ltd. v. SEBI, 2012*¹⁴, the Supreme Court noted that excessive publicity by various media about pending judicial matters may also have an adverse effect on impartiality in terms of justice as well as outcomes. The Court stated that at times it may be prudent to withhold certain information from public disclosure for a limited period of time, in order to allow protection for the Judiciary against media interference through public pressure and to continue protecting judicial decision processes. Also, media trials produce a tremendous impact on witnesses through intimidation, fear of the media and intense public pressure. In order to prevent negative publicity witnesses often may feel pressured to change their statements once their identities are revealed. As seen in the *Jessica Lal murder case*¹⁵, excessive media coverage can also put pressure on investigative agencies to expedite investigations or align findings with public opinion. Although the public's demand for justice is legitimate, such pressure may result in tainted evidence and compromise the trial's fairness.

Landmark cases of Media Trials

- ***K.M Nanavati v. State of Maharashtra, (AIR 1962)***¹⁶

The starting of the media trial in India can be traced to *K.M. Nanavati v. State of Maharashtra*, in which a naval officer was tried for the murder of Prem Bhagwan Ahuja. Despite ample evidence, the jury's decision to acquit Nanavati was influenced by the case's exclusive media coverage. The trial's controversy revealed dangers of media involvement in court cases and was a major factor in India's decision to eliminate the jury system. The case continues to be a landmark example of a media trial, emphasizing the conflict between the right to a fair trial and press freedom.

- ***Sanjay Dutt v. State Through C.B.I Bombay, (1994)***¹⁷

In relation to the 1993 Mumbai serial blasts, Sanjay Dutt- a well know Bollywood celebrity, was detained on allegations of possessing an AK-56 rifle that he received from underworld associates. Media narratives primarily portrayed him as a terrorist, despite his claims that the weapon was meant for self-defence in the wake of the 1992 Babri Masjid riots. Even though Dutt was found guilty only under the Arms Act and exonerated of terrorism charges by the TADA Court, his public image was

¹⁴ *Sahara India Real Estate Corp.Ltd.& Ors vs Securities & Exch.Board Of India & Anr* on 11 September, 2012 SCC 603

¹⁵ *State vs Siddarth Vashisth & Manu Sharma And ...* on 13 March, 2000 (DELHI)829

¹⁶ *K.M Nanavati v. State of Maharashtra, AIR 1962 SUPREME COURT 605*

¹⁷ *Sanjay Dutt v. State Through C.B.I Bombay, SPL (crl.) 1834-35 of 1994*

severely damaged by ongoing media coverage, which also resulted in widespread social condemnation. This case illustrates how media trials have a lasting impact that goes beyond court decisions.

- ***State (National Capital Territory Of Delhi) v. Sidhartha Vashisht @ Manu Sharma, (2010)*¹⁸**

The media trial has a mixed but largely problematic effect on this case, popularly known as Jessica Lal murder case, especially of the fairness of the judicial process. Too extensive coverage in the press put a lot of pressure on the public and made the case more sensational, which made witnesses turn against the prosecution because witnesses felt scared, intimidated, and under public scrutiny during the first trial. Ongoing media debates also risked shifting public opinion and weakening the presumption of innocence. Moreover, the media-driven demand for speedy justice placed pressure on investigating agencies and the judiciary, generating concerns about rushed proceedings and undermined due process.

- ***Nilesh Navlakha v. Union of India, (2021)*¹⁹**

The famous case of Sushant Singh Rajput's suicide demonstrates the important influence of the media on court cases. With spectacular headlines and derogatory labels, the media focused on Rajput's ex-girlfriend Rhea Chakraborty after his untimely demise. Chakraborty was called a "murderer" and a member of a "drug racket" on social internet after Rajput's father accused her of encouraging suicide. This resulted to a number of Public Interest Litigations (PILs) before the Bombay High Court, which raised questions about the media's potential to sway current investigations. Observing the lack of official control over electronic media and the potential to impede impartial investigations, the case emphasizes the necessity of controlling media reporting during legal proceedings.

- ***Aryan Shah Rukh Khan vs The Union Of India And Anr, (2021)*²⁰**

This case is the notable example of a media trial in India in the present era. Even though no direct recovery of narcotics from the accused has been made after his arrest by the Narcotics Control Bureau, the accused was depicted as guilty in widespread and dramatic media coverage. Parallel television discussions, selective revelation of private communications, and media conjecture significantly influenced public opinion and caused significant harm to one's reputation. Although the

¹⁸ State (Nct Of Delhi) v. Sidhartha Vashisht @ Manu Sharma, (2010) 6 SCC 1

¹⁹ Nilesh Navlakha v. Union of India (2021) 2 AIR BOM R 179

²⁰ Aryan Shah Rukh Khan vs The Union Of India And Anr, CRIMINAL BAIL APPLICATION NO. 3624 OF 2021

Bombay High Court later granted bail, the case serves as a reminder of how media trials can undermine the presumption of innocent and compromise the impartiality and integrity of criminal procedures.

