



International Journal of Law, Justice and Jurisprudence

E-ISSN: 2790-0681
P-ISSN: 2790-0673
Impact Factor: RJIF: 5.67
www.lawjournal.info
IJLJJ 2025; 5(2): 293-307
Received: 12-07-2025
Accepted: 16-08-2025

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Media on trial: Examining the legal and ethical dimensions of media trials, news bias, and their impact on the right to fair trial and justice in India

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Abstract

The media plays a decisive role in shaping public opinion and influencing societal understanding of legal proceedings in India. While its ability to spotlight heinous crimes and demand justice is essential, the unchecked practice of media trials raises serious legal and ethical concerns. This paper explores the intersection of media conduct, news bias, and the right to a fair trial, highlighting how media narratives can prematurely portray accused individuals as guilty, thereby undermining the presumption of innocence. Despite Article 19(1) (a) of the Indian Constitution guaranteeing freedom of speech, this right is limited by Article 19(2) to ensure the protection of national integrity, public order, and judicial independence. The media, often described as the fourth pillar of democracy, is expected to act responsibly and ethically. However, in recent years, some press sections have overstepped their role, interfering with ongoing investigations and court proceedings by sensationalising cases and influencing public opinion before a verdict is reached. The Supreme Court has acknowledged the detrimental impact of such practices, especially in the digital age where social media intensifies public scrutiny and reputational harm. This paper argues for the urgent need to establish regulatory frameworks that define the rights and obligations of media entities, while also granting the judiciary greater authority to penalise ethical breaches. In doing so, a balance can be struck between media freedom and the protection of fundamental legal rights, ensuring that the pursuit of transparency does not come at the cost of justice.

Keywords: Media trials, news bias, right to fair trial, judicial independence, freedom of speech, article 19(1)(a), article 19(2), ethics in journalism, media regulation, presumption of innocence, media accountability, public opinion, social media influence, Indian judiciary, justice and media ethics

Introduction

The rise of 24-hour news networks and the swift expansion of social media have profoundly altered how criminal cases are reported and perceived in India. The phenomenon of media trials, wherein the media extensively covers and often sensationalises ongoing legal issues, has raised increasing alarm among the judiciary, legal scholars, and the public. This practice can be traced back to the infamous K.M. Nanavati vs. State of Maharashtra case, where media impact significantly influenced public opinion and potentially swayed judicial outcomes^[3]. Since that time, numerous high-profile cases have faced similar levels of intense media scrutiny^[4]. The media is frequently acknowledged as the fourth pillar of democracy, playing a vital role in shaping public perceptions and influencing societal interpretations of events. Its impact has notably increased in recent decades due to the rise of cable television, local radio, and online platforms. The broader distribution of newspapers and magazines, in both English and regional languages, coupled with advancements in newsgathering technologies, has enhanced the media's capability to shape public dialogue and educate the populace. With this expanding reach, the media has taken on a significant role in spotlighting societal concerns and highlighting misconduct, effectively serving as a conduit between the public and those in power. The Indian Constitution guarantees free speech and expression, including press freedom. In a diverse and democratic nation like India, an independent and free media is critical. It provides a forum for individuals to share their thoughts and viewpoints, but also aids in shaping and influencing opinions on local, national, and international matters. The media plays a crucial part in awakening public awareness and sparking discussions, which gives it the power to facilitate societal transformation. As India's democratic institutions encounter various challenges, the media have become essential in promoting transparency and accountability.

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It often functions as a watchdog, uncovering weaknesses and bringing issues into the limelight for public examination. Responsible journalism has even led to judicial actions in certain situations, where courts have responded to media reports that shed light on severe human rights abuses. However, with its increasing influence comes the obligation to provide accurate and ethical reporting. While press freedom is a fundamental right, it does have limitations. Media organisations sometimes resort to sensationalism and intrusive reporting to pursue audience engagement and profitability. This is particularly troubling in ongoing legal cases, where biased or speculative coverage could compromise the integrity of trials and the neutrality of judicial outcomes. In these cases, the media's impact can weaken the assumption of innocence and erode the right to a fair trial^[5]. The phrase "media trial" refers to the extensive and frequently dramatised reporting of legal cases by the media, which can influence public opinion and possibly impact the judicial process. While the media is crucial for keeping citizens informed and fostering transparency in a democratic society, media trials raise essential ethical and legal issues. This analysis delves into the characteristics of media trials, their effects on the justice system, and the challenge of balancing press freedom with the right to a fair and unbiased trial. Media trials arise when news organisations take on a quasi-judicial role, drawing and presenting conclusions regarding an individual's or organisation's guilt or innocence before the courts have issued a ruling. In these situations, the dominant narrative created by the media can be so skewed that it sways public perception, creating a biased assumption that may not correspond with actual legal outcomes. These cases typically depend on sensational headlines, speculative reporting, and emotionally charged storytelling, placing greater importance on attracting viewers and sensationalism rather than delivering factual, responsible journalism^[6].

The role of media in shaping public perception is a complex topic that intersects with psychological, legal, and social issues, significantly impacting the decision-making process in legal contexts. How high-profile court cases are reported often influences how the public comprehends and interprets legal events. The presentation of a case via sensational headlines, selective details, and emotionally charged language can create biases and preconceived notions that jeopardise the impartiality of a trial. Such representations can distort public understanding, potentially impacting jurors and observers by offering narratives that oversimplify or misrepresent the facts. With the advent of social media, the speed and reach of information sharing have intensified the media's influence on legal cases. User-generated content and viral posts can quickly disseminate misinformation, rumours, and speculative viewpoints, complicating legal issues. In today's digital landscape, distinguishing between factual reporting, personal views, and entertainment has become increasingly challenging, muddying perceptions and affecting how people view reality.

Sensationalism is a key characteristic of media trials, often influencing public perception and the trajectory of legal proceedings. It pertains to the media's inclination towards dramatic and emotionally charged narratives instead of fair, fact-driven reporting. This tendency is apparent in the use of eye-catching headlines, emotionally charged language, and an ongoing focus on sensational features of high-profile cases. While such coverage can boost viewership and

engagement, it raises significant ethical and legal issues. A major consequence of sensationalism in media trials is the danger it poses to the presumption of innocence, a fundamental tenet of criminal justice. Sensational reporting can foster a public perception of guilt even before the legal process begins. Consequently, the accused often face social stigma and public censure based only on speculative and exaggerated portrayals from the media. This type of coverage can sway public sentiment, influence juror behaviour, and even affect the actions of law enforcement officials.

Sensationalism also shifts focus away from accurate and objective reporting of facts. In the competition for higher ratings and online traffic, certain media outlets may prioritise emotionally compelling stories over verified information. This undermines the public's comprehension of current legal cases and distorts the truth, potentially obstructing the fair rendering of justice. High-profile cases in India, particularly those involving celebrities, political figures, or serious crimes, often draw this kind of attention, with factual details frequently overshadowed by sensational interpretations and assumptions. The rise of digital and social media platforms has exacerbated the issue. Content that elicits strong emotional responses spreads quickly, reinforcing biased views and escalating public scrutiny. The widespread circulation of sensational material increases the likelihood of prejudicing legal outcomes and disrupting the justice system. To tackle this issue, media councils and professional organisations have established ethical guidelines for responsible journalism. Nonetheless, the application and enforcement of these standards are often inconsistent, allowing sensationalism to remain a prevalent aspect of media trials. The relationship between sensationalism and media trials in India poses a complicated challenge. While the media plays a crucial role in informing the public and holding institutions accountable, the chase for sensational stories can compromise justice and ethical reporting principles. Therefore, it is essential for media professionals to acknowledge the ramifications of such reporting and work toward greater accountability in their coverage of legal issues^[7].

Media bias is the consistent and often unconscious preference for certain viewpoints, ideas, or groups in reporting news or creating media content. This tendency can affect the information's accuracy, neutrality, and fairness. There are various forms through which media bias may appear, each influencing public understanding in different ways. One common form is political bias, where news outlets may present stories with a noticeable inclination toward progressive or liberal ideologies, shaping narratives to align with specific political stances. Confirmation bias is another prevalent type, where only information that aligns with a pre-existing belief or narrative is highlighted, while contradictory evidence is ignored or minimised. Sensationalism involves exaggerating or dramatising events to provoke strong emotional reactions and increase viewer engagement, often at the cost of factual accuracy. Coverage bias is observed when specific issues or events receive excessive attention, while others are underreported, skewing the audience's perception of their importance. Cultural bias stems from the cultural values or beliefs journalists or media institutions hold, which may marginalise diverse perspectives. Economic bias occurs when news organisations prioritise financial interests, often influenced

by advertisers or corporate partnerships, which can result in the downplaying of topics that may harm their commercial ties. Gender bias can manifest through content that reinforces stereotypes or traditional gender roles, while racial and ethnic bias reflects unequal coverage or portrayal of certain racial or ethnic groups. Geographic bias refers to disproportionate attention given to certain regions while neglecting others, leading to an imbalanced view of national or global events. Source bias is evident when news is derived predominantly from sources with similar ideological leanings, potentially excluding alternative or dissenting opinions. Language bias appears when the terminology or phrasing used by media outlets carries implicit connotations, subtly shaping public interpretation. Finally, omission bias occurs when critical details or relevant context are left out of a report, distorting the overall narrative.

