

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi-Disciplinary
Peer Reviewed

www.ijlra.com

DISCLAIMER

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Managing Editor of IJLRA. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of IJLRA.

Though every effort has been made to ensure that the information in Volume II Issue 7 is accurate and appropriately cited/referenced, neither the Editorial Board nor IJLRA shall be held liable or responsible in any manner what sever for any consequences for any action taken by anyone on the basis of information in the Journal.

Copyright © International Journal for Legal Research & Analysis

EDITORIALTEAM

EDITORS

Dr. Samrat Datta

Dr. Samrat Datta Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Samrat Datta is currently associated with Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Datta has completed his graduation i.e., B.A.LL.B. from Law College Dehradun, Hemvati Nandan Bahuguna Garhwal University, Srinagar, Uttarakhand. He is an alumnus of KIIT University, Bhubaneswar where he pursued his post-graduation (LL.M.) in Criminal Law and subsequently completed his Ph.D. in Police Law and Information Technology from the Pacific Academy of Higher Education and Research University, Udaipur in 2020. His area of interest and research is Criminal and Police Law. Dr. Datta has a teaching experience of 7 years in various law schools across North India and has held administrative positions like Academic Coordinator, Centre Superintendent for Examinations, Deputy Controller of Examinations, Member of the Proctorial Board



Dr. Namita Jain



Head & Associate Professor

School of Law, JECRC University, Jaipur Ph.D. (Commercial Law) LL.M., UGC-NET Post Graduation Diploma in Taxation law and Practice, Bachelor of Commerce.

Teaching Experience: 12 years, AWARDS AND RECOGNITION of Dr. Namita Jain are - ICF Global Excellence Award 2020 in the category of educationalist by I Can Foundation, India. India Women Empowerment Award in the category of "Emerging Excellence in Academics by Prime Time & Utkrish Bharat Foundation, New Delhi. (2020). Conferred in FL Book of Top 21 Record Holders in the category of education by Fashion Lifestyle Magazine, New Delhi. (2020). Certificate of Appreciation for organizing and managing the Professional Development Training Program on IPR in Collaboration with Trade Innovations Services, Jaipur on March 14th, 2019

Mrs.S.Kalpana

Assistant professor of Law

Mrs.S.Kalpana, presently Assistant professor of Law, VelTech Rangarajan Dr.Sagunthala R & D Institute of Science and Technology, Avadi. Formerly Assistant professor of Law,Vels University in the year 2019 to 2020, Worked as Guest Faculty, Chennai Dr.Ambedkar Law College, Pudupakkam. Published one book. Published 8Articles in various reputed Law Journals. Conducted 1Moot court competition and participated in nearly 80 National and International seminars and webinars conducted on various subjects of Law. Did ML in Criminal Law and Criminal Justice Administration.10 paper presentations in various National and International seminars. Attended more than 10 FDP programs. Ph.D. in Law pursuing.



Avinash Kumar



Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC – NET examination and has been awarded ICSSR – Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.

ABOUT US

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN- 2582-6433 is an Online Journal is Monthly, Peer Review, Academic Journal, Published online, that seeks to provide an interactive platform for the publication of Short Articles, Long Articles, Book Review, Case Comments, Research Papers, Essay in the field of Law & Multidisciplinary issue. Our aim is to upgrade the level of interaction and discourse about contemporary issues of law. We are eager to become a highly cited academic publication, through quality contributions from students, academics, professionals from the industry, the bar and the bench. INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN 2582-6433 welcomes contributions from all legal branches, as long as the work is original, unpublished and is in consonance with the submission guidelines.

TRUTH ON TRIAL: MEDIA NARRATIVES, JUDICIAL REALITIES, AND SAFEGUARDS AGAINST DISTORTION IN INDIAN JUSTICE.

AUTHORED BY - AMRUTHA J KUDUR

SRN - PES1UG25BL008

CLASS - BBA. LLB (Hons.) Sec (A)

Subject code - UL25BL142A

SUBMITTED TO - PROF SANIDHY RATNA GURUNG

Subject - LEGAL METHODS & HISTORY OF COURTS

Abstract

Media Trials in India have always been an issue and will continue to be one. The balance between reporting and sensationalizing has faded. The principle of 'Innocent until proven guilty' has atrophied, replaced by the propaganda of the media. This study explores how media narratives distort the Judicial truth in India. Drawing examples like the Nambi Narayan case, Aurushi Talwar case and the 1993 serial bomb blast case, this study focuses on the mercurial nature of the media that play both the prosecutor and the defence council.

