

A SOCIO-LEGAL ANALYSIS OF HUMAN RIGHTS VIOLATIONS IN MEDIA-DRIVEN CRIMINAL TRIALS

by

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1. Abstract

Media has been serving as fourth pillar of the Indian democracy. India is home to diverse culture and religion; each has their separate traditions and practices. To regulate and effectively function, laws, rules, regulations and policies are made for good governance. With change in time, the technological advancement has played an important role in upgrading the knowledge of an individual. The legislature has made certain laws and given statutory powers to government and its officials and organs to exercise its control to maintain peace, public order and law throughout the country. With due respect the government has certain obligations such as to protect every individual from crime, hatred, provide equal opportunity. The government has also limited powers against state to be enforced through fundamental rights. Here we are talking about the key machinery such as media which spread awareness to the public through screening of news, exchange of views globally, knowledge about trade, regulation of currency, all these perceptions reach masses or group of people. But this can hamper public order through this demonstration when acting in official capacity media¹ as source of information portrays and telecast the news, judgements, or controversial issue and spread opinion based upon such information available in databased or raw or already uploaded it is violation of creating misleading claims or derogatory statements without verifying the truth.

This media portrays the incidence of crime and criminal justice system as sensationalizing news, reporting without knowing proper issue and facts. There should be a standard operating procedure a media correspondent to follow while reporting and recording sensitive case trials, its parts or any type of evidence which should not be disclosed for the integrity and confidentiality of both the parties to remain in court.

¹ Gaurav Kamal, *Media Trial & Sentencing: Perspectives & Prescriptions* ILR, <https://patnahighcourt.gov.in/ILR/viewpdf.aspx?T=ARTICLE&ID=Mg%3D%3D-KJBD41z3f%2Fk%3D> (last visited Oct 5, 2026).

This paper will examine the issues faced by individuals in heinous crimes when they are presumed to be innocent until and unless the court finds him or her guilty. It will analyze the freedom of press versus fair trial in criminal justice system.

2. Historical Context

Media shapes perceptions of group of people, in this regard a incident that has happened shows that the media actually shaped its opinion basis on some random statements and without enough proofs they suspected him:

- The story begins from here one person named Roscoe “Fatty” Arbuckle², a Hollywood’s first one-million-dollar star just relaxing in bedroom of 12th floor in St. Francis and there was a lady guest in the party, Virginia Rappe a 30-year-old, suffering from the chronic disease. For the few moments both shared a same bedroom and later that evening, he was using the restroom and listened to sound of lady shouting and calling for help.
- Then he went to help her get stuck when he explains to other people there the condition of her in drunk state worsens and taken to hospital, their friend accuses the Arbuckle³ had raped her. But the medical examination did not showcase the alleged incidents of sexual assault.
- Rappe died of peritonitis the following day, after her bladder ruptured. Arbuckle faced a first-degree murder charge, later reduced to manslaughter. As morality groups called for the death penalty, movie moguls instructed Arbuckle's industry colleagues to reject him.
- Ignoring the risk of influencing the trial, the sensationalist "yellow journalism" Press produced lurid accounts of Tinseltown's⁴ depravity alongside its coverage of the case. Though Arbuckle was never tried for sexual assault, this belief has persisted, largely because of the trial's contemporary coverage.
- The term Media trials⁵ have been arising from that point of time in 19th century. The figures presented by media and portrayed as it truly it happened with a mere information is against the humanity. All his life he fails to gain self-respect and dignity established globally in

² Jude Sheerin, “fatty” arbuckle and Hollywood’s first scandal BBC News (2011), <https://www.bbc.com/news/magazine-14640719> (last visited Oct 2, 2026).

³ Dr Mark Hull, The many trials of Fatty Arbuckle The Bar Association of San Francisco (2019), <https://www.sfbabar.org/blog/sfam-the-many-trials-of-fatty-arbuckle/> (last visited Oct 2, 2026).

⁴ Aaron T. Whitehead, The “fatty” arbuckle scandal, Will Hays, and negotiated morality in 1920s America TopSCHOLAR® (1970), <https://digitalcommons.wku.edu/theses/1469/> (last visited Oct 2, 2026).

⁵ Rothrock & Richard, Film star fatty arbuckle is acquitted of manslaughter: History: Research starters: Ebscohost EBSCO (2022), <https://www.ebsco.com/research-starters/history/film-star-fatty-arbuckle-acquitted-manslaughter/> (last visited Oct 2, 2026).

film industry. He has lost all things such as reputation at stake, his valuable journey in this battle, got acquitted by court of law. His reputation has already been damaged without actual guilt, the guilt to be there at that time in room caused him the culprit and because he has been shown in disgrace with a golden spoon.

- The media declared him guilty and defamed him with forming a misleading public opinion, which also made him lose his prestigious job⁶.

Another story⁷ reveals that media deeply influences the individual's mind and make a person guilty in eyes of public, no matter what actual facts are, whether proper investigation has been conducted or not, the individuals listening to claims made by media are true because they are not at the crime scene nor in the same city, don't know the situation there but trusts the media as a source of information provider as citizens of this country believe that they shows the true information about the incident, the actual reporting figures, data, views on global market and mutual bonds etc. In reality media just works on story for ratings and TRP. All citizens based on print and electronic media make perceptions about our criminal justice system and raises the questions of credibility on Indian independent judiciary management to these situations and heinous crimes.

- In early 20th century, a case got media attention and televised⁸ with showing the chasing police cars his Ford Bronco. The questions in the case arise whether the Simpson has murdered his wife and a friend or not. That live broadcasting⁹ declaring him guilty as police officials to catch a flee away person, here the problem intersects between racial divide, celebrity and the actual story. The doubt as to the credibility of forensic science¹⁰ evidence and its legal role in case framed against him by prosecution questioning the evidence and samples to be planted or there is suspicion of interruption the proceedings and police disclosure has compromised the proceedings shaping public view that declared him guilty. Therefore, he was acquitted of all the charges.

⁶ Research guides: Fatty arbuckle: Topics in Chronicling america: Introduction, Introduction - Fatty Arbuckle: Topics in Chronicling America - Research Guides at Library of Congress (1963), <https://guides.loc.gov/chronicling-america-fatty-arbuckle> (last visited Oct 2, 2026).

⁷ Patrice Taddonio, *What the O.J. Verdict & its aftermath revealed about race in America*, The Frontline PBS, , <https://www.pbs.org/wgbh/frontline/article/o-j-simpson-murder-trial-verdict-race-america-30-years/> (last visited Oct 5, 2026).

⁸ Prof. Douglas O Linder, *The O. J. Simpson Trial. 1995 The trial of O. J. simpson*, <https://law2.umkc.edu/faculty/projects/ftrials/Simpsonlinks.htm> (last visited Oct 5, 2026).

⁹ Johnson & Edward, *OJ Simpson Murder Case: Law: Research Starters: Ebshost EBSCO* (2020), <https://www.ebsco.com/research-starters/law/oj-simpson-murder-case/> (last visited Oct 5, 2026).

¹⁰ Key moments from OJ Simpson's 1995 murder trial, BBC News (2024), <https://www.bbc.com/news/world-us-canada-68793384> (last visited Oct 5, 2026).

- The Los Angeles trial unfolded amid intense racial tensions in the city. Only a few years earlier, a convenience-store clerk received a \$500 fine, probation, and community service after fatally shooting Latasha Harlins, a 15-year-old Black girl. Soon after, the acquittal of four Los Angeles Police Department officers filmed beating Rodney King provoked outrage and riots throughout the city.
- In light of that history, Simpson's defense team pointed to racism and alleged LAPD misconduct, including recordings of detective Mark Fuhrman using the N-word after claiming he found a bloody glove on Simpson's property.
- Ultimately, the defense persuaded the jury, which concluded that the prosecution had not proven Simpson's guilt beyond a reasonable doubt. In the documentary, the late Harvard Law School professor Charles Ogletree said the verdict's celebration was "not in any way a reflection of lack of concern about these victims who were viciously murdered."
- In 1997, a civil lawsuit brought by their families found Simpson liable for the deaths of Brown Simpson and Goldman. He was later convicted of armed robbery in an unrelated case and spent nine years in prison. He died in 2024.
- On the 30th anniversary of the double-murder verdict, revisit Bikel's documentary, which memorializes the resulting heartache, confusion and tension while examining some of its lasting impact.

