
A CRITICAL LEGAL STUDY ON THE IMPACT OF MEDIA TRIALS ON THE ADMINISTRATION OF JUSTICE IN INDIA

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ABSTRACT

The media also plays a watchdog role in exposing failures of law enforcement agencies and highlighting miscarriages of justice. Investigative journalism has contributed significantly to several criminal cases by bringing evidence and procedural lapses before the public. In some situations, media attention has compelled authorities to conduct fair investigations and take prompt action. This demonstrates that media can become an instrument for transparency and accountability.

The concept of free and fair trial is one of the fundamental pillars in our Indian Judicial system, and it's protected under Article 21 of the Constitution of India. Simultaneously, Article 19(1)(a) also guarantees the freedom of speech and expression, which includes freedom of the press. In today's time, the growth of electronic media, digital journalism, and social media platform had a significant role in public opinion regarding judicial proceedings and criminal investigations. This concept, widely referred to as a "trial by media," often results in public adjudication before the courts pronounce judgment. While the media plays a vital role in promoting transparency in media intervention that can prejudice judicial proceedings and violate the accused's right to a fair trial. The fair trial concept by the media has emerged as one of the most concerns in contemporary judicial systems, especially in democratic countries like India. It also plays a crucial role in government transparency and in judicial functioning.

Trial by media refers to the impact created by newspapers, television channels, digital platforms, and social media in influencing public opinion regarding the guilt or innocence of an accused person before the court delivers its judgment. The media often conducts parallel discussions, investigations, and debates that shape the perception of society. In democratic countries, the media acts as the fourth pillar of democracy and plays a major role in informing citizens about crimes, corruption, and judicial proceedings. The increasing expansion of electronic and digital media has made criminal cases highly publicized within a very short period of time.

INTRODUCTION

The connection between media freedom and justice administration has proved to be one of the most controversial issues in contemporary democracies. Media houses are very important in enlightening the people, reporting on corruption, bringing to light crime, and sensitizing people about their legal rights. In a democratic society, the press is usually considered the fourth pillar, as it serves as a watchdog over the executive, legislature, and judiciary. But the growing commercialization of news and the competition to get sensational headlines have spawned the so-called trial by media.¹

The clash between the media freedom that is provided by Article 19(1)(a) and the right to a fair trial of the accused that is guaranteed by Article 21 is what leads to the conflict. Too much reporting, confession releases, witness interviews, evidence leaks, and sensational debates can bias the justice process. Even though courts are conditioned to be neutral, there is a chance that, indirectly, courts may be influenced by media-created pressure to deliver justice.²

This has been enhanced in the digital era, whereby social media outlets disseminate information, rumours, and views in real-time to reach millions of users. Social media, unlike traditional media, does not have editorial protection and legal responsibility in most cases. This has led to parallel trials being carried out over the internet without much concern for due process. This, in turn, leads to the need to examine the effects of media coverage on the fairness of trials, the adequacy of the existing legal protections, and the way in which a balance can be struck between freedom of expression and administration of justice. The increasing propensity of media houses to sensationalize criminal cases has posed a very serious challenge to the justice system. In most situations, suspects are depicted as criminals, and this is prior to formal charges being established. Such a practice negatively affects the principle of the presumption of innocence. Media reporting usually consists of hypothetical stories, leaked information, undercover operations, and emotive discussions that shape the thinking of the people. The reporting of this nature could lead to a hostile attitude towards the accused, influence the way the witness testifies, and put pressure on the investigating agencies to work quickly.

Trial by media refers to the impact created by newspapers, television channels, digital platforms, and social media in influencing public opinion regarding the guilt or innocence of

¹ M.P. Jain, *Indian Constitutional Law* 1112 (8th ed., LexisNexis 2018).

² S.C. Sarkar, *Sarkar's Law of Contempt* 298 (12th ed., LexisNexis 2020).

an accused person before the court delivers its judgment. The media often conducts parallel discussions, investigations, and debates that shape the perception of society. In democratic countries, the media acts as the fourth pillar of democracy and plays a major role in informing citizens about crimes, corruption, and judicial proceedings. The increasing expansion of electronic and digital media has made criminal cases highly publicized within a very short period of time.