This study also delves into the thin line between the media's fundamental right to speech and individuals' fundamental right to life and personal liberty. With this capriciousness there is a need for reforms to regulate sub judice reporting, strengthen media ethics, and enhance judicial communication mechanisms. In this paper we analyse the reforms taken by other countries and how India can adapt its own reforms to deliver justice more effectively without the unnecessary interference and dramatizations by the media.

Keywords: Media Trials, Propaganda, Distortion of Truth, Reforms to avoid media trials.

Introduction

'Innocent until proven guilty' is one of the fundamental principles of criminal jurisprudence enshrined in the Indian legal practice. This principle is protected under the article 21 of the Indian constitution, Right to life and personal Liberty. This principle is Pivotal in upholding

an individual's dignity and safeguard them from wrongful convictions. Without this presumption, the justice system risks collapsing into arbitrariness and populist punishment rather than legal adjudication.

In the past few decades we see this very principle fall under severe strain due to the rise of propaganda, popularly termed as "media trials". This term refers to the phenomenon where mainstream television channels, print media, and social media platforms engage in sensationalized reporting of ongoing cases. These platforms hunt for TRP leading to the obfuscation of facts. While the media has a role as the "fourth pillar of democracy" in ensuring transparency and accountability, its overreach frequently undermines the judicial process by creating a presumption of guilt or innocence outside legal parameters.

The Indian legal landscape has witnessed a series of high-profile instances where narrative-driven coverage has overshadowed the legal proceedings. The Sushant Singh Rajput death investigation threw light on how speculative reporting, conspiracy theories, and character assassinations of individuals turned a criminal investigation into a media pageantry. The growth of both traditional and digital media plays an important role in shaping consciousness of the general public about guilt, innocence, and justice.

Against this larger backdrop there are two cases that reflect the quintessence of media distortion of truth in India: The Aarushi Talwar double murder case (2008) and the ISRO espionage case involving scientist Nambi Narayanan (1994). In the Aarushi Talwar case, the parents were portrayed as suspects through dramatic reporting, causing public prejudice, personal trauma before judicial verdict even their medical license was suspended. In the Nambi Narayanan case, unverified allegations of espionage were hyperbolized by the press, destroying his professional reputation despite him eventually being declared innocent. His family was harassed by the media and public that left a mental scar that even time cannot heal. These episodes highlight how media can prematurely construct guilt, erode credibility, and inflict lasting harm.

This study examines the role of media in distorting truth. It focuses on the constitutional tension between press freedom (Article 19(1)(a)) and the right to a fair trial (Article 21). It evaluates whether existing safeguards such as the Contempt of Courts Act, 1971 and self-regulatory guidelines are adequate to protect the innocent, while also drawing on comparison from sub-judice rules and publication bans around the world.

Objectives

1. To analyse how media narratives differ from judicial truth in selected cases.
2. To study the psychological and social impact of media trials on public opinion and the life of the accused.
3. To evaluate the Aarushi Talwar and Nambi Narayanan cases as representative examples.
4. To analyse how lack of regulations and unchecked media narratives pose a systemic threat to the presumption of innocence.
5. To propose reforms and precautionary measures to prevent narrative-driven justice.

Research Problem

It is the duty of the court to uphold the principle of fair trial and safeguard the rights of all the citizens. Media narratives often create dramatic narratives for TRP, in this process they distort facts and shape public opinion prematurely. Given that media has the freedom of speech but the line between this freedom and the right to live with dignity (article 21) should be drawn firmly and in bolds and should not be left as blurry as it is today. There are umpteen researches that highlight the drawbacks of media trials but there are very few that focus on the difference of these media narratives from judicial reality. This research not only analyses this difference but also proposes reforms and safeguards to regulate the media and prevent the distortion of truth.