The value of impartial reporting lies in its ability to bridge social divides and foster meaningful dialogue among diverse communities. By presenting information fairly and without prejudice, journalism becomes a tool for unity and collaboration, encouraging open discourse even among individuals with differing views. Balanced news coverage also plays a role on the international stage, aiding diplomacy, reducing conflict, and promoting understanding across borders. In social or political unrest or global crises, objective journalism is vital. It helps clarify complex situations, dispel false narratives, and support informed decision-making. However, achieving unbiased reporting is not without its challenges. Journalists frequently contend with political agendas, commercial pressures, and the expectations of their audience. Upholding objectivity requires professional integrity, moral courage, and a firm commitment to the public interest. In today's digital era, where information spreads rapidly across social media, fair reporting is more critical than ever. It is essential for building and maintaining public trust in the media, encouraging positive societal change, and preserving the core values of a democratic society. Audiences, too, are responsible for recognising and demanding balanced journalism, ensuring that the media continues to function as a vital pillar of national communities and the global order.

One of the most direct ways media coverage impacts legal outcomes occurs during jury selection. Jurors must remain unbiased and base their decisions solely on the evidence presented during the trial. However, due to extensive media coverage, finding individuals without pretrial information has become increasingly challenging. Those who assert they have no prior knowledge might still be indirectly swayed by dominating media narratives. Studies indicate that such exposure can influence jurors' attitudes, affecting how they interpret information and make decisions, thereby jeopardising the fairness of trials. The influence of media reaches beyond juries, involving judges, prosecutors, and defence attorneys as well. Judges may feel pressure from public opinion or the need to uphold a favourable media image, which can impact their rulings. Likewise, legal professionals might adjust their arguments to fit dominant media narratives instead of concentrating solely on the legal merits. This interaction can diminish public trust in the judicial system and compromise the objectivity of the process^[8].

In a landmark ruling, the Supreme Court of India highlighted that the media is crucial for the public to unveil the truth^[9]. However, the emergence of social media

platforms, especially Twitter, has altered the landscape of news distribution. In their quest to be the first to report a story, numerous established media outlets have started to compromise on journalistic integrity, occasionally publishing misleading or only partially correct information. These skewed narratives frequently mix elements of truth with exaggerated or emotionally charged components to elicit strong reactions. The internet provides immediate access to an extensive range of information. It allows users to communicate their perspectives to a worldwide audience through what are commonly referred to as social media platforms. Well-known services such as Facebook and Twitter enable individuals to share content and engage with others in real time quickly. Social media has become a crucial element of everyday life, available on smartphones, tablets, and computers. Echoing Aristotle's view of humans as naturally social creatures, these platforms act as instruments that satisfy that intrinsic need. Nonetheless, the increasing influence of media, particularly social media, on ongoing legal issues is becoming more apparent. With no restrictions, users worldwide can voice their opinions freely, impacting how certain events or individuals are perceived.

Like a "people's court," social media frequently conducts its investigations and nurtures collective sentiments, independent of formal legal proceedings. In a democratic framework, the ability to voice one's thoughts is essential and safeguarded by the freedom of speech. However, this right does have limitations. Article 19(2) of the Indian Constitution enforces reasonable restrictions, including the ban on content that could be seen as contempt of court^[10]. While social media can contribute positively to social progress, it is also sometimes exploited to disseminate false information or to promote personal interests. The trend of trial by social media raises both ethical worries and potential violations of legal procedures. An increasing number of social media users take on the roles of judge and jury, attempting to ascertain guilt or innocence outside the legal system. The judiciary has a constitutional obligation to administer justice within a reasonable timeframe, yet delays and shortcomings frequently obstruct this aim. Media trials have become more popular in many developing countries, where lengthy legal processes and waning public trust in judicial institutions are prevalent. As confidence in the justice system decreases, many individuals have started seeking alternative avenues for justice through media platforms, even if it jeopardises the fairness and objectivity of legal proceedings^[11].

The competition between traditional news sources and digital media has escalated, resulting in a greater emphasis on speed over precision. This tendency often leads to incomplete or distorted reporting, making it challenging for audiences to differentiate between actual events and fabricated accounts. Throughout history, humans have been storytellers, conveying their understanding of reality through various artistic and communicative means. Nowadays, this instinct manifests on social media, where users disseminate their interpretations or seek a version of the truth that resonates with their beliefs. Complicating the situation is the impact of political and corporate interests on media organisations. When media outlets depend on financial support from influential stakeholders, their editorial independence is frequently undermined. For instance, during the COVID-19 pandemic, media reports targeting the Muslim group Tablighi Jamaat created a biased

narrative, unjustly blaming them for the spread of the virus. This depiction seemed more aligned with promoting communal discord than objectively reporting facts, as information was selectively altered or manipulated. Moreover, media companies often forge agreements with large corporations to provide favourable coverage while downplaying content that could harm their public image. This kind of selective reporting undermines public confidence. A notable example occurred in 2012 when a prominent news channel purportedly pressured an industrialist for advertising revenue, threatening adverse coverage otherwise. In such situations, journalists and editors lose the ability to challenge internal narratives, further diminishing the integrity of conventional media institutions^[12].

The concept of a 'trial' is not clearly defined in the Code of Civil Procedure, 1908 (CPC), or the Code of Criminal Procedure, 1973 (CrPC), the main laws regulating civil and criminal cases in Indian courts. Nevertheless, legal dictionaries from various jurisdictions describe a trial as an official process of scrutinising evidence and settling legal disputes through adversarial methods. It is also generally understood to refer to any court session in which evidence is introduced.

The press oversight in India began in 1799 with Lord Wellesley's establishment of the first press regulations, which enforced pre-publication restrictions on the burgeoning newspaper sector. These early regulations had some deficiencies later rectified during Lord Hastings' administration in 1813. After the 1857 Sepoy Mutiny, the British government applied stricter press controls, particularly targeting publications deemed seditious, and took punitive measures against publishers who did not comply. In 1880, Lord Ripon assumed the role of Viceroy and revoked many of these oppressive regulations. Following the founding of the Indian National Congress, tensions escalated between the media and colonial authorities, resulting in renewed press restrictions and increased oversight of media freedoms. As World War II ended and talks about transferring power to Indians commenced, press censorship began to ease. After India achieved independence in 1947 and established its Constitution, press freedom was acknowledged as a fundamental right under Article 19(1)(a)^[13], however, it remained subject to reasonable limitations as Article 19(2) specified. Nonetheless, during the Emergency declared in 1975, strict censorship was reimposed on the media, significantly restricting its freedom^[14].

Dimensions of Media as the 4th Estate of Democracy

The media occupies a vital role in a democratic system, serving as one of its foundational elements. Its significance in preserving democracy is immense, as it fulfils several essential functions. Its most crucial responsibility is to serve as an impartial source of information. The media must deliver accurate and unbiased information to the public. The trustworthiness of the press relies on its capacity to report facts without distortion and to provide news backed by credible evidence. The media's primary duty is to inform the public truthfully, without succumbing to personal or organisational agendas. Although it is expected to report freely, it must maintain fairness in its commentary and refrain from acting as an arbiter in public issues. A free press does not mean freedom from constitutional

constraints; it must operate within the limits established by the Indian Constitution. If the media continues to present news through a biased or self-serving lens, it jeopardises the very essence of democracy. In addition to providing information, the media serves a crucial educational function. It is responsible for enlightening the public, particularly those in isolated regions or among less educated demographics. The media empowers individuals to comprehend and exercise their rights by raising awareness. It has played a significant role in advancing gender equality and promoting awareness of children's rights, contributing to the broader objective of social empowerment. The media also fosters civic awareness and participation by informing the public about various issues.

As a mentor, the media shapes public opinion, nurtures independent thought, and promotes values such as national unity and social cohesion. It influences societal attitudes by encouraging discourse and the sharing of ideas. Its extensive reach and influence make it a potent tool for directing public sentiment and behaviour. Finally, the media acts as a protector of society. It safeguards citizens' rights by spotlighting injustices and holding authorities accountable. While not an official part of the government structure, the media elevates the voices of the populace and expresses their concerns to those in power. Covering significant national and global events ensures the public remains informed and engaged. According to India's first Press Commission, freedom of the press encompasses the right to express views and disseminate information without interference from public authorities. This freedom is crucial for shaping public opinion and bolstering democratic governance. Ultimately, the media's primary aim is to serve the public good, function as a watchdog, and keep citizens informed, thus fulfilling its essential role in a democratic society^[15].

