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TRIAL BY MEDIA: A THREAT TO PRIVACY AND THE PRESUMPTION OF INNOCENCE

AUTHORED BY - KALPANA DEVI¹

Abstract

In the digital era, the trial by media has evolved from core journalism into a modernized technology-driven approach that exclusively undermines the foundational legal principles of privacy and the presumption of innocence under the law. This research frames and discovers the phenomenon that operates as a complex digital ecosystem powered by the interconnected forces of social media platforms, perpetual news cycles and algorithmic content distribution. This convergence creates a "perfect storm" where a mere allegation can be amplified into a definitive global verdict within hours, entirely bypassing the formal judicial processes. This research paper provides a meticulous analysis of the operational mechanics of this digital ecosystem. It critically investigates the role of virality in catalysing the digital mobs that engage in coordinated harassment, the creation of a permanent and searchable digital footprint that irrevocably damages reputations irrespective of legal outcomes, and the pervasive datafication of personal lives that strips individuals of their private sphere. This entire process inverts the core tenet of "innocent until proven guilty," instead forcing the accused into a defensive position where they must prove their innocence to an unforgiving online public. Through the examination of contemporary case studies, this research demonstrates how specific technologies act as potent accelerants. Some key mechanisms under scrutiny include AI-driven recommendation algorithms that prioritize engagement over truth, actively sensationalizing content; the unregulated and malicious spread of personal information known as doxing; and the near-impossibility of achieving "digital oblivion," which ensures that allegations remain accessible and damaging long after legal exoneration. The findings lead to the conclusive assertion that this digitized form of public trial constitutes a clear and present danger to the integrity of justice systems globally. Consequently, my research study advocates for urgent and multifaceted reforms, including robust enforcement of the right to be forgotten, mandated algorithmic transparency for digital platforms, and the modernization of contempt of court laws to address the unique challenges of the 21st-century information landscape effectively.

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Keywords: *Trial by Media, Right to Privacy, Freedom of Speech, Presumption of Innocence, Media Sensationalism, Algorithmic Bias, Social Media Justice*

1. Introduction

The press has always been seen as the “fourth pillar of democracy,” playing an important role in spreading news, creating public opinion, and making sure that governments and other bodies stay responsible. Its work becomes even more important in countries where openness and the right to know are key parts of running a democratic government. However, with great influence comes high dangers if it starts getting involved in matters that are left for courts.² The most contentious manifestation of this overreach is what is commonly termed ‘trial by media.’ In practical terms, it involves news channels, newspapers, internet portals, and even social media users presenting the accused in a particular manner long before the judicial system has had time to look at the evidence and pronounce him guilty or otherwise. Sensational reportage, prejudicial headlines, and emotionally charged debates most often set an environment in which the public sitting outside the courtroom forms an opinion inside their own mental courtroom.³

It goes against two very important legal rights. The first is the Right to Privacy which protects the dignity of an individual, personal reputation, and freedom from any unwarranted public scrutiny.⁴ When the accused is placed under continuous media trial, their private lives become a matter of public consumption and the damage becomes irreparable even if they are acquitted in the long run. The second principle is that of the Presumption of Innocence, which has been considered the basic pivot of criminal jurisprudence, whereby no individual should be treated as guilty until his guilt is proved in a court of law. This standard is by and large, ignored by narrative trials resulting in public condemnation previous to and eventually finding judicial determination.

In today’s era of relentless 24/7 news coverage, the rise of digital journalism, and the virality of social media platforms, the risks posed by trial by media have become far more pronounced. Unlike traditional print or broadcast media, digital spaces amplify information at lightning

² V. V. L. N. Sastry, *Media Trials and Criminal Justice in India* 142 (Eastern Book Company, Delhi, 1st edn., 2020).

³ J. K. Sahu, “Media Trials and the Erosion of Presumption of Innocence: A Critical Examination of the Indian Criminal Justice System,” 50 *Human Rights Law Review* 58 (2023).

