
JUSTICE IN HEADLINES: THE DARK SIDE OF MEDIA TRIALS

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INTRODUCTION:

In a democratic society, the media plays a crucial role as the “fourth pillar” by informing the public, creating awareness, and acting as a watchdog over the functioning of the State. However, in recent times, the role of the media has expanded beyond reporting facts to influencing public perception of ongoing criminal cases. This phenomenon is commonly referred to as media trial, where media houses conduct independent “investigations,” present narratives, and sometimes portray an accused as guilty or innocent even before the court delivers its judgment. Media trials raise serious concerns regarding the right to a fair trial, a fundamental component of criminal justice systems across the world. In India, where the principle of presumption of innocence until proven guilty is a cornerstone of law, excessive or biased media coverage can prejudice public opinion, influence witnesses, and indirectly affect judicial proceedings. At the same time, responsible media reporting can assist in exposing crimes and ensuring accountability. Therefore, media trial represents a complex intersection between freedom of the press and the right to fair administration of justice, making it an important subject of legal and constitutional analysis in contemporary times.

HISTORICAL BACKGROUND:

The history of media and journalism in India began in the 18th century with the establishment of the first printing press by James Augustus Hickey, who published the Bengal Gazette in 1780. Initially, journalism was limited to the British community and focused mainly on European news, but it laid the foundation for print media in India. During the 19th century, Indian-owned newspapers began to emerge, marking a shift towards indigenous journalism. Raja Ram Mohan Roy’s Bengal Samachar (1818) was among the earliest Indian publications. As the freedom movement gained momentum, newspapers such as Amrita Bazar Patrika and

The Hindu played a crucial role in spreading nationalist ideas and mobilizing public opinion against British rule. The 20th century witnessed major expansion and diversification of media. Radio broadcasting began with the Indian Broadcasting Company in 1927, later becoming All India Radio. Newsreels introduced cinema-based news dissemination in 1936. After independence, institutions like the Press Trust of India were established, and the government initially controlled major media platforms. Television broadcasting began with Doordarshan in the 1970s, followed by the entry of private channels in the 1990s, which transformed the media landscape into a competitive industry. In the 21st century, India has experienced a digital revolution in media and journalism. The rise of the internet, social media, and mobile technology has made news more instant and accessible. However, challenges such as fake news, media bias, declining traditional revenues, and concerns over press freedom have also emerged.

BACKGROUND OF THE STUDY:

Media trial refers to the practice where media outlets report on ongoing legal cases in a sensationalised or biased manner, potentially shaping public opinion and influencing perceptions of guilt or innocence before judicial determination. In India, the phenomenon gained prominence from the *K.M. Nanavati vs. State of Maharashtra (1959)* case, which saw extensive media attention influencing public sentiment and legal discourse. Since then, several high-profile cases such as the Jessica Lal case, Aarushi Talwar case, and Nirbhaya case have highlighted the strong role of media coverage in criminal proceedings. While media scrutiny can promote transparency and act as a check on institutional functioning by exposing wrongdoing, it also raises concerns regarding fairness in trials. Critics argue that media trials may prejudice investigations, affect judicial independence, and harm the reputation of individuals involved. Conversely, supporters view them as a form of public oversight that encourages accountability. Recent incidents, including the Sushant Singh Rajput case and the Hathras case, have renewed debate on the need for balanced reporting and possible regulatory measures to prevent interference with due legal process and ensure fair trials.

STATEMENT OF THE PROBLEM:

Media trials have been a contentious issue in India, with concerns raised about the potential for biased reporting and sensationalized coverage to influence public opinion and compromise the fairness of trials. Media trials refer to the practice of extensive, sensationalised, and

sometimes prejudicial reporting of ongoing criminal cases by the media, which may create public perception regarding the guilt or innocence of the accused before judicial determination. The core problem lies in determining the extent to which such media coverage interferes with the administration of criminal justice, particularly by influencing public opinion, affecting the fairness of investigations and trials, and potentially undermining the presumption of innocence and the right to a fair trial.

OBJECTIVES OF THE STUDY:

1. To examine the legal framework regulating media reporting of criminal cases, including constitutional and statutory provisions.
2. To analyse the balance between freedom of speech and expression under Article 19(1)(a) and the right to a fair trial under Article 21 of the Constitution of India.
3. To study judicial pronouncements on media trials and their impact on the presumption of innocence.
4. To evaluate the influence of media reporting on the administration of criminal justice and judicial process.
5. To identify legal safeguards and propose doctrinal measures to prevent prejudicial reporting and ensure fair trial integrity.

