

## MEDIA TRIALS IN HIGH-PROFILE CRIMINAL CASES: BALANCING PRESS FREEDOM WITH FAIR JUSTICE

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### Abstract

*The phenomenon of media trials has emerged as a defining challenge for the administration of criminal justice in India. With 24x7 news cycles and the rise of social media, public perception of guilt or innocence is often shaped long before judicial verdicts are delivered. This paper examines the evolving relationship between freedom of expression and the right to a fair trial, analysing how sensational reporting can both strengthen and subvert justice. Drawing upon landmark cases such as Jessica Lal, Aarushi Talwar, Nirbhaya, and Sushant Singh Rajput, the study explores how the media's pursuit of public interest sometimes crosses into prejudice. It also incorporates comparative perspectives from the United States and United Kingdom to highlight varying regulatory approaches. The discussion underscores the absence of effective enforcement mechanisms within India's current framework and the ethical dilemmas faced by journalists. The paper concludes by proposing a balanced model that preserves press freedom while protecting the integrity of the judiciary through statutory reforms, digital accountability, and ethical self-regulation.*

### Introduction

In an era where information spreads instantly, the phenomenon of "media trials" has emerged as a significant challenge in high-profile criminal cases. A media trial occurs when news outlets, social media platforms, and public discourse effectively adjudicate a case in the court of public opinion before, or in lieu of, a formal judicial verdict.<sup>1798</sup> This is particularly pronounced in sensational crimes, where relentless 24/7 coverage, viral hashtags, and speculative commentary shape narratives about guilt or innocence. In India, cases such as the 2008 Mumbai terror attacks, the Aarushi Talwar double murder, and the 2012 Nirbhaya case have faced criticism for media overreach, with outlets accused of invading privacy,

prejudging suspects, and fuelling public outrage.<sup>1799</sup>

This dynamic creates a profound tension within India's democratic framework. The Constitution guarantees freedom of expression, including press rights, under Article 19(1)(a), but this right conflicts with the right to a fair trial, implicit in Article 21 2protections for life and liberty.<sup>1800</sup> Courts and legal scholars have cautioned that press freedom is not an absolute license; as the Supreme Court has stated, it is not absolute, unlimited, and unfettered at all times and all circumstances.<sup>1801</sup> Media trials thus raise complex legal and ethical questions: how do they bias investigations, violate personal dignity, stigmatize individuals, and undermine trust in the judicial process? This paper

<sup>1798</sup> See Vellore Inst. of Law, *Media Trials: Guidelines for Balancing Press Freedom with Fair Trials* (blog post, date unavailable), <https://vit.ac.in/blog/media-trials-guidelines>.

<sup>1799</sup> See, e.g., *Nine Stories Where Trial by Media Caused Havoc*, THE NEWS MINUTE (May 2020), <https://www.thenewsminute.com/news/nine-stories-where-trial-media-wreaked-havoc-peoples-lives>.

<sup>1800</sup> INDIA CONST. arts. 19(1)(a), 21.

<sup>1801</sup> *Harjai Singh v. State of U.P.*, (1997) 6 SCC 313, ¶ 10 (India).

examines these issues through key Indian cases, legal frameworks, global perspectives, and proposes actionable solutions to balance a vibrant press with the demands of Justice.<sup>4</sup>

### **Historical Context and Technological Drivers**

The tension between press freedom and state authority is deeply rooted in Indian jurisprudence. In the post-independence era, the judiciary championed the media as a democratic cornerstone, a watchdog ensuring accountability.<sup>1802</sup> Landmark cases like *Romesh Thappar v. State of Madras* affirmed the press role in fostering open discourse, while *R. Rajagopal v. State of Tamil Nadu* clarified boundaries between free speech and privacy, curbing intrusive reporting.<sup>1803</sup> These rulings were crafted in a simpler media landscape dominated by print, where information dissemination was gradual.

