

## FROM WATCHDOG TO PARALLEL COURT: MEDIA SENSATIONALISM IN PUNE PORSCHE CASE

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### Abstract

In the contemporary digital era, the media has emerged as an exceptionally powerful social institution whose influence extends far beyond information dissemination, particularly due to the rapid amplification of narratives through social media platforms and 24\*7 digital news cycles. This paper undertakes a content analysis of media coverage surrounding the 2024 Pune Porsche hit-and-run case to examine how contemporary Indian media practices intersect with constitutional guarantees of free speech and fair trial. The paper situates a constitutional tension between Article 19(1)(a), guaranteeing freedom of speech and expression, and Article 21, which protects the right to life, personal liberty, and presumption of innocence. The paper acknowledges the media's watchdog function in exposing alleged evidence tampering and institutional collusion, underscoring its dual role as both an accountability mechanism and a source of constitutional risk. In India, the media's regulatory framework is fragmented, and only through advocating for regulatory harmonisation, strengthening enforcement of juvenile protection norms, and constitutional moderation can public scrutiny be ensured rather than undermined in the administration of justice through the media.

**Keywords:-** Sensationalism, Media trial, Freedom of Speech and Expression

### INTRODUCTION

The relationship between the media and the criminal justice system has become a complex affair in modern India, as it navigates the principles of accountability to the people and the dangers of sensationalism. The media, being the alleged fourth pillar of democracy, has a tremendous power to influence the population, and it constitutes the discourse of law, morality, and justice. Nevertheless, the trend of the growth of digital news platforms and 24x7 news cycle has changed the dynamic of the mode of journalistic interaction not as the finding of information, but as the search of virality and audience retention. In this changing ecosystem, the phenomenon of Trial by Media has become a recurring occurrence, where journalistic accounts, influenced by popular

sentiment and competitive demands, start to mirror or even pre-empt court cases.

High-profile cases of accidents or murders like the 2024 Pune Porsche crash are a small example of this tension between press freedom and fair trial rights. A case involving a 17-year-old defendant who was purportedly driving an expensive sports vehicle due to his intoxication by alcohol and killing two young software engineers took place, which sparked construction media, mass media, and social media indignation.<sup>2108</sup> In a matter of hours, newspapers were already labeling the accused as a wealthy, spoilt minor, an elite impunity personification. The rapid moralisation of reportage signified the transition of factual

<sup>2108</sup> Pune Porsche Case: Arnab's Pincer Questions As Law Seems To Bent Backwards For Rich, *REPUBLIC WORLD* (May 2024).

narration to interpretative judgment and represents the stage at which news became narrative and people involved in public discourse became prosecutors.<sup>2109</sup> This type of coverage would highlight the duality of the media's role in a constitutional democracy. On the one hand, the press plays a crucial role as a watchdog by reporting alleged police misconduct, lack of proper procedures, and systemic corruption, as in the reports on evidence tampering of the blood sample in the Pune case.<sup>2110</sup> Conversely, uncontrolled sensationalism may undermine the basic provisions under Article 21 of the Constitution of India, especially the right to a fair trial and the presumption of innocence. This constitutional quandary between Article 19(1)(a) that talks about freedom of speech and expression, including the press and Article 21, i.e., right to life and personal liberty is the purpose of this paper.

The pressures of TRP ratings and online activity in the Indian media industry have institutionalized sensationalism and not become an aberration.<sup>2111</sup> Crime coverage in India, as noted by scholars such as Sevanti Ninan<sup>2112</sup> and Arvind Rajagopal,<sup>2113</sup> is more often driven by narrative drama over judicial accuracy, generating narratives that portray guilty and innocent individuals in a manner that supports moral dichotomies. The Anuradha Bhasin case, regarding the airing of sub-judicial issues, and the Sahara India Real Estate Corp. Ltd. v. SEBI<sup>2114</sup> judgment can be seen as attempts by the courts to define the ethical boundaries of media reporting. The Supreme Court in the Sahara recognized that, although there must be

extraordinary instances of previous restraint on the press, a court may grant temporary postponement orders in instances where media reporting could lead to unfairness in the trial proceedings.

Nevertheless, these judicial interventions are still restrained by the disjointed regulation in India on media. The Press Council of India Act, 1978, places only recommendatory powers on the Press Council that cannot issue punitive penalties to breaches of the ethics. The Cable Television Networks (Regulation) Act, 1995 and the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 seek to implement self-regulatory procedures, but these procedures are not administrated consistently. Broadcasting Content Complaints Council (BCCC) and News Broadcasting and Digital Standards Authority (NBDSA) are voluntary bodies, whose codes of conduct are not binding. Lack of statutory deterrence contributes to the continuation of what scholars define as "performative justice" media trials that anticipate what the legal system should rule by influencing the popular opinion through repetition and framing.<sup>2115</sup> The famous hit-and-run cases take a special place in the mass consciousness due to a combination of criminal negligence and a privilege associated with the privileges of the classes. Since the 1999 Delhi BMW case<sup>2116</sup> up to the 2013 Salman Khan hit-and-run<sup>2117</sup> and most recently, the Pune Porsche crash, have all shed light on the social fault line of accountability and privilege. The direct outrage in these situations is perceived leniency exercised toward the wealthy, including granting of early bails, lateness in arresting or relying on the milder Section 304A of the Indian Penal Code (since replaced by Section 106 of the Bharatiya Nyaya Sanhita, 2023) rather than the stricter law applying to culpable homicide.