The media have a crucial function in sustaining and representing the integrity of a democratic society. In a nation like India, which hosts over 1.25 billion individuals from various castes, religions, classes, and professions, a free and independent media is vital for maintaining democratic principles. Amid such diversity, the media acts as a cohesive platform that informs, educates, and brings people together while holding those in power accountable. The Indian Constitution, specifically under Article 19(1)(a), guarantees the right to freedom of speech and expression, which includes press freedom. The independence conferred upon the media was intended to establish it as a "fourth estate" alongside the three traditional branches of government: the Legislature, the Executive, and the Judiciary. By exercising this freedom, the media is crucial in disseminating information and opinions that make the public aware of governmental actions and global events that may impact them. This allows individuals to remain informed about developments that influence national and international discussions. Since the Constitution's creation, this freedom has been considered fundamental, and the judiciary has consistently acknowledged its significance. The Supreme Court has frequently highlighted the critical function of a free press in a parliamentary democracy and has invalidated laws that impose unjustifiable restrictions on media freedom. This dedication indicates the belief that limiting media freedom weakens democratic frameworks. However, the freedom of the press does have certain limitations. Specific conditions must be satisfied before any restrictions

can be enforced. First, any limitations must be anchored in a legitimate law; executive orders or administrative directives without legal backing cannot infringe upon this freedom. Second, the relevant law must align with one or more defined grounds established in Article 19(2) of the Constitution. Broad or ambiguous justifications, such as "public interest," cannot serve as valid reasons for restriction unless they conform to constitutionally recognised categories. Finally, any restriction must be reasonable and not overly excessive, with its legitimacy subject to judicial examination^[16].

In the notable *Sakal Papers (P) Ltd v. Union of India* case, the Supreme Court determined that any limitations imposed on press freedom must strictly adhere to the allowable grounds under Article 19(2) and be deemed reasonable^[17]. Unlike commercial liberties, the court clarified that such constraints cannot be defended under the general notion of public interest. Freedom of expression serves multiple overarching objectives. It is essential for individual development and self-actualisation, aids in the quest for truth, and enhances people's capacity to engage meaningfully in public decision-making. Additionally, it offers a means to reconcile societal continuity with the necessity for social advancement and reform. Simultaneously, Article 19(2) permits specific speech limitations, especially concerning preserving decency and morality. If published material violates prevailing decency standards, courts may allow for restrictions. In these instances, judicial reasoning does not solely depend on contemporary societal norms but seeks to uphold constitutional principles. Concepts such as obscenity and indecency are inherently subjective and vary across cultures. In India, definitions surrounding obscenity remain ambiguous and context-sensitive, often relying on public sentiment. Sections 290 to 292 of the Bharatiya Nyaya Sanhita 2023 address content deemed indecent or immoral, including vulgar displays and offensive language in public, which are frequently associated with obscenity^[18].

Defamation serves as a basis for limiting the freedom of expression. Section 356(1) of the BNS characterises criminal defamation as any statement that damages an individual's reputation^[19]. Although civil defamation lacks codification and relies on common law principles, both types can hinder media freedom if misapplied. However, ensuring that such laws are not employed to stifle open discussion or disagreement is crucial. In the case of *R. Rajagopal v. State of Tamil Nadu*, the court highlighted that while defamatory statements can occur during public discourse, liability is only established when there is proof of malicious intent^[20]. Laws about contempt of court also limit the freedom of the press. The constitutional legitimacy of the Contempt of Courts Act, 1952 (revised in 1971), was reaffirmed in *C.K. Daphtary v. O.P. Gupta*^[21]. The court determined that this legislation does not impose excessive restrictions and is thus valid under Article 19(2). Likewise, in *Rao Harnarain v. Gurmukh Ram*, the Punjab High Court reiterated that while press freedom is essential for democracy, it should not obstruct the administration of justice^[22]. Journalists are expected to report on court proceedings without rendering judgments. Additionally, Article 361-A of the Constitution, which was introduced through the Forty-Fourth Amendment Act of 1978, addresses contempt issues concerning media reporting^[23]. This provision protects judicial processes from undue

influence while honouring the media's right to inform the public.

Constitutional & Legal Framework on Media Trial

The Constitution of India ensures two crucial fundamental rights vital for a democratic society: the right to a fair trial as stated in Article 21, and the right to freedom of speech and expression according to Article 19^[24]. While both rights are key to maintaining democracy, they may sometimes clash, particularly in media trials. The right to freedom of speech and expression, the foundation of press freedom, is provided under Article 19(1) (a). However, this right is not unconditional and can be subject to reasonable restrictions in certain situations to ensure that it does not adversely affect public interest or the integrity of the law. Article 19 includes six essential freedoms. Among these is the right to speech and expression, which permits citizens to express their views openly. Nonetheless, the State may impose restrictions to uphold national security, public order, the sovereignty, and integrity of the country, and to avert defamation, contempt of court, or incitement to criminal activities. Another significant freedom is the right to assemble peacefully. Individuals can gather and protest non-violently, but the State can also restrict this right to protect national integrity and ensure law and order.

Citizens have the right to form associations, unions, and cooperative societies. This right is especially important for workers constitutionally entitled to establish trade unions. However, some restrictions apply; for instance, under the Police Forces (Restriction of Rights) Act of 1966, police officers are prohibited from forming trade unions. Additionally, Parliament has the power to create laws limiting the formation of political groups by individuals employed in intelligence agencies, the armed forces, or telecommunications sectors to safeguard sensitive national interests. The right to reside and settle anywhere in India is also protected. However, the government may impose restrictions to maintain public order and safety or to defend the interests of Scheduled Tribes in specific areas. Moreover, all citizens can pursue any lawful profession, trade, or occupation if it complies with legal or moral standards. The State can regulate professional qualifications and technical skills required for trades to uphold ethical and professional norms.

Article 21 guarantees the right to life and personal liberty, which the Supreme Court has interpreted broadly to include the right to a fair trial^[25]. This creates a complex legal tension between freedom of speech and individual rights. According to this article, no individual can be deprived of life or liberty except through due legal process. Over the years, judicial interpretations have expanded the meaning of Article 21, establishing it as a core element of constitutional protection. The Supreme Court has stated that the right to life is of utmost importance, as without it, all other rights would hold no significance. It has further stressed that the essence of this right revolves around the idea of living with dignity. The article distinguishes between a constitutional democracy and an arbitrary power regime, reinforcing the rule of law and protecting civil liberties^[26].

The Indian Constitution does not explicitly state freedom of the press. Still, it is understood to be encompassed within the larger right to freedom of speech and expression established by Article 19(1)(a). Nonetheless, this right is not without restrictions. Reasonable constraints may be imposed

to safeguard the sovereignty and integrity of India, national security, friendly relations with other countries, public order, decency, morality, and to avoid contempt of court, defamation, or incitement to a crime, as detailed in Article 19(2). These restrictions are designed to prevent the abuse of media influence, which could harm individuals and society. Indian courts have continuously worked to balance protecting press freedom and enforcing such limitations to ensure the media is free and accountable.

In the case of *Romesh Thappar v. State of Madras* (1950), the Supreme Court highlighted that freedom of speech and the press form the bedrock of a democratic society, asserting that without unrestricted political discourse, meaningful democratic governance cannot exist^[27]. The Court acknowledged that freedom of the press encompasses the right to publish and disseminate information without prior censorship from the state or any public body. However, this freedom is not absolute and must conform to the public good within the restrictions set by the Constitution.

In *Prabhu Dutt v. Union of India* (1982), the Supreme Court determined that the right to press freedom includes accessing information, especially regarding government operations^[28]. However, this access may be restricted to protect societal interests and individual rights. If an individual willingly shares information, the press can report it if it does not harm the individual or breach public order.

In the case of *Indian Express Newspapers (Bombay) Pvt. Ltd. v. Union of India*, the Supreme Court highlighted the crucial function of a free press in a democracy^[29]. Justice Venkataramiah pointed out that press freedom is vital for political and social discussions in a contemporary and open society. This is especially true in nations with limited access to television and other modern communication methods, as the press plays a key role in informing the public. It operates in formal and informal capacities to disseminate knowledge and various viewpoints, enabling citizens to make well-informed choices and engage actively in democratic processes. By sharing news and opinions, newspapers play a significant role in enhancing public awareness and governance, even when their content occasionally disputes the views held by those in authority.

