
GUILTY BEFORE THE VERDICT: THE LAW, MIND, AND SOCIETY BEHIND INDIA'S MEDIA TRIALS

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1. Introduction:

“Media trial can have long lasting repercussions as it creates narratives which make a person guilty in the eyes of the public even before being convicted by a court.”

- Former CJI D.Y Chandrachud

One of the most important pillars of the criminal justice system in India is the “presumption of innocence,” which presupposes that a person is innocent until the moment when he or she is found guilty in accordance with the due process. This rule is based on the rule of law¹ and it provides that justice is served without prejudice or consideration of popular will as a guide but rather through evidence and reason. However, in modern India, the emergence of 24-hour news, online media outlets, and social media networks has led to a new menace of media trials. Such coverage does not simply report judicial proceedings; it constructs narratives that pre-judge the accused, effectively declaring guilt prior to any legal determination.

Media trials are taking over the role of a judiciary by dramatising and presenting misunderstood facts in such a way that they portray defendants as villains, which is a contradiction to what they proclaim to defend. In a country where democracy flourishes on the solidity of the mass discourse, such an intrusion on the constitutional balance between the freedom of the press and right to a fair trial, as a condition, creates psychological prejudice and criminological effects that distort justice.

At the core of this question is a tension between two fundamental rights in the constitution. The Indian Constitution under article 19(1)(a) also provides the freedom of speech and expression as the main pillar of the free press that gives the media rights² to enlighten people and question the authority. Article 21, on the other hand protects the right to life and personal liberty, which

¹ International Covenant on Civil and Political Rights art. 14(2), Dec. 16, 1966, 999 U.N.T.S. 171.

² Zahira Habibullah Sheikh v. State of Gujarat, (2006) 3 SCC 374 (India)

the Supreme Court has always read to include the right to a fair trial³. The media coverage may as well infringe upon Article 21 by infringing upon the impartiality of the judicial proceedings when it shifts to prejudice, such as reporting on exaggerated incidents or premature verdicts. This has been a conflict that has been addressed severally by the Supreme Court. Within the case of *Sahara India Real Estate Corp. v. SEBI*, (2012)⁴, the Court highlighted the importance of a balance between the freedom of the press and the integrity of the judiciary by noting that unrestrained media influence might incline trials. Similarly, in *Manu Sharma v. State (NCT of Delhi)*, (2010)⁵ the Court criticized the involvement of the media in the Jessica Lal murder case⁶ by arguing that it has a potential to distort justice by creating a furor over evidence among the population.

Media trials operate on multiple levels, extending past legal reasoning into the psychological and criminological domains that mould public opinion. Media narratives are psychologically exploitative of cognitive biases, especially confirmation bias⁷, in which people process new data so that it fits their previously held beliefs. By covering the stories of an accused individual repeatedly, the news organizations influence the social perception in a manner that is hard to reverse even when the evidence runs against it. This effect is especially strong in India, where cultural and emotional invocations to justice and morality are apt to exacerbate the response of the crowd to high-profile cases.

Media trials lead to what sociologist Stanley Cohen calls moral panic⁸ criminologically, which turns defendants into “folk devils”⁹ representing society's fears. The Aarushi-Hemraj double murder case¹⁰ exemplifies this theory further where unsubstantiated media speculation made the victim’s parents appear vile, only to have them acquitted¹¹ several years later by the court and find the damage that social ostracization has wrought on them.

The socio-cultural situation in India increases the stakes of media trials. The case of Jessica Lal

³ Zahira, *supra* note 2.

⁴ *Sahara India Real Estate Corp. Ltd. v. Securities and Exchange Board of India*, (2012) 10 SCC 603 (India).

⁵ *Sidhartha Vashisht @ Manu Sharma v. State (NCT of Delhi)*, AIR 2010 SC 2352 (India).

⁶ *Manu*, *supra* note 5.

⁷ R. S. Nickerson, *Confirmation Bias: A Ubiquitous Phenomenon in Many Guises*, 2 Rev. Gen. Psychol. 175 (1998)

⁸ Stanley Cohen, *“folk devils” and Moral Panics: The Creation of the Mods and Rockers* (London: Paladin 1972).

⁹ Cohen, *supra* note 8.

¹⁰ *Rajesh Talwar v. CBI*, (2012) 4 SCC 217 (India).