Today, the media ecosystem has transformed dramatically. The rise of national newspapers gave way to 24-hour television, and now digital platforms and social media dominate, enabling instant, global dissemination of news.<sup>1804</sup> A single tweet, live broadcast, or leaked document can spark widespread bias in hours, unlike the weeks or months of older print cycles. This technological shift has amplified the risks of prejudicial pre-trial publicity, making it a far more urgent issue. Early legal protections, designed for a slower era, struggle to address the speed and scale of modern media, necessitating new approaches to safeguard fair trials.<sup>1805</sup>

### **Legal and Ethical Dimensions**

Media trials sit at the intersection of competing rights: the presumption of innocence versus freedom of expression. Indian Constitution protects speech under Article 19(1)(a), but

Article 19(2) permits restrictions for contempt of court, defamation, or public order. The *Contempt of Courts Act, 1971* explicitly prohibits publications that interfere with judicial proceedings, while the *Cable Television Networks Act, 1995* mandates responsible broadcasting. Defamation laws under Sections 499 & 500 of the Indian Penal Code further deter reckless allegations. Ethically, the Press Council of India's Norms of Journalistic Conduct emphasize accuracy, fairness, and respect for privacy, condemning sensationalism and character attacks.<sup>1806</sup>

Yet, these frameworks often fall short in practice. Even seemingly neutral reporting can subtly sway public perception through psychological mechanisms identified in communication studies:

1. **Framing:** The way a story is presented highlighting motives, moral lapses, or suspicion shapes audience interpretation, often nudging toward assumed guilt.<sup>1807</sup>
2. **Primitivity and Availability:** Repeated coverage makes certain narratives or facts more salient, influencing jurors, witnesses, or investigators.
3. **Confirmation Bias:** Media emphasize details fitting a dominant narrative, sidelining contradictory evidence and encouraging audiences to seek supporting facts.

These effects mean that even cautious reporting, when amplified through repetition or speculative commentary, can create a prejudicial environment, undermining judicial fairness.<sup>1808</sup>

### **Case Studies: Media's Dual Role**

High-profile Indian cases illustrate both the constructive and destructive impacts of media trials.

<sup>1802</sup> *Romesh Thappar v. State of Madras*, AIR 1950 SC 124, ¶ 12 (India).

<sup>1803</sup> *R. Rajagopal v. State of Tamil Nadu*, (1994) 6 SCC 632, ¶ 26 (India).

<sup>1804</sup> See Jessica N. Morrison & Michael Svennevig, *Comparative Media Trials: O.J. Simpson, Jessica Lal, Amanda Knox*, 5 INT'L J. L. & MEDIA TECH. 45, 48 (2020).

<sup>1805</sup> See Herbert Smith Freehills, *Trial by Media: U.S. and UK Approaches to Defendant Risks* (Mar. 3, 2022), <https://www.herbertsmithfreehills.com/latest-thinking/trial-by-media-the-risks-to-defendants-of-differing-us-and-uk-approaches>.

<sup>1806</sup> Press Council of India, *Norms of Journalistic Conduct* ¶ 6 (2010).

<sup>1807</sup> Morrison & Svennevig

<sup>1808</sup> See Komal Ahuja, *Press and Media Ethics in India: The Press Council of India*, BHATT & JOSHI L. (Nov. 15, 2024).