This shows trial by media, the journalist then and now is the same, publishing a story or uploading the video the masses treat piece of information as the genuine broadcasting and make the person guilty defaming his or her life and tearing apart his self-made dignity built over years.

3. Meaning of the term Media Trial

Media is the way of spreading information that is influenced by people, it changes the whole viewpoint of that news, headlines and shape their opinion in the society. Therefore, reporting of heinous crimes should be out of the scope of reporting and portraying visuals, sensitive information's and videos that deeply is grasped by citizens and starts it on trial by media, Before there is trial held in court of law, this is the second forum started parallel for public adjudication¹¹. This phenomenon may be described as trial by media when the person is

¹¹ Ngahnunhoi Haokip, *Media Trials in India: A contemporary constitutional analysis of press freedom and fair trial rights*, Vol VIII IJLLR (8AD), <https://www.ijllr.com/post/media-trials-in-india-a-contemporary-constitutional-analysis-of-press-freedom-and-fair-trial-rights> (last visited Oct 5, 2026).

presumed to be innocent until found guilty in trial, the media thereby defames the identity of person and decision can be biased of judges, juries etc. The judges are also human being that sometimes they can be influenced before giving a verdict.

3.1 Role and Impact of Media in Colonial Era

The media in colonial era has been a weapon used to unite people, different religions to united against the Britishers to launch the freedom movement. That weapon was the only thing to unite and fight for the struggle of independence¹². Britishers ought to use the materials made by cow's skin used as bullet to fire to ban that exported items. That time the use of words, information, articles in journals, press and newspapers were regarded as a way to fight back against the British system that captured the city for trade, exploited it and finally made it a territory and exported its natural resources like textiles, out of the country. In that diverse culture to unite different ethnic communities, religion to stand still and resist the oppression of the britishers.

In earlier ancient times it used to develop ideology to be present in front of citizens to unify them against the rule an instrument for securing freedom in India. Nationalists' newspaper and journals politically mobilize, promote anti colonial ideas to achieve the objective of self - governance. Press Act of 1910 imposed stricter rules and regulations demanding security deposit promoting anti government sentiments and shut down the action and movements by the citizens. It was brought to control the Indian press, the revolutionaries, the nationalist leaders opposing the British rule.

3.2 Role of India Press in Freedom Struggle

The role of Indian press¹³ has been very powerful to fight against British rule, their oppression, their colonial exploitation. It acted as medium to spread the information, idea about freedom, educate the citizens about British policies, their rule unjustified and lot of pressure on citizens to abide by it otherwise lagan was imposed. After 1857 mutilation by sepoys sparked a nationwide debate for their independence. The media journalists, newspapers, printing press

¹² Prafulla Vats, *Role of press in Indian Freedom Movement, challenges, other details* User's blog (2026), <https://vajiramandravi.com/current-affairs/role-of-press-in-indian-freedom-movement/> (last visited Oct 12, 2026).

¹³ *Role of press in freedom struggle and contemporary significance*, Next IAS (2024), <https://www.nextias.com/ca/editorial-analysis/18-11-2024/role-of-press-in-freedom-struggle-and-contemporary-significance> (last visited Oct 12, 2026).

has been a active medium to unite the feeling of nationalism in the people. By exposing the political colonial policies, unjust ideology and their ideas, no fair treatment not treat people equally. For Britishers Indians were foolish people and suppress under their brutal policies and rule, the article published in newspaper, and printing press exposed the exploitative economic and administrative policies of the British rule. Printing press publication¹⁴ such as Journals like Payam-e-Azadi urged the public to resist colonial oppression and brought attention to the suffering endured by ordinary citizens.

During key freedom struggle movements led by Mahatma Gandhi, including the Swadeshi movement, the Non-Cooperation movement, and the Civil Disobedience movement, the press was instrumental in shaping public opinion. Newspapers were instrumental in spreading appeals for boycotts, protests, and participation in the nationalist cause. Papers such as Kesari and Maharatta, under the editorship of Bal Gangadhar Tilak, championed Indian culture, art, and traditions, playing a key role in a cultural revival.

India's first printed newspaper was the Bengal Gazette, established in 1780 by James Augustus Hickey. Referred to as the 'Calcutta General Advertiser', it frequently took aim at the British Raj, establishing a model for later newspapers. For women, the print medium emerged as a vital space to voice their social hardships, feelings, and resistance to injustice within society. Amar Jiban¹⁵, in which she recounted the trials and experiences of her life, was penned by Rassundari Devi. Through their writings, social reformers such as Tarabai Shinde and Pandita Ramabai levelled sharp criticism at gender bias, caste barriers, and the deplorable social standing of women.

Nationalist activists were able to spread political concepts between different areas thanks to publications such as The Hindu and The Statesman. Nationalist feelings were also shaped by developments on the world stage. Take, for instance, how reports of Japan defeating Russia fuelled anti-colonial ideas.

3.3 Censorship Imposed on Indian Press

¹⁴ Gagandeep Kaur, *Role of journalism and indian freedom movement*, *International Journal of Current Research and Academic Review* 16–19 (2018), <https://www.ijcrar.com/abstractview.php?ID=456&vol=6-3-2018&SNo=4> (last visited Oct 12, 2026).

¹⁵ Drishti IAS, *Main Answer Writing Practice Drishti IAS* (1970), <https://www.drishtiias.com/mains-practice-question/question-8647> (last visited Oct 12, 2026).

The Indian Press, newspapers, journalists and reformers united as one fought for economic and political freedom. The Britishers tend to fear as the press has instilled a nationalist movement of freedom in poverty-stricken people, to resist from following harsh policies of britishers. The Britishers tried to impose restriction on India press to pass laws that restrict the use of newspapers, articles to spread the anti-national ideologies and information, to control the press under British rule. One of the acts which imposed censorship on press was The Censorship of Press Act, 1979¹⁶ which prohibited the French people for spreading any news against British government. There were restrictions to be imposed on all newspapers, magazines, pamphlets to get approval before publication through an amendment in 1807. Another Statute such as Licensing regulation Act 1823, in which obtaining a license was made mandatory before publishing and not following these guidelines will result in serious criminal offence and focuses on promoting the use of Indian newspapers edited by one Indian.

3.4 Media in 20th and 21st Century

In the Constituent Assembly, K.T. Shah¹⁷ remarked that a distinct clause ought to safeguard the rights of the press. Damodar Swarup Seth, together with Professor Shibban. A separate right for the press was likewise demanded by Lala Saksena. Noting that press freedom already fell under the broader right to freedom of expression, Dr. B.R. Ambedkar eventually reversed his position and turned down the call for a standalone press law. B.N. Rau, whose contribution to drafting the constitution was also significant, held the same belief that freedom of speech and expression extended to the press as well.

Freedom of press became popular in 20th century, after the journalism began to expand and started to share their opinions in the public, gathering public opinion about political expression, harsh policies of britishers. After Independence, this freedom got recognised and considered to be under freedom of speech and expression implicitly.

In contemporary world, educated people got deeply influenced by opinion and several nationalists' movement was launched for freedom struggle and adopted India constitution on

¹⁶ Imran Hussain, *Development and significant of press in colonial India and and Attitude of East India Company towards the Indians press BH College*, http://bhcollege.ac.in/upload/dept_achievemnt/1727171750.pdf (last visited Oct 12, 2026).

¹⁷ Simmi Tiwana, *Right to freedom of press and Article 19, Vol 8 International Journal of Novel Research and Development 1–7*, <https://ijnrd.org/papers/IJNRD2306303.pdf> (last visited Oct 12, 2026).

1950 that emphasized need and importance of journalism and press to regulate government, result in accountability and transparency.

Every coin has two sides. The phenomenon of gathering public opinion on issues, reporting live, spreading news and demonstrating any violation of crime in society before the suspect is tried in court of law from there the concept of trial by media came. Media moulds and forms the opinion the society inherits changes the whole viewpoint. The media should narrate only true facts and report those matters to the public to form an opinion verify each telecast. The media should not report the proceedings or materials related to heinous crimes as it tarnishes the reputation of the suspect or the accused before a trial has been conducted. 24 hours reporting new channels, media house and publication target that suspect too much that the society starts thinking that he or she is the culprit. Freedom of press and media has been recognised under Article 19 (1) (a) Freedom of speech and Expression but limited to exercise and restraint is imposed upon them.

