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## MEDIA TRIAL: A CRITICAL ANALYSIS OF ITS IMPACT ON THE JUDICIARY AND SOCIETY

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### ABSTRACT :

Often called "trial by media," media trials are a developing trend in which news coverage of court cases shapes public opinion and maybe even court decisions. This article looks at the consequences of media involvement in current court proceedings within Indian legal and constitutional framework. Emphasising historic examples like K.M. Nanavati, Jessica Lal, and Sushant Singh Rajput, the study shows how media sensationalism may compromise judicial impartiality, breach the assumption of innocent, and violate personal rights. The paper investigates the conflict between freedom of expression and the right to a fair trial by means of an examination of constitutional provisions including Articles 19(1)(a), 19(2), and 21 as well as legal tools such the Contempt of Courts Act, 1971. Comparative viewpoints from countries such the UK, US, Canada, and Australia offer worldwide background by highlighting different regulatory policies. Emphasising tougher enforcement, ethical journalism, and regulatory change to balance media freedom with judicial integrity, the study ends with practical suggestions.

**Keywords:** Media Trial, Freedom of Press, Right to Fair Trial, Article 19(1)(a), Article 21, Contempt of Court.

### Introduction

Particularly in the framework of criminal prosecutions, media is fundamental in forming public belief. A media trial is one in which media sources generate a public perception of a person's guilt or innocence by means of thorough and often sensationalised reporting, hence possibly affecting court strategies. Media in this setting is both a spectator and a participant, hence erasing the lines between reporting and judgement. Often referred to as "trial by media," this unofficial method allows the pressing effectively to convict or exonerate a person in the courts of public opinion even before the judicial docket has rendered its decision.

Historically, one of the earliest and most cited examples of a media trial is the 1959 Indian case of K.M. Nanavati v. State of Maharashtra<sup>1</sup>, where public opinion was significantly shaped by strong media attention. Newspapers of that era offered detailed stories that changed public opinion even during the ongoing court cases. Globally as well, the 1967 interview of fraudster Emil Savundra on The Frost Programme in the UK is seen as a turning point in media trial debates as it raised questions about media's power to affect justice.

Two foundations that have to coexist happily in a democratic society are freedom of the press and the right to a fair trial. Under Article 19(1)(a) of the Indian Constitution, which covers the right to publish and distribute information, freedom of speech and expression is guaranteed. This privilege, however, is not absolute and is subject to reasonable limitations under Article 19(2), including those required to preserve the integrity of the judicial process. Conversely, Article 21 of the Constitution guarantees the right to life and personal liberty, which includes the right to a fair and unbiased trial. Media excess can undermine this privilege by prejudicing ongoing legal procedures and jeopardising judicial impartiality.

Thus, it is very necessary to find a delicate balance between press freedom and the integrity of court processes. While a vibrant and independent media is essential to ensure transparency and accountability, its role must be exercised with restraint when reporting sub judice matters. Neglecting to do so undermines public confidence in the judicial system as well as runs the danger of injustice.

### 2. Media Trial and the Indian Legal Framework

Media trials—in which media coverage greatly shapes public perception and maybe court results—have generated legal and constitutional controversies in India. The Indian legal system tries to carefully balance the right to a fair trial, the freedom of expression, and the preservation of the dignity of the court.

Every person under Article 19(1)(a) of the Indian Constitution has the right to freedom of speech and expression, which includes the freedom of the press. But this liberty is not limitless. Article 19(2) of the Constitution allows the State to put reasonable limits on this freedom in the interests of

<sup>1</sup> K.M. Nanavati v. State of Maharashtra, AIR 1962 SC 605

contempt of court, defamation, public order, and other issues. Media trials may push these limits, particularly when sub judice issues seem to be affected by media coverage.<sup>2</sup>

At the same time, Article 21 assures the right to life and personal liberty, which the Indian Supreme Court has read to encompass the right to a fair trial. The delivery of justice and the rule of law depend on this right. Media organisations run the danger of compromising this fundamental safeguard by running parallel trials or spreading prejudiced material on active cases.

A statutory protection to preserve the power of the court and guarantee unprejudiced administration of justice is the Contempt of Courts Act, 1971. The conduct classifies civil contempt as intentional disobedience to any court judgement or order and criminal contempt as any conduct that embarrasses or undermines the power of the court, compromises judicial procedures, or hinders justice. Media stories that cross legal limits might be criminal contempt, hence punishing publishers could follow.

This tension was notably addressed in *Sahara India Real Estate Corp. Ltd. v. Securities and Exchange Board of India* (2012).<sup>3</sup> The Supreme Court acknowledged the threat posed by media reporting on sub judice matters and laid down the principle that courts have inherent powers to issue postponement orders restricting such reporting, thereby safeguarding the right to a fair trial. In another case, *R.K. Anand v. Registrar, Delhi High Court* (2009)<sup>4</sup>, the Court upheld a contempt conviction where a media sting operation exposed unethical legal practices. While recognizing the media's role in exposing the truth, the judgment emphasized that such actions must not interfere with the judicial process.