Judicial Interventions in Media Trial

The judiciary frequently raises concerns about media overreach, stressing that although the media is essential to promoting accountability and transparency, it must use caution when covering sub-judice issues. Indian courts have long acknowledged that media trials can undermine the assumption of innocence, impact public opinion, and influence witnesses, all of which can impede the right to a fair trial.²¹ Many important judicial pronouncements have determined that the media should not act as a rival court or replace judicial decisions with its own narrative. The following significant rulings serve as examples of this judicial balancing act:

- ***R. Rajagopal v. State of Tamil Nadu, (1994)***²²

While deciding this case, also known as “Auto Shankar Case”, the Court pronounced that the right to protect one’s marriage, family and personal information are the essential component part of right to privacy provided by Indian Constitution, unless the media reports are relied on public records. This landmark decision has made a clear difference between a valid media reporting in interest of public and unwanted interference in personal life.

- ***R.K. Anand v. Registrar, Delhi High Court, (2009)***²³

The Court ruled in a case of sting operation that while investigative reporting is crucial in reporting corruption and misconduct, it should be carried out responsibly and with appropriate restraint. The Court advised against interfering with ongoing legal processes or promoting public rage that might affect a trial's verdict or jeopardize the justice system's fairness.

- ***Custodial Leak PILs, Order dated Sept. (2023)***

While considering petitions regarding media briefings and custodial leaks in September 2023, the apex court of India recommended that the Union Home Ministry develop precise rules regarding how police officers should communicate with the media. The Court noted that disclosing information too early in an investigation can erode the presumption of innocence and influence public opinion prior

²¹ Helan Jesus, ‘An In-Depth Analysis of the Effects of Media Trials on the Criminal Justice Administration’ (2025) 10 © 2025 IJRTI | 562 <<https://ijrti.org/papers/IJRTI2502056.pdf>> accessed 20 December 2025.

²² R. Rajagopal v. State of Tamil Nadu, (1995) AIR 264 SCC (6)

²³ R.K. Anand v. Registrar, Delhi High Court, (2009) 8 S.C.C. 106

to the start of a trial. This approach was generally viewed as a step in the right direction toward establishing moral guidelines for reporting crimes and safeguarding the justice system's impartiality.²⁴

- ***Rujira Banerjee v. Union Of India & Ors, (2023)***²⁵

In response to the intense media coverage of the alleged school jobs-for-cash scam in which prominent Trinamool Congress leader Abhishek Banerjee was identified as an accused, the Calcutta High Court issued thorough recommendations. In response to a petition from Rujira Banerjee, Justice Sabyasachi Bhattacharyya stressed that media outlets must refrain from disseminating unconfirmed information or linking people to criminal investigations prior to the filing of formal charges.

The Enforcement Directorate (ED) was also ordered by the Court to refrain from disclosing information to the media regarding ongoing investigations. The judiciary's efforts to stop investigative agencies from influencing public opinion through selective disclosures and its acknowledgement of the entitled to a fair trial in a setting where media attention is constant are reflected in these directives.²⁶

- ***Apex Court's view on need for Self- Regulation of media***

Former Chief Justice of India, D.Y. Chandrachud has expressed his concerns over pre- or post-censorship of media channels. He pointed that the self- regulatory framework which was primarily established to safeguard the freedom of press has become insufficient because of increasing sensationalist reporting.²⁷ Furthermore, in response to petition filed by the People's Union for Civil Liberties (PUCL) and others, the Supreme Court on 14th September, 2023 had given a deadline of three- months to the Union Home Ministry to provide guidelines for police briefings on continuing proceedings.

The Apex court had also mentioned that media trials are potential enough to provoke prejudice against the accused, victims and their family.

²⁴ Supreme Court Directive in Custodial Leak PILs, Order dated Sept. 2023

²⁵ Rujira Banerjee v. Union Of India & Ors (2003) 7180 Cal

²⁶ Ms Jain, Patel Subharti and Sarika Tyagi, 'Indian Journal of Integrated Research in Law MEDIA TRIALS and the RIGHT to FAIR TRIAL in INDIA: A LEGAL REVIEW' <<https://ijirl.com/wp-content/uploads/2025/07/MEDIA-TRIALS-AND-THE-RIGHT-TO-FAIR-TRIAL-IN-INDIA-A-LEGAL-REVIEW.pdf>> accessed 20 December 2025.