RESEARCH QUESTIONS:

1. What is the impact of media trials on the fairness and integrity of the criminal justice system?
2. Whether the trials by media are constitutional? Are there any Checks and balances?
3. What is the role of the media in the criminal justice system, and what are their responsibilities in reporting criminal cases?
4. What are the recommendations for improving the regulation of media trials and responsible reporting practices by the media in the criminal justice system?

HYPOTHESIS:

H0: There is no significant relation between court verdicts and media trials in India

Media trials do not affect the Indian criminal justice system.

H1: There is a significant impact of court verdicts and media trials in India and

trials interfere with the provision of justice in the Indian criminal justice system.

LEGISLATIVE FRAMEWORK:

In India, there are no specific laws that directly regulate “trial by media.” However, several provisions under constitutional and statutory law indirectly control media reporting on criminal cases to ensure a fair trial and protect the integrity of the justice system.

1. Contempt of Court (Contempt of Courts Act, 1971)

Section 2 of the Contempt of Courts Act, 1971 defines contempt of court as any act that scandalizes or lowers the authority of the court or interferes with the due process of justice.

Media reporting that prejudices ongoing judicial proceedings, influences witnesses, or interferes with the administration of justice may amount to contempt and attract legal consequences.

2. Defamation – Bharatiya Nyaya Sanhita (BNS, 2023)

Under the Bharatiya Nyaya Sanhita, 2023, defamation is retained as a punishable offence (corresponding to the earlier Section 499 IPC). If the media publishes or broadcasts false statements that harm the reputation of an individual involved in a criminal case, it may amount to criminal defamation. Journalists or media houses can be held liable if such a publication is not protected under lawful exceptions.

3. Right to Fair Trial – Constitutional Protection (Article 21)

Article 21 of the Constitution guarantees the right to life and personal liberty, which includes the right to a fair trial. Excessive or prejudicial media coverage may influence public opinion, create bias against the accused, or affect witnesses, thereby violating the principle of fair trial. Courts may issue gag orders or restrain reporting to protect justice.

4. Bharatiya Nagarik Suraksha Sanhita (BNSS, 2023)

The BNSS, 2023 (which replaces the Code of Criminal Procedure, 1973) contains procedural safeguards ensuring fair and impartial trial processes.

Key protections include:

- * Right to speedy trial
- * Fair investigation and judicial scrutiny
- * Court's power to regulate proceedings to prevent prejudice
- * Protection of the accused from unfair influence during the trial

Media reporting that disturbs these procedural safeguards may be restricted by judicial orders under BNSS provisions.

5. Press Council of India Act, 1978

The Press Council of India is a statutory body established under the Press Council Act, 1978. It regulates journalistic ethics in print media. It can take action against media houses for unethical reporting, sensationalism, or biased coverage in criminal cases, thereby ensuring responsible journalism.

OVERVIEW OF MEDIA LAWS AND REGULATIONS IN INDIA:

1. Constitutional Framework

Media freedom in India is primarily protected under Article 19(1)(a) of the Constitution of India, which guarantees freedom of speech and expression. However, this right is not absolute and is subject to reasonable restrictions under Article 19(2) in the interests of sovereignty and integrity of India, security of the State, public order, decency or morality, contempt of court, defamation, and incitement to offences. These constitutional provisions form the foundation of media regulation in India.

2. Regulation of Print Media – Press Council of India Act, 1978

The Press Council of India Act, 1978, established the Press Council of India as a statutory body

to regulate print media. It aims to preserve press freedom while maintaining ethical standards in journalism. The Council has the authority to warn, admonish, or censure newspapers and journalists for violations of professional ethics, thereby ensuring accountability in print journalism.

3. Broadcasting Laws and Regulations

Broadcast media in India is regulated by the Ministry of Information and Broadcasting through various laws, including the Cable Television Networks (Regulation) Act, 1995, the Prasar Bharati Act, 1990, and regulations under the TRAI Act, 1997. These laws govern licensing, content regulation, ownership control, and the functioning of both public and private broadcasting services, ensuring compliance with content and public interest standards.

4. Advertising Regulation – ASCI

The Advertising Standards Council of India (ASCI) is a self-regulatory body that oversees advertising practices. It ensures that advertisements are truthful, decent, and not misleading or offensive. Although not a statutory authority, ASCI plays a significant role in maintaining ethical standards in advertising and can request modification or withdrawal of objectionable advertisements.