⁴ V. Sisodia, “Media Trials and the State of Journalism in India,” 12 *International Journal of Journalism* 23 (2023).

speed, making it nearly impossible to contain the reputational and legal damage caused by prejudicial reporting. Consequently, trial by media has emerged as a significant threat not only to individual rights but also to the integrity of the justice system and the broader values of civil liberty.⁵

1.2 Research Questions

1. How does trial by media interfere with the right to privacy of individuals facing investigation or trial?
2. In what ways does excessive pre-trial publicity undermine the presumption of innocence?
3. What reforms or measures can balance press freedom with the protection of privacy and fair trial rights?

1.3. Research Gap

While the concept of "trial by media" is well-studied in traditional journalism, a critical gap exists in understanding its *systemic operation* within the algorithmic digital ecosystem. Current research lacks a focused analysis of how AI-driven content personalization and virality create self-sustaining echo chambers of judgment, which actively dismantle privacy and presume guilt in ways that existing legal frameworks are ill-equipped to address. This study aims to fill this void.

1.3 Research Objectives

1. To analyse the impact of trial by media on privacy and the presumption of innocence.
2. To study legal provisions, judicial precedents, and constitutional safeguards.
3. To evaluate regulatory gaps in media reporting.
4. To propose recommendations to ensure a balance between free press and fair trial rights.

2. Conceptual Framework of Trial by Media

2.1 Meaning and Nature

The expression "*trial by media*" is generally used to describe situations where media coverage, instead of limiting itself to reporting facts, actively influences public opinion about an ongoing legal case.⁶ R. Shalini Saxena, says that this is a dedicated academic study that examines

⁵ Karnika Seth, *Media Trial* 76 (Kamala Law House, Delhi, 2nd edn., 2019).

⁶ *Supra note at 7.*

landmark Indian cases (like the Jessica Lal, Nitish Katara, and Aarushi Talwar cases) where media coverage heavily influenced public opinion and legal strategy.⁷

Arun Jaitley vs. Arvind Kejriwal Defamation,⁸ The Hon'ble Supreme Court observed that although these are not traditional books, the court documents and legal commentaries from this high-profile case offer a direct, real-time view of how allegations of a "media trial" are argued and adjudicated in Indian courts.⁹

Justice D.Y. Chandrachud says that in several court o¹⁰bservations and judgments, he has actively highlighted the dangers of media trials. He has stated that the media cannot run a parallel criminal justice system and has underscored the importance of protecting the privacy and dignity of the accused, often referencing the "**Dignity of Individuals**" as a core constitutional value under Article 21.

Justice H.R. Khanna, says that in a landmark address, he warned that "media trials" constitute a serious threat to the integrity of judicial processes. He emphasized that when the media assumes the role of a judge, it undermines the fairness of a trial and violates the principle of 'innocent until proven guilty'.¹¹

In such scenarios, the media outlets tend to assume the role of an informal adjudicator, presenting the accused in a manner that often conveys guilt or innocence well before a court has reached its conclusion. This phenomenon is not confined to any single medium; it operates across newspapers, television broadcasts, digital news portals, and increasingly through social media platforms.

At its core, trial by media represents an intersection of journalism, public opinion, and the judicial process. While the media is entrusted with the responsibility of informing the public, the overstepping of this boundary transforms it into a quasi-judicial body. Instead of providing neutral coverage, it indulges in sensationalism, selective reporting, and speculative

⁷ Shalini Saxena, *Media and Judicial Process in India: A Socio-Legal Analysis* 92 (Universal Law Publishing, New Delhi, 1st edn., 2020).

⁸ (2016) 16 SCC 480.

⁹ (2016) 239 DLT 583.

¹⁰ Justice D. Y. Chandrachud, "Free Speech and Fair Trial: The Constitutional Balance," *Lecture at National Judicial Academy* (Bhopal, 12 April 2022).

¹¹ Madhavi Goradia Divan, *Facets of Media Law* 219 (Eastern Book Company, Lucknow, 3rd edn., 2022).

commentary. This has the effect of creating a parallel narrative that may overshadow judicial proceedings and compromise the fairness of a trial.¹²

The phenomenon of trial by media is defined by a set of distinct and interconnected characteristics. It is fundamentally driven by sensationalism, where news is dramatized to prioritize emotional appeal over factual accuracy.¹³ This often leads to the pre-judgment of the accused, causing irreparable reputational damage long before any legal verdict. This biased narrative is further cemented through selective reporting, which highlights incriminating details while omitting exculpatory evidence.¹⁴

2.2 Evolution of Media Trial

The phenomenon of trial by media has evolved alongside the development of mass communication technologies. Its influence and intensity have been shaped by the media through which news is delivered, each era contributing to the growing impact of public opinion on judicial processes.