The concept became prominent because of sensational criminal cases where extensive media reporting affected public thinking. In several instances, media channels present accused persons as criminals even before the completion of the investigation or trial. Such reporting may generate pressure on investigative agencies and courts. However, supporters of media activism argue that media exposure often helps in uncovering hidden facts and ensuring accountability in the justice system.

The media also plays a watchdog role in exposing failures of law enforcement agencies and highlighting miscarriages of justice. Investigative journalism has contributed significantly to several criminal cases by bringing evidence and procedural lapses before the public. In some situations, media attention has compelled authorities to conduct fair investigations and take prompt action. This demonstrates that media can become an instrument for transparency and accountability.

The rise of television debates and social media trials has transformed the traditional concept of journalism. News channels often compete for higher viewership through sensational headlines and emotionally charged reporting. Such practices may create public outrage against the accused persons. The danger arises when public opinion begins to substitute judicial determination. Courts are expected to decide cases based on legal evidence, while media narratives are frequently influenced by assumptions and incomplete information.

However, the freedom of the media is not absolute. Article 19(2) permits reasonable restrictions in the interests of contempt of court, defamation, public order, and administration of justice. Courts have repeatedly emphasized that media freedom must be balanced against the right of an accused to receive a fair trial. Excessive publicity may prejudice witnesses, investigators, judges, and society at large. Therefore, responsible journalism becomes essential in criminal

reporting.³ The conflict between trial by media and fair trial has become one of the most significant legal challenges in modern democracies. While the media seeks transparency and public participation, courts aim to preserve impartial adjudication. The balance between these competing interests is necessary for maintaining both democratic freedoms and judicial fairness. An independent judiciary and a responsible press are equally important for the protection of constitutional governance.

CONCEPTUAL AND CONSTITUTIONAL FRAMEWORK

Meaning and Nature of Media Freedom

Media freedom is the freedom of newspapers, TV stations, radio, digital media, and journalists to gather, report, and disseminate information without undue interference from the State. Media in a democratic society play the role of informing, creating awareness, and enabling citizens to participate in governance. Freedom of the media is regarded as fundamental in order to have transparency and accountability in public administration. The absence of a free press can lead to the weakening of democratic institutions and their loss of accountability.

Freedom of the press is not specifically mentioned in the Indian Constitution. The Supreme Court has, however, interpreted freedom of the media as a part of freedom of speech and expression guaranteed under Article 19(1) (a)⁴. This constitutional freedom enables journalists and media organisations to impart ideas, opinions, and information to the public. The judiciary has always acknowledged that free media is vital to the maintenance of democratic government and public discourse.

Media freedom is personal and institutional. Journalists, editors, writers, and citizens are protected from being hindered in expressing their opinions and in publishing information by individual freedom. Freedom in institutions protects the independence of media institutions from political and economic pressure. Both are required because disruptions in the functioning of the media may have an impact on the flow of information and the public's knowledge of government operations and judicial processes.

The media is not only a medium of reporting events in a democratic society. The media is a

³ Press Council Act, 1978, No. 37, Acts of Parliament, 1978 (India).

⁴ INDIA CONST. art. 19(1)(a).

monitor to the legislature, executive, and judiciary, by uncovering cases of maladministration, abuse of power, and corruption. Investigative journalism has played an important role in exposing scams, human rights abuses, and crime. Media influences public opinion and fosters citizens' democratic involvement in public debates and discussions.

Freedom of the media is closely tied to the public's right to know. In a democracy, citizens are entitled to information about issues of public concern, such as criminal investigations, court proceedings, and government decisions. Open discussion ensures transparency and enhances democratic accountability. The right to receive information has been identified as part of freedom of expression by courts.⁵

Constitutional Protection of Fair Trial Rights

One of the most fundamental laws of criminal justice is the right to a fair trial. A fair trial is a process of giving justice to all individuals who are charged with a crime, and these proceedings are conducted fairly and lawfully. A fair trial aims to avoid undue punishment and acquittal. It ensures that legal proceedings are carried out in a manner that is consistent with the principles of justice, equality, and procedural fairness.

Article 14: Equality before the law and equal protection of the law

The Constitution of India provides equal protection of laws and equality before the law for all persons in the territory of India in Article 14. The principle of equality before the law is that neither anyone nor any individual can be above the law, and everyone is entitled to the same law regardless of their social or economic status. Equal protection of laws guarantees that people in equal situations will be treated equally by the courts and public authorities. This is an essential clause of the Indian Constitution that ensures fairness in the legal system.