Prior to Independence, India lacked any constitutional or statutory protection for the freedom of individuals or the media. The press¹⁸ could, at best, assert a certain freedom under common law, as the Privy Council noted in *Channing Arnold v. Emperor*.

4. Review of Literature

4.1 According to the law Commission of India in its 200th Law Report on Trial By Media¹⁹: Free Speech v/s Fair Trial under Criminal Procedure Code 1973 in August 2006 underline the issue of reporting an information as source of crime it affects the procedure followed under criminal justice system. It affects the rights of individual of fair trial and hampers the unbiased opinion of judiciary based on certain publication. It destroys the essence the famous criminal doctrine which says that person is presumed to be innocent until found guilty before the court of law. Media disgraces the rights of accuses, suspects and already forms an opinion that such individual is the culprit. There has been amendment in Contempt of Courts act, 1972 whoever violates the given freedom to speech and expression laid down under Art 19 (1) of Indian Constitution and imposed reasonable restrictions under Article 19 (2) for various purposes

¹⁸ KD Gaur, *Constitutional rights and freedom of Media in India*, Vol 36 *Journal of Indian Law institute* 430–435 (1994).

http://14.139.60.116:8080/jspui/bitstream/123456789/17511/1/012_Constitutional%20Rights%20and%20Freedom%20of%20Media%20in%20India%20%28429-454%29.pdf (last visited Oct 12, 2026).

¹⁹ *Mass Media: Law Commission of India*, India, https://lawcommissionofindia.nic.in/cat_mass_media/ (last visited Oct 5, 2026).

including contempt of court. This has wider its scope in punishing that person who interferes with administration of justice. That publication can also affect adversely in refusing the grant of bail too. This report has been given by the chairman Justice M Jagannadha Rao. 200th report on trial by media free speech and fair trial under criminal procedure ..., <https://indiankanoon.org/doc/42810882/> (last visited Oct 5, 2026).

4.2 This paper explores the expanding phenomenon of media trials in India and their constitutional implications. It maintains that 24-hour news coverage, digital platforms, and intense media competition have shifted the press from reporting facts to influencing public opinion, frequently producing premature conclusions about guilt or innocence.

Media trials operate as a parallel form of adjudication, constructing and circulating narratives without the procedural protections observed in courts. The study examines the conflict between freedom of speech under Article 19(1)(a) and the rights to privacy, dignity, and a fair trial guaranteed by Article 21 of the Indian Constitution.

It shows how recognizing privacy as a fundamental right in the Puttaswamy judgment has transformed the constitutional framework, elevating reputational damage and the exposure of personal information as important concerns. the constitutional landscape, making reputational harm and informational exposure more significant concerns. This research analysis has been conducted by Advika Palakshi Sinha, Media Trials in India, Vol 11 International Journal of Social Impact (2026), <https://ijsi.in/wp-content/uploads/2026/05/18.02.015.20261102.pdf> (last visited Oct 5, 2026).

4.3 The media often closely follows and analyzes high-profile trials. How the media presents these cases can strongly shape public opinion, fostering biases and assumptions that may compromise trial impartiality. Sensationalized coverage, selective framing, and emotive language can create a narrative that overlooks the situation's complexities. Consequently, media portrayals may sway juries and the public, distorting justice. Social media's widespread use has further strengthened the media's influence on court proceedings. Rapid information sharing and popular user-generated content have made many cases more difficult to manage.

This analyzes how public perception and media influence shape legal decisions. It examines the complex links among public opinion, media coverage, and the administration of justice. It considers how media coverage influences judicial procedures, narratives, and attitudes. It also examines the challenges posed by media influence in legal settings and proposes ways to reduce

its potential harm through case studies, psychological research, and ethical analysis. The article aims to advance discussion of fairness and integrity in the judicial system amid ongoing media criticism by deepening understanding of how media, public opinion, and legal decision-making interact. This study has been conducted by Ebenezer Kojo Gyesi Mensah, Assessing the role of media influence and public perception in legal decision-making by Ebenezer Kojo Gyesi mensah :: SSRN SSRN (2024), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4811277 (last visited Oct 5, 2026).

4.4 According to United Nations Convention on the Rights of the Child²⁰ protects children's rights. It supports freedom of expression and children's privacy, and asks the mass media to share information and materials that benefit children's social and cultural development. The European Convention on the Exercise of Children's Rights (1996) also highlights children's right to express their views on decisions that affect them and urges national bodies to inform the media about children's rights.

4.5 According to Council of Europe Recommendation 1986²¹ on a European Strategy for Children (1996) calls for society to change how it views children. The media should support children's right to healthy, balanced development, and all professionals who work with children should receive special training in children's rights.

4.6 The Council of Europe's Recommendation No. R (91)11, on sexual exploitation²², pornography, prostitution, and trafficking involving children and young adults, emphasizes the media's role in covering this issue by encouraging them to raise public awareness of the topic and follow suitable conduct guidelines.

4.7 Barak, G., et al. (2001). Class, Race, Gender, and Crime: Social Realities of Justice in America examined how class, race, and gender influence criminological theory and every stage of the criminal justice system, including its personnel, and reflect the primary arenas of inequality, power, and privilege in the United States, which consciously or unconsciously shape people's perceptions of who qualifies as a criminal and how society ought to respond to them.

²⁰ Art.13 of UN Convention of Rights of Child 1989

²¹ Art.16 of UN Convention of Rights of Child 1989

²² Neethi Tendon, London School of Economics, U.K, Secondary Victimization of Children by Media, An analysis perception of victims and journalists. International Journal of Crime Safeguarding Identity of Children (last visited Oct 07,2026)

4.8 Carli, V. (2008). *“A Brief Discussion of the Media, Crime Prevention, and Urban Safety: Media Influence and Areas Requiring Further Exploration”*. He described how the media influences crime prevention, urban safety, and additional areas for exploration.

4.9 Derek, F. (2005). *A Practical Watchdog’s Introduction to the Principles of Investigative Reporting: A Simple Guide Investigative Reporting in Practice*.

4.10 The Subcommittee on Fundamental Rights made it plain that press freedom would take up a substantial portion of the Constitution. From the moment the colonial government passed the Press Act in 1823, the press became a key battleground for colonial nationalism. It functioned as a means of spreading knowledge and instruction for the good of the public at large. While the early drafts prepared by K.M. Munshi, Dr. B.R. Ambedkar, and Harnam Singh each set out a distinct right for the press, only the draft by K.T. Shah failed to draw that distinction.

4.11 The presumption of innocence stands as a fundamental pillar of criminal justice systems around the world, requiring that those accused be regarded as free of any assumption of guilt until they are convicted through due process, a guarantee explicitly set out in Article 11 of the Universal Declaration of Human Rights (1948), Article 14(2) of the International Covenant on Civil and Political Rights (1966), and Article 6(2) of the European Convention on Human Rights (1950).

The media is society's main source of information on criminal justice, shaping public views of guilt and innocence through how it frames stories and what it chooses to highlight. Traditional outlets favor dramatic elements—arrest footage, suspect mugshots, inflammatory headlines—often magnifying accusations while minimizing exculpatory facts, sparking premature convictions in the court of public opinion. This "trial by media" cements cognitive biases: repeated exposure to guilt-focused framing triggers heuristics that withstand contrary evidence in real trials. This research has been conducted by Francesco Alessi Longa, *The presumption of innocence and the media an examination of fair trial rights in the digital era [v1]* | Preprints.org (2025), <https://www.preprints.org/manuscript/202512.0104> (last visited Oct 12, 2026).

4.12 International human rights law firmly establishes the presumption of innocence as a guarantee that cannot be suspended, requiring states to treat accused persons as innocent until competent evidence proves otherwise. Article 11 of the Universal Declaration of Human Rights (1948) states that “everyone charged with a penal offence has the right to be presumed

innocent until proved guilty according to law,” providing the foundation for later treaties. [United Nations. (1948). Universal Declaration of Human Rights.]

4.13 Framing theory explains how media focus on "episodic" individualized drama (like "monster" labels) hides systemic context, priming audiences to attribute guilt dispositionally. [Dorfman, L., & Schiraldi, V. (2001). Off balance: Media coverage of youth crime. Building Blocks for Youth.]

4.14 Stereotypes deepen harm: minorities get 2.5 times more "criminal" descriptors in coverage, tied to 15% harsher sentencing gaps, per U.S. longitudinal studies. [Foreman, K. (2016). What different types of news frames and racial identity affect perceptions of criminal suspects. Pepperdine Journal of Communication Research, 4, 1-13.]