Another significant case, *K.A. Abbas v. Union of India* addressed the topic of film censorship. The petitioner contended that the pre-censorship of films violated the fundamental right to freedom of speech and expression protected by Article 19(1) (a) of the Constitution^[30]. Nevertheless, the Supreme Court affirmed the constitutional validity of censorship under the Cinematograph Act, asserting that such limitations were acceptable under Article 19(2). The Court noted that films can evoke emotions and influence public opinion more profoundly than other artistic forms. Consequently, it was reasonable to handle them differently by imposing regulations. The Court endorsed a classification system for films to facilitate suitable access, categorising them into two primary types: 'A' (restricted to adult audiences) and 'U' (appropriate for all viewers). This structure aimed to balance artistic freedom and societal needs, confirming that reasonable limitations on expression are warranted when necessary to maintain public morality, decency, and order within a constitutional context.

A notable contemporary case is *Shreya Singhal v. Union of India* (2015)^[31], in which the Supreme Court invalidated Section 66A of the Information Technology Act, 2000^[32]. This clause has resulted in numerous arrests for online

expressions and has faced criticism for being ambiguous and susceptible to misuse. The Court ruled that it infringed upon the right to freedom of speech under Article 19(1) (a) and did not satisfy the reasonableness test under Article 19(2), as it created a chilling effect on free expression. In addition to freedom of speech, Article 21 of the Constitution ensures the right to life and personal liberty, which the Supreme Court has interpreted to include the right to a fair trial. Essential elements of this right consist of the presumption of innocence, the right to legal representation, and the need for an unbiased judiciary. In the context of media trials, premature or prejudiced reporting can influence public perception and compromise the impartiality of the judicial process, thus jeopardising the accused's right to a fair hearing.

In the case of *Hamdard Dawakhana v. Union of India*, the Court opined that the right also includes the right to gain information and knowledge about matters of common interest^[33]. However, the Supreme Court has also stated that a trial by media is contrary to the rule of law. However, as the media is one of the essential pillars of democracy, their freedom cannot be curtailed, but can be restricted to a certain point. In *R. Rajagopal v. State of Tamil Nadu*, the Supreme Court of India expanded the freedom of the press to include public debates on public issues^[34].

The first interpretation of personal liberty appeared in *A.K. Gopalan v. State of Madras* (1950), where the Court constricted personal liberty to mere freedom from physical restraint^[35]. It concluded that only procedures established by laws made by the state could restrict liberty. However, this narrow definition was overturned in *R.C. Cooper v. Union of India* (1970), where the Court broadened the understanding of personal liberty to encompass all freedoms mentioned in Article 19(1), aligning liberty with larger civil and political rights^[36].

This broadened understanding continued to develop through progressive rulings. In the case of *National Legal Services Authority (NALSA) v. Union of India* (2014), the Court acknowledged the right of transgender individuals to self-identify their gender as part of the right to life and dignity enshrined in Article 21^[37]. The Court affirmed that transgender persons are entitled to the same constitutional protections, encompassing access to public facilities, healthcare, and reservations under Articles 15^[38] and 16.^[39]

In *Animal Welfare Board of India v. A. Nagaraja* (2014), the Supreme Court took up the issue of animal cruelty related to the traditional Jallikattu festival^[40]. Referencing the principle of *parens patriae* and Article 51A(g), which advocates for compassion towards all living beings, the Court determined that animals possess legal rights and that the state is responsible for safeguarding them^[41]. As a result, it ruled that the practice of Jallikattu was unconstitutional due to its inherent cruelty.

A significant decision in *K.S. Puttaswamy v. Union of India* (2017) established the right to privacy as a fundamental right under Article 21. The Court concluded that privacy is essential to assuring dignity and liberty, forming a cornerstone of the constitutional framework. This acknowledgement of privacy altered Indian constitutional law and impacted discussions surrounding surveillance, personal data protection, and individual autonomy^[42].

The situation involving Aryan Khan exemplifies how media reporting can shape public opinion and possibly impact legal processes. Aryan Khan, the child of a prominent

Bollywood actor, was apprehended by the Narcotics Control Bureau on allegations of possessing illegal drugs during a widely publicised raid. His detention quickly attracted extensive media coverage. Numerous news organisations began to focus not only on the legal dimensions of the case but also explored his personal history, family ties, and character, often making conjectural and intrusive comments^[43].

Despite a lack of solid evidence linking him to the alleged crime, segments of the media portrayed him as a privileged celebrity offspring, trying to connect his family background with unlawful conduct. The media's overwhelming and often speculative focus seemed to divert attention from legal realities, favouring sensational narratives. This approach violated his right to privacy, safeguarded by Article 21 of the Indian Constitution. These cases illustrate how India's constitutional jurisprudence has widened the scope of press freedom and the right to life, recognising a spectrum of rights vital to a functioning democracy. From ensuring responsible journalism to upholding individual dignity and fairness in judicial processes, the judiciary has been instrumental in protecting constitutional principles amidst changing challenges.

Legal experts remarked that the overwhelming media attention leveraged public opinion in a manner that could potentially compromise the principle of a fair trial. This case illustrated the fragile balance between press freedom and the rights of an individual facing accusations. While the media plays a crucial role in informing the public and potentially revealing pertinent information, it must also honour the judicial process, which depends on objective and thoughtful consideration. Often, media reporting fosters an environment of expectation wherein the public starts to anticipate specific verdicts from the courts, potentially exerting pressure on the judicial framework. Although freedom of speech and expression under Article 19 grants the media the ability to report and investigate, such rights should be exercised in alignment with the individual's right to privacy under Article 21. The case emphasised the importance of responsible journalism that respects constitutional liberties and the sanctity of judicial processes^[44].

The Contempt of Courts Act, 1971, classifies contempt into two primary types: civil and criminal. Media trials typically fall under the category of criminal contempt defined in Section 2(c) of the Act^[45]. This section states that criminal contempt encompasses any form of publication, be it spoken, written, visual, or otherwise, that scandalizes or has the potential to scandalize the court's authority, diminishes or seeks to diminish its dignity, prejudices, or interferes with the proper conduct of judicial proceedings, or obstructs or is likely to impede the administration of justice in any way. When media outlets present information that misrepresents the judicial process or sways its outcome, it is viewed as a violation of justice administration and may therefore be deemed criminal contempt. Any media reporting or publication that disrupts justice while legal proceedings are active falls within the definition of contempt, provided it interferes with or obstructs the judicial process. Nonetheless, Section 3 of the Contempt of Courts Act grants certain protections to the media^[46]. It shields from liability any publication made without reasonable awareness that legal proceedings were ongoing at that time. This provision aims to ensure that contempt charges are only applicable

when media interference occurs during active judicial matters, and with awareness thereof.

The idea that actions or publications that reduce the court's authority or hinder the legal process constitute contempt was firmly established in the case of *In re P.C. Sen*. The court stressed that such behaviours are punishable by law as they compromise the integrity and independence of the judiciary^[47]. Additionally, in *Y.V. Hanumantha Rao v. K.R. Pattabhiram and Anr.*, it was ruled that no individual should make comments about ongoing litigation in a manner that creates a real and substantial risk of prejudice to the trial, be it by influencing judges, witnesses, or shaping public perception against one of the involved parties^[48]. The ruling indicated that even sincere opinions can be contemptuous if they interfere with the judicial outcome. In *Kochu Moideen v. Nambissan and Others*, the court clarified that in criminal matters, contempt can arise even before the case is officially presented in court^[49]. Once a criminal case has been filed and investigations are in progress, any publication that may improperly sway public opinion or compromise the case could qualify as contempt. The court observed that if the editing, printing, or publication is executed in a way that impacts the fairness of the forthcoming trial, it falls within the scope of contempt of court^[50].

The Press Council of India, which possesses no authority over electronic media, has issued an advisory stipulating that media entities should refrain from conducting parallel trials or predicting judicial outcomes to mitigate undue pressure during the investigative and judicial processes. Regrettably, the oversight body's recommendations and advisories have not been accorded the seriousness they warrant. It is indisputable that the media constitutes a fundamental pillar of a democratic society and plays a pivotal role in the administration of justice; however, negligent media reporting devoid of ethical and social responsibility proves harmful to the societal fabric. "With great power comes great responsibility," and consequently, the inherent right to freedom of speech and expression as enshrined under Article 19(1)(a) of the Indian Constitution is intrinsically linked to the obligation to uphold the human right to privacy. Should journalistic entities operate without constraints, it may precipitate a conflict of rights, culminating in chaos and disorder. The fundamental human right to privacy, inherent to every individual irrespective of their involvement in a legal proceeding, must not be compromised for news outlets pursuing their self-serving agendas. Without comprehensive governmental regulation, the media should not be afforded unrestricted autonomy in the investigative process. They must not be permitted to utilise the fundamental right of free speech and expression to overstep the boundaries of prudence. Given that no established precedents governing media outlets regarding violations of the right to privacy exist, courts must take suo motu cognisance of such infringements and rectify the situation until a comprehensive privacy legislation is enacted in India. Furthermore, the formulation of a codified legal framework for the operation of media channels, in conjunction with the establishment of a dedicated regulatory authority, is urgently required for the effective governance of electronic media and to safeguard the right to privacy, which is undeniably essential^[51].