Article 14 has an important function in the Criminal Justice System in ensuring fair trial rights. It guarantees that accused individuals are treated equally in investigation, prosecution, and adjudication. There is no discrimination against any individual in conducting criminal proceedings by the State for arbitrary reasons. Applying procedural safeguards using the same standard across the board can improve public confidence in the justice delivery system and

⁵ V.N. Shukla, *Constitution of India* 214 (13th ed., Eastern Book Company 2017).

reduce the misuse of State power.⁶

The judiciary has expanded the ambit of Article 14 so as to ban the arbitrariness in the action of the State. In its various decisions, the Supreme Court has emphasized the importance of fairness and reasonableness as elements of equality. Arbitrary, discriminatory, and unfair procedures are in violation of Article 14. Thus, the right to a fair trial is closely related to the constitutional principle of equality before the law and equal protection of the law.

Article 19(1)(a): Freedom of Speech and Expression

Under Article 19(1)(a)⁷ According to the Indian Constitution, everybody in India is entitled to free speech and expression. This covers the freedom of opinion, freedom of information, freedom of ideas, and freedom of public discussion. The press is seen as a medium through which information circulates, and a place for democratic debate, and therefore, free media is seen as part of this constitutional guarantee. Thus, the independent journalism is situated under the protection of Article 19(1) (a).

Many times, media coverage of criminal investigations, even judicial proceedings, is deemed to be in the public interest and in the public domain and hence warranted. Open discussion facilitates the democratic accountability of crime, corruption, and the administration of justice. The right to get information about things that are important to society and government. It has been recognised that freedom of expression extends to both giving information and receiving information. But this freedom of the media can at times clash with the right to a fair trial. The publicity, sensational reporting, and media-created narratives can colour the judicial proceedings. Article 19(1)(a) guarantees freedom of the media, but freedom of the media is not free from the constitutional guarantees of justice, dignity, and fair adjudication.

Article 19(2): Reasonable Restrictions on Freedom of Expression

Under Article 19(2), the State can impose any reasonable restriction on the freedom of speech and expression in certain conditions. Such restrictions can be made for the purposes of sovereignty and integrity of India, the security of the State, public order, decency, morality, and to prevent contempt of court, defamation, and incitement to offence. These limits are

⁶ INDIA CONST. art. 14.

⁷ INDIA CONST. art. 19(1)(a).

intended to strike a balance between individual liberty and the interests of society.⁸

The grounds of contempt of court and defamation come with a special focus on trial by media. Media that disrupts ongoing judicial proceedings or prejudices accused persons may impede fair administration of justice. Courts have the power to limit such reporting when it impairs the judge's impartiality or public trust in the judicial process. The doctrine of reasonableness provides that any limitation on freedom of expression in terms of Article 19(2) will not be arbitrary or unreasonable. Courts review the restriction for a legitimate aim and whether the restriction is proportionate to the harm it is intended to prevent. In this way, Article 19(2) serves as a constitutional protection against abuse of the freedom of expression: it makes sure that freedom of expression is used responsibly and within the boundaries of the law.⁹ Strong protection of fair trial rights is granted under the Constitution of India under Articles 14, 20, 21, and 22. Article 14 of the Convention guarantees equality before the law and equal protection of laws. This implies that no discrimination in the way an accused is treated; all must be treated equally. The principle guarantees fairness in investigation, prosecution, and adjudication. Everyone has the right to justice, and no one is denied justice because of their status, religion, gender, or political influence.¹⁰

Article 21 of the Constitution is the key to guaranteeing the right to a fair trial. It has been provided that no man shall be deprived of life or personal liberty, save by lawful procedure.

This has been widely interpreted by the Supreme Court to include that the process must be fair, just, and reasonable. As a result, fair trial has become a part of the right to life and personal liberty.

The historic verdict in *Maneka Gandhi v Union of India* gave a broad interpretation to the scope of Article 21 by holding that any arbitrary or unfair procedure infringes on the constitutional guarantees. The Court asserted that in order to guarantee individual liberty, procedural fairness has to be observed. This judgment became a basis to recognise different rights related to the right to a fair trial, such as the right to legal aid, speedy trial, and protection from custodial abuse.

⁸ M.P. Jain, *Indian Constitutional Law* 1098 (8th ed., LexisNexis 2018).