Indigenous women in Canadian cases, for example, meet victim-blaming frames stressing "lifestyle risks," which stifle empathy and sustain colonial bias.

4.15 Today, digital media and social networks are so widespread that they make it harder to presume someone innocent and to hold fair trials. Traditional media could already spread pretrial publicity, but online platforms do it instantly and across borders, which makes unbiased judging much harder. [Gruce, J. (2024). Social media and the court: Exploring impacts, challenges, and potential solutions. Indiana State University Scholar Works.]

4.16 A major problem is jurors misbehaving through social media during trials. Jurors might look up case details online, talk about the trial, or share opinions publicly, which harms their fairness. For instance, in a 2019 New South Wales sexual assault trial, a juror's Facebook post linking sex offenders to the electric chair helped overturn a conviction for clear bias. Courts now give jury instructions banning this, but enforcement is hard because smartphones and social media are everywhere. [Hunt, H. (n.d.). Juries and social networking sites: Monitoring juror behavior and misconduct. Cozen O'Connor.]

4.17 Digital media crosses borders, so biased courts and the public can see unregulated content, such as leaked evidence or inflammatory remarks. Today's international legal cooperation for sharing electronic data is often not transparent or accountable enough, which makes it harder for defendants to prepare a fair defense and weakens the rule of law. [Fair Trials International. (2022). Whether digital or not, fair trial principles still apply – the challenges of e-evidence and the right to a fair trial.]

4.18 Courts try fixes like sub judice orders, contempt charges, gag orders, venue changes, trial delays, and jury isolation to limit biased media effects. [American Psychological Association. (2025). Does news before trial heavily sway potential jurors? Monitor on Psychology.]

4.19 Social media let amateur "online detectives" spread false claims and accusations, largely bypassing legal protections. TikTok, for example, faces criticism for true crime content that ignores innocence until proven guilty, causing lasting harm. [Sanders, P. (2025). Protecting the presumption of innocence: TikTok detectives, misinformation and private content moderation. University of Utah Law Review, 2025.]

4.20 More and more use of electronic evidence and digital disclosures creates new procedural risks. Police and courts often have wide powers to get and share electronic data, yet little ensures suspects know beforehand or that the data stays secure. This secrecy can breach a defendant's right to a fair trial, such as the presumption of innocence and the chance to contest evidence. [Fair Trials International. (2022).]

4.21 All in all, these problems show how urgently we need broad legal changes and new technology to fight back. To protect the presumption of innocence in a hyperconnected age, we could combine several steps: align global rules on cross-border data access, train jurors in digital literacy, pass flexible media laws, and add oversight of algorithms. [Gruce, J. (2024); Fair Trials International. (2022); Sanders, P. (2025); Hunt, H. (n.d.); American Psychological Association (2025).]

5. Research Gap

There has been a structural gap in which media considers itself sitting in some court and pronounces the judgement before knowing the credible source or not wait to report high profile criminal cases and sensationalizes the news just for few ratings. There is no single law, statutes, guidelines and regulation that strictly impose penalties in violating the norms and ethics of journalism.

The Constitution of India²³ has provided freedom to press under freedom of speech and expression but has not set any restraint upto what extent the media should exercise that freedom. No jurisprudence focuses on this sphere that media in any kind as print media, mass

²³ <https://www.livelaw.in/columns/trial-by-media-211818>

media, electronic media and social media are becoming the source from where all information, ideas and knowledge spreads with technological advancement this nation has taken a sparkling debate about media being destroying the image of an individual upon discovery of the facts without verifying the statements made.

Senior Advocate Kapil Sibal²⁴ remarks this trial as by noise of law rather than rule of law. Salve warned that trouble arises once the media turns into a parallel system where the rule of noise governs and starts pushing aside the rule of law.

“He said the Indian judiciary in high-profile cases has turned into a "circus", with the media rejecting any notion of the law of evidence. He lamented that "trial by embarrassment" had taken the place of trial by court of law.”

Unlike India, media in the UK and the USA show restraint when covering crime. Yet in India, people demand arrests before an investigation even begins. He added that once the outcry grows deafening, arrests follow and the media declares guilt. This problem day by day is becoming bigger and reputation of people are damaged and influences public, public disclosures destroy the essence of justice to be impartial and fair investigation is the need of the hour.

"Today we face a risky mix of electronic and social media. Social media lets anyone with an opinion and a bias publish freely. Whatever is written on WhatsApp is treated as absolute truth. The electronic media then picks this up". It feels this climate was the greatest obstacle to India's progress and foreign investors hesitate to invest in India for fear of harassment.

6. Research Objective

There should be balance between the freedom of speech and expression, the media enjoys and right to fair trial by accused as it is presumed to be innocent until found guilty. The media should exercise his function with true transparency and truthfulness.

The media should ought to report to aware and seek the opinions from public on different issues but should restricts its power to report the cases involving serious and heinous crimes, that adequately affects public perceptions and high-profile murder cases should be out of its scope.

²⁴ <https://www.livelaw.in/top-stories/media-trial-interferes-with-administration-of-justice-amounts-to-contempt-of-court-bombay-high-court-168535>

This paper will examine what constraints does we impose on media, what freedom media has to report and demonstrates upon discovery of facts, does media only sensualises or do biased reporting.

Media actually want to discover truth or exercise and regulate its power arbitrarily, as in Sheera Bora murder case media has negatively publicized and issued statements against Indrani Mukhearjee her sister and trolled her on media as they revealed that she was the mother of her and hided from the nation and his reputation got disgraced. Media without knowing the truth started to chase, follow her and her identity was exposed of media trial and that affected the trial of that case. Hence media should not be allowed in court premises unless there is open case and public trial has been conducted.

The role media should be limited to the extent to report the facts and ascertain the situation without defaming or tarnishing the reputation of individual. The coverage by media of Sushant Singh Rajput case and Arushi Talwar murder case has been negatively influencing the masses and invading in between the police investigation hampers the right of the individual.

The absolute autonomy has been emphasized by Judiciary in some of the landmark cases such as **Romesh Thapar v. State of Madras**²⁵, The Supreme Court held that freedom of press falls with freedom of speech and expression.

The goal of this study is to understand the scope in which media can portray and display and showcase the news on public channels, Freedom of speech and expression to be limited to uphold the principle of fair trial recognized under Article 21²⁶ Right of protection of life and Personal liberty given in Part III of Fundamental Rights in Constitution of India.

To analyze and examine the comparative approaches and studies that talks about presumption of innocence and protect the citizens of the country with an impartial investigation. To understand the problem of police disclosures about a criminal Investiagtion that puts suspect into the situation of guilty before verdict. Upto what extent anyone can speal to media, the autonomy of the accused in criminal justice system to be protect by police officers and executive authorities without compromising the rules written in police manuals.

7. Research Question

²⁵ AIR 1950 124

²⁶ INDI CONST art 21, 1950

7.1 Media should not act ultra vires to the freedom recognised, there is norms and ethics that journalism follow while reporting, media declares guilty and gives verdict hampers right of fair trial?

7.2 Presumption of innocence and impartial investigation by police should result in effective administration of justice?

7.3 Media has failed to understand the difference between an accused and a convict, to differentiate between both of them?

7.4 Two principle of criminal have significant importance in justice system, but upto what extent it is practically applied and police officials, media journalists understand it or not?

8. Research Methodology

This legal research contains the use of both doctrinal and non - doctrinal researches. I have use multidisciplinary approach and findings to investigate the methods followed by media to propagate the knowledge and spread awareness in public to make a chain of checks and balances whether the government has functioned effectively or not. To educate the masses media has played both a positive and negative role and displays the portrayals of information Therefore, the balance between the freedom of speech and expression to publish or report the ideas, figures, data without verifying the credibility and truth under Article 19 (1) (a)²⁷ and Article 21 of the Constitution of India in which the suspect or accused have rights for fair investigation and trial.

This paper also includes empirical findings through surveys filled by various stakeholders which plays very important role in undertaking this question to analyze their view and opinion about the topic.