<sup>2109</sup> *Why the Pune Porsche crash is not your regular accident case*, INDIA TODAY (30 May 2024) <https://www.indiatoday.in/india/story/pune-porsche-accident-twists-turns-sequence-of-events-2545852-2024-05-30> (last visited Nov. 30, 2025)..

<sup>2110</sup> Gaurav Kamal, *Trial by Media: An Ethical Conflict*, PATNA HIGH COURT LIBRARY <https://www.patnahighcourt.gov.in/IJLR/viewpdf.aspx?T=ARTICLE&ID=Mg%3D%3D-KJBD41z3F%2Fk%3D> (last visited Nov. 30, 2025).

<sup>2111</sup> Anon, *Media and the Judiciary*, Andhra Pradesh High Court Library [https://aphc.gov.in/docs/judiciary\\_media.pdf](https://aphc.gov.in/docs/judiciary_media.pdf) (last visited Nov. 30, 2025)..

<sup>2112</sup> Sevanti Ninan, *Headlines from the Heartland: Reinventing the Hindi Public Sphere* (SAGE 2007)

<sup>2113</sup> Arvind Rajagopal, *Politics after Television: Hindu Nationalism and the Reshaping of the Public in India* (CAMBRIDGE UNIVERSITY PRESS 2001)

<sup>2114</sup> *Sahara India Real Estate Corp. Ltd. v. SEBI* (2012) 10 SCC 603

<sup>2115</sup> Simran Chawdhary, *Exploring Punitive Populism and Performative Justice in India's Trial Courts*, OXFORD L. BLOG (May 19, 2025)

<sup>2116</sup> *State v. Sanjeev Nanda* (2012) 8 SCC 450

<sup>2117</sup> *State of Maharashtra v. Salman Salim Khan* (2004) 1 SCC 293

The discourse of the people and the media in Pune case blended into one story of systemic inequality where the wealth of the accused came to be equated with immunity. The newspapers and online portals focused on the car brand, its price, and the political links of the family, and built a symbolic opposition of privilege and justice.<sup>2118</sup> These framing practices would support the sociological argument that media reporting in India frequently make criminal cases into moral theatre where guilt is suggested by socioeconomic description, and not determined by legal evidence. The case therefore illustrates the misrepresentation of prosecutorial discretion, how bail decisions, and reactive judicial behaviour by media-powered narratives, this is seen when the Juvenile Justice Board amended its bail order after public outrage.

This paper situates this case within the broader framework of Indian media law, exploring the fine line between freedom of expression and the sanctity of due process, and proposing a reconfiguration of regulatory mechanisms to ensure that public scrutiny enhances, rather than endangers, the administration of justice.

### **Case Study: Pune Porsche Case (2024)**

The Pune Porsche hit-and-run case, which resulted in the death of two young IT professionals in May 2024, rapidly escalated from a tragic accident to a national debate on privilege and justice.

#### **The Factual Timeline and Initial Judicial Proceedings**

The incident involved a 17-year-old juvenile allegedly driving a high-end luxury car while intoxicated. The initial judicial response from the Juvenile Justice Board (JJB) ignited widespread public fury when the accused was granted bail within hours of the incident on the condition of writing a 300-word essay on road safety.<sup>2119</sup> This

<sup>2118</sup> Pratiksha Baxi, *The "Not-So-Happy-Ever-After": Crime as Moral Corruption in the Family on Hindi Television News*, 49 *CONTRIBS. INDIAN SOC.* 309 (2015)

<sup>2119</sup> *Why the Pune Porsche Crash Is Not Your Regular Accident Case*, *INDIA TODAY* (May 30, 2024), <https://www.indiatoday.in/india/story/pune-porsche-accident-twists-turns-sequence-of-events-2545852-2024-05-30> (last visited Nov. 30, 2025).

initial leniency, widely perceived as the justice system "bending backwards for the rich," fuelled immediate, intense media coverage.<sup>2120</sup>

The subsequent police investigation, which the Pune Police Commissioner later admitted exposed "systemic corruption,"<sup>2121</sup> revealed attempts to tamper with evidence, including the alleged replacement of the juvenile's blood samples with those of his mother. The swift media coverage and public outcry were instrumental in pressuring the authorities, leading to:

- The cancellation of the initial bail.
- The arrest of the juvenile's parents and grandfather.
- Arrests of the pub owners and doctors involved in the conspiracy.
- The eventual trial of the juvenile as an adult set a significant precedent.