⁹ V.N. Shukla, *Constitution of India* 214 (13th ed., Eastern Book Company 2017).

¹⁰ H.M. Seervai, *Constitutional Law of India* 654 (4th ed., Universal Law Publishing 2015).

In addition, the concept of speedy trial is considered to be part of the right to a fair trial. A long wait for justice can be extremely distressful for accused persons and victims. They can cause mental anguish, financial losses, and loss of social standing for a long period of time. The Supreme Court has pointed out repeatedly that unnecessary delay in criminal proceedings is a denial of justice. Fair trial rights are not only for the accused, but it is also important in society. Criminal justice is legitimate when it is fair and impartial. Public faith in law and the courts could erode if convictions are reached based on prejudice and unfair practices. Thus, the rule of law and democracy demand constitutional protection of fair trial.

TRIAL BY MEDIA IN INDIA – GROWTH AND CHALLENGES

Historical Development and Rise of Media Trials

The phenomenon of trial by media in India emerged gradually along with the development of communication technologies and the increase in people's interest in criminal justice issues. In the early days of freedom, newspapers were the main source of information on criminal cases and judicial proceedings. Mostly reported were factual narrations of events and court developments. The main attitudes expressed about standards were those of restraint and accuracy, due to legal reporting, which was viewed as sensitive and linked to the administration of justice. Official court proceedings were the main source of shaping public opinion about criminal cases, not media discussions.¹¹

Liberalisation of the Indian economy in the 1990s changed the face of media on a large scale. The rise of private television channels and round-the-clock news reporting led to greater competition between media organizations. News outlets began putting more emphasis on crime coverage due to cases of “crime sensation” gaining commercial attention and audience numbers. Crime investigations were broadcast to the public, and journalists, lawyers, politicians, and former cops openly discussed current investigations before the court decision.

Media trials in India got their boost from several high-profile criminal cases. The cases of Jessica Lal, Priyadarshini Mattoo, Nitish Katara, and Aarushi Talwar murder cases were in the spotlight throughout. In such situations, the media plays a part in influencing public opinion and pressuring investigative agencies. Media activism was sometimes commended for its efforts in bringing to the public awareness on issues of injustice or failure in investigations.

¹¹ S.C. Sarkar, *Sarkar's Law of Contempt* 298 (12th ed., LexisNexis 2020).

The developments, however, also led to concerns over prejudicial reporting and interference with the right to a fair trial.¹²

Expansion of Electronic and Digital Media

The rise in electronic media has led to an extension of the reach and impact of Trial by Media in India. TV news channels brought the live report, visual reporting, and constant updates of criminal investigations. Electronic media could show dramatic visuals, interviews, and debates immediately to millions of people, whereas in print media, such was not possible. This made criminal proceedings public events, with audience feelings and thoughts being influenced by the frequent repetition of sensational stories. Twenty-four-hour news broadcasting put pressure on the media to give updates and exclusive stuff on a continuous basis. News channels frequently made an effort to beat other TV channels for higher Television Rating Points, sometimes at the expense of accuracy. Reports of crime grew in emotion and hysteria.

Reporters and news anchors often took on aggressive reporting methods and put allegations and suspicions forward as almost proof. This had helped to foster the rise of media trials.¹³

The influence of the media continued to increase with the development of the internet and digital media. Online news portals allowed information to be published instantly without any restrictions that come with print journalism. In the future, criminal cases may be picked up across the country within minutes of the crime. Digital platforms also ensured ongoing updates and multimedia presentations, and enabled public participation in criminal proceedings, thereby enhancing public engagement with criminal proceedings.

Media trials went beyond institutional journalism on social media platforms like Facebook, X, Instagram, and YouTube. The ordinary users got involved in the discussion of criminal cases through posts, comments, videos, and online campaigning. News, speculation, and hearsay spread like wildfire on internet platforms. There was considerable public pressure on investigative agencies and courts through viral hashtags and online discussions. In many situations, social media's portrayal of the story influenced public opinion before the official investigations.¹⁴

¹² Soli J. Sorabjee, *Law of Press Censorship in India* 56 (Eastern Book Company 1976).

¹³ Soli J. Sorabjee, *Law of Press Censorship in India* 56 (Eastern Book Company 1976).

¹⁴ S.N. Jain, *Media Ethics and Legal Restraints* 143 (Regal Publications 2014).