¹¹ *Nupur*, *supra* note 10.

murder¹², the Aarushi Talwar¹³ case, Sushant Singh Rajput¹⁴ tragedy and such high-profile cases show how media coverage can turn legal cases into media spectacles, affecting investigations, prejudicing the public opinion, and even coercing judicial determinations.

In its 200th Report on Trial by Media (2006)¹⁵, the Law Commission of India even cautioned that the judicial decision making as a result of a sentiment propagated by the media would be subtle, yet still have an influence on judicial decision making, despite the professional values of judges towards impartiality. This law, psychology, and criminology subtext brings to the fore a very important fact: media trials, in their attempts to promote democratic transparency, tend to undermine the constitutional provisions that provide a guarantee of justice.

The damage of media trials is not solely in terms of legal aspect but also social and psychological consequence as mentioned above. Media trials expose the accused to a twofold test, a formal trial in a court and an informal, and usually even harsher trial in the popular press. This is especially strong in India, where emotional investment in matters of morality and justice is extreme in the language of the populace.

In 2006, the Law Commission in the 200th Report observed that the influence of popular opinion fuelled by the media may impact unintentionally on the judicial process¹⁶, affecting the presumption of innocence. Besides, there is a psychological cost to the defendants, family of victims and even to the judiciary. Although judges are supposed to be objective, they are not immune to the social pressures that are enhanced by the news coverage.

The thesis of this paper is that media trials in India abuse the presumption of innocence by creating biased public opinion, taking advantage of psychological weaknesses, and stigmatizing criminologically, therefore, breaching the right to a fair trial as provided in Article 21. Although legal academics tend to emphasize the constitutional clash of the rights to free speech and to fair trial, and psychologists refer to various types of cognitive biases such as the confirmation bias, and criminological explanations of moral panic show how media narratives are used to turn individuals into scapegoats in society. However, such views are hardly

¹² Manu, *supra* note 5.

¹³ Nupur, *supra* note 10.

¹⁴ *Rhea Chakraborty v. Union of India*, (2020) 4 AIR (Bom) 1252 (India).

¹⁵ Law Commission of India, *200th Report on Trial by Media: Free Speech and Fair Trial under Criminal Procedure Code, 1973* (Aug. 2006),

<https://cdnbbsr.s3waas.gov.in/s3ca0daec69b5adc880fb464895726dbdf/uploads/2022/08/2022081057.pdf>.

¹⁶ *Id.* at 53–56

combined in the Indian context and the gap in interpreting the complex malevolence of media trials remains open. In this paper, I have tried to fill that gap by considering the media trials in three interrelated perspectives; the legal doctrine, psychological processes, and criminological implications.

The following paper analyses the complex role of media trials in India. It examines the legal aspect first, noting how the courts have struggled with the conflict between Articles 19(1)(a) and 21, with the help of high-profile media trial cases to demonstrate the conflicts. It continues to discuss psychological effect, which relies on the work of Nickerson, to demonstrate how confirmation bias increases the influence of the media on the perception of the people and even the courts. The discussion also addresses the criminology implications with reference to the idea of moral panic by Stanley Cohen to explain how a case like Aarushi Talwar has already stigmatized the accused and influenced society.

Lastly, the paper suggests reforms that include making the media and judicial more accountable so that the right to a fair trial is guaranteed without necessarily restricting press freedom. Through a synthesis of these views, the work focuses on the much-needed urgency to enforce the constitutional promise of justice in an age of media-induced pervasiveness.

2. Literature Review:

Media trial studies have increased in India in the last twenty years especially following upsurge in 24 hours news channels and high-profile criminal cases involving celebrities. The main issue that has been always pointed out by scholars and commentators is the tension between the media coverage and the principle of innocence until proven guilty.

High profile cases like the Aarushi Talwar dual homicide (2008)¹⁷, the Jessica Lal case (1999)¹⁸ and the Sushant Singh Rajput case (2020)¹⁹ are examples of how the balance between fair legal processes and widespread media coverage has been difficult to strike.

Even the eminent legal minds have been perpetrating critiques about trial by media where Jurist S. Sorabjee and Justice M. Katju have cautioned that the press has a history of taking over a judge and a jury in the court of public opinion and convicting an individual before a court has

¹⁷ Nupur, *supra* note 10.

¹⁸ Manu, *supra* note 5.