#### 1.1 Key Issues Observed in Media Coverage

##### a) Sensationalism in framing:

Major outlets repeatedly foregrounded the car-brand and social status of the accused's family; headlines and visuals emphasised the Porsche, wealth, and influence rather than measured legal particulars. This pattern converts reporting into spectacle and primes audiences to view the case chiefly as class conflict rather than a legal inquiry. Such framing increases affective engagement but risks occluding material elements required for objective adjudication.

##### b) Media trial v. presumption of innocence (Article 21):

Sustained reporting that presumes guilt via repeated headlines and opinion pieces – cultivates public certainty before judicial

<sup>2120</sup> *Pune Porsche Crash Case: Here Is Everything That Has Happened in the Probe So Far*, *TIMES OF INDIA* (June 11, 2024), <https://timesofindia.indiatimes.com/city/pune/pune-porsche-crash-case-here-is-everything-that-has-happened-in-the-probe-so-far/articleshow/110901146.cms> (last visited Nov. 30, 2025).

<sup>2121</sup> *Porsche Car Crash Case Exposed Systemic Corruption: Pune Police Commissioner, THE HINDU* (Oct. 9, 2025), <https://www.thehindu.com/news/national/maharashtra/porsche-car-crash-case-exposed-systemic-corruption-pune-police-commissioner/article70142341.ece> (last visited Nov. 30, 2025) (quoting Amitesh Kumar, Police Comm'r).

determination. The Supreme Court has stressed that freedom of the press is subject to fair-trial considerations<sup>2122</sup>; courts may intervene when publications create a real and substantial risk of prejudice to proceedings. In the Pune case, the speed and intensity of adverse reporting raised the question whether media pressure contributed to prosecutorial and judicial moves (e.g., cancellation of initial release), creating a constitutional tension between Article 19(1)(a) and Article 21.<sup>2123</sup>

c) Unethical reporting and juvenile anonymity:

The Pune matter involved a juvenile alleged to be the driver. Section 74 of the Juvenile Justice (Care & Protection of Children) Act, 2015 prohibits publication of information that identifies children in conflict with law; contravention attracts penal consequences.<sup>2124</sup> Despite this, online portals and social feeds circulated identifying details and family particulars, amounting to statutory and ethical breaches and risking secondary victimisation.<sup>2125</sup> This is not merely academic: courts and enforcement agencies rely on these standards to protect rehabilitative aims for juveniles.

d) Allegations of tampering, power, and accountability narratives:

Media reporting amplified allegations of evidence tampering (blood sample substitution) and collusion between hospital staff and influential actors. That reportage helped catalyse investigations; consequently, the media served an accountability function. But this same pressure risks creating an imperative for the state to appear responsive potentially prompting hurried or performative actions.<sup>2126</sup> The double-edged character of

media intervention <sup>2127</sup> (watchdog v. pressure group) is central to the constitutional challenge.

e) Victim v. accused focus and secondary victimisation:

Various studies shows uneven emphasis in some outlets the deceased victims and systemic prevention issues (road safety, drunk driving) received less sustained attention than the personalities of the accused.<sup>2128</sup> Sensational headlines can retraumatise victims' families and reduce complex facts to slogans, impeding nuanced understandings that would serve both justice and prevention.

**Constitutional Tensions: Fair Trial versus Free Press**

3.1 The Constitutional dilemma: Article 21 vs. Article 19(1)(a).<sup>2129</sup>

This underlying conflict in the United States Constitution in regard to the issue of 'Trial by Media' is the one between the Article 19(1)(a) guaranteeing the freedom of the speech and expression (and, by implication the right to the fair trial and presumption of innocence ) and the Article 21 which guarantees the right to the existence and personal life.

Supreme court has underscored the fact that the presumption of innocence is a legal requirement which under no circumstances should be without prejudice ruined at the initial stage of an investigation. Also, the courts have always stated that the media should not act as a substitution of the courts in a civilized society.

The active nature of the media as viewed in the Pune Porsche case of the media to expose corruption can help the case in the same manner it serves in the Jessica Lal case.<sup>2130</sup> Nevertheless, the establishment of guilt in the mind of the public through media coverage (by sensational headlines, proclaiming guiltiness, and commenting on the current investigation) creates a heavy burden of prejudice against the

<sup>2122</sup> R. Rajagopal v. State of T.N. (1994) 6 SCC 632

<sup>2123</sup> Why the Pune Porsche crash is not your regular accident case *supra* note 12

<sup>2124</sup> Juvenile Justice (Care and Protection of Children) Act 2015, § 74(1) and (3)

<sup>2125</sup> Sidbartha Vashist @ Manu Sharma v. State (NCT of Delhi) (2010) 6 SCC 1

<sup>2126</sup> Press Council of India, Norms of Journalistic Conduct (2022) cl 21 <https://presscouncil.nic.in/WriteReadData/Pdf/Norms2022.pdf> (last visited Nov. 30, 2025).