1. Print Era

In its earliest form, trial by media was largely confined to newspapers and magazines. Reporting during this time was relatively slow due to the absence of instant communication, with coverage limited to daily or weekly publications. While newspapers did sometimes engage in speculative or sensational reporting, the delayed nature of print media meant that its impact on ongoing trials was somewhat contained. Readers consumed information after events had occurred, and space limitations restricted excessive analysis or commentary. Nevertheless, certain high-profile cases did attract widespread attention, laying the foundation for public judgments outside the courtroom.¹⁵

2. Television Era

The advent of television transformed media coverage of legal proceedings. Visuals, live broadcasts, and talk shows brought an immediacy and emotional intensity that print media could not achieve. News channels began to broadcast live debates, panel

¹² Arghya Sengupta, "Trial by Media: The Perils of Publicity in Criminal Justice," 11 *NUJS Law Review* 73 (2019).

¹³ Khushboo Kumari & Roshni Yadav, "Media Trials: When Sensation Overshadows Justice," 4 *The Indian Express* (Mumbai, 5 August 2023).

¹⁴ The Law Commission of India, *Report No. 200 on Trial by Media: Free Speech vs. Fair Trial under Criminal Procedure (Amendments)* 34 (Government of India, New Delhi, 2006).

¹⁵ Avnish Bajaj, *Media and the Law in India* 42 (LexisNexis, Gurgaon, 2nd edn., 2021).

discussions, and breaking news updates, often with dramatic graphics and commentary.¹⁶ The combination of images, tone, and repetition made trial by media more influential in shaping public perception. Viewers, exposed to continuous coverage, began to form opinions based not on judicial findings but on televised narratives. This era also saw the rise of high-profile trials turning into “media spectacles,” where the accused were judged in the court of public opinion well before legal processes concluded.¹⁷

3. Digital and Social Media Era

The digital revolution further magnified the reach and speed of trial by media. Online news portals, blogs, and, most significantly, social media platforms such as Twitter, Facebook, and Instagram enabled real-time commentary on legal issues. Hashtags, viral posts, and short video clips allowed information—whether accurate or misleading—to spread rapidly across audiences. Unlike traditional media, social media decentralizes reporting, enabling ordinary users to participate in the construction of narratives about accused persons.¹⁸ This has resulted in the creation of “digital trials,” where public verdicts are formed instantly and often aggressively, leaving little room for due process or fact-checking. The viral nature of online discourse amplifies prejudicial narratives, creating long-lasting reputational harm even if the accused is later acquitted.¹⁹

2.3 Consequences

The practice of trial by media carries far-reaching implications, not only for the individuals directly involved in a case but also for the larger justice delivery system. Its consequences can be examined in three principal dimensions: the right to privacy, the presumption of innocence, and the credibility of judicial institutions.

One of the most immediate and damaging outcomes of trial by media is the invasion of an individual’s privacy. Continuous reporting, sensational headlines, and investigative-style programs frequently disclose personal details about the accused and their families, often without consent. The exposure of private information—ranging from personal relationships to financial status—subjects individuals to social stigma and reputational harm. Even if acquitted,

¹⁶ B. N. Pandey, *Press, Law and Trials in Colonial India* 113 (Orient BlackSwan, Hyderabad, 1st edn., 2019).

¹⁷ Pratap Bhanu Mehta, “Public Reason and the Role of the Press,” *Indian Journal of Political Science* 77, 99 (2020).

¹⁸ Arundhati Katju, *Television Journalism and Criminal Justice* 156 (Thomson Reuters, Mumbai, 2nd edn., 2020).