5. Information Technology and Digital Media Regulation

The Information Technology Act, 2000, regulates digital communication, cyber activities, and online content in India. It deals with cybercrimes, intermediary liability, and electronic communication monitoring. With the rise of digital media, this law has become essential in addressing issues such as fake news, online abuse, and unlawful digital content.

LANDMARK JUDGEMENTS ON MEDIA TRIAL:

Jessica Lal Murder Case (1999)- Jessica Lal, a model and bartender, was shot dead at a party in Delhi in 1999. The accused, Manu Sharma, son of a politician, was acquitted by the lower court, which led to public outrage. The media, particularly news channels, took up the case and portrayed Manu Sharma as the culprit. The case was reopened, and he was convicted and sentenced to life imprisonment.

Aarushi Talwar-Hemraj Double Murder Case (2008)- Aarushi Talwar, a 14-year-old girl, was found dead in her bedroom in Noida in 2008. Her domestic help, Hemraj, was also found dead on the terrace. Her parents, Rajesh and Nupur Talwar, were accused of the murder. The media portrayed the Talwars as guilty and ran a campaign against them. However, the case took a dramatic turn when the Central Bureau of Investigation (CBI) concluded that the Talwars were not guilty, and instead, the domestic help was the murderer.

J. Jayalalitha v. State of Karnataka (2015)- In this case, the Supreme Court of India held that the media should not interfere with the administration of justice, and it is the responsibility of the courts to ensure that the trial is fair.

Ram Jethmalani v. Subramanian Swamy (2016)- In this case, the Delhi High Court held that the media should not interfere with the administration of justice, and it is the responsibility of the courts to ensure that the trial is fair.

Swathi Murder Case (2016)- Swathi, a 24-year-old software engineer, was brutally murdered at the Nungambakkam railway station in Chennai in 2016. The accused, Ramkumar, was arrested by the police, and the media portrayed him as the culprit. The media also speculated on the motive for the murder, including an alleged love affair between Swathi and Ramkumar. The case is still under investigation, and no charges have been filed against anyone.

Kodanad Estate Murder Case (2017)- The Kodanad estate, owned by late Tamil Nadu Chief Minister J Jayalalithaa, was the site of a double murder in 2017. The media portrayed the case as a conspiracy to eliminate Jayalalithaa's close confidant and her security guard. The media also speculated on the motive for the murder, including a political motive. The case is still under investigation, and no charges have been filed against anyone.

Pollachi Sexual Assault Case (2019)- Several women were sexually assaulted and blackmailed in the Pollachi region of Tamil Nadu in 2019. The accused, a group of men, were arrested by the police, and the media portrayed them as the culprits. The media also reported on the alleged involvement of political parties in the case. The case is still under investigation, and no charges have been filed against anyone.

Sushant Singh Rajput's Death Case (2020)- Bollywood actor Sushant Singh Rajput was found dead in his apartment in Mumbai in 2020. The case was investigated by the Mumbai

Police, but due to public pressure, the case was transferred to the Central Bureau of Investigation (CBI). The media portrayed the case as a murder and ran a campaign against the film industry, accusing them of nepotism and favouritism. The case is still under investigation, and no charges have been filed against anyone. These high-profile cases show how the media can influence public opinion and even the course of justice. While the media has a responsibility to report accurately and fairly, they should not be the judge and jury in a case. It is important to let the legal process take its course and not to rush to conclusions based on media reports.

THE IMPACT OF TRIAL BY MEDIA ON THE ACCUSED, VICTIMS, AND SOCIETY:

Trial by media has a significant impact on not only the accused and victims but also on society as a whole. In this section, we will explore the impact of trial by media on the accused, victims, and society.

Impact on the Accused:

Trial by media can have devastating consequences on the accused. Media trials can result in the accused being portrayed as guilty before the case is even heard in court. This can lead to prejudice against the accused and affect the right to a fair trial. The accused may also face social stigma and harassment, making it difficult for them to lead a normal life even if they are eventually found innocent. The psychological impact of trial by media on the accused can be severe, leading to depression, anxiety, and even suicide.

Impact on the Victims:

While trial by media can also bring attention to the plight of the victim, it can also have negative consequences. Victims may feel that their privacy has been invaded, and their trauma exposed to the public. In some cases, victims may also be blamed and held responsible for the crime. This can lead to further trauma for the victim and affect their ability to heal and move on from the experience.