¹⁹ Rhea, *supra* note 14.

decided. Soli Sorabjee noted that although the media has in some situations served a positive function, like the Jessica Lal murder case, not all cases should be subject to parallel adjudication in the media²⁰. In his view, the courts are required to make a decision first and then the media can exercise criticism or analysis of the process. Justice Katju, had also pointed out the repetitive issue of media overreach. He observed that there was no proper regulation mechanism that would ensure that serious journalistic malpractices like fake news, paid news, and inflammatory reporting could be eliminated without serious repercussions. Although he accepted the constitutional guarantee of freedom of press contained in Article 19(1)(a), Katju still believed in regulation rather than unrestrained control²¹ and recommended strengthening of Press Council with powers to impose authentic sanctions and their jurisdiction over electronic media. Both jurists underline that in the absence of such checks, media trials can deviate away the very principle of a fair trial that is ensured by Article 21, in addition to making journalism a democratic watchdog rather than a quasi-judiciary body.

A large part of the extant literature treats media trials largely in a legal and constitutional form, exploring how the courts understand and balance these phenomena with the Indian Constitution. This discussion especially revolves around Articles 19(1)(a) and 21, where Article 19(1)(a) provides freedom of speech and expression-the pillars of press freedom, Article 21 provides the right to life and personal liberty- including the right to fair trial. This fine line has been handled again and again by the courts, trying to maintain the integrity of the judiciary without unreasonably interfering with the freedom of the press.

One of the main points of reference is *Sahara India Real Estate Corp. v. SEBI* (2012)²², in which the Supreme Court acknowledged that the free flow of media coverage may be biased in trials, but opposed the introduction of blanket limitations on press reporting. This case exemplifies the existing legal dilemma questioning how do we protect constitutional rights and at the same time guarantee due process in a world of widespread media influence?

The psychological effect of media trials on popular opinion is great due to their use of cognitive biases, most notably confirmation bias, which Raymond Nickerson theorized²³ about. This bias

²⁰ Soli J. Sorabjee, *There Can't Be Media Trial in Every Case*, Business Standard (May 10, 2012), https://www.business-standard.com/article/pti-stories/there-can-t-be-media-trial-in-every-case-soli-sorabjee-112051000539_1.html.

²¹ Justice Markandey Katju, *Indian Media: Above the Law?*, Medium (Oct. 19, 2023), <https://justicekatju.com/indian-media-above-the-law-ef66d5d02e2b>.

²² *Sahara*, *supra* note 4.

²³ Nickerson, *supra* note 7.

causes people to seek, interpret, and remember information that supports prior beliefs and rejects conflicting evidence, which can frequently cause polarization of attitudes, belief preservation, and illusion of correlation. In high-profiled crimes, sensational headlines, recycled news, and dramatized stories promote these trends, ingraining predetermined ideas of guilt or innocence in the popular imagination. Though India does not have jury trials, such biases indirectly influence the atmosphere in which the judges, investigators, and other justice actors work, subtly pushing them to decisions that are in line with the popular opinion. This effect was demonstrated in the Noida double homicide case²⁴, where continuous speculation surrounding the family gave rise to the creation of a presumption of guilt against the parents, although there was minimal evidence, that demonstrates the effect of cognitive bias as a social and institutional pressure that can influence the administration of justice.

Media trials can be viewed as a way in which the society symbolically controls perceived criminal acts criminologically. The theory of moral panic²⁵ by Stanley Cohen and the theory of “folk devils”²⁶ can help one interpret this process as some people are depicted as embodiments of threats to the society, and that is why extreme moral and penal treatment is justified. Media houses demonized Rhea Chakraborty as an outsider who was scheming and manipulative in the Sushant Singh Rajput case²⁷, although there was no definite evidence, which increased the anger of the people- effectively portraying her as a “folk devil”.

Likewise, in cases like Jessica Lal²⁸ and Nirbhaya²⁹, the accused people had been characterized in highly moralistic ways, which influenced social discourse and fueled calls of speedy justice. Such representations frequently result in punitive populism; the emotionally evocative accounts give rise to high levels of public demand that prompt and harsh punishments, which can override legal protections and due process.

In spite of the high level of research on these topics, a clear gap can be observed in the research that would combine the legal, psychological, and criminological approaches into a common model. The legal studies tend to be limited to the constitutional interpretation, the psychological research is conducted on the opinion generation separately, and criminological research

²⁴ Rajesh, *supra* note 10.