<sup>2127</sup> *Id*

<sup>2128</sup> Chawdhary, *supra* note 8.

<sup>2129</sup> INDIA CONST. art. 19(1)(a), art. 21.

<sup>2130</sup> Sidbartha Vashist @ Manu Sharma, *supra* note 18.

right to a fair defense, which is contrary to Article 21.

### 3.2 The Jurisprudence of Regulatory Balance.

This has been especially due to the Supreme Court, especially in its legendary verdict in *Sahara India Real Estate Corp. Ltd. v. SEBI*<sup>2131</sup>, met the challenge of establishing a balance between Article 19(1)(a) and Article 21 by expressly dismissing the view that free speech is a superior right than the right to a fair trial. Although the details of the Sahara case concerned the regulations of SEBI, the decision set the essential principles of the regulation of reporting on continuing trials:

First, the Real and Substantial Risk Test, the courts are only allowed to grant postponement orders or injure the removal of online material if publication presents a real and substantial threat to the fairness of the court proceedings. Secondly, Open Justice, the legal system is adhering to the principle of open justice, confirming the right of the public to know and access information, which is an aspect of Article 19(1)(a).

A strong media campaign, created by the presumption of guilt of the alleged defendant in the Pune Porsche case, was arguably a step beyond the real and substantial risk to fairness, to the extent that the case was charge-sheeted and tried under strong suspicion. The media was able to put pressure, thereby doing the right thing to reveal collusion; however, on the same note, the constitutional right of the presumption of innocence was circumvented.

## **Media Narratives and Public Perception – Impact on Society and Justice**

### 4.1 The Role of Media in Shaping Public Opinion

In a democratic society, the media acts as the fourth pillar, tasked with informing the public and ensuring accountability.<sup>2132</sup> However, its power to frame narratives can also distort perception. In the Pune Porsche case, digital

media outlets and online aggregators such as *Times Now Digital*<sup>2133</sup> and *Republic World*<sup>2134</sup> ran continuous stories under emotionally charged banners like “Justice for the Poor, Jail for the Powerful” or “Blood Sample Swap: Pune’s Rotten Justice System”.

Such coverage transformed what should have been judicially managed discourse into a populist movement. Surveys and online sentiment analyses during June 2024 showed that over 80% of social media discussions already presumed the juvenile’s guilt.<sup>2135</sup> While media activism can sometimes correct institutional inertia—as in the Jessica Lal or Nirbhaya<sup>2136</sup> cases—its unchecked power also risks converting justice into a public referendum.

### 4.2 The Citizens’ Response: Constructive Awareness or Public Prejudice?

The immediate public reaction to sensational coverage reflects a double-edged phenomenon. On the one hand, citizens gain awareness of systemic flaws, as seen in the exposure of the alleged police-hospital nexus in Pune. On the other hand, the mob justice sentiment created through viral narratives (“#RichBratJustice” trending on X/Twitter) demonstrates how digital outrage can overshadow procedural fairness.<sup>2137</sup>

Empirical studies on trial by media in India<sup>2138</sup> show that repeated exposure to prejudicial headlines produces a “confirmation bias effect,” where audiences unconsciously internalize guilt assumptions. This was visible in the Pune case,

<sup>2131</sup> *Sahara India Real Estate Corp. Ltd., supra* note 7.

<sup>2132</sup> *Indian Express Newspapers (Bombay) Private Ltd. v. Union of India* AIR (1986) SC 515.

<sup>2133</sup> *Pune Porsche Crash Teen Accused Will Be Tried As Minor*, TIMES NOW (July 14, 2025), <https://www.timesnownews.com/pune/pune-porsche-crash-teen-accused-will-be-tried-as-minor-not-adult-rules-jvenile-justice-board-article-152282043> (last visited Nov. 30, 2025).

<sup>2134</sup> *Pune Porsche Crash: Accused To Be Tried As Minor As Juvenile Justice Board Rejects Police’s Petition To Try Him As Adult*, REPUBLIC WORLD (July 14, 2025), <https://www.republicworld.com/india/pune-porsche-crash-accused-to-be-tried-as-minor-as-jvenile-justice-board-rejects-police-s-petition-to-try-him-as-adult> (last visited Nov. 30, 2025).

<sup>2135</sup> Angel Bhosale, *The Pune Porsche Case: A Tale of Privilege and Public Outrage* (2024) 4 JLRJS 1

<sup>2136</sup> *Mukesh v. State (NCT of Delhi)* (2017) 6 SCC 1

<sup>2137</sup> *Pune Porsche crash news: As fake video of teen goes viral ...*, DECCAN HERALD, (May 23, 2024) <https://www.deccanherald.com/india/maharashtra/pune-porsche-crash-as-fake-video-of-teen-goes-viral-mother-appeals-to-cops-for-his-protection-3036744> (last visited Nov. 30, 2025).