1. **Jessica Lal Murder (1999):** When model Jessica Lal was shot at a Delhi party, initial acquittals triggered public outrage. Investigative journalism, including sting operations and campaigns, exposed investigative lapses, pressuring authorities to retry the case and secure convictions. This showcased the media's potential to correct systemic failures, but it also raised concerns about advocacy journalism risking influence over prosecutorial decisions and public fairness perceptions.
2. **Aarushi Talwar Double Murder (2008):** The murder of teenager Aarushi Talwar and her family's helper drew frenzied coverage, with leaks and unverified theories branding her parents as killers. Sensational reports aired personal details, contaminated leads, and vilified the Talwars, who were acquitted years later.<sup>1809</sup> The irreversible reputational damage underscores how reckless media can derail justice.
3. **Sushant Singh Rajput and Rhea Chakraborty (2020):** Following actor Sushant Singh Rajput's suicide, his partner, Rhea Chakraborty, faced a media storm amplified by social platforms. Viral campaigns and TV debates painted her as culpable, prompting her to petition the Supreme Court against an unfair media trial.<sup>1810</sup> This case highlighted how digital ecosystems can convict individuals publicly, skewing investigations.
4. **Nirbhaya Case (2012):** The Delhi gang rape drew global attention, with media exposing systemic issues like police inaction.<sup>1811</sup> While this drove legal reforms, graphic reporting and premature

disclosures risked prejudicing the trial, illustrating the fine line between advocacy and interference.

These cases reveal a recurring issue: police leaks often fuel media trials, turning unverified details into public "truths" that can alter witness testimony or pressure suspects.

### Global Perspectives

Globally, media trials vary by legal system. The U.S. O.J. Simpson trial (1995) epitomized media spectacle, with extensive coverage permitted under First Amendment protections, often at the expense of trial fairness. In contrast, the UK's *Contempt of Court Act, 1981* imposes strict liability for prejudicial reporting, prioritizing judicial integrity.<sup>1812</sup> India occupies a middle ground, encouraging robust journalism but restricting contempt and privacy violations. Canada and Australia offer further models, using limited gag orders and ethical codes to balance press rights with fair trials, providing lessons for India's framework.

### The Role of Digital Platforms

The rise of social media has complicated media trials. Unlike regulated broadcasters, platforms like X enable unverified posts, rapid rumour spread, and coordinated harassment.<sup>1813</sup> Courts have responded by holding platforms accountable, issuing takedown orders or tracing offenders, as seen in recent rulings. However, content moderation remains challenging, balancing free expression with harm prevention. Questions of jurisdiction and enforcement persist, but judicial experiments suggest a future where digital governance is integral to fair trials.

### India's Legal Framework

India's legal tools to address media trials include:

1. **Constitutional Protections:** Article 19(1)(a) ensures free speech, but Article 19(2) allows restrictions for contempt,

<sup>1809</sup> *Rajesh Talwar v. CBI*, (2017) SCC OnLine All 4698 (India).

<sup>1810</sup> <sup>22</sup> *Rhea Chakraborty Files Plea Against Unfair Media Trial*, NDTV (Aug. 10, 2020), <https://www.ndtv.com/india-news/rhea-chakraborty-goes-to-supreme-court-over-unfair-media-trial-2278796>.

<sup>1811</sup> *See Mukesh v. State (NCT of Delhi)*, (2017) 6 SCC 1 (India).

<sup>1812</sup> *Contempt of Court Act 1981*, c. 49, Â§ 2 (UK).

<sup>1813</sup> *See Shreya Singhal v. Union of India*, (2015) 5 SCC 1, Â¶ 45 (India).

defamation, or public order. Article 21 guarantees fair trial rights.

2. **Contempt of Courts Act, 1971:** Penalizes publications that prejudice justice, with fines or imprisonment.
3. **Press Council of India:** Under the *Press Council Act, 1978*, it enforces ethical norms, though its powers are advisory.<sup>1814</sup>
4. **Broadcast Regulations:** The *Cable Television Networks Act, 1995* prohibits prejudicial content, with violations risking contempt charges.

Judicial remedies include gag orders, in-camera trials, contempt proceedings, and platform directives, each with trade-offs: gag orders risk over-censorship, while contempt actions are often slow.

### **Ethical Considerations**

Beyond legal limits, ethical journalism is crucial. The Press Council's norms stress truth, fairness, and privacy, urging restraint in crime reporting. Courts have criticized outlets for airing defamatory remarks, even by guests, as breaches of ethical duty.<sup>1815</sup> Self-regulation struggles in the digital age, where clicks and views often trump responsibility. Newsrooms must prioritize ethical incentives to align with legal and societal expectations.