Research Questions and Hypothesis

1. How did media coverage shape public opinion in the Aarushi Talwar and Nambi Narayanan cases?
2. To what extent did media narratives deviate from judicial findings?
3. What mechanisms currently exist to regulate prejudicial reporting in India?
4. What are the Reforms adapted by countries around the globe to media distortion of judicial truth?
5. What reforms could India establish to prevent media distortion of judicial truth?

Hypothesis-

- Media narratives often construct guilt before judicial findings, disregarding judicial standards and principles.
- Narratives as such create public pressure that influence investigation and

judicial processes.

- Reforms in laws governing media ethics, judicial communication, and sub justice laws can reduce distortion and deliver justice more effectively.

Research Methodology

This study utilises a qualitative approach by study of existing cases and comparative analysis of laws and regulations for media reporting. The case studied include, Aarushi Talwar double murder case (2008–2017) and Nambi Narayanan ISRO espionage case (1994–2018). The methods used for this research include case law analysis and the analysis of various media reports, headlines, articles and how this diverged form the actual judicial findings. The information in this study is taken from previously existing research papers, court judgments, CBI reports, media archives, legal commentaries, and scholarly papers.

Literature Review

1. Media trials in India- existing research papers related to media trials published on websites IJLLR and Legal Service India that provide insight on the impact of media trials and it aftermath.
2. Aarushi Talwar Case- analysis of the judgments of trial court and the Allahabad high court along with multiple articles reporting the case. Study of the CBI report of investigation of the murder.
3. Nambi Narayanan Case Studies- analysing multiple cases related to Nambi Narayan and the espionage allegations. Study of Case reports and media articles and the eventual Supreme Court verdict.

Discussion and Analysis

I. Aarushi Talwar Case:-

A fourteen year old, Aarushi Talwar was found dead in her room with a split neck in may 2008. Her parents were renowned dentists and the nature of the clean cut in Aarushi's neck threw suspicion onto her parents. The family's helper, Hemraj was the initial suspect noted as missing but was later found murdered in the terrasse of the Talwar residency.

The investigation took on multiple twists, the press stressed on the parents being

involved and speculated “honour Killing”. The police failed to secure the crime scene and were widely criticized for mishandling evidence and leaking unverified details to the media. The Central Bureau of Investigation (CBI) took over but it presented conflicting theories, even filing a closure report citing lack of conclusive evidence. The CBI even admitted that the media had pressurised their investigation. Despite weak and circumstantial evidence, a special CBI court in 2013 convicted the Talwars for the murders. Later in 2017, the Allahabad High Court acquitted them, holding that they could not be convicted on the basis of suspicion and conjecture.

The media painted Rajesh Talwar, the father of Aarushi Talwar to be cold, detached and unavailable adding to the narrative of the parents being guilty. They built a narrative of ‘honour Killing’ and ran headlines like, “Parents or Perverts?”. TV shows even depicted Aarushi in an alleged intimate scenario with Hemraj and speculated that her father in a fit of rage and jealousy had murdered them. Another leading news platform confidently ran headlines like, “*Only parents could have killed Aarushi*” claiming it to be the truth and reinforcing the guilty narrative. The media assassinated characters of not just the parents but the late Aarushi and Hemraj. The media also ran stories that claimed that the CBI had found gloves that linked the murder to Rajesh Talwar but in reality there were no gloves documented in evidence or referred to in official reports. This was entirely speculative without any facts backing their narrative. This fictional dramatization of the case led the public prematurely assuming the parents to be guilty which was extremely misleading interfering with a fair trial. This also led to the Talwar’s being harassed by the public, destroying their reputation to the extent of their medical licence being revoked rendering them without a job. The Supreme Court (2010) slammed the coverage, asserting that some of it lacked “sensitivity, taste and decorum”, characterizing it as sensationalism and “character assassination.” The Court warned, “*Nobody is gagging the Press, but there is no harm in gagging irresponsible Press.*” ([The Indian Express](#))

The above narratives are examples the show to which extent the blurred the line between reporting and prosecution by conducting a fictitious trial, distorting facts, and prejudicing public opinion before the courts made any rulings.