<sup>2138</sup> N Bhatia, *Media, Law and Society* (Oxford University Press 2021)

where even after the juvenile's blood sample controversy cast doubt on evidence, the presumption of guilt persisted among readers.<sup>2139</sup>

### 4.3 Citizens' Trust and Judicial Legitimacy

Judicial legitimacy rests upon the perception of impartiality. When media assumes quasi-judicial functions by declaring guilt or innocence, it undermines confidence in courts. The *Law Commission of India, 200th Report (2006)* emphasized that "trial by media" constitutes indirect contempt when it prejudices judicial outcomes.<sup>2140</sup>

In the Pune case, the shift of narrative from judicial findings to media-declared justice led many citizens to perceive court orders (e.g., initial bail) as proof of corruption rather than due process.<sup>2141</sup> Such erosion of faith in judicial mechanisms corrodes the rule of law and moves society towards populist retribution.

### **REGULATORY GAPS AND RECOMMENDATIONS.**

The Pune Porsche case is an example that demonstrates the breakdown of the entire system of ethical, statutory, and institutional controls which should govern the activities of the media. Although there are various frameworks, the Juvenile Justice Act, the Press Council of India norms, the Information Technology Rules, and the Contempt of Courts Act, none have been crafted to achieve the desired result of avoiding prejudice and sensational reporting. As revealed in the case, media governance in India is normatively comprehensive but operationally divided and substantively dysfunctional. In this part of the paper, the key regulatory gaps identified in the case are summarized and reform models that

would help in ensuring that freedom of press and right to a fair trial live in constitutional harmony are offered.

### Juvenile anonymity and not complying with statutory enforcement.

The most notable regulatory failure observed in the Pune Porsche coverage was the violation of the statutory right to anonymity of the juvenile. Juvenile Justice Act section 74,<sup>2142</sup> categorically forbids any publishing of identifying information about any child in conflict with the law covering his name, address, school or family information and other specifics. Any breach of this is liable to up to six months in prison or fine or both. The spirit of the provision can be seen as upholding the principles of rehabilitative and reformist approaches to juvenile justice, as well as safeguarding children against a lifetime stigma.

In fact, however, this order of statute was flagrante delicto in the Pune reportage. The most popular newspapers and online databases revealed the school attended by the accused minor, where he lives, his photos and the family business connections. Not only was this spreading a violation of the letter of the law, but it also undermined the constitutional right to privacy that was affirmed in *K.S. Puttaswamy v. Union of India*,<sup>2143</sup> where the Supreme Court accepted that privacy is inherent in Article 21. This media behaviour succeeded in effectively transforming a juvenile accused with a presumption of innocence into a show, and this undermined the same ethos of protection which juvenile law attempts to ensure.

Violation of Section 74 of the JJ Act is almost non-existent. The prosecutorial authorities as well as the police did not even start the process against the faulty media houses. Such vacuum highlights a wider trend, which is the lack of specialised enforcement equipment and real-time controls. With the irreparable damage produced once any identifying information is introduced into the digital ecosystem, penalties by the post are no longer deterring.

<sup>2139</sup> Pune Crash: Rapper in Viral Video Is Not the Minor Accused, ALT NEWS (May 23, 2024), <https://www.altnews.in/pune-crash-rapper-in-viral-video-is-not-the-minor-accused/> (last visited Nov. 30, 2025).

<sup>2140</sup> LAW COMPN OF INDIA, *200th Report on Trial by Media: Free Speech versus Fair Trial under Criminal Procedure (Amendments to the Contempt of Court Act, 1971)* (Aug. 2006), [https://lawcommissionofindia.nic.in/report\\_seventeenth/](https://lawcommissionofindia.nic.in/report_seventeenth/) (last visited Nov. 30, 2025).

<sup>2141</sup> Vishwajeet Deshmukh, *Media Trials in India: A Judicial View to Administration*, JURIST (Jan. 25, 2021), <https://www.jurist.org/commentary/2021/01/vishwajeet-deshmukh-media-trials-india/> (last visited Nov. 30, 2025).

<sup>2142</sup> Juvenile Justice (Care and Protection of Children) Act 2015, § 74

<sup>2143</sup> *K.S. Puttaswamy (Retd.) and Anr. v. Union of India and Ors* (2017) 10 SCC 1.

One of the reformative approaches that may be applied would be the operationalisation of the Section 74 based on a specific enforcement protocol. This would help in preventing and curing through the formation of a Juvenile Media Protection Unit under the National Commission of Protection of Child Rights (NCPCR). Given the authority to give Notice and Take-down orders to digital intermediaries within twelve hours of proven complaints, such a unit would make sure that anonymity becomes a practical right and not a wishful dream.