8.1 Doctrinal Research

One of the most widely used methodological approaches that researchers adopt when carrying out studies in the legal field is the Doctrinal method, which is also referred to as library-based research. Within the realm of legal research, doctrinal legal research primarily concentrates on the task of examining and evaluating the current condition of doctrines, rules and principles

²⁷ *INDI CONST art 19 (10 (a), 1950*

within the scope of the law as it stands. In this kind of research, the question of central importance is "what is the law?" regarding any specific issue, and then pursuing further investigation into that same matter. For example, it can be stated that when any legal scholar chooses to engage in doctrinal legal research, at the initial stage of that research he will be concentrating on a single or several legal propositions, principles or legal doctrines.

In the context of doctrinal or normative legal research, one of the most fundamental tools that researchers depend on is the legislative Acts enacted by the Parliament. The today's legal system displays a notable characteristic in which the range or volume of legislative instruments of an executive character are regarded as more important than the primary ones. In order to address shifting situations and emerging circumstantial demands, and keeping in mind the social and political factors, the necessary amendments are incorporated into the Acts of the Legislature.

8.2 Non-Doctrinal Research

In recent years, doctrinal legal research has drawn a great deal of criticism because of its inappropriate approach during the period of transformation in political philosophy from laissez faire to the welfare state. Some of the main reasons underlying the idea of examining the social dimension of law include: First, the rise of the concept of sociological jurisprudence, which chiefly advocates the philosophy of assigning to 'law' the task of carrying out 'social engineering'.

Describing the approach of non-Doctrinal legal research, which is also referred to as Empirical research, primarily means the collection of evidence that fundamentally depends on observation and experience. Put differently, it is also characterized as Socio-legal research in which the functioning and effect of legal institutions, norms, principles, or doctrines within society are examined. Through the use of methods or approaches drawn from other disciplines, data of an empirical or verifiable character is gathered for the purpose of obtaining answers to any predefined research or inquiry question.

9. Problem Statement

I understand that India and the United States both back press freedom, though their methods differ.

- India's Constitution does not name press freedom directly; instead, it falls under Article 19(1)(a), which protects speech and expression. This right is taken to cover the press.
- In the U.S., the First Amendment directly and plainly safeguards speech, expression, and the press. Its language is precise and absolute.
- Thus, the U.S. Constitution protects²⁸ this directly and firmly, whereas India does so indirectly, by interpreting speech rights.
- India stands 159th of 180 countries in the World Press Freedom Index; the USA ranks 55th.

Comparing press freedom in India and the U.S. reveals key Constitutional and judicial contrasts. Under the First Amendment, the U.S. explicitly guarantees press freedom, shielding it strongly from Government interference. India's Article 19(1)(a), by contrast, protects speech and expression but never names the “press”, though courts read it to cover the media.

- Press freedom still faces tough challenges in today's shifting legal and political world, testing the balance between democratic values and legal limits. Though Article 19(1)(a) of the Indian Constitution guarantees this right, it is not absolute and often meets censorship, defamation claims, political pressure, and digital platform misuse. As media moved from print to digital, the reach and risks of press reporting both grew. This section examines three key cases to critically assess how the judiciary has handled modern clashes between press freedom and interests like national security, privacy, and public order.
- In a modern state, the rule of law²⁹ and law's role are the two forces that play an essential part in people's lives. Law grants certain rights and freedoms, yet it also imposes duties and restricts how those rights are exercised. Immanuel Kant held that “Law is the ensemble of conditions whereby the will of each can co-exist with the will of others, according to a universal law of liberty.”. Kant added that “Law itself is concerned with the external practical relations of one person to another. Ordering these relations at all entails ordering the arbitrariness of each man toward others, in light of the concept of freedom.
- Note that absoluteness is a foreign concept to human life. No right or liberty is absolute, however vital. Law merely governs people's lives to build a society where one can enjoy their freedoms without undue interference. In this light, it helps to recognise that those

²⁸ *Media Trial & Sentencing: Perspectives & Prescriptions*, PATNA HIGH COURT (1950), <https://patnahighcourt.gov.in/ILR/viewpdf.aspx?T=ARTICLE&ID=Mg%3D%3D-KJBD41z3f%2Fk%3D> (last visited Oct 14, 2026).

²⁹ Rohan Singh Lodhi & Pooja Aggarwal, *Media trial in Indian legal system: A critical review*, Vol II International Journal of Environmental Sciences (2025).

involved in 'media trial' should grasp that their recognised freedom is not limitless and they must act within reasonable restrictions to avoid interfering with the rights of the common man, who is equally entitled to rights recognised by law. One downside of media trial is how it harms an individual's dignity and liberty in its blind chase for the spotlight.

- Media Trial interferes with Investigation of the police and hampers the administration of justice, ultimately raises question on judicial accountability and it amounts to contempt of court.

10. Freedom of Press and Its Scope of Broadcasting

10.1 Freedom of press is not explicitly given power and mentioned under Indian constitution. The writings or feelings expressed, thoughts are piece of information that is considered under speech and expression. When this information broadcasts to the masses or large number of groups by any medium that catches the attention the public. These statements or expressions by media recognises the freedom of press under Article 19 (1) (a). Dr BR. Ambedkar clarified as we have adopted the model of britishers of freedom of press thereby the freedom is considered under the freedom of speech and expression, as it widens the scope and expand it as broader right.

10.2 In **Brij Bhushan v. State of Delhi**³⁰ and **Romesh Thapar vs State of Madras**³¹ are two landmark judgements that shapes the law for freedom of press and media. In 1951 Supreme Court held that freedom of press is an essential part of freedom of speech and expression. One side the founder editor the famous CrossRoads Journal challenged the arbitrary order passed by government of madras banning the entry and circulation of the magazine or journal. Supreme Court held that **Madras Maintenance Public Order Act, 1949**³² violated the freedom of press under Art 19 (1) (a), on the other side Supreme Court invalidated the prior censorship of newspaper imposed on the organizer magazine and restriction to be imposed on the grounds when there is clear danger to public order and that statement has incited violence among public.

10.3 In another case or story of 1985, where the government imposed steep hike in the prices in custom duties on newspaper affecting small sellers of newspaper and regional publication

³⁰ AIR 1950 129

³¹ *Id*

³² MMPOD, 1949 (India)

have greater impact. This was held in **Indian Express Newspapers vs Union of India**³³ which there was an indirect attempt to curb the freedom of press and media and Supreme court struck down excessive taxation on newspaper.

10.4 One of the judgements that recognised the free speech an important fundamental right. In Shrey Singhal's case The law was in violation of right and speech and struck down Section **66A of IT Act, 2000**.³⁴

10.5 The grounds on which the freedom of speech and freedom of press can be restricted such as integrity and sovereignty of the nation, public order, state security, friendly association with foreign nationals, morality or decency, contempt of court etc.

10.6 Scope of freedom of press includes wider things such as liberty to disseminate the knowledge, freedom of publication, freedom to advertise by following proper guidelines mentioned, also includes freedom to circulate and also one of the major issues which constitutes violation of fair trial is right to report court proceedings.

10.7 In **Sakal Paper Limited vs Union of India**³⁵, The Supreme Court declared that Newspaper Price and Page act, 1956 and Delhi Newspaper price and Page act, 1960 to be unconstitutional and void and circulating freedom to regulate within the limitations.

10.8 Freedom to Advertise includes right to interview with valid consent, free will required, no compulsion or journalist has no legal right to impose their views. In **Prabha Dutt vs Union of India 1982**³⁶, The Supreme Court recognizes media's right to gather information, interviews about prison activities and management or willing subjects.

10.9 Freedom to report the court proceeding is one of the controversial issues that has created a question in mind of every individual nowadays whether media showcases for TRP or sensualizing the news. The media has influenced, created characterization and defamed their well stablished identity in number of cases. In **Sahara India Real Estate Cooperation versus SEBI**³⁷, it was considered that it is right of media to report the judicial proceedings. In this case the company raised illegally from many public investors over 23 million crores from over 3

³³ AIR 1996 515

³⁴ Information Technology Act, 2000 (India)

³⁵ AIR 1962 SC 305

³⁶ 1184 1982 SCC

³⁷ (2012) 10 SCC 603

crores investors for private scheme. The company contends that the schemes were well known to limited and considered it as private placement and only selected clients intimated about the scheme. The decision came against the Sahara³⁸ to refund the entire deposits of the investor; the media started to broadcast the issue and leaked the official confidential settlement proposals and documents in public from there the concern of limiting the media and press freedom came for accountability of fair trials approach and help company as culprit before a reasoned decision.