II. Nambi Narayan ISRO espionage case: -

In 1994, renowned ISRO scientist, Nambi Narayan was arrested on the charges of selling sensitive rocket information to foreign countries. The narrative of a senior scientist allegedly arrested for selling sensitive information set the media on fire. There were bizarre theories that framed him as a spy, theories that suggested he was in contact with two Maldivian women, Mariam Rasheeda and Fauzia Hassan and had exchanged information for sexual favours. Theories also stated that he was corrupt and had received a 250crore payout as a bribe. Everyday the narrative of the media changed into something even more damaging.

The headline that ran included reputation damaging statements like, *“Scientists in Bed with Foreign Agents”*, *“ISRO Scientist Spills India’s Space Secrets”*, *“Spy Scandal Rocks India’s Space Programme”*. This case was framed as a national breach of security making it a perfect prey for the TRP hungry media.

The CBI later took over this case in 1996. It was then found that no credible evidence of the “information leak” ever existed. No documents proving leakage of space technology were ever recovered the alleged “confessions” were later proved to be fabricated and obtained under custodial torture. In 1998, the Supreme Court of India upheld the CBI findings and declared Nambi Narayanan innocent. But the damage was done he was removed from his job, his family was publically harassed. Narayanan himself described himself being treated not as a scientist but as a criminal in the eyes of society. The media ran with “spy scandal” without any evidence the focused of portraying a narrative that would feed the public and focused on the investigation of the case instead of scrutinizing the credibility of the arrest.

The media instead of questioning why an experienced senior scientist was arrested without substantive evidence instead crafted multiple damaging narratives which destroyed a innocent man’s professional career. He was suspended, ostracized by colleagues, and stripped of professional credibility. It was later reported that India’s space program lost nearly two decades of progress in cryogenic technology due to this fabricated case. This shows that media not only destroyed a man’s life but also thwarted the development of the country by dramatizing this false narrative.

III. Existing Safeguards for media trials in India

The media thrives under the freedom of speech mentioned in the Indian constitution. This is the freedom that allows them to report their “opinion” on a key matter. There are a few safeguards that limit the actions of the media but they have proved to be not the most effective. The media trials this study has mentioned before have violated the following rights and laws: -

i. Violation of Article 21 – Right to Life and Personal Liberty

The prejudiced public opinions induced by media trails indirectly influence judges, investigators and witnesses. In Aarushi Talwar, excessive coverage destroyed the Talwars’ dignity and right to reputation (also under Article 21). In Nambi Narayanan, wrongful prosecution and media branding as a traitor violated dignity and liberty.

ii. Violation of Article 14 – Right to Equality before Law

iii. Violation of Article 19(1)(a) – Freedom of Speech & Expression (Balancing Issue)

iv. Contempt of Court (Articles 129 & 215; Contempt of Courts Act, 1971)

v. Presumption of Innocence (Article 21 + International Law)

Presumption of innocence is implicit in Article 21 and also protected under Article 14(2) of ICCPR, International Covenant on Civil and Political Rights of which India is a signatory.

As mentioned above in the two cases alone media violated a handful of laws but there was no action taken. This further proves the focus of this study, India is in dire need of laws to govern the influence of media on judicial proceedings.

IV. Laws And Regulations Implemented By Other Countries Regarding Media Trials:-

Countries	Laws and Regulations
United Kingdoms	It has an established Sub judice rule stating that the Media cannot publish anything that creates a “substantial risk of serious prejudice” once proceedings are active. It is • Regulated under the Contempt of Court Act, 1981. Journalists can face heavy fines or imprisonment for prejudicing trials. In Madeleine McCann disappearance case, tabloids faced libel suits for speculative reporting.

USA	The judges are provided with tools like, Gag orders restricting lawyers, police and media from commenting on ongoing cases. Sequestration of jury, isolating jurors from media influence. Change of venue, moving trial to a different state/city if media coverage prejudices local jurors. In the infamous OJ Simpson trial the judges imposed restrictions to balance media.
Canada	Courts can issue publication bans to protect the identity of accused, witnesses, or victims during ongoing trials.
European Union	Article 6 of the European Convention on Human Rights guarantees fair trial. Article 10 protects freedom of expression but it is subject to restrictions for maintaining authority and impartiality of the judiciary. The European Court of Human Rights (ECHR) has consistently ruled that freedom of press must yield if it threatens fair trial rights.