²⁵ Cohen, *supra* note 8.

²⁶ Cohen, *supra* note 8.

²⁷ Rhea, *supra* note 14.

²⁸ Manu, *supra* note 5.

²⁹ *Mukesh & Anr. v. State for NCT of Delhi & Ors.*, AIR 2017 SC 2161 (India).

highlights the issues of societal control and moral panic without relating it to the judicial process. This disaggregation makes the discourse incomplete. The paper tries to fill this gap with the synthesis of all of these three disciplines, providing a holistic analysis of how media trials undermine the principle of “innocent until proven guilty”, craft the mass opinion, and impact the process of justice delivery in India.

3. Methodology:

In this paper, the qualitative approach has been adopted to review media trials in India by utilizing observations, legal research, case analysis and theoretical perspectives of psychology and criminology, instead of survey-based or questionnaire-based studies. Through this, it is possible to gain a subtle insight into the impact of media coverage on the perception of the masses, judicial processes and the balance between the freedom of speech and the right to a fair trial.

The study draws on three primary sources. To start with, the analysis is supported by legal documents and court decisions. Such fundamental aspects of the constitution as Article 19(1)(a) guaranteeing the freedom of speech and Article 21 guaranteeing the right to life, including the right to a fair trial, are discussed together with landmark decisions of the Supreme Court, like the case of *Sahara India Real Estate Corp. v. SEBI* (2012)³⁰, which explores the circumstances in which delays of a trial can be justified to ensure fair treatment. The case of media intrusion with ongoing court proceedings covers the landmark media trial case, *R.K Anand v. Registrar* (2009)³¹. These sources are complemented by the opinions of legal professionals, experienced lawyers, and judges in order to place the problems to the constitutional safeguards into perspective.

Second, the research discusses media reporting on high profile criminal cases in the newspapers and television in terms of how the defendants, the victim and trials are framed. The scheduling of sensational coverage, leaks, and editorial dramatization is studied to comprehend the way the journalistic practice affects popular opinion and indirectly the judges, investigators, and legal processes.

³⁰ *Sahara*, *supra* note 4.

³¹ *R.K. Anand v. Registrar, Delhi High Court*, (2009) 8 SCC 106 (India).

Third, academic scholarship in psychology and criminology informs the interpretation of media effects. The concepts of cognitive psychology, such as confirmation bias³² and the availability heuristic³³, can help understand why repeated narratives in the media support prior beliefs and develop a collective view of guilt. The theory of moral panic by Stanley Cohen and the concept of “folk devils”³⁴ helps to understand that the media coverage of defendants as a threat to society can contribute to punitive populism and the need to have justice in situations, which is quick and often extrajudicial.

To present empirical background, six high-profile criminal cases are analyzed in India: the Jessica Lal murder case³⁵ (1999-2006), the Priyadarshini Mattoo case³⁶ (1996-2006), the 2012 Delhi gang rape case³⁷ (Nirbhaya), the Aarushi Talwar-Hemraj case of a double murder³⁸, the Sheena Bora case of murder³⁹ (2015), and the Sushant Singh Rajput case⁴⁰ (2020-present). These instances were chosen because they were varied in social profile, crime type, and media coverage, and it proves how much publicity may affect the result of the judicial process.

This paper provides an integrated analysis of media trials that takes into account legal, psychological, and criminological approaches thereby demonstrating how media coverage may subvert the assumption of innocence, inform investigative and judicial practices, and misrepresent the delivery of justice in modern India.

4. Results:

The findings of this study re-emerge at the junction of legal principles, psychological knowledge, and criminology theories and are used in high-profile Indian criminal cases. All the examined cases demonstrate the way in which media trials generate popular narratives, shape investigative and judicial procedures, and construct common frames of guilt and innocence. These are conveyed by the help of certain selected case studies, which find such common features: (i) the pressure on the judiciary and law enforcement agents due to wide

³² Nickerson, *supra* note 7.

³³ Amos Tversky & Daniel Kahneman, *Availability: A Heuristic for Judging Frequency and Probability*, 5 Cogn. Psychol. 207 (1973).

³⁴ Cohen, *supra* note 8.

³⁵ Manu, *supra* note 5.

³⁶ *Santosh Kumar Singh vs. State through CBI*, (2010) 9 SCC 747

³⁷ Mukesh, *supra* note 29.

³⁸ Rajesh, *supra* note 10.