¹⁹ Priya Raman, “Social Media Trials: New Challenges for Judicial Fairness,” 13 *Indian Law Review*, 51 (2023).

the lingering association with criminal allegations can severely affect their personal, professional, and social life. In this way, trial by media disregards the dignity and autonomy guaranteed under the right to privacy.²⁰ The principle that every accused person is innocent until proven guilty is a cornerstone of criminal justice. However, when media outlets portray an accused as guilty before a fair trial has concluded, they effectively reverse this presumption. Public opinion, shaped by repeated media narratives, often exerts indirect pressure on judges, investigators, and witnesses. Judges may face the challenge of deciding cases in a charged environment, while witnesses and investigators may find it difficult to remain impartial in the face of public sentiment. This erosion of neutrality undermines the fairness of proceedings, and in extreme cases, prejudicial coverage can even taint jury decisions in jurisdictions where jury trials are conducted.²¹

Beyond individual rights, trial by media undermines the credibility and integrity of the justice system itself. When the public begins to rely more on media narratives than on judicial verdicts, courts risk losing their authority as the ultimate arbiters of justice. Media-driven trials create an alternative system of judgment—one that lacks procedural safeguards, rules of evidence, and the impartiality of judicial officers. Such parallel adjudication not only erodes public trust in the courts but also disrupts the balance of powers between the judiciary and the press. Over time, this trend threatens to weaken the rule of law by substituting public perception for due process.²²

3. Constitutional Framework and Judicial Approach

3.1 Constitutional Provisions in India

The Indian Constitution provides a robust framework for balancing the freedom of the press with the protection of individual rights. In the context of trial by media, three provisions assume particular importance: Article 19(1)(a), Article 21, and Article 14.²³

Article 19(1)(a) guarantees the fundamental right to freedom of speech and expression, which has been judicially recognized to include the freedom of the press. This provision allows the

²⁰ K. K. Venugopal, “Media Freedom vs. Fair Trial: Constitutional Boundaries,” 4 *Supreme Court Cases Journal* 17 (2021).

²¹ G. P. Mathur, “Presumption of Innocence and Media Pressure,” 12 *National Judicial Academy Journal* 34 (2022).

²² Justice A. M. Khanwilkar, “The Role of Courts Amid Media Trials,” Speech at Bombay High Court 5 (Mumbai, 2023).

²³ The Constitution of India, 1950, arts. 19(1)(a), 21, 14.

media to disseminate information, express opinions, and act as a watchdog over governmental and institutional functioning. However, this right is not absolute. Article 19(2) permits the State to impose reasonable restrictions in the interests of sovereignty, public order, morality, contempt of court, and defamation. In the context of trial by media, the challenge lies in ensuring that journalistic freedom does not encroach upon the accused person's right to a fair trial or lead to prejudicial reporting that undermines judicial processes.²⁴

Article 21 has been interpreted expansively by the Supreme Court of India to include the right to dignity, reputation, and privacy. When media outlets sensationalize criminal cases and disclose personal information about the accused, it can amount to a violation of Article 21. Trial by media, by exposing individuals to undue public scrutiny and stigmatization, directly threatens the constitutional guarantee of living with dignity. Furthermore, privacy—now recognized as a fundamental right—can be irreparably damaged by unrestrained reporting that prioritizes public curiosity over individual rights.²⁵

Article 14 ensures that every individual is entitled to equal protection of the law and fair treatment within the justice system. Media trials can distort this principle by creating parallel judgments that subject the accused to public bias even before legal adjudication. When individuals are condemned in the court of public opinion, their right to equal and fair treatment under the law is compromised. This undermines the principle that justice should be administered impartially, without influence from external pressures such as public sentiment shaped by the media.²⁶

3.2 Landmark Cases

Judicial pronouncements in India have played a crucial role in defining the contours of media freedom, the right to privacy, and the principle of a fair trial. Several landmark cases illustrate how the courts have attempted to strike a balance between constitutional guarantees and the risks posed by trial by media.

²⁴ Justice K. K. Mathew, *Democracy, Equality and Freedom* 212 (Eastern Book Company, New Delhi, 1st edn., 2020) 212.