Recent Judicial Regulations on Media Trial: Media trials in India frequently obscure the distinction between news

coverage and legal adjudication, raising issues regarding privacy erosion, trial fairness, and judicial impartiality. Indian courts have increasingly recognised the dangers associated with such coverage, particularly in prominent cases where public opinion may affect judicial outcomes. Significant instances include judgments from the Supreme Court of India and the Calcutta High Court, which have underscored the pressing necessity to balance media liberty with judicial impartiality. In the 2023 Rujira Banerjee case, the Calcutta High Court established comprehensive guidelines for media reporting on the school jobs-for-cash scandal involving political figures. Justice Sabyasachi Bhattacharyya asserted that media organisations should avoid disseminating unverified information or linking individuals to criminal investigations before formal charges are made. Among the issued directives were the imperative for factual and unbiased reporting rooted in verifiable evidence, the clear distinction between news and opinion to curb bias, and the ban on broadcasting images or videos of suspects before submitting a chargesheet. Moreover, the court prohibited live coverage of search and seizure operations by investigative bodies and advised the Enforcement Directorate against leaking investigation details to the media, emphasising the necessity to maintain the right to a fair trial amid significant media scrutiny.

The Supreme Court of India has similarly voiced such concerns. In August 2023, it criticised the News Broadcasting and Digital Standards Authority (NBDSA) for enacting insufficient penalties for media transgressions, such as biased or unfounded reporting. The Court pointed out that the current fine of ₹1 lakh lacks effectiveness as a deterrent in high-revenue scenarios and suggested that penalties should be proportional to the earnings generated from contentious content. Referencing the extensive media attention surrounding the Sushant Singh Rajput case, the Court underscored the risks posed by unchecked, sensational reporting and its potential to shape public opinion and interfere with the judicial process. Chief Justice D.Y. Chandrachud highlighted the necessity for enhanced self-regulatory practices within the media sector. While the Court dismissed the notion of direct censorship, it called for a more robust framework for media accountability, including suggestions from eminent former justices like A.K. Sikri and R.V. Raveendran. This initiative reflects the judiciary's preference for internal reform rather than external oversight, aiming to safeguard press freedom while ensuring compliance with ethical standards. In September 2023, the Supreme Court also directed the Union Home Ministry to draft guidelines regarding police briefings on ongoing investigations within three months. This came in response to petitions, including one from the People's Union for Civil Liberties (PUCI), which pointed out instances where police in Andhra Pradesh allegedly staged false encounters and manipulated media narratives by classifying individuals as Maoists. The Court recognised that such actions undermine public confidence, tarnish the reputations of innocent people, and jeopardise the objectivity of investigations. Reinforcing the necessity for responsible media behaviour, the Supreme Court noted that while Article 19(1) (a) of the Constitution guarantees freedom of expression, it must be harmonised with the public's right to factual and impartial information. The Court cautioned that speculative or biased reporting might breach the presumption of innocence and could lead to contempt of

court charges. It also suggested that media disclosures should consider the gravity of the offence, the roles of those involved, and factors such as age and gender, advocating for a uniform approach to media briefings to avoid premature judgments and biased reporting.

In a pertinent development, the Madras High Court in June 2023 underscored the imperative to educate media organisations regarding the constitutional parameters governing free speech, particularly about sensationalism and the reporting of legal matters. It was observed that the insufficient legal comprehension among certain media professionals frequently results in distorted or misleading representations of judicial proceedings. The Court emphasised that, although the media occupies a crucial role in a democratic society, unbiased reporting is fundamental to sustaining public trust in the judiciary.

The Supreme Court reiterated in August 2023 that the antiquated penalty framework under the NBDSA does not adequately reflect contemporary media economic realities. Chief Justice Chandrachud contended that penalties should be commensurate with the profits from sensationalist content. While affirming its stance against censorship, the Court accentuated the pressing necessity for a robust and enforceable self-regulatory framework. In alignment with this perspective, Solicitor General Tushar Mehta championed a tri-tier regulatory system encompassing broader representation from diverse media associations. The Court assigned senior advocate Arvind Datar the responsibility of gathering proposals from former justices to enhance the existing framework. These judicial interventions signify a broader initiative to ensure that press freedom is exercised with a sense of responsibility. By advocating for commensurate penalties and effective self-regulation, the judiciary seeks to mitigate the detrimental impacts of media sensationalism on the legal process. The forthcoming guidelines from the Supreme Court are anticipated to establish a balanced paradigm wherein media freedom is safeguarded while adhering to the principles of equitable reporting. This evolving judicial perspective highlights the necessity for a well-regulated media landscape that upholds justice without undermining the rights of the accused or the integrity of legal proceedings^[52].

Media Trial on the prospects of Fair Trial and Procedural Justice:

The notion of a fair trial is intricate and encompasses various key principles that guarantee justice is administered without favouritism or prejudice. Crucial components include having an independent and unbiased judge, the accused's right to be listened to, the entitlement to a swift and timely trial, protection from being tried or punished twice for the same crime (double jeopardy), the right against self-incrimination, and the presumption of innocence until proven guilty. Further guarantees consist of informing the accused of the charges against them, conducting the trial in their presence, presenting all evidence transparently, and allowing for cross-examination of witnesses and the opportunity to defend oneself. These principles originate from Article 21 of the Indian Constitution, which assures the right to life and personal liberty. The Supreme Court has consistently reiterated that a fair trial must be conducted in a manner that excludes injustice, bias, and partiality. The foundation of natural justice and a fair trial rests on adhering to the rule of law and duly established procedures. Any departure from

these norms causing detriment to the accused could establish a perilous precedent, eroding the justice system's integrity. Procedural justice, ensuring fairness in executing the legal process, is vital for achieving substantial justice, which is the genuine realisation of rights and redress. For instance, if the accused is not allowed to state their case, leading to a conviction, then even if the trial appears legally sound, it becomes inherently unjust due to the disregard for due process.

The judiciary has repeatedly stressed the importance of complying with procedural standards, particularly in criminal matters. The Bharatiya Nagarik Suraksha Sanhita 2023 (BNSS) encompasses many such protections. Following the pivotal D.K. Basu ruling, crucial checks were introduced within the legal system to deter abuses of power. These include presenting the arrested individual before a magistrate within 24 hours (Section 58)^[53], notifying the accused of the reason for their arrest (Section 47)^[54], ensuring they are informed of their right to bail for bailable offenses (Section 48)^[55], notifying a relative or friend regarding the arrest, and granting the right to consult a lawyer of their choice. These safeguards are crucial to ensuring that arbitrary actions from the state do not compromise the justice process. The concepts of procedural justice and fair trials are fundamentally interconnected. They cannot be treated as separate entities. A violation of procedural protections directly undermines the core of a fair trial, and the reverse is equally valid. While these principles should complement each other, media trials have increasingly disturbed this equilibrium. Though media activism has often played a positive role in highlighting injustice and governmental inaction, issues arise when media platforms act as quasi-judicial entities. When the media begins to issue verdicts or influence public perception before a court thoroughly examines the case, it jeopardises the judicial process. This shift in the media's role from being a watchdog to acting as a substitute for the courtroom injects bias and pressure into the legal system. In their pursuit of higher ratings, media outlets frequently sensationalise narratives, depicting accused individuals in ways that may be unfounded. Despite their training for impartiality, judges are human and may be swayed, consciously or subconsciously, by public sentiments influenced by intense media scrutiny. This affects judicial neutrality and infringes upon one of the fundamental tenets of a fair trial: the right to be judged by an unprejudiced authority. Media outlets' representation of the accused can significantly deter legal practitioners from accepting their cases due to concerns regarding potential repercussions or damage to their professional reputation, particularly in high-profile or sensitive matters such as terrorism-related ones. This phenomenon restricts the accused's entitlement to select their legal counsel. In circumstances where the accused lacks the financial means to secure legal representation, it is the state's responsibility to furnish such assistance. Nevertheless, there are situations in which the prosecution benefits from the expertise of a seasoned and competent attorney while the accused is relegated to an inadequately qualified defence lawyer. This disparity contravenes the principle of procedural fairness, especially the right to receive effective legal aid. Such inequalities considerably disadvantage the accused even when the trial ostensibly appears equitable. Media-driven trials exacerbate this inequity by shaping public perception in advance,

thereby indirectly influencing the ultimate verdict. In this manner, they subvert the fundamental tenets of fairness, impartiality, and procedural justice essential to any democratic legal framework^[56].