³⁹ *Indrani Pratim Mukerjee v. Central Bureau of Investigation & Anr.*, SLP (Crl.) No. 1627/2022, out of CRLBA No. 986/2020, HC Bom (India).

⁴⁰ Rhea, *supra* note 14.

reporting, (ii) confirmation of psychological prejudice in the populace sphere, (iii) building of “folk devils”, representing social issues. These instances, put together, offer empirical basis to comprehend how media trials sabotage the equilibrium between freedom of the press and the constitutional pledge of a fair trial in India.

These dynamics are exemplary in the following case studies, starting with the Jessica Lal murder case and then proceeding to the Sushant Singh Rajput case:

Jessica Lal Murder Case (1999):

Jessica Lal murder case⁴¹ is a historic demonstration of the duality of media in influencing justice and perception among people. On 29 April 1999, a model named Jessica Lal was killed at a high-profile party in New Delhi, when she declined to serve alcohol to Manu Sharma, the son of a big politician. In 2006, Sharma was acquitted by the trial court based on unreliable eyewitness testimonies and absence of evidence. Popular indignation, fuelled by never-ending media coverage, including the “Justice for Jessica” campaign, revealed inadequacies in the police investigations and coerced witnesses to make confessions, which finally resulted in the Delhi High Court quashing the acquittal and convicting Sharma to life imprisonment. This was upheld in 2010 by the Supreme Court as evidence against him was confirmed. The case, based on the law, was a demonstration of both systemic deficiencies in the investigation and the dangers of media influence that may be used to influence the judicial process. Media discourses influenced the way the population thought, with Sharma somehow being empathetic, outraged, and racially biased cognitively, and criminologically, Sharma emerged as a “folk devil”, who symbolized impunity of elites, according to the moral panic theory. Although the media had promoted justice, it had also created a question of pre-judgment, over-sensationalism and a thin thread between civic mobilization and judicial independence.

Priyadarshini Mattoo Murder Case (1996-2006):

The killing of 25-year-old law student Priyadarshini Mattoo⁴² on 23 January 1996, exposed the weaknesses of the justice system where power and privilege collide with crime. Santosh Kumar Singh, son of an Inspector-General of Police, was the main suspect who was said to be stalking and threatening Mattoo over several months. In 1999, the trial court found him innocent, noting

⁴¹ Manu, *supra* note 5.

⁴² Santosh, *supra* note 36.

that, despite how guilty he seemed, the investigative flaws could not have allowed the prosecution to convict him. The perceived miscarriage of justice courted media publicity that guaranteed continued pressure on the people leading to the acquittal being overturned by the Delhi high court in 2006 and Singh being sentenced to death, which was later commuted to life imprisonment by the Supreme Court. In law, the case highlighted systemic corruption and prosecutor malpractices, and the media served as a third-party corrective, keeping officials accountable under the banner of elite privilege. Morally and psychologically, emotive framing increased the levels of moral indignation and outrage of the public on the issue, creating group polarization. Crimewise, it had made Singh a symbolic “folk devil”, a sign of the institutional comity that shelters the mighty. The Mattoo case shows that media attention can help the justice but also points to the risks involved in replacing procedural rigor with popular pressure that show how close the fine line between corrective media intervention and coercion of the judiciary is.

Delhi Gang Rape Case (Nirbhaya) (2012):

On 16 December 2012, the brutal gang rape and murder of a 23-year-old physiotherapy intern⁴³ set off unprecedented public sentiment and legal urgency in India. The victim was assaulted on an onward bus in South Delhi and although she was treated in India, she died in Singapore. The juvenile was soon captured, and the six other accused persons were soon caught and the adult who had committed the crime were ultimately found guilty and executed in a rapid trial process. The media reporting was incessant, starting with live reporting and candle light demonstrations, to social campaigns, which kept national focus on the case. This pressure hastened investigations and judicial proceedings under the law, and led to the Criminal Law (Amendment) Act, 2013⁴⁴, which broadened defenses against sexual violence. The case rallied mass indignation and terror psychologically, but patriarchal biases remained, as testified by victim-blaming discourses. The case⁴⁵ was a symbol of gendered injustice in the United States, with criminological implications showing moral panic and societal desire to be held accountable. The Nirbhaya case is both a testament to how media can accelerate legal process and policy change, but also to the shortcomings of the outrage-based justice model without systematic change in the institution.