V. Reforms India can introduce: -

1. Strengthening Legal Safeguards

- Codification of Sub Judice Rule: Prohibit media from publishing speculative or prejudicial content while a case is still under trial
- Introduction of Statutory Guidelines for Reporting: implementation of legal framework on what can or cannot be reported before a judgment or during the trial.
- Expanding The Contempt of Courts Act, 1971: Explicitly including prejudicial reporting that interferes with “administration of justice.” This act should also include penalisation of any news by the media that involves false statements or exaggerated facts.
- Protection of the Right to Reputation (Article 21): Recognition of reputational harm from media trials as a violation of dignity and fair trial rights. This should also have serious consequences when violated.

2. Judicial Interventions Gag Orders & Publication Bans: -

- Allowing the courts to temporarily restrict media coverage in sensitive cases.
- Establishing special courts for speedy disposal of defamation cases against media reporting before the judgment or false reporting.
- Pre-Trial Media Guidelines by Courts: Supreme Court/High Courts should be able to issue case-specific do’s and don’ts for reporting.

3. Strengthening Media Regulation : -
 - Establishing a statutory body which is independent of government control and has the power to investigate complaints of media trials.
 - Improving the Press Council of India (PCI) by giving it binding powers to penalize channels/newspapers for trial by media as of now this body is restricted to advisory functions.
 - Introducing strict Penalties for Sensationalism like Monetary fines, suspension of licenses, or public apologies for prejudicial coverage.
4. Ethical Journalism & Accountability Mandatory Training:
 - Introducing Courses in media law, ethics, and contempt of court for journalists which covers legal matters.
 - Code of Conduct: Enforcing rules for reporting sub judice matters. Prohibiting re-enactments and character assassination.
 - Fact-Checking Protocols: Requiring the media to produce legitimate sources for the facts being reported
5. Technological & Social Media Regulation Regulate Social Media Amplification:-
 - Introduction of a Flagging Mechanisms where platforms must flag ongoing trials as “pending in court” to avoid prejudgment.
 - Penalize clickbait and false headlines by Introducing fines for spreading unverified or misleading trial-related news online.
6. Victim & Accused Protection Anonymity in Sensitive Cases:
 - Extend name/privacy protection not just to victims but also to accused until conviction.
 - State should provide counselling and legal aid for families unfairly targeted by media narratives.
 - Make it compulsory for media houses to give equal space/time for the accused’s version before publishing allegations.

Conclusion

This study analysed how media trials can distort truth, prejudice judicial processes, and damage lives irreparably by taking The Aarushi Talwar and Nambi Narayan case as examples. Media narratives thrive on sensationalism that attract TRP rather than facts, leading to the undermining the presumption of innocence. There is a need for a balance to be struck between press’ freedom of speech and individuals’ right to a fair trial.

There is a need to introduce these reforms and add to the existing reforms to ensure that truth is not lost in sensationalism.

BIBLIOGRAPHY

Articles-

[ISRO Scandal: The “Spy” Who Came in From the Cold](#)

[Justice for ISRO’s Nambi Narayanan - how fake ‘spy scandal’ ruined India’s interest](#)

[Media Trials: Establishing Guidelines to Balance Freedom of Press with Fair Trial.](#)

[Full text of CBI closure report on Aarushi Talwar murder case: Agency couldn't find evidence against culprits](#)

[India and the ICCPR: Navigating Commitments to Civil and Political Rights](#)

Research Papers-

[The Intersection Of Media Trials And Fair Trials Rights In India: A Legal Dilemma](#)

[Media trials in India: An unwritten carve-out to the right to privacy?](#)

[Media Trial And Its Implications Under Indian Laws](#)

[Trial by Media in India: P. Vasishtan & Samhitha Sharath Reddy](#)

[Media Trials In India: Walking The Fine Line Between Judicial Accountability And Sensationalism In The Digital Age](#)

[Media Trials In India: A Constitutional Perspective](#)

[A Critical Approach To Fundamental Validity Of Media Trials](#)

Cases-

Nupur Talwar v. CBI, (2012) 11 SCC 465 (India).

Rajesh Talwar & Another v. State of U.P., Criminal Appeal No. 680/2012, Allahabad High Court (India).

Nambi Narayanan v. Siby Mathews & Others, (2018) 10 SCC 804 (India).