Social Media Trial & Its Regulation

The impact of mass media on legal proceedings is not recent it can be traced back to the advent of the printing press, or even earlier. A significant early instance from the 20th century is the case of Roscoe "Fatty" Arbuckle, whose career and reputation were severely harmed by extensive media attention, even after he was acquitted in court. Additionally, in the 2011 case of Attorney General v. Fraill, juror Joanne Fraill was sentenced to eight months in prison for contempt after communicating through Facebook with the defendant in a drug trial^[57]. In a similar vein, a juror was dismissed in a child abduction and sexual assault case in the UK for consulting her Facebook friends about the verdict. In multiple situations, convictions have been overturned or mistrials declared after it was revealed that jurors had looked up online information that was not part of what was presented in court. In the case of Benbrika v. The Queen, the Victorian Court of Appeal rejected an appeal that argued juror internet searches compromised the trial's integrity^[58]. Similarly, in a 2012 case before the Western Australian Supreme Court, the judge chose not to relocate the trial despite prejudicial information and threats against the defendant circulating on Facebook. This action reinforced the belief that informal discussions on social media may not hold the same significance as traditional media, even though they still have an impact. Social media has become an increasingly utilised tool for the public and even families of the accused to advocate for the reopening of cases. Notable criminal cases such as Jessica Lall, Priyadarshini Mattoo, Nitish Katara, the BMW hit-and-run, and Aarushi Talwar illustrated media narratives' extensive influence on public and judicial discussions. A significant case from 2015 involved Jasleen Kaur, who accused Sarvjeet Singh of harassment by posting his photo on Facebook. The post quickly gained widespread attention, igniting a media frenzy that labelled Singh with derogatory terms. However, four years later, a Delhi court found him not guilty on all charges, underscoring how premature judgments by the media can unjustly affect individuals before any legal determination of guilt.

Justice A.K. Sikri remarked that the media has evolved significantly in the digital era, characterised by the prevalence of paid content and misinformation^[59]. The extensive reach of social media can undoubtedly sway public opinion. Its portrayal of an accused's history, or focus on socio-economic factors, can bias public opinion and judicial assessments, jeopardising the principle of fairness. Platforms like Twitter and Facebook often disseminate inadmissible evidence, posing a risk that such information may subconsciously influence judges and jurors, even if it is legally irrelevant. As media representations linger, restoring their dignity and social position becomes a daunting challenge for those acquitted due to insufficient evidence. In pursuit of sensational stories, media organisations often overlook the essential right to a life marked by dignity, especially for those wrongly accused. In sensitive situations involving sexual offences, media accounts that describe traumatic experiences in explicit detail can cause additional psychological harm to victims. These reports also often

publish victims' statements prematurely, violating their privacy and sometimes swaying sentencing decisions. The pervasive use of social media has turned platforms like Facebook and Twitter into venues for sharing updates on ongoing legal matters. While they are meant to be spaces for discussion, they also serve as battlegrounds for hostility, misinformation, and public humiliation. In high-profile cases, online communities frequently rush to conclusions without fact-checking. During movements like #MeToo, accused individuals, often without formal charges, have experienced online vilification. In some cases, jurors have even conducted online polls, inviting others to vote on a defendant's guilt while the trial was still proceeding, thereby compromising the integrity of the courtroom. Such actions undermine judicial authority, contradict judicial directions, and jeopardise the fairness of trials. A jury seeking counsel on social media violates the legal process's integrity by allowing external viewpoints to alter an independent conclusion based on evidence and law.

India's legal framework for social media trials is regulated by various laws and rules that govern online expression, digital content, defamation, privacy rights, and the admissibility of electronic evidence in court. A thorough understanding of these legal requirements is required to assess how social media trials affect the judicial process in India. Examining the role of social media trials under the *Bharatiya Nyaya Sanhita, 2023*, is especially relevant because it highlights the changing legal issues and ramifications of merging digital platforms with the country's criminal justice system. This analysis sheds light on how online discourse might impact court processes and the measures required to protect the right to a fair trial in the digital era^[60]. Social media often leads to allegations of defamation, where people are accused of creating or disseminating false and harmful statements about others online. According to Section 356(1) of the *Bharatiya Nyaya Sanhita, 2023*, replacing Section 499 of the Indian Penal Code, 1860^[61], defamation encompasses any action that damages someone's reputation through false accusations. Digital platforms have increasingly become channels for spreading such content, frequently leading to legal action against those responsible for the defamatory statements. A notable case is *Arnold v. King Emperor*, which dealt with an appeal by a newspaper editor found guilty of criminal libel under the former Section 499 of the IPC. In delivering the judgment, Lord Shaw of Dunfermline from the Privy Council underscored that journalists, like all citizens, are free to express opinions. However, this liberty is subject to the same legal constraints. He clarified that the press does not enjoy any enhanced privileges beyond the established legal restrictions that apply to everyone^[62]. While journalists have a significant role in conveying information to the public, their authority to publish commentary or critiques is no more extensive than that of any other citizen, and they are equally liable under the law for any abuse of this freedom. Social media platforms frequently become venues for hate speech, where individuals share content that incites hostility or violence against various communities based on religion, race, or ethnicity. The BNS includes Sections 196^[63] and 197^[64], which explicitly ban acts that promote enmity and impose harsh penalties on those found responsible. In numerous social media trials, individuals are charged under these sections for allegedly disseminating divisive rhetoric that heightens communal tensions.

Furthermore, some social media trials focus on claims of obscenity, particularly when users post or share content considered explicit, indecent, or offensive. Sections 294 and 295^[65]. The BNS classifies it as a criminal offence to sell, distribute, or share obscene materials, including via online platforms. Individuals who upload or circulate such inappropriate content on digital networks may be prosecuted under these laws.

Cases of cyberbullying and online harassment are also receiving greater attention in legal disputes related to social media. At the same time, the IPC does not have a specific section addressing cyberbullying. Sections 351(1) (criminal intimidation)^[66] & 351(2)^[67] and 351(3)^[68] (punishment for criminal intimidation) are often cited when victims report threats, online abuse, or attempts to inflict psychological harm. Another significant concern in these trials is the unauthorised sharing of personal information or private images, infringing on an individual's right to privacy. Although India currently lacks a specific data protection law, privacy is recognised as a fundamental right. Legal remedies for such violations can be pursued under Section 78 (stalking)^[69] and Section 79 (insulting the modesty of a woman),^[70] which deal with digital privacy infringements and the non-consensual distribution of personal content. Moreover, discussions or posts on social media that insult religious sentiments can result in charges under Section 299 of the BNS, which penalises intentional and malicious actions meant to offend or provoke religious groups^[71]. Similarly, accusations against users of inciting violence or causing public unrest through inflammatory statements invoke Section 353 of the IPC, targeting actions that could lead to public mischief or disrupt peace and order^[72].

Social media trial regulations in India are closely linked to the Information Technology Act of 2000, which oversees digital communication, cybercrimes, and data protection. This law is crucial in managing how social media platforms operate and supervising online user conduct, particularly regarding the sharing and controlling of digital content. Below is a summary of how the IT Act's provisions influence the nature of social media trials: Section 79 of the IT Act provides "safe harbour" status to intermediaries, like social media companies^[73]. This implies that these platforms are not legally accountable for user-generated content if they facilitate communication without initiating or altering the information. However, this protection depends on their adherence to the due diligence requirements specified in the IT (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021. In the context of social media trials, this section is often referenced to assess the legal responsibility of platforms for posts made by users. According to Section 69A, the government has the authority to mandate the blocking or removing online content considered unlawful^[74]. This encompasses materials that could disturb public peace, incite violence, or threaten national security. Social media trials can result in the application of this section, leading to orders for content removal or temporary suspension of accounts involved in contentious incidents. Even though Section 66A, which once penalised the distribution of offensive messages through communication services, was invalidated by the Supreme Court in 2015 due to its potential for misuse and ambiguous language, it was previously often referenced in defamation cases related to social media. Sections 66C^[75] and 66D^[76] address cyber offences involving identity theft

and impersonation. These laws are pertinent when individuals create fake identities or accounts to disseminate defamatory or harmful content, enabling authorities to act against such activities. In addition, Section 67 addresses the penalties for electronically publishing or sharing obscene material^[77]. In social media trials, this section is relevant when users are accused of distributing explicit content online. Furthermore, Section 65B of the Indian Evidence Act, amended in connection with the IT Act, delineates the criteria for recognising electronic records as valid evidence in court^[78]. Since digital posts, messages, and multimedia content often serve as critical components in social media trials, this section ensures that such evidence meets legal standards for authenticity and reliability during legal proceedings.

Social media trials in India frequently intersect with the Contempt of Courts Act. These 1971 stipulations aim to maintain the judiciary's authority and dignity and ensure that court proceedings occur fairly and without external influence. This legislation broadly distinguishes between civil and criminal contempt, and activities on social media can fall into either category based on the nature of the shared content. A significant issue arises when users make disparaging comments or unfounded accusations against judges or the judicial system. Such actions that scandalise the court, by undermining the judiciary's integrity or diminishing public trust, can be categorised as contempt. With the increasing prevalence of social media platforms, these remarks are often made public, heightening their potential to undermine confidence in judicial institutions.