Impact on Society:

Trial by media can have a detrimental effect on society as a whole. It can lead to sensationalism,

exaggeration, and a distortion of facts. This can create a culture of fear and hysteria, where people are quick to judge and jump to conclusions based on media reports. It can also create an environment of hostility, where people take the law into their own hands, resulting in violence and vigilantism. Furthermore, trial by media can lead to a lack of trust in the legal system. If the media is seen as the judge and jury, people may lose faith in the court's ability to provide justice. This can lead to a breakdown of the rule of law and a loss of confidence in democratic institutions.

CHALLENGES FACED IN DEALING WITH TRIAL BY MEDIA IN INDIA:

The issue of trial by media in India is a complex and multifaceted problem that poses significant challenges for the country's legal system, media, and society as a whole. Some of the key challenges faced in dealing with trial by media in India are:

Violation of the right to a fair trial:

One of the biggest challenges posed by trial by media in India is the potential violation of the right to a fair trial. The media's coverage of high-profile cases can influence public opinion and create a prejudiced atmosphere, making it difficult for defendants to receive a fair trial.

Media sensationalism:

The media in India is often criticised for sensationalising high-profile cases to increase viewership and readership. This can lead to inaccurate reporting, a lack of balance and objectivity, and the creation of a biased narrative that can prejudice the public against the defendant.

Inadequate legal framework:

The legal framework in India does not provide sufficient protection against trial by media. The laws regulating media reporting are often inadequate or outdated, and there is a lack of consistency in their application across different jurisdictions.

Lack of media accountability:

The media in India often operates without sufficient accountability and regulation, leading to the potential for misuse of power and influence. There are no independent bodies to regulate

media reporting or to hold media organizations accountable for their actions.

Impact on public perception:

Trial by media can significantly impact public perception of the justice system and lead to a loss of faith in the legal system. This can have long-lasting implications for the rule of law and the functioning of democracy in India. The challenges posed by trial by media in India are significant and require a multifaceted approach that involves legal reform, media regulation, and public education. It is essential to strike a balance between freedom of the press and the right to a fair trial while promoting responsible journalism and ethical reporting practices. The need for guidelines and regulations to prevent trial by media in India is a pressing issue that has serious implications for the right to a fair trial and the functioning of the justice system. The media's coverage of high-profile cases can prejudice the public against the defendant, influence public opinion, and create a biased narrative that can impact the outcome of a trial. In this context, there is a need for guidelines and regulations to prevent trial by media in India. Here are some of the reasons why:

Protection of the right to a fair trial:

Trial by media can significantly impact the right to a fair trial, which is a fundamental right guaranteed under the Indian Constitution. Guidelines and regulations can help to ensure that media reporting does not prejudice the defendant's right to a fair trial by promoting balanced, objective, and accurate reporting.

Promotion of responsible journalism:

Guidelines and regulations can promote responsible journalism by establishing ethical standards for media reporting. This can include guidelines for reporting on ongoing investigations, restrictions on the publication of certain types of information, and rules around media access to court proceedings.

Prevention of misinformation and sensationalism:

Guidelines and regulations can help to prevent the spread of misinformation and sensationalism in the media by establishing standards for verifying information, avoiding speculation, and maintaining accuracy in reporting.

Protection of the administration of justice:

Guidelines and regulations can protect the administration of justice by preventing media interference in the judicial process. This can include restrictions on reporting that could prejudice a trial, restrictions on the publication of certain types of information, and the establishment of procedures for handling media requests for information.

Strengthening of public trust in the justice system:

Guidelines and regulations can help to strengthen public trust in the justice system by promoting transparency and accountability in media reporting. This can help to ensure that the public has confidence in the fairness and impartiality of the justice system.

CONCLUSION:

Media trials have emerged as a powerful yet controversial phenomenon in modern democratic societies. While the media plays an important role in informing the public, creating awareness, and ensuring transparency in the criminal justice system, it often crosses the line by conducting parallel investigations and pronouncing premature judgments. Such practices can seriously affect the principle of fair trial, presumption of innocence, and the impartiality of the judiciary. In India, where media freedom is constitutionally protected under Article 19(1)(a), it must be exercised with responsibility and restraint. Unregulated media reporting in sensitive criminal cases can lead to public prejudice, pressure on investigating agencies, and even miscarriage of justice. At the same time, the media cannot be entirely restrained, as it serves as a watchdog in a democratic setup. Therefore, a balanced approach is necessary—where media freedom is preserved but ethical journalism is strictly followed. Regulatory guidelines, judicial caution, and professional responsibility together can ensure that the media acts as a facilitator of justice rather than a parallel court.