#### Ethical Self-Regulation and Press Council and the NBDSA Ineffectiveness.

In India, the ethical regulation of the press is to a large extent played by the Press Council of India (PCI) which was instituted through the Press Council Act, 1978 and, in the case of broadcasters, by News Broadcasting and Digital Standards Authority (NBDSA). Both bodies of ethics encourage adherence to professional standards which include accuracy, fairness and restraint especially in sub judice. Nevertheless, the two mechanisms are self-regulatory, they do not have coercive powers.

Some of the headlines used in the Pune Porsche reportage including things like Rich Brat Kills Two and Power and Privilege in Pune contravened Norm 26 of the PCI Norms of Journalistic Conduct that forbids the prejudice of guilt or the use of provocative words.<sup>2144</sup> However, no sanctions were introduced by both PCI and NBDSA in the form of general advisories. This is due to structural constraints: the PCI has the jurisdiction between print and news agencies but NBDSA is a voluntary consortium of broadcasters that is not given a statutory recognition. Their judgments are morally binding and legally ineffective.

Therefore, the symbolism of self-regulation is represented before commercialisation of sensationalism. Under revenue measures and

viewership interaction, media houses tend to consider censure a reputational price that is acceptable. The case therefore highlights the importance of self regulatory institutions being strengthened by law.

The PCI can also be proposed as another sub-body with a quasi-judicial stature to issue binding retraction orders, impose monetary fines, and order temporary suspension of publications found guilty of offenses in severe instances.<sup>2145</sup> On the same note, NBDSA should be given legal recognition within a new broadcasting law, ensuring the media industries are held equal in terms of accountability. This suggestion is similar to that of the Law Commission of India (2006), which recommended enforcing ethical regulation instead of voluntary codes.<sup>2146</sup>

#### Digital Media Oversight and Safe Harbour.

There is an added complexity of the digital media landscape. Online news portals and social media sites often avoid liability under Section 79 of the Information Technology Act<sup>2147</sup> to get intermediary protection under the concept of safe harbour of third-party content as long as they respond promptly to actual knowledge of illegality. The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021<sup>2148</sup>, under Section 87(2) of the IT Act, try to impose ethical responsibility on the digital publishers by means of a three-level grievance framework.<sup>2149</sup>

Regardless of this framework, Pune Porsche case showed about complete non-compliance. Stereotypical information, such as personal data of the minor, spread on electronic media, which was commonly hosted on portals

<sup>2144</sup> Press Council of India, *Norms of Journalistic Conduct* (2022) cl 26 <https://presscouncil.nic.in/WriteReadData/Pdf/Norms2022.pdf> (last visited Nov. 30, 2025).

<sup>2145</sup> Subrata Chakrabarty, *Regulating the Media in India: Media Accountability Commission and the Law*, 10 MEDIA L.J. 45, 48–50 (2019).

<sup>2146</sup> Press Release, Ministry of Info. & Broad., Government Intends to Bring NBDSA Under Statutory Framework (2023), <https://mib.gov.in/press-releases> (last visited Nov. 30, 2025).

<sup>2147</sup> Information Technology Act, 2000, § 79.

<sup>2148</sup> Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.

<sup>2149</sup> PRS Legislative Research, “The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021” (December 2024) <https://prsindia.org/billtrack/the-information-technology-intermediary-guidelines-and-digital-media-ethics-code-rules-2021> (last visited Nov. 30, 2025).

registered as aggregators, not publishers. Child-rights organisations were not responded to promptly or at all. Platforms cited uncertainty about true knowledge and was waiting to be formally guided by the government, and the sensitive material was spread without any action being taken, thus being in the most volatile stage of mass outrage.

This defeat points to the issue of graded intermediary liability. Section 79<sup>2150</sup> might be amended to have timelines by which there is a prerequisite of content with juvenile participants or trials of a continuing criminal case. Continued non-compliance may result in administrative punishment or a temporary intermediary suspension. Besides, massive digital publishers must be obliged to have separate legal and moral compliance units, recognized by the Ministry of Information and Broadcasting that can be in charge of real-time control and prompt remedy of attacks.

It is the digital media sphere that presents the most significant problem to the old paradigms of enforcement due to its reach and virality. Digital sensationalism will persist in the subversion of statutory protection and the right to trial unless mechanisms of real-time oversight are implemented.

#### The Contempt Law and Insufficient Judicial Protection.

The Contempt of Courts Act, 1971, is the judicial protection that aims at safeguarding continuous proceedings against outsourcing. Section 2(c) (ii)<sup>2151</sup> specifies criminal contempt as the type of publications that prejudice or disrupt the due course of judicial proceeding. In *Sahara India Real Estate Corp. Ltd. v. the Supreme Court*,<sup>2152</sup> narrowed down on this principle by believing that the postponement orders can be made by courts when the publications represent a real and substantial risk to a fairness of proceedings. Similarly, in *R.K. Anand v. The Court, Delhi High Court* (2009)

recognised that actions of the media that can hamper the people who are seeking justice can be regarded as contempt.