Moreover, social media content can impact the outcome of ongoing legal cases. When individuals disseminate speculative or accusatory views about a case still being tried, it can sway public opinion and indirectly influence court proceedings. This can obstruct the pursuit of justice, potentially disrupting the foundation of a fair trial. Additionally, attempts to influence judicial decisions by creating public pressure through social media posts can be considered contempt. Material that aims to implicitly or explicitly sway a court's judgment violates the essential principle of judicial independence and could lead to legal repercussions. The situation of media and social media trials, in which public opinion moulded by extensive coverage or viral content overshadows the legal process, poses another challenge. Such trials can create narratives that hinder the impartial adjudication of legal matters, which the Act aims to prevent. Sometimes, contemptuous material is released from anonymous social media accounts, complicating holding individuals accountable. However, once these individuals' identities are uncovered, the legal framework is equipped to take appropriate action under the Act, reinforcing that anonymity does not equate to immunity from legal liability.

Impact of Media Trial

In a democratic framework, the media is a significant pillar primarily managed by private organisations. This ownership dynamic often complicates the ability of media outlets to uphold genuinely neutral, fair, or unbiased perspectives. Ideally, the media should connect the government and the public by delivering crucial, fact-based information regarding societal matters. Nevertheless, in the current climate, profit-driven sensationalism often overshadows this duty. News is frequently crafted to capture attention rather

than to inform, leading to a transition from journalism focused on public interest to narratives designed to elicit emotional responses. This transition has noticeably affected not only society but also the justice system. A particularly concerning element of media impact is the increasing prevalence of media trials, which can severely bias legal processes and have enduring effects on the lives of individuals accused. These consequences can be categorised into two primary areas. First, there is the social impact. Even if the court exonerates a person, media exposure often damages their public image to the point where they are no longer respected by society. Second, the professional ramifications can be just as harmful. A damaged reputation, built on public sentiment shaped by speculative and frequently misleading coverage, can obstruct a person's employment or career advancement chances. Thus, media narratives can inflict lasting reputational damage even when an accused individual is declared innocent. Legal proceedings are often presented as entertainment content, transforming profound judicial experiences into public spectacles. This type of visibility infringes upon the accused's rights to dignity and privacy, both guaranteed under Article 21 of the Indian Constitution. The presumption of guilt created by widespread media reporting undermines the fundamental legal principle of presumed innocence until proven otherwise.

Acknowledging the risks posed by such practices, the Press Council of India has established guidelines urging the media to avoid manipulating facts or excessively covering those involved in legal cases, including victims, witnesses, and accused individuals. Such reporting might overstep ethical limits and violate the right to privacy. Swati Deshpande, a prominent legal journalist, has remarked that while the media has a role in informing the public about judicial reasoning, it must accomplish this without compromising the dignity or identity of those implicated, especially in sensitive situations like sexual assault. In these instances, revealing details or identities can have devastating impacts on the lives and reputations of both victims and the accused. Despite court rulings, public perception frequently remains shaped by the narrative presented by the media. This leads many to perceive the legal system as flawed or corrupt, especially in cases where high-profile individuals are acquitted. The outcome is damage to individual reputations and a broader decline in public confidence in the judicial system. Freedom of expression, encompassing press freedom, is a fundamental aspect of democracy and underpins the media's function in informing the public and providing commentary on the justice system. However, this right is not unconditional. It must be practised cautiously to avoid infringing upon the principle of presumed innocence. The Madrid Principles regarding the Relationship between the Media and Judicial Independence (1994), to which India has agreed, clearly highlight this need for balance. The media must function within these parameters to prevent interference with judicial independence and the equitable administration of justice^[79].

The Indian Constitution carefully balances individual rights with essential restrictions. While Article 19(1)(a) protects the freedom of speech and expression, this freedom is subject to reasonable constraints specified in Article 19(2). Such limitations aim to safeguard national interests like sovereignty, public order, morality, and respect for the judiciary. However, the media frequently crosses these

lines, particularly in high-profile cases, leading to an abuse of freedom of expression. It is critical to remember that this right was established for sharing opinions, not for holding public trials. When the media acts as both judge and jury, it not only oversteps its constitutional boundaries but also infringes on the rights of others. Given the significant influence of media on society, it must function with an elevated sense of responsibility. Inaccurate reporting or sensationalised coverage during sensitive events can stir public emotions and potentially incite unrest, including communal violence or regional disputes. Media trials, often fuelled by unverified information, can rapidly escalate tensions, resulting in disorder and significant risks to peace and security.

The repercussions of media trials can be grave for those involved in legal proceedings. They might face severe social stigma and disruptions in their personal lives, making it challenging to maintain a routine. Even without a conviction, a person's job prospects can suffer dramatically, as negative media portrayals tarnish their professional image. In such situations, mere allegations can devastate a person's societal reputation. The negative impact of media trials extends beyond the accused. Victims may also endure consequences when their personal information is disclosed. There have been cases, such as the Kathua rape incident, where the minor victim's identity was revealed by the media, contravening protective laws like the POCSO Act. Such revelations can inflict additional trauma on victims and their families. Media coverage consistently subjecting individuals to public scrutiny contributes to their psychological strain. The incessant reiteration of case details, opinions, and speculations can result in anxiety, stress, and long-term mental health challenges for both victims and accused individuals. In its quest for higher ratings, the media frequently overlooks the emotional and psychological impact this exposure has on those involved. Privacy, a fundamental right protected by Article 21 of the Constitution, is often disregarded by the media during high-profile cases. For example, the reporting surrounding actor Sushant Singh Rajput's death included the publication of his diary and other private information, which received widespread backlash. Such actions by media organisations highlight an apparent disregard for the right to privacy in favour of attention-grabbing content. The judiciary is also affected by media trials. Extensive coverage can create significant public pressure, making it difficult for judges to remain impartial. When the media portrays a particular image of the accused, it can subtly affect judicial decision-making, even unintentionally. This undermines the judiciary's independence and the integrity of the trial process. Premature announcements by the media can also undermine the authority of the courts. In notorious cases like the 26/11 Mumbai attacks, speculated verdicts were shared before the court had officially rendered its decision. This disrupts the integrity of legal processes and sends the misleading message that media opinions are of equal or greater importance than judicial outcomes^[80].

Various theoretical approaches help clarify how the media affects public opinion, particularly regarding media trials. One theory highlights the media's power to decide which issues are prioritised by showcasing certain stories more prominently than others. By consistently concentrating on specific topics or criminal cases, the media can influence public awareness and guide perceptions about the most

significant. This influence extends to the public's perceptions of the guilt or innocence of those involved in these cases. Another perspective explores how the media shapes understanding through its story presentation. This includes emphasising a situation's specific angles, themes, or facets to sway how audiences interpret the information. In media trials, framing stories can significantly affect how the public views the accused, the crime's nature, and the broader social ramifications, thereby contributing to biases and judgments. A third viewpoint posits that continuous exposure to themes or narratives can gradually alter one's perception of reality. Intense and sensational coverage of crime stories can shape how individuals view the prevalence and seriousness of criminal acts and may influence public confidence in the justice system. Such representations may lead individuals to develop distorted or simplified views of legal processes and crime. Furthermore, another theory argues that reality is a collective human interpretation and communication construct. Our understanding of what is true or real is frequently built through shared narratives, many of which are influenced by the media. In media trials, how events are depicted can create a prevailing narrative that affects how the public interacts with the case. This constructed reality can overshadow objective legal evaluations and influence outcomes. Additionally, a theory suggests that people often hold back their opinions if they feel their views do not align with the majority. This behaviour stems from a fear of social disconnection or repercussions. The media's emphasis on a specific perspective during a high-profile trial may create the illusion of a singular public opinion. Consequently, dissenting opinions may be suppressed, not because they lack validity, but because individuals are reluctant to challenge the media's dominant narrative. This can misleadingly reinforce a perception of consensus that may not genuinely exist. Collectively, these theories offer a more profound insight into how media coverage, particularly in legal settings, can significantly shape public attitudes, influence perceptions of justice, and affect the lives of the accused. They also raise essential questions about the fairness of legal proceedings in an atmosphere where public sentiment is heavily mediated and often swayed by selective reporting and narrative framing^[81].