### **Proposed Solutions**

Media trials expose a delicate democratic balance: a free press informs and holds power accountable, yet unchecked it can distort justice and ruin lives. The cases discussed show this duality. Existing laws and ethics provide a foundation, but their reactive nature and digital gaps demand reform. Below are multi-tiered solutions:

### **Immediate Judicial and Administrative Actions (Weeks to Months)**

1. **Targeted Restraints:** Courts should issue narrow gag orders or seal sensitive

evidence, explaining their constitutional basis to avoid perceptions of censorship.

2. **Swift Contempt Actions:** Prioritize contempt cases for prejudicial reporting, imposing timely sanctions.
3. **Leak Prevention:** Police must designate single spokespersons and enforce disclosure protocols, with courts penalizing leaks.

### **Medium-Term Regulatory and Industry Reforms (12 Months)**

1. **Binding Broadcast Codes:** Transform voluntary guidelines into enforceable regulations, with a fast-track ombudsman for corrections.
2. **Enhanced Self-Regulation:** Strengthen Press Council mechanisms with rapid complaint resolution and penalties like on-air apologies.
3. **Platform Protocols:** Negotiate judicial-platform agreements for emergency content removal and evidence preservation.

### **Long-Term Legislative and Structural Changes (3 Years)**

1. **Contempt Law Updates:** Amend the *Contempt of Courts Act* to clarify thresholds for media restraints.
2. **Ombudsman Models:** Develop statutory oversight bodies for media, combining industry input with enforceable remedies.
3. **Research Investment:** Fund studies on media's impact on trial outcomes to inform policies.

### **Newsroom Practices (Immediate and Ongoing)**

1. **Crime Reporting Protocols:** Mandate editorial checklists for source verification, prejudice assessment, and victim anonymization.

<sup>1814</sup> Press Council of India Act, No. 37 of 1978, Â§ 13(1) (India).

<sup>1815</sup> See *Sahara India Real Estate Corp. Ltd. v. SEBI*, (2012) 10 SCC 603, Â¶ 42 (India).

2. **Training Programs:** Require training on contempt, defamation, and ethical rules, with dedicated legal teams.
3. **Ethical Metrics:** Shift incentives from engagement to accuracy and compliance.

### Public Education (Ongoing)

1. **Media Literacy:** Integrate critical media analysis into curricula to foster discerning audiences.
2. **Civil Society Engagement:** Support NGOs to monitor media excesses and advocate for reforms.

### Conclusion

Media trials test the heart of democratic governance: nurturing a fearless press while safeguarding justice and dignity. India's legal and ethical frameworks rooted in the Constitution, contempt laws, and Press Council norms offer a starting point, but their limitations in the digital age are evident. A multi-layered approach judicial agility, regulatory updates, newsroom ethics, platform accountability, and public education can forge a balance where the media informs without eroding the guarantees of a fair trial.

The way forward requires a multi-layered approach:

- Short-term measures: Swift contempt proceedings, strict policing of leaks, and proactive judicial management of high-profile cases.
- Medium-term reforms: Enacting a binding broadcast code with statutory backing, strengthening the Press Council with greater enforcement powers, and creating fast-track grievance redressal mechanisms.
- Long-term strategies: Developing jurisprudence to clarify thresholds for contempt, building ombudsman models for media houses, and integrating media literacy into education to build informed consumers of news.
- Platform accountability: Clearer cooperation between courts, regulators, and technology companies to curb viral misinformation without

stifling legitimate debate.  
- Cultural change: Encouraging professional journalistic practices that reward accuracy and restraint over ratings-driven sensationalism. Ultimately, no single solution will end the problem of media trials. The goal is to strengthen institutions, foster responsible journalism, and strike a delicate equilibrium where freedom of expression coexists with the fundamental right to a fair trial. Only then can the media truly function as a pillar of democracy rather than an obstacle to justice.