Together, these provisions and precedents illustrate how Indian law seeks to mediate the complex relationship between media freedom and judicial integrity, ensuring that neither constitutional value is unduly compromised.

### 3. Impact on the Judiciary

The tension between “trial by using law” and “trial by media” affords extensive worries for the functioning of the judiciary in India. A trial by way of law is conducted within a legal framework, adhering strictly to the principles of natural justice, where the judge evaluates evidence primarily based on criminal norms. In evaluation, a trial through media involves widespread dissemination of information and opinion by means of the press that often leads to a prejudgment of the accused, undermining the presumption of innocence.

Despite their professional training, judges are not entirely immune to public sentiment. Constant media coverage of high-profile cases may also inadvertently affect their neutrality, main to potential judicial bias. The Supreme Court of India in *Sahara India Real Estate Corp. Ltd. V. SEBI*<sup>5</sup> recounted the possibility that excessive media coverage of ongoing trials could prejudice the administration of justice and affirmed the court’s power to restrict such reporting via postponement orders.

Moreover, media trials can derail justice via affecting witnesses, delaying proceedings, and influencing public opinion. In *R.K. Anand v. Registrar*,<sup>6</sup> Delhi High Court, the Supreme Court emphasized that trial proceedings must continue to be uninfluenced through external narratives and that the court is the most effective suitable forum for delivering justice.

### 4. Impact on Society

The role of media in shaping public opinion is undeniable, but during legal proceedings, this influence can become dangerous. Media trials often result in premature public judgments, distorting the legal presumption of innocence until proven guilty. The constant barrage of media content can sway the masses, resulting in a mob mentality or even digital lynching, where accused individuals are harassed and convicted on social media platforms without due process.

Such practices also infringe on the right to privacy and reputation, which are components of the right to life under Article 21 of the Indian Constitution. Individuals subjected to media trials suffer long-term reputational harm, irrespective of their eventual acquittal.

Three major Indian cases underscore these dangers:

In the *Aarushi Talwar Case* (2008), the media intensely covered the double murder of Aarushi and Hemraj, often speculating irresponsibly on the involvement of her parents. Despite their eventual acquittal by the Allahabad High Court in 2017, the Talwars’ social and professional lives were permanently affected due to the media portrayal.<sup>7</sup>

In the *Jessica Lal Case* (1999), the initial acquittal of Manu Sharma led to public outrage fuelled by sustained media coverage. The media campaign contributed to a retrial and Sharma’s subsequent conviction, raising concerns about judicial independence in the face of public pressure.<sup>8</sup>

In the *Sushant Singh Rajput Case* (2020), the death of the Bollywood actor led to a wave of media-led speculation, especially targeting Rhea Chakraborty. She faced relentless defamation, character assassination, and even arrest without conclusive evidence. Her trial in the media effectively eclipsed due process, showcasing the dangers of unchecked press narratives.<sup>9</sup>

<sup>2</sup> See LawBhoomi, “Media Trial and Judiciary,” available at: <https://lawbhoomi.com/media-trial-and-judiciary>.

<sup>3</sup> *Sahara India Real Estate Corp. Ltd. & Ors. v. Securities and Exchange Board of India & Anr.*, (2012) 10 SCC 603

<sup>4</sup> *R.K. Anand v. Registrar, Delhi High Court*, (2009) 8 SCC 106

<sup>5</sup> *Sahara India Real Estate Corp. Ltd. & Ors. v. Securities and Exchange Board of India & Anr.*, (2012) 10 SCC 603

<sup>6</sup> *R.K. Anand v. Registrar, Delhi High Court*, (2009) 8 SCC 106

<sup>7</sup> See Jus Corpus, “Media Trials and Their Impact on the Society and the Judiciary,” available at: <https://www.juscorpus.com/media-trials-and-their-impact-on-the-society-and-the-judiciary>

<sup>8</sup> IJCRT, “Jessica Lal Murder Case Study,” available at: <https://www.ijcrt.org/papers/IJCRT2411028.pdf>

<sup>9</sup> Wikipedia, “Rhea Chakraborty,” available at: [https://en.wikipedia.org/wiki/Rhea\\_Chakraborty](https://en.wikipedia.org/wiki/Rhea_Chakraborty)

## 5. Ethical Dimensions and Responsibilities of Media

The role of media in a democracy is foundational, however with this power comes the duty to uphold journalistic ethics—especially whilst reporting on sub judice topics. One of the key moral issues nowadays is sensationalism, driven by the pursuit of higher Television Rating Points (TRPs). Sensational journalism frequently prioritizes provocative content material over accuracy, distorting information to attraction to mass viewership. This results in prejudgment of legal cases, eroding public faith in the judiciary.

In India, there exists a urgent want for media ethics and self-regulation. Since most media outlets are not regulated by statutory bodies, voluntary ethical conduct will become essential. Institutions just like the News Broadcasting Standards Authority (NBSA) and the Press Council of India (PCI) are tasked with ensuring responsibility in the media, although their recommendations aren't usually binding.