⁴³ *State of Delhi v. Ram Singh*, (2014) 5 SCC 1 (India).

⁴⁴ Criminal Law (Amendment) Act, No. 13 of 2013, Acts of Parliament, 2013 (India).

⁴⁵ Mukesh, *supra* note 29.

Aarushi Talwar-Hemraj Double Murder Case (2008):

The Aarushi Talwar-Hemraj double-murder case⁴⁶ is a good example of how a media spectacle can overwhelm due process. Aarushi Talwar, 13 (~14), was killed on 16 May 2008 in her house in Noida, the body of the domestic servant Hemraj was found the following day. Poor procedures, contradictory evidence and premature and hasty seizure of guilt marred the investigations and the CBI charged parents of Aarushi with the murder. The Talwars were found guilty in a special CBI court in 2013 and acquitted in 2017 by a high court in Allahabad, on grounds of absence of direct evidence. Media attention had been everywhere, popularising the theories of honour killing and demonising the Talwars, basically priming the populace to think against them. The case raised the dangers of circumstantial evidence and imperfect investigation in legal circles. On a psychological level, media framing exploited the societal fears of family honour and morality and created a confirmation bias and widespread fascination. The Talwars were criminologically depicted as “folk devils”, which strengthened the labeling theory and moral panic. In comparison to Jessica Lal or Nirbhaya, in this case, justice was turned into a sham, and this shows that unrestrained sensationalism can magnify injustice when speculation prevails over evidence-based processions.

Sheena Bora Murder Case (2015):

When her daughter Sheena Bora was found murdered in 2012, by 35, the case⁴⁷ became a media circus because of the high-profile nature of her mother, Indrani Mukerjee. The killing, supposedly on personal quarrels and family secrets, was not revealed until three years later when the driver himself confessed and in 2015, three people were arrested. Criminal justice in India has been very slow as judicial proceedings have been stretched out with Indrani only being granted bail in 2022. The case was media-presented as a glamorous crime-thriller, with the focus on lifestyle and alleged motives of Indrani instead of factual reporting, and this assumption of innocence was destroyed. The trial in question, in legal terms, shows delays and procedural bottlenecks; in psychological terms, cultural taboos and moral indignation were leveraged by the media, with the resulting impact being mass confirmation bias; and criminologically, the case left Indrani a “folk devil”, which was a symbol of elite deception and ambition. In contrast to the corrective role of media in other situations, in this case, it was more

⁴⁶ Rajesh, *supra* note 10.

⁴⁷ Indrani, *supra* note 39.

of entertainment, and the due process of justice was mislaid and the perception of guilt by the people distorted.

Sushant Singh Rajput Case (2020):

The case of the death of Bollywood actor Sushant Singh Rajput⁴⁸ on 14 June 2020 illustrates the outrageous effects of speculation directed by the media. Originally regarded as a suicide, the case then turned into a murder, abetment and drug related conspiracies, and actress Rhea Chakraborty was the key element of the vilification. Police inquiries encompassed CBI, ED and NCB, but as of 2025 a final court decision has not been made. Media interest was insatiable and so the 24x7 reporting, the social media pitch, and the framing of sensationalism (without any legal finding) led to moral panic and the demonization of individuals. At the legal level, the case demonstrates how the pressure on investigative independence can be a challenge; at the psychological level, mental health, conspiracy, and celebrity culture cognitive dissonance; and at the criminological level, deviancy amplification, that is, an increase in suspicion and moral indignation in society when a particular issue is repeatedly taken up by the media. In the case, as compared to Jessica Lal or Nirbhaya, media hindered justice and promoted spectacle over evidence, dignity, and failed to focus on serious debates regarding mental health and systemic responsibility.

With the example of six high profile criminal cases in India as discussed above, one can note that the effect of media coverage on the outcome of the case, the perception of society, and the investigation has a consistent pattern. In scenarios such as Jessica Lal, Mattoo and Nirbhaya, prolonged exposure by the media intensified public anger and led to retrials or convictions, which underscores the role of the media as a corrective agent in the absence of an institutional mechanism. On contrast, Aarushi Talwar, Sheena Bora, and Sushant Singh Rajput reveal how sensationalism and speculation can frontline a case, with hypothetical propositions, biased opinions, and social guesswork making investigations more difficult and justice more biased.