²⁷ Utkarsh Anand, 'Can't Have Media Censorship, but Effective Self-Regulation Must: SC | India News' (*Hindustan Times* 14 August 2023) <<https://www.hindustantimes.com/india-news/supreme-court-wary-of-government-regulating-media-calls-for-strong-self-regulatory-mechanisms-101692034782470.html>> accessed 20 December 2025.

International Approach toward Media Trials

Legal system in various international countries have adopted various approaches in order to regulate the balance between administration of justice and media freedom:

- **United States:**

The US adheres to a model that prioritize First Amendment Rights. Even though media freedom is generally protected, to maintain the impartiality of the legal proceedings the judiciary adopted measures like change of venue of trial, jury sequestration, and voir dire (jury vetting). The court recognized the judiciary's responsibility to protect fair trials from media influence after landmark cases such as *Sheppard v. Maxwell* (1966)²⁸ recognized that excessive media coverage could compromise due process. These models represent a range of pre-publication limitations and post-publication penalties. Likewise, India could approach towards hybrid regulatory framework that uphold judicial restraint, enforce ethical self-regulation by the press, and improve public education.

- **United Kingdom:**

The Contempt of Court Act of 1981 established a strict liability model in the United Kingdom. Regardless of intent, this law makes it illegal to publish any content that could materially jeopardize ongoing legal proceedings. The law has been vigorously enforced, and in high-profile cases, UK courts regularly impose gag orders, or restrictions on reporting. Additionally, a Code of Practice upholding journalistic ethics, including respecting the presumption of innocence, is enforced by the UK's Independent Press Standards Organisation (IPSO).²⁹ To reinforce the idea of open justice and transparency in criminal proceedings, the UK revised its joint Media Protocol in December 2025. The updated protocol, which was created cooperatively by the Crown Prosecution Service, law enforcement agencies, and media outlets, provides precise guidelines for disseminating prosecution materials used in public court, encourages truthful and responsible reporting, and protects the rights of victims, witnesses, and their families.

The update is backed by a new user manual to guarantee uniform communication between police and prosecutors, reflecting changes in the law, court procedures, and the rapidly changing media landscape since 2005.³⁰

²⁸ *Sheppard v. Maxwell*, 384 U.S. 333 (1966)

²⁹ GOV.UK, 'Updated Media Protocol Strengthens Openness in Reporting Criminal Proceedings | the Crown Prosecution Service' (*Cps.gov.uk* 17 December 2025) <<https://www.cps.gov.uk/cps/news/updated-media-protocol-strengthens-openness-reporting-criminal-proceedings>> accessed 20 December 2025.

³⁰ *Ibid.*³⁰

- **Australia:**

In addition to a thriving commercial media industry, Strong public broadcasters like the Australian Broadcasting Corporation (ABC), which is comparable to the BBC, and the government-funded Special Broadcasting Service (SBS), which is devoted to multicultural content, serve as the foundation of Australia's media landscape. Australia has historically enforced some of the strictest cross-media ownership laws in the world, which is indicative of a conscious attempt to limit the influence of major media barons and prevent an excessive concentration of media power.³¹

Conclusion and Recommendations

This study shows how the emergence of media trials in India has significantly altered the interaction between public opinion and the legal system. The presumption of innocence and the right to a fair trial have been increasingly threatened by the abuse of media freedom through sensationalism, speculative reporting, and social media-driven narratives, despite the fact that media freedom is fundamental to democracy and necessary for transparency and accountability. The judiciary has consistently expressed concern about media overreach and its potential to taint investigations, intimidate witnesses, and undermine public trust in courts, as evidenced by recent guidelines on police briefings and landmark rulings. As demonstrated by comparisons with countries like the United States, the United Kingdom, and Australia Through well-defined legal boundaries, ethical standards, and institutional oversight, democratic systems can protect judicial impartiality while preserving press freedom. In the context of this study, it is recommended that India address the issue of media trials in a methodical and balanced manner. To avoid negative publicity, clear and binding rules should be established to govern reporting on sub-judice matters, especially in criminal cases. Sensationalism must be curbed by strengthening media self-regulatory mechanisms with effective accountability and sanctions. To prevent selective briefings and custodial leaks, police and investigative agencies should adhere to uniform protocols for disclosures. Moreover, when media coverage jeopardizes fair trials, courts should actively employ protective measures like contempt powers. Regular training for journalists and public legal awareness campaigns can encourage responsible reporting and informed news consumption.

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³¹ Marcus Maddison, 'News Coverage in Australian Media: A Comprehensive Analysis' (2024) 11 International Journal of Science and Research Archive 1888
<https://www.researchgate.net/publication/380153600_News_coverage_in_Australian_media_A_comprehensive_analysis> accessed 20 December 2025.