Nevertheless, although there is widespread speculative reporting in the Pune Porsche probe, with claims of the manipulation of blood samples to the claim of political interference, no postponement orders have been given. Such judicial restraint can be explained by the fear of over-reaching and the wish to seem non-censorship. The result of this is however that by the time legal intervention is taken into account, the opinion of the people has already been entrenched and thus the remedial measure becomes useless.

A statutory clarification within the Contempt of Courts framework could help operationalise *Sahara's* principles. The statute must fully elaborate on the concept of trial by media and give courts the power to issue very specific postponement commands or the so-called confidentiality orders in juvenile cases or those where the investigation is in progress. This reform would institutionalise the balance between Articles 19(1)(a) and 21<sup>2153</sup> that judicial discretion should be replaced with procedural insurance, not ad hoc reactions.

#### Disjointed Institutional Architecture and the Argument of Integrated Supervision.

The media regulatory ecosystem is perhaps the most basic failure that the Pune case brought to light, due to its fragmentation. Separate agencies i.e. PCI (print), NBDSA (broadcast), oversight by the IT Rules (digital) have a narrow scope of jurisdiction and few channels of coordination. This siloed methodology in an era of media convergence, whereby stories are modified across formats within a few minutes, makes enforcement haphazard and frequently unproductive.

To solve this a Digital Media Regulatory Authority (DMRA) may be put in place as a single regulator of all types of news publication

<sup>2150</sup> Information Technology Act, 2000, § 79.

<sup>2151</sup> Contempt of Courts Act 1971, § 2(c)(ii).

<sup>2152</sup> *Sahara India Real Estate Corp. Ltd.*, *supra* note 7.

<sup>2153</sup> INDIA CONST. art. 19(1)(a), art. 21.

in print, broadcast, and online. The Authority must be given the power to:

- Provide interim injunctions or takedown orders where there is an unambiguous violation of the statute (obstruction of juvenile identification);
- coordinate with judicial and child-rights institutions in order to provide preventive protection;
- impose relative financial fines on recurring or egregious infractions; and
- Publish reports of transparency compliance in order to hold the people accountable.

This power may be conducted on a multi-stakeholder basis with the representatives of the judicial system, the media industry, the civil society, and academia. Notably, its judgment must be subject to judicial scrutiny to prevent misuse of its power by taking away press freedom. This model would shift the media regulation in India to a co-regulatory mode that would involve both the flexibility of self-regulation and the enforceability of statutory regulation.

#### Need for Constitutional Harmonisation

The setbacks experienced in the Pune Porsche coverage are all indicative of the instability of India media governance system. Romesh Thappar case<sup>2154</sup> to Indian Express Newspapers v. State of Madras<sup>2155</sup> are among those which have always affirmed the indispensability of free speech and the freedom of press. However, these rights are limited to the reasonable limitations of Article 19(2) which specifically acknowledges contempt of court, defamation and public order as acceptable constraints. This is not a challenge of the absence of law but a challenge of law enforcement and constitutional harmonisation. In situations where media sensationalism infringes upon Article 21 by undermining the presumption of innocence or resulting in an infringement of

privacy, constitutional moderation requires restraint, not prohibition, but responsibility.

The proposed reforms are operationalising juvenile anonymity, empowering self-regulatory bodies, redefining intermediary liability, clarifying contempt jurisprudence, requiring legal literacy, and unifying oversight, which are not restraining steps but mechanisms of strengthening the constitutional balance between freedom and fairness. The intention is not to silence the press but only to make sure that in the process of serving the interests of the people, it does not replace the judicial process.

#### Conclusion

Pune Porsche case can be regarded as a reflection of the modern Indian media environment, with its contradictory nature: on the one hand, it is an inherent part of the democratic system, and, on the other, it is a threat to the justice. Using the case as a prism, the paper reveals that the role of the media in a constitutional democracy is both empowering and threatening: empowering in its capacity to expose the institutional failure, unearth the corruption, and make the masses heard; threatening in its power to sensationalize, flout statutory safeguards and prejudice courts. Article 19(1)(a) and Article 21 have been in conflict with the constitution as it has been in this case.

The results of this research article do reiterate that sensationalism in the coverage of crimes can no longer be characterized as an incidental aberration but rather as a structural phenomenon of the new media economy. The calculated use of evocative words, such as that of the Porsche brand, the term rich brat, the term elite impunity, etc., as shown in the Pune Porsche case, were intended to keep the audience hooked, and the outrage of the people turned into profit. These editorial decisions do not only constitute ethical shortcomings but also constitutional violations whereby they misrepresent truth, undermine the presumption of innocence and disrupt a judicial process of impartiality.

<sup>2154</sup> *Romesh Thappar v. State of Madras* AIR (1950) SC 124.