11. Fair Trials Approach

This approach follows two important principles in criminal law which have significance importance one is individual is presumed to be innocent until he or she founds guilty and guilt to be proved beyond reasonable doubt. The media has failed³⁹ to consider these into consideration while reporting, broadcasting the sensitive information. It is direct violation of fundamental rights of the accused for fair trial under Article 21 of the constitution of India right guaranteed under Protection of life and personal liberty.

Trial means a process by way of evidence the proceedings are being conducted before court of law. But here the media conduct its trial upon discovery of selected facts without knowing its source to be verified by any authorities. There when the trial is influenced by media reports, publishing and police investigation is biased and underreported it creates confusions and violation rights of a suspect or accused for proceedings to be conducted in fair way because judiciary is independent and acts as their party and provide opinion by listening to both sides. Every party has a right to say and hearing therefore these rights are also violated.

The media interferes with administration of justice. The phrase "administration of justice" in section 2(c)(iii) of the Contempt of Courts Act is broad enough to cover both civil and criminal justice. "Administration of justice" may begin even before judicial proceedings are started. It takes countless forms and endless variety.

Balancing free speech with the rights of prominent figures to a fair trial is a hard and vital issue in Indian media trials. It hinges on how these two fundamental rights conflict under the constitution: free expression and the right to an impartial trial (under Article 21). While free

³⁸ Allan, S., & Zelizer, B. (Eds.). (2004). *Reporting war: Journalism in wartime*. Routledge

³⁹ Bastubee, R. (2014). *Trial by media: Free speech vs. fair trial under the Indian legal system*. *International Journal of Humanities and Social Science Invention*, 3(5), 32–38

speech keeps democracy healthy and enables journalists to investigate, fairness must prevail and free speech must be balanced in court cases.

12. Media Trials Driven in Criminal Cases; Timelines For Famous Cases⁴⁰

i) There are three key bodies that play an important role and has been involved from registering of FIRs to passing a decision. The three key stakeholders are the Police, Media Journalists, judges which work according to the prescribe role and together to end the crime in society the ultimate objective but there so many loopholes to be seen in the governance system. If all the keyholders function well, no corruption will arise, no fault means, fair justice, transparency and accountability.

ii) Starting from the famous murders cases which have been hot coverage done by media in long back when the girl died in his bedroom between the two walls the crime happened and only the parents were there and one servant, no one has abled to solved the mystery but CBI did the proper investigation is required to be done but the local police adopted casual approach the house **Arushi Talwar**⁴¹ crime scene was contaminated as media officials and journalists visited the house creating the girl's parents culprit because no one else was present in the house and the next day servant body was found on the terrace in water tank, the media escalated to find and started sensualizing the news for TRP and ratings, before undiscovering the truth parents were already declared guilty while the trial was pending in the court. Other case in which a well know TV artist and film actor **Sushant Singh Rajput case**⁴² called as suicidal and accidental still pending the Investiagtion, he was trolled after his death for involved in drugs and dies because of that also of this media broadcasted on its channels and Riya Chakraborty was trolled very much for this and involvement in suicide of Sushant. The media has not stopped creating a different public perception in different cases.

iii) The media has influenced people form its poetic expression, videos and images but media has played a very important role in encouraging the fight for **Nirbhaya case**⁴³ culprits to be hanged and amendments in 2013 was made to the law of gang rape and in **manu sharma** case

⁴⁰ Ray, R. (2013). *Role of media in criminal justice delivery system in India: A critical analysis*. *Journal of Indian Law and Society*, 4(1), 85–104

⁴¹ *Criminal Appeal Nos. 6807 of 2017 and 6852 of 2017 (also referred to as Criminal Appeal Nos. 293 and 294 of 2014)*

⁴² <https://parinamlaw.com/articles-updates/sushant-singh-rajput-judgement-of-the-honble-delhi-high-court-parinam-law-associates/>

⁴³ FIR No. 413/2012 (P.S. Vasant Vihar), Sessions Case No. 114/2013

the girl is killed only because of not giving drinks to union minister son in that media truly shows the positive side and calls the national to think and culprits to be hanged on death.

Thereby the media should put restraint on its working and support in cause for the true and by showing the correct information the assertive journalism, ratings can come back and be as bigger in spreading awareness for the heinous crimes and issues.

Then with the time role of media changes and transforms to follow story and cover the untruth of the wrongdoings and bad incidents that can be helpful in actual sense media roles to form public opinion to the verified sources and facts.

iv) But once the media got involved, the case was retried and Manu Sharma⁴⁴ got life in prison. Here are some well-known criminal cases that media involvement would have left unpunished:

i) Priyadarshini Mattoo Case⁴⁵

ii) Jessica Lal Case⁴⁶

iii) Nitish Katara murder Case⁴⁷

iv) Sheena Bohra Murder Case⁴⁸

v) In 2012, **Indrani Mukerjea** was arrested for killing Sheena Bora. The shocking part was that Sheena was her daughter, not her sister as Indrani claimed. The media gave the case wide coverage. Even after her arrest, Indrani never admitted to having two children and kept insisting Sheena was her sister. The murder also exposed the shady financial dealings of Indra Mukerjea and her husband Peter Mukerjea. They twisted the facts so well that no case was filed against them for three years.

The media's harsh gaze into Indrani Mukerjea's personal life sparked fresh debate in the murder trial. Every detail of Indrani's character and private life, even those unrelated to the murder

⁴⁴ 2010 (3) SCC 746

⁴⁵ (2002) 8 JKK 747

⁴⁶ (2010) 6 SCC 1

⁴⁷ (Decided on April 2, 2014) – Criminal Appeal Nos. 544, 585, 831, 839, and 840 of 2008.

⁴⁸ 2022 SCC 695 SC

probe, came under public scrutiny through the media. Journalism ethics were again questioned for prying into the accused's personal matters.

vi) In The **Tikku-Kakkar double murder case**⁴⁹: This shocking case involved two Delhi residents killed by a greedy criminal and his female partner. Police stated that main suspect and ex-gangster Vijay Palande used his model wife, Simran Sood, as a honeytrap to carry out the crimes and seize the victims' properties. In April 2012, Palande and his accomplices Manoj Gajkosh and Dhananjay Shinde killed Delhi businessman Arunkumar Tikku.

Police said Palande lured the victim's son, actor Anuj Tikku, by promising him Palande's flat in Mumbai's upscale Lokhandwala Complex. Mumbai's crime branch arrested the three men and Simran Sood over the kidnapping and murder of Delhi-based aspiring producer Karankumar Kakkad.

In 2012, this double murder shocked the country and became a major story on TV and in newspapers, seen as one of India's most disturbing serial killer cases in years. He was arrested for planning the murders of Tikku and Kakkar. On November 18, 2011, Palande was sentenced to life in prison for killing the two men.

Vii) This was an honour killing: Vikas Yadav, son of the well-known politician DP Yadav, brutally murdered **Nitish Katara**. Nitish was in a relationship with Bharti Yadav, Vikas Yadav's sister, and Vikas never accepted their love. At a wedding of a mutual friend, where both Vikas and Nitish were present, Vikas seized the chance and killed Nitish by taking him for a ride. The autopsy report showed Vikas had beaten Nitish so badly that even his digestive system was destroyed, and a DNA test was done to identify him. Vikas got life imprisonment. In media trials, the accused sometimes does not even get the proper conviction he deserves.

viii) In 2007, the bodies of children and adults were discovered at Moninder Singh Pandher's house in **Nithari village**, Noida. Investigators soon found that Pandher's servant, Surender Kohli, had raped and killed women, including minors, and ate their body parts; in one case he even cooked them. Moninder Singh Pandher was acquitted in one case in 2009, but remains a co-accused in another, and his death penalty was overturned. The Allahabad High Court changed Surender Kohli's death sentence to life imprisonment. Later, the CBI Court found both Surinder Koli and Moninder Singh Pandher guilty of the attempted rape and murder of 20-

⁴⁹ Thakur, M. (2014). *Media activism and the Jessica Lal murder case*. *Journal of Content, Community & Communication*, 1(2), 45–52

year-old Pinki Sarkar. This was their eighth murder conviction out of sixteen murder cases that have been judged. The media highlighted the case, and the accused was punished.

ix) Ayodhya case⁵⁰

It is among India's most talked-about and well-known cases. The case has deep religious, historical and political roots. The dispute is over land in Ayodhya, the birthplace of Lord Rama. The main issues involved Hindus and Muslims, who both held religious beliefs about this land. On 6th December 1992, violent Hindu activists demolished the famous Babri Masjid during a rally; it is believed to have stood where a Ram Temple once existed and where Lord Rama was born.