Social Media Influence & Online Misinformation

Social media literacy has changed the way information is created, shared, and consumed by us today. Social media sites like Facebook, X, Instagram, YouTube, and WhatsApp enable people to broadcast perspectives and news right away to huge numbers of people. Social media communication is decentralised and largely unregulated, as compared to traditional journalism. This means that the case is frequently discussed online and open to public speculation, which can lead to criminal charges. This makes criminal cases a topic for general discussion online and speculation in the public eye, which can result in criminal charges.

The influence of trial by media in India has increased a lot by social media. Hashtags and viral videos, online debates, and digital campaigns spread information about criminal investigations faster than ever. Public opinion can develop within hours of an incident, even before it has had time to be investigated by the authorities or a judge. Social media users often assume guilt or innocence before all the details are in or before they have had the opportunity to verify the information.

Fake news and misinformation are one of the biggest concerns with social media. Misinformation can spread and be widely shared before it's been checked for accuracy. Misinformation can harm reputations, panic the public, and impact witnesses/investigators. In cases of high-profile criminal cases, rumours can eclipse real legal proceedings on the internet.¹⁵ Often, social media trials lead to Internet harassment and character assassination. Accused persons, victims, witnesses, and even judges can be trolled, abused, and threatened. Sometimes, personal information is leaked in a public manner, which causes a violation of privacy and mental trauma. The internet is an everlasting medium, so the effects of the damage to reputation may endure beyond the end of the judicial process.

No effective editorial control makes social media different from traditional journalism. Generally, newspapers and television channels adhere to institutional rules and ethics. Social media users, on the other hand, can post information without any verification or accountability.

Anonymity and fake profiles also make it difficult to regulate and act against harmful material.

The impact of social media is notably seen when a case is investigated; the Sushant Singh

¹⁵ Geoffrey Robertson & Andrew Nicol, *Media Law* 421 (5th ed., Penguin Books 2008).

Rajput case is one such example, as online campaigns and speculations dominated public discourse. Several stories were floating around, many of which were not substantiated. The force of the online reactions generated a huge public pressure on investigative agencies and media outlets.

Balancing freedom of expression with the regulation of social media is a tricky issue. Overregulation can be a danger to democracy, the freedom of information and expression, and the diversity of ideas, while unregulated communication can invite misinformation and digital vigilantism. As such, increased demands are being made for increased accountability of platforms, fact-checking systems, digital literacy, and ethical practices online to ensure that social media does not become a threat to fair trial rights.

The desensitization of the media in reporting crime. The sensationalization of news in crime reporting.¹⁶

CONCLUSION

The phenomenon of trial by media has emerged as one of the most significant challenges confronting modern criminal justice systems. The rapid expansion of television journalism, digital news platforms, and social media has transformed the way information is disseminated and consumed. While these developments have enhanced public access to information and strengthened democratic accountability, they have also created circumstances in which media coverage may interfere with the administration of justice and undermine the constitutional right to a fair trial.

The study examined the concept and evolution of trial by media, its constitutional implications, judicial responses, comparative legal approaches, and the challenges posed by contemporary digital communication. The research established that media freedom derives constitutional protection from Article 19(1)(a) of the Constitution of India, while the right to a fair trial forms an integral component of Article 21. Both rights occupy an important position within the constitutional framework and contribute significantly to the functioning of a democratic society.

Ultimately, neither unrestricted media freedom nor excessive regulation offers a satisfactory

¹⁶ Geoffrey Robertson & Andrew Nicol, *Media Law* 421 (5th ed., Penguin Books 2008).

solution. A balanced approach is essential. The media must continue to perform its democratic role of informing the public and promoting accountability, while courts must remain free from external influence and committed to impartial adjudication. The preservation of public confidence in both institutions depends upon mutual respect for their respective constitutional functions.

In conclusion, trial by media represents a complex issue situated at the intersection of freedom of expression, judicial independence, and individual rights. The challenge for contemporary legal systems is to ensure that media reporting enhances transparency and public awareness without compromising the fairness of judicial proceedings. By strengthening legal safeguards, promoting ethical journalism, encouraging digital responsibility, and preserving constitutional values, it is possible to achieve a harmonious balance between media freedom and the right to a fair trial. Such a balance is indispensable for the protection of democracy, the rule of law, and the administration of justice in India.