Psychologically speaking, media framing influenced the general opinion, producing moral outrage, empathy, or fear, and often strengthening the biases in society. Victim-blaming and social discourse were instilled through gendered and cultural stereotypes, especially

⁴⁸ Rhea, *supra* note 14.

considering the Nirbhaya⁴⁹ and Sushant Singh Rajput cases. Accused people were often designated criminologically as “folk devils”, and turned one individual act into a representation of a systemic breakdown, both elite and celebrity.

In all instances, the pressure and kind of media coverage depended on structural variables like socio-economic background, city, and the stature of the individuals involved. The findings indicate that media can both enable justice and mislead it, and that the outcome depends greatly on the quality of coverage, framing, and the consumers. On the whole, media is revealed as a two-sided actor, who can right institutional inertia but also can promote bias, speculation, and stigma.

5. Discussion:

The discussion of media trials in India underlines the influence of media presentation on the justice system which is really solid, showing a trend when media is not just a viewer but also a participant that influences the formation of the perception, investigation, and judgment of the people. Media attention that lasted throughout a case, like in Jessica Lal and Priyadarshini Mattoo, revealed and rectified institutional failures, and demanded accountability, but in the Aarushi Talwar-Hemraj and the Sushant Singh Rajput cases, presuppositions and personal innuendo led to a damaging reputation and legal consequences in an age of speculation and personal insinuations. The Nirbhaya case shows how media outrage can jumpstart nationwide activism and legislative reform but that such outrage-driven legislative change can be a danger to deliberate pacing. Media trials can also tend to reinforce victim-blaming, as focusing on the offenders instead of the victims promotes negative societal discourses. Following the 2012 Delhi gang rape, Asaram was the first to make the controversial comment⁵⁰ that the victim in the case should have addressed the rapists as her “brothers”, which minimizes the anger of the people and shifts attention away to the victim being victimized, as well as re-establishes the culture of victim-blaming (By glorifying his comments). In a similar manner, gendered framing

⁴⁹ *President's son Abhijit Mukherjee apologizes after calling anti-rape protesters 'dented and painted'*, Times of India (Dec. 27, 2012), <https://timesofindia.indiatimes.com/india/presidents-son-abhijit-mukherjee-apologizes-after-calling-anti-rape-protesters-dented-and-painted/articleshow/17781178.cms>.

⁵⁰ *Girl Should Have Called Rapists as 'Brothers'*, The Economic Times (Jan. 8, 2013), <https://economictimes.indiatimes.com/news/politics-and-nation/girl-should-have-called-rapists-as-brothers-asaram-bapu/articleshow/17932691.cms>.

in the Sheena Bora case affected the general opinion and highlighted how media could continue with stereotyping and bias in investigations.

Such trends reveal a democratic paradox, where the press advances accountability and transparency and may infringe upon Article 21, right to fair trial, by prejudging the defendant in the public imagination. These are magnified by cognitive bias like confirmation bias⁵¹, availability heuristics⁵², and halo effect⁵³, affecting both popular opinion and institutional decision-making, as in the case of the vilifying Charlotte Perkins, Rhea Chakraborty, and Indrani Mukerjee. The concept of moral panic and criminological theory in general explains how some people are portrayed as “folk devils”, which drives punitive populism and policy-making guided by feeling over fact, which can be seen in responses to Manu Sharma and the Nirbhaya convicts. This two-sidedness of media trials as both corrective and distorting requires attention of policy.

The preservation of fairness without reducing the democratic role of the press could be achieved by strengthening the Press Council of India with enforceable powers, encouraging courts to pass narrowly focused restraint orders, educating the population about cognitive biases and imposing ethical principles in crime reporting. Guidelines, such as the Contempt of Court Act of the UK⁵⁴, are available on the international level.

Finally, media trials in India represent the convergence of law, psychology, and criminology, where it is revealed that narratives, biases, and structural power affect the justice. The issue is not to censor the press but to exercise its influence in the most responsible way so that it acts as a watchdog and is not to substitute the courts, to achieve the balance among transparency, accountability, and to the right to a fair trial.

⁵¹ Nickerson, *supra* note 7.

⁵² Tversky & Kahneman, *supra* note 33.

⁵³ Edward L. Thorndike, *A Constant Error in Psychological Ratings*, 4 J. Appl. Psychol. 25 (1920), <https://doi.org/10.1037/h0071663>.

⁵⁴ Contempt of Court Act 1981, c. 49 (UK).