The Press Council of India, set up below the Press Council Act of 1978, has issued complete Norms of Journalistic Conduct. These guidelines emphasize fairness, accuracy, pre-publication verification, and respect for privacy and dignity. In precise, the PCI instructs media to keep away from prejudicial coverage of ongoing legal matters that could interfere with judicial techniques.

## 6. Comparative International Perspective

United Kingdom (UK) adopts a strict liability standard under the Contempt of Court Act, 1981, prohibiting media publications that create a substantial risk of serious prejudice to active legal proceedings. UK courts can issue reporting restrictions and "postponement orders" to ensure the fairness of trials. Breaches can lead to contempt charges, regardless of intent.<sup>10</sup>

By contrast, the United States (US) follows a more liberal approach due to the strong protection of free speech under the First Amendment. Rather than restricting media content, U.S. courts use tools like jury sequestration, change of venue, and voir dire (jury screening) to prevent prejudicial impact. The U.S. Supreme Court has generally resisted prior restraint on media reporting, even in criminal cases.<sup>11</sup>

In Canada, courts may issue publication bans to protect trial integrity, especially in sensitive cases involving minors or sexual offenses. Australia, meanwhile, has strong contempt laws similar to the UK, and courts routinely restrict media reporting to protect the fairness of trials.<sup>12</sup>

These international models demonstrate varied mechanisms for balancing media freedom and judicial fairness. While India leans towards self-regulation, other democracies show that effective legal safeguards can coexist with media freedoms—highlighting the importance of robust judicial oversight.

## 7. Conclusion and Recommendations

In conclusion, while the media plays an essential role in upholding transparency and public awareness in a democracy, its overreach in judicial matters often results in a "trial by media," which can prejudice fair trials, damage reputations, and erode trust in the legal system. The Indian legal framework, though robust, requires stricter implementation and oversight mechanisms to prevent such occurrences.

### *Recommendations:*

1. Stricter enforcement of contempt laws for prejudicial reporting on sub judice matters.
2. Judicial guidelines to regulate media commentary on ongoing trials.
3. Strengthening self-regulatory bodies like PCI and NBSA with more binding powers.
4. Mandatory media ethics training for journalists reporting on legal issues.
5. Public awareness campaigns to educate citizens about the dangers of media trials and the presumption of innocence.

## REFERENCES

1. Constitution of India, Article 19(1)(a), Article 19(2), and Article 21.
2. The Contempt of Courts Act, 1971, Government of India.
3. Sahara India Real Estate Corp. Ltd. & Ors. v. Securities and Exchange Board of India, (2012) 10 SCC 603.
4. R.K. Anand v. Registrar, Delhi High Court, (2009) 8 SCC 106.
5. Press Council of India, Norms of Journalistic Conduct 2022, <https://presscouncil.nic.in/WriteReadData/Pdf/Norms2022.pdf>
6. LawBhoomi, "Media Trial and Judiciary," <https://lawbhoomi.com/media-trial-and-judiciary>
7. PRS Legislative Research, "Regulation of Media in India," <https://prsindia.org/theprsblog/regulation-of-media-in-india-a-brief-overview>
8. Jus Corpus, "Media Trials and Their Impact on the Society and the Judiciary," <https://www.juscorpus.com/media-trials-and-their-impact-on-the-society-and-the-judiciary>

<sup>10</sup> *Contempt of Court Act, 1981 (UK)*; see also Article 19, "UK: Media Regulation," <https://www.article19.org/data/files/pdfs/publications/uk-media-regulation.pdf>

<sup>11</sup> Kramer Levin, "Trial by Media: The Risks to Defendants of Differing US and UK Approaches," <https://www.kramerlevin.com/en/perspectives-search/trial-by-media-the-risks-to-defendants-of-differing-us-and-uk-approaches.html>

<sup>12</sup> Mondaq, "Media Law in Australia," <https://www.mondaq.com/australia/media-entertainment-law/923170/media-law-in-australia>

9. IJLMS, "Analyzing the Trends of Media Trials in India," <https://www.ijlmh.com/wp-content/uploads/Analysing-the-Trends-of-Media-Trials-in-India.pdf>
10. IJCRT, "Jessica Lal Murder Case Study," <https://www.ijcrt.org/papers/IJCRT2411028.pdf>
11. Wikipedia, "Rhea Chakraborty,"
12. Article 19, "UK: Media Regulation," <https://www.article19.org/data/files/pdfs/publications/uk-media-regulation.pdf>
13. Kramer Levin, "Trial by Media: The Risks to Defendants of Differing US and UK Approaches," <https://www.kramerlevin.com/en/perspectives-search/trial-by-media-the-risks-to-defendants-of-differing-us-and-uk-approaches.html>
14. Wikipedia, "Publication Ban,"
15. Mondaq, "Media Law in Australia," <https://www.mondaq.com/australia/media-entertainment-law/923170/media-law-in-australia>