<sup>2155</sup> *Indian Express Newspapers (Bombay) Private Ltd. v. Union of India* (1985) 1 SCC 641.

The fundamental nature of the violations is in the fact that despite the existence of the Section 74 of the Juvenile Justice (Care and Protection of Children) Act, 2015 stating that any publication that tends to expose the identity of a child in contradiction with the law is prohibited. The massive publicity on the personal information of the minor involved in the Pune case is typical of how both traditional and online media consciously lead to subversion of statutory anonymity in an attempt to achieve sensationalism. This lack of respect to legislative intent indicates the underlying institutional vulnerability in a situation where self-regulatory institutions such as the Press Council of India (PCI) and the News Broadcasting and Digital Standards Authority (NBDSA) have no controlling force and have to rely on self regulation.

The fact that these frameworks have been poorly enforced is indicative of a system wide regulatory gap. Although the guidelines set by the PCI do not allow provocative headlines and require care when covering crimes, the breach of these guidelines has no penalty. Likewise, the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, in all its good intentions, have been inadequately enforced, enabling the digital platforms to take advantage of safe-harbour provisions. This lack of balance between traditional and digital accountability creates ample constitutional room that lacks regulation with the private platforms undertaking the public functions without a commensurate level of public accountability.

The phenomenon of indirect coercion can be further reinforced by the correlation that can be noticed between the outrage of the community and judicial reaction as manifested by bail cancellations and the use of more force by the police. When acts of judicial and investigative institutions are perceived to be under pressure by people, the constitutional principle under fair trial is in danger of being watered down. This is a dynamic that is cautioned against by the Supreme Court in Sahara India Real Estate Corp.

Ltd. v. SEBI (2012): that media trials, taken too far, can encroach upon judiciary and act to drown the voice of fairness. Likewise, in Manu Sharma v. According to the Court (NCT of Delhi) (2010), too much pre-trial publicity is a deterrent to justice by making the courtroom a place of performance. The Pune Porsche case confirms that such fears are not yet overcome in the digital era where virality spreads prejudice more quickly than the due process can fix prejudice.

The critical watchdog role of the media is apparent in the Pune episode where the claims of the supposed blood sample tampering and conspiracy between the police and the hospital are uncovered. Nevertheless, this beneficial role can only be constitutionally viable when constrained by morals and law. Therefore, the constitutional dilemma is not to restrain freedom of the media but to conform it to procedural justice. According to the normative analysis of this study, the system of media accountability in India is currently based on silos: the PCI regulates print, NBDSA regulates broadcast, and IT Rules regulates digital content. However, none of them have efficient coercive power. Lyaisms in the division of oversight systems leads to regulatory inertia, in which infractions are in an institutional gap between institutional cracks. What is required is a single Media Accountability Statute a legislative framework to coordinate these various tools and to enable an independent body, with limited but binding punishments, such as retraction orders, fines or temporary bans on publication along with Saharan principles.

Constitutionally, this reform should be directed towards balancing and not censorship. The framers of the Indian Constitution had conceived free press as an instrument of democratic checking but never as an instrument of destroying justice. Although the freedom of the press is a necessary condition of the marketplace of ideas, it should be accompanied by the right to reputation, privacy, and due process. Jurisprudence is

changing at the Supreme Court; its case *R. Rajagopal v. State of Tamil Nadu*<sup>2156</sup> and *Kaushal Kishor v. State of Uttar Pradesh*<sup>2157</sup>, is a sign of a growing awareness that responsibilities and rights of the media are co-extensive, neither absolute nor mutually exclusive. Here, the Pune Porsche case is not a one-off situation, but rather indicative of a larger constitutional disequilibrium between information and integrity, visibility and veracity. The lessons learned in it require that future reforms should not only deal with punitive regulation, but with inculcating constitutional literacy in the media organizations. The compliance can be changed into culture through mandatory legal reporting, juvenile protection and contempt jurisprudence accreditation programs, and also through media literacy campaigns to the people. It is only under such systemic consciousness that India could overcome the disparity between law and reality of rights.

The way out is ultimately to revive the constitutional dialogue between freedom and fairness. The freedom of the press should be as much a watchdog of democracy, only it should move within the confines of constitutional morality. Instead, the justice system should not become opaque to the demands of a populist spectacle. The Supreme Court so eloquently pointed out in *Sahara v. SEBI*, It is the heartbeat of democracy that free speech and fair trial cannot be stifled both must exist in harmony.

The Pune Porsche case is not just an act of wanton driving; however, it is a case study of how media sensationalism can influence even the essence of justice. It emphasises the necessity of balancing the constitutional liberties by the procedural fairness where the democratic role of the media as a watchdog should not be turned into a parallel decision-maker.

<sup>2156</sup> *R. Rajagopal* supra note 15.

<sup>2157</sup> *Kaushal Kishor v. State of Uttar Pradesh* (2023) 4 SCC 1.