The demolition caused violent riots, and a case was filed in the Allahabad High Court over the land claim. Over time the case grew more controversial, and the final judgment came only after 18 years. The judgment considered the religious feelings of both communities.

The media covered this case for a long time, stirring small disputes and irrelevant issues that only deepened tensions between the two communities across India.

x) Priyadarshini Mattoo was a law student living at her uncle's home in New Delhi. She was found dead on 23 January 1996. At first, her senior Santosh Kumar Singh, who had stalked and harassed her for years, was believed to be the main accused. It later came out that the main accused, Santosh, was an IPS officer's son. He strangled her with an electric wire around her neck. Santos hit her face many times with a helmet, leaving it unrecognisable.

Public outrage and a media campaign against the acquittal led to a High Court appeal, ending in conviction and a death sentence. On 30 October 2006, the Delhi High Court ordered the death sentence, which the Supreme Court later changed to life imprisonment.

13. Criticism of Media trial

- In a democracy, the media plays a vital role. Every branch of democracy must work on its own, without meddling in others' work. In high-profile criminal cases like the Indrani Mukerjee and Jessica Lal cases, the media crossed the line and violated the judiciary's sanctity. Some accused go free because of media interference.

⁵⁰ *Civil Appeal Nos. 10866–10867 of 2010*

- A three-judge bench headed by Chief Justice of India R M Lodha called the issue very serious and said the Court would consider some guidelines to balance the interests and rights of those involved. The Court's guidelines are as follows:
- With media trials on the rise, the Supreme Court should look into the matter, since it leads to public condemnation of the accused based on what prosecutors and police say, even before the trial has begun.

14. Influence of Media on accused, judges, witness

- If the media portrays a suspect or accused as guilty before the court trial, the accused may face serious prejudice.
- Even if the court acquits the suspect or accused after due process, the acquittal may not help them rebuild their reputation in society.
- When the media gives exaggerated and unfair publicity that labels a person guilty before a verdict, it unduly influences the "administration of justice," which may require contempt proceedings against the media.
- Revealing the witness's identity could expose them to pressure from the police and from the accused or his associates.
- Early on, the witness wants to withdraw and escape the chaos. So protecting the witness becomes a serious concern. This raises the question of whether a hostile witness's evidence is admissible, and whether the law should be amended to stop witnesses from changing their statements.
- Judges can also be criticized, whether for their work in court or their private lives. But it is worrying when criticism of Judges lacks facts or a real basis, as this can weaken public trust in the judiciary.
- A Judge must guard against media pressure that can 'unconsciously' sway juries or judges, since judges, being human, are at least subconsciously or unconsciously open to such indirect influence.

15. Media Trial vs Fair Trial⁵¹

Article 21 of the Indian Constitution ensures the right to a fair trial, since this is seen as part of the right to life and liberty. Simply put, the "Right to Fair Trial" means a trial must not be

⁵¹ Indjustice, Role of Mass Media in Investigation

swayed by outside pressures, a principle of justice accepted in India. Articles 129 and 215 of the Indian Constitution, along with the Contempt of Courts Act, 1971, include rules meant to protect this right. In India, the criminal justice system follows the 'presumption of innocence': a person is treated as innocent by the competent court until proven guilty. The media should report news objectively, meaning it must not judge any case and should publish only the factual aspects. Print and electronic media are now caught in an endless race for sales and TRPs (Television Rating Points).

The Press Council of India tells the media not to give excessive publicity to the victim, accused, or witnesses, and not to reveal confidential information that could hinder or bias an investigation. The media must also avoid naming any witness, since this raises the chance of them turning hostile, and above all it should not run a parallel trial that puts undue pressure on the judge or jury deciding the case.

In *Zahira Habibullah Sheikh v. State of Gujarat*, 2006, the Supreme Court ruled that a fair trial means a trial held before an impartial judge and a fair prosecutor, in a calm judicial setting. A fair trial is one where bias or prejudice against the witnesses, the accused, or the case itself is removed.

In the case of *Vijay Singhal and Ors. vs. Govt. of NCT of Delhi and Anr.*, 2013, the Court held that trials aim to meet the ends of justice, and if the right to freedom of expression conflicts with the right to a free trial, the right to a free trial would prevail over the right to freedom of expression.

16. Challenges and Limitation to be imposed on Media Trial

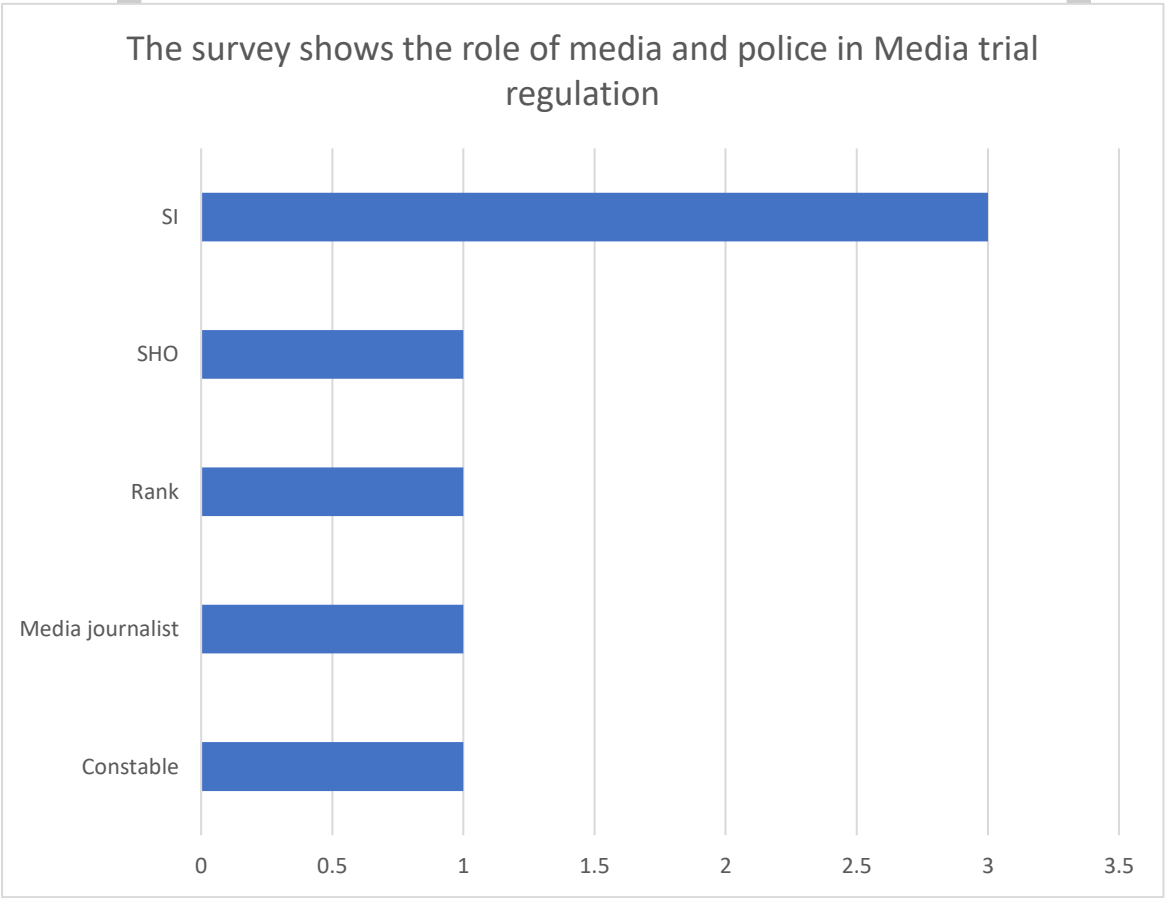
Meddling with or bias in the judicial process: this rule comes from natural justice. Every accused can get a fair trial, which ties into the idea that justice must not just be done but also appear to be done. People try to bias a trial in many ways. If such biased cases were allowed to succeed, most people would be convicted of crimes they never committed, as in Pradyum Thakur's case, where the bus driver was first convicted but the real culprit turned out to be the boy's school senior.

Many times, the media has been blamed for acting like a court, announcing a "Verdict" based on its own inquiry before the Court gives its judgment. The Court, not the media, must conduct the trial. Media trials clearly interfere improperly with how justice is delivered.