The entitlement to a just trial is a vital justice component from Article 21 of the Indian Constitution. Although the press is safeguarded under Article 19(1)(a), this freedom is not absolute and must yield to the rule of law and the proper functioning of justice. In any democratic framework, ensuring that the accused undergoes a trial free from outside influence is essential. If the fairness or transparency of judicial processes is compromised, the foundation of democracy is at risk. A fair trial, unmarred by undue pressure, is a fundamental element of justice in a democratic society. Nonetheless, the media occasionally exceeds its boundaries by disseminating information that could compromise the rights of suspects or accused individuals, potentially influencing judicial verdicts and jeopardising the impartiality essential for an equitable outcome.

In *Zahira Habibullah Sheikh v. State of Gujarat*, the Supreme Court underscored the importance of sustaining judicial decorum, asserting that justice can only be dispensed in a neutral environment with impartial judges and fair prosecutors^[82]. The Court also stressed the significance of removing biases against the accused to

uphold the integrity of justice. In *Saibal Kumar v. B.K. Sen*, the Court determined that holding a trial in the media before the court has reached a verdict is unacceptable^[83]. The judiciary exclusively possesses the authority to deliver judgments, and no media organisation can declare outcomes before the decisions made by the court. The Court emphasised that such media trials should not be allowed during active judicial proceedings. Likewise, in *Anukul Chandra Pradhan v. Union of India*, the Court cautioned that extensive media coverage must not undermine the essential legal principle that one is presumed innocent until proven guilty^[84]. Media-generated campaigns or pervasive reporting that emulate a trial are incompatible with the rule of law and can obstruct justice. Although the press is granted freedom under Article 19(1)(a), it must not overstep its responsibilities and overlook the rights protected by Article 21, especially the right to a fair trial. Consequently, the judiciary must establish clear guidelines for media organisations, ensuring a balance between the rights of the press and those of individuals undergoing trial, enabling both to function within their legal bounds.

While it is generally believed that judicial officers remain uninfluenced by public opinion shaped by media coverage, it is essential to acknowledge that human judges may still be subconsciously swayed by external information. Justice D.M. Dharmadhikari, Chairman of the Madhya Pradesh Human Rights Commission, noted that ongoing public commentary can also affect judicial reasoning. When the media presents cases with bias or sensationalism, any ruling contradicting the media's narrative may cause the public to view judges as biased or corrupt. Excessive media attention, especially in high-profile cases, complicates the administration of impartial justice. It typically leads to increased public expectations and undermines the presumption of innocence, even before a legal resolution is achieved. This pre-judgment, driven by the media, can distort public perception and potentially hinder the court's ability to deliver an unbiased ruling. The critical question is whether such actions by the media conform with the responsibilities of a free press in a democratic society. The truth is that media-led "virtual trials" frequently overstep their legal boundaries and harm the justice system.

In the case of *Saibal Kumar*, the judiciary further elucidated the deficiencies of news agencies in their capacity to conduct comprehensive investigations and impartially report on criminal proceedings, particularly when such matters are actively under judicial consideration. Throughout an ongoing trial, any semblance of media interference, including the dissemination of speculative information, must be judiciously curtailed as it can unduly prejudice the accused. In *M.P. Lohia v. State of West Bengal*, the case pertained to an individual who endeavoured to take her own life at the domicile of her spouse. While her family instigated a legal proceeding alleging dowry death, the husband sought to exculpate himself by presenting medical documentation attesting to her psychological condition. Although the trial had yet to commence, bail was initially denied. Nonetheless, the Supreme Court subsequently granted bail after comprehensively evaluating all relevant factors. The Court admonished a publication that addressed the case's merits before the initiation of the trial, rebuking the publisher for disseminating one-sided information and asserting that such reporting obstructs the course of justice and distorts public perception^[85].

Justice Santosh Hegde issued a cautionary note to journalists and editors, advising against participation in media trials when a matter is sub judice. He underscored that this practice disrupts the appropriate administration of justice and ought to be eschewed by all practitioners within the field of journalism. In *State of Maharashtra v. Rajendra Jawanmal Gandhi*, the Supreme Court reaffirmed that India possesses a well-defined legal framework for the conduct of trials. Any parallel adjudication orchestrated by the media or through public campaigns can significantly erode the rule of law and precipitate miscarriages of justice^[86]. Judges must remain insulated from external influences and adhere rigorously to established legal principles. As a democratic nation operating within a federal structure, it is imperative that each institution, including the media, functions within its designated purview. The press is not empowered to undertake investigations in a manner that sways judicial proceedings or incites social discord. Preserving judicial independence can only be assured when media interference is constrained. There is a pronounced necessity for regulating news dissemination during ongoing trials to ensure that the integrity of legal proceedings remains uncompromised.

Conclusion

The intricate relationship between media, public perception, and judicial proceedings reveals deeper societal dynamics. Media trials often inject bias into public narratives, distorting facts through sensationalised reporting. While such coverage may claim to promote transparency by offering detailed accounts, it significantly undermines fundamental legal principles such as the presumption of innocence, protection of human rights, and the impartiality of judicial procedures. Media intrusion into ongoing legal matters influences public understanding. It shapes how individuals and cases are viewed, necessitating a careful balance between the public's right to information and the need to uphold justice and safeguard the rights of the accused. The justice system's integrity is compromised by turning legal proceedings into media spectacles, with trials reduced to entertainment for public consumption. Although courts occasionally permit the broadcasting of proceedings, particularly those involving constitutional matters or issues of national importance, indiscriminate media coverage remains problematic. Driven by competition for viewership and advertising revenue, certain media outlets prioritise sensationalism over accurate, balanced reporting. This focus on entertainment value often leads to misrepresenting facts, infringement of the accused's rights, and erosion of judicial credibility. Ethical dilemmas arising from media trials include privacy violations, endangering vulnerable parties, and creating a parallel "court of public opinion" that prejudices cases. The media must uphold ethical standards and act responsibly, especially in a diverse and democratic society. While freedom of speech and expression is a cornerstone of democracy and rightly extended to the press, this freedom must not be abused. The media's role is to inform and educate, not to assume the functions of law enforcement or the judiciary. Treating news as entertainment and conducting unofficial investigations or delivering public verdicts oversteps this role and threatens the administration of justice^[87].

The phenomenon of "media trials," where the media pre-emptively investigates and convicts individuals in the public

eye before judicial processes begin, undermines the principle that one is innocent until proven guilty. This public presumption of guilt not only prejudices society but may also influence judicial officers, despite their expected impartiality. Although the 17th Law Commission of India addressed this issue in its 200th report and recommended extending the sub judice period to start from the moment of arrest rather than from the filing of the charge sheet, this measure is insufficient to counter the growing influence of media trials. Therefore, India urgently requires specific legislation to regulate media conduct concerning ongoing legal proceedings. Such a legal framework is necessary to protect the justice system's integrity from undue media interference operating under the guise of public interest^[88]. The media, often called the fourth pillar of democracy, is crucial in educating the public, promoting transparency, and ensuring accountability among those in power. However, as it seeks influence and audience engagement, the media in India has increasingly entered a perilous realm, shifting from a neutral informer to a parallel judge. Although the media possesses a constitutional right to freedom of speech under Article 19(1) (a), this right is not limitless. It must exist alongside the equally essential right to a fair trial, which is guaranteed by Article 21. Media trials, characterised by sensationalism, speculative narratives, and biased representations, can distort public opinion, compromise judicial neutrality, and infringe on the rights of both victims and defendants. The pervasive impact of such media coverage, heightened in the digital era, presents a significant challenge to the justice system. Research findings indicate a rising public awareness of the media's ability to shape opinions and pressure legal institutions. This calls for an urgent, balanced approach that maintains press freedom while safeguarding the integrity of legal processes. To address these detrimental effects, a comprehensive strategy is vital. First, creating an independent media ombudsman or regulatory body can promote accountability and compliance with ethical standards, especially in the coverage of criminal cases. Second, journalists should undergo training in media ethics, legal principles, and judicial awareness to prevent bias in legal proceedings. Third, regular and accurate communications from courts and law enforcement can help counter misinformation and deter speculative reporting^[89].

While the media acts as an essential democratic force, its overreach, particularly in dramatised media trials, can severely threaten procedural fairness and undermine public confidence in the judiciary. The justice system's integrity relies on maintaining distinct boundaries between reporting and adjudication. Genuine journalism, which emphasises facts over sensationalism and upholds the presumption of innocence, is protected constitutionally and necessary for a functioning democracy. The Supreme Court of India has repeatedly warned that media trials risk undermining justice by interfering with the judiciary's role. The media and the state must act with increased responsibility in today's era of immediate news and attention-seeking content. While the state should be careful in regulating the media to avoid infringing press freedom, the media should also not engage in practices threatening fair trial rights^[90].

In summary, protecting justice in an age of media saturation requires a careful yet firm equilibrium that upholds journalistic rights while strengthening the principles of due process and judicial independence. Enhancing ethical

standards, enforcing legal frameworks, and fostering a culture of responsible journalism are not merely recommendations; they are necessary for maintaining democracy and the rule of law in India^[91].

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