Lawmakers carry a heavy duty when writing media laws, making sure media freedom is not taken away. The media may discuss and comment on judgments, but it has no right to run a trial on matters still before the Court. An accused's right to a fair trial always matters more than media freedom once a pending case begins. Media trials get in the way of justice.

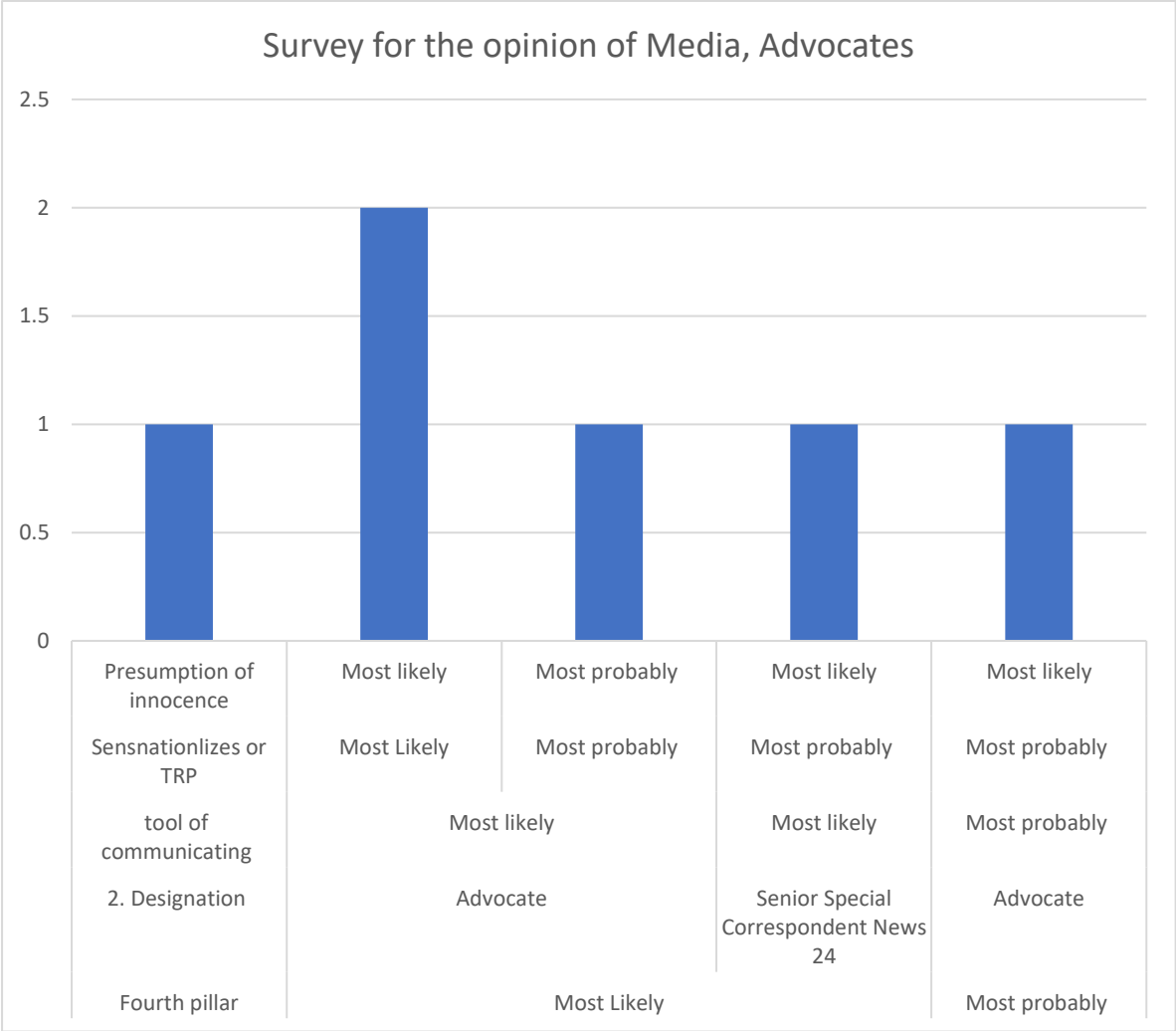
The media's influence clearly does more harm than good, apart from a few exceptions. The Courts should keep the media properly in check. The Courts should not give the media a free hand in proceedings, since a trial is not a sporting event.

16. Empirical findings



These shows that media journalists and police authorities play an important role in media trials they examine role of police officer in maintain the law and order registering the FIR and producing the accused before magistrate within 24 hours and preserving the protection of accused to follow the principle of presumption of innocence and media disrupts that principles and declares person guilty of the crime there media has tend to seen to increase its ratings mostly broadcasts hot topics and increases the public opinion without verified sources.

Therefore, both the stakeholders should be responsible in carrying out their duties as they failed to, sometimes police also produce an accused before trial in front of media for unlawful disclosures therefore deliberated hampers the presumption of innocence recognised in many precedents.



These are the opinions of the media journalists and advocates which feel the media only works for the money and ratings, Advocates has seen in so many protests and are not liable to disclose the sensitive information and evidence given to them to be released in the public as most of the senior advocates does that that is against the Advocates rules and its conduct.

17. Conclusion

The media has long helped spread awareness and secure justice. In cases such as Jessica Lal's murder and Priyadarshini Mattoo's, the media highlighted that justice was delayed and denied. In Jessica Lal's case, the court took 7 years to rule the evidence refutable, so Manu Sharma, a

politician's son, went unpunished. Jessica Lal's family had given up hope. But the media stepped in to get Justice for Jessica. They continued from where the police had stopped. Public demands for justice pressured the police, administration, and government to solve the case fast. In the end, the accused, Manu Sharma, got life imprisonment.

Another major case where the media deserves credit was the Priyadarshini Mattoo Case. Here, a 23-year-old Delhi University law student was raped and brutally murdered by her senior Santosh Singh, son of a senior IPS officer. After 3 years of proceedings, the court acquitted Santosh Singh, and it seemed Priyadarshini Mattoo would never get justice; but the media launched a broad investigative journalism effort to expose the flaws in the police investigation, and thanks to that effort the CBI could finally arrest the culprits. In such cases, responsible media served the cause of justice; it has shown that responsible media can play a positive role in society and help justice.

The media trial also raises another key issue: the Courts' authority to punish the media in contempt cases involving serious attacks on judges' character or unfair criticism of judges and their rulings. In his book 'Road to Justice', Lord Denning noted that the Press acts as a watchdog ensuring every trial is fair, open, and above board—yet the watchdog may sometimes break free and must be punished for misbehaving. The Indian Constitution, through Articles 129 and 215, gives the Supreme Court and High Courts, as Courts of Record, the power to punish anyone for contempt of Court. The core principle is that contempt is a wrong not against the judge who is criticized, but against the Court as a public institution, established by the Constitution to deliver justice.

18. Suggestions

Scholars, activists, journalists, and many others, including judges, have said that journalists and media managers need to be taught to understand and respect the accused's right to a fair and impartial trial, and to know the limits on intruding into fair-trial rights or personal privacy. It has been stressed that the media and their bosses must know the boundaries of free expression and when they cross the line, becoming liable for contempt of court, defamation, or other actions.

In this regard, the role of the Press Council is also important which has formulated the Press Council guidelines and Norms of Journalistic Conduct for the journalists engaged in reporting

crime or legal issues which include the guidelines regarding Media Trial as well as Sting Operations and other related aspects.

Since the issue of media trials has serious effects on the freedom, rights and duties of individuals, courts and media, some specific legislation is required to streamline this troublesome situation. Another step to check the wrong reporting of the judgments by the media is to provide daily orders and judgments to the public on the Internet.

The Supreme Court has already taken a step to make available all the judgments and orders including that of the trial Courts on the Internet so that there should be no confusion regarding the reporting aspect of the cases to the public. The eCourts Project has now been implemented in nearly all the Courts of India to ensure transparency, access to Justice and information so that chances of wrong reporting or misleading reporting or speculation of any kind could be avoided.

The Legislature has also to play its role as the regime of the self-regulatory mechanism adopted by the regulatory bodies of media require statutory flavour for legal enforcement. In a participative democracy, all the stake holders are required to be consulted before taking any concrete legislative and statutory shape so that regulatory mechanism may be beneficial for the country, society and individuals.

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