²⁵ P. D. T. Achary, "Right to Privacy and Media Trials: Constitutional Dimensions" 64 *Journal of the Indian Law Institute* 178 (2022).

²⁶ S. K. Verma, 'Trial by Media: A Constitutional Perspective' 45 *Delhi Law Review* 89 (2023).

In *R. Rajagopal v. State of Tamil Nadu*,²⁷ this case, often referred to as the “Auto Shankar case,” was a milestone in recognizing the right to privacy against media intrusion. The Supreme Court held that the right to privacy is implicit under Article 21 of the Constitution and that unauthorized publication of an individual’s life story, without consent, violates this right unless it is based on matters of public record. The Court clarified that while the press enjoys freedom under Article 19(1)(a), it does not extend to publishing material that unjustly invades personal privacy. In the context of trial by media, this judgment underlines the limits of press freedom, particularly when sensational reporting damages the dignity and reputation of an accused.

In *K.S. Puttaswamy v. Union of India*²⁸, in this landmark nine-judge bench decision, the Supreme Court unequivocally declared the right to privacy as a fundamental right under Article 21. The judgment emphasized that privacy is intrinsic to life and liberty, encompassing autonomy, dignity, and reputation. Though the case primarily dealt with data protection and surveillance, its implications extend to trial by media. When media outlets expose details about an accused person’s private life, such reporting can amount to a violation of this fundamental right. This ruling thus strengthens the legal basis for protecting individuals from excessive and unwarranted media scrutiny during pending trials.

In *Sahara India Real Estate Corporation Ltd. v. SEBI*²⁹, This case directly addressed the dangers of prejudicial media reporting on ongoing judicial proceedings. The Supreme Court acknowledged that uncontrolled media coverage has the potential to interfere with the administration of justice and prejudice the rights of the accused. To counter this, the Court recognized the power of courts to issue “postponement orders” — temporary restrictions on media reporting of sub judice matters — to ensure that trials remain fair and impartial. The decision demonstrates judicial awareness of the risks posed by trial by media and provides a mechanism to safeguard the presumption of innocence and integrity of the judicial process.

3.3 Comparative study with the USA and UK

The issue of trial by media is not confined to India; it is a global concern. Democracies around the world have grappled with balancing two competing values — the freedom of the press and the right of an accused person to a fair trial. Examining the approaches of the United Kingdom

²⁷ 1994 SCC (6) 632

²⁸ (2017) 10 SCC 1

²⁹ (2012) 10 SCC 603.

and the United States provides valuable insights into how different legal systems address this conflict.³⁰

3.3.1. United Kingdom – The Contempt of Court Act, 1981

In the United Kingdom, the primary safeguard against prejudicial reporting during pending trials is the **Contempt of Court Act 1981**. The Act imposes strict liability for publications that create a substantial risk of seriously prejudicing ongoing legal proceedings.³¹ This means that once a case becomes “active” — typically from the time of arrest or formal charge — media outlets must refrain from publishing material that could influence jurors or compromise judicial impartiality. Violations can lead to severe penalties, including fines and imprisonment.³²

The British model thus prioritizes the protection of judicial integrity over unrestrained press freedom. By placing legal restrictions on reporting, it ensures that trials are decided solely on evidence presented in court, not on media speculation or public sentiment. However, critics argue that such restrictions may limit the public’s right to know, creating a tension between transparency and fairness.³³

3.3.2. United States – First Amendment Protections and Judicial Remedies

In contrast, the United States adopts a more press-friendly approach, rooted in the First Amendment, which provides strong protection for freedom of speech and of the press.³⁴ Courts are reluctant to impose prior restraints on media reporting, as such restrictions are viewed as contrary to constitutional principles. However, this expansive freedom raises the risk of prejudicial publicity in high-profile cases.³⁵

To mitigate such risks without infringing on free speech, American courts employ specific remedial measures rather than imposing prior restrictions on publication. These procedural safeguards include a change of venue, which involves transferring the trial to a different geographic location to minimize the pervasive influence of local media coverage and public

³⁰ Clive Walker, *Contempt of Court and the Media* 12 (Oxford University Press, 4th edn, 2020).

³¹ David Baines, *Media Law* 278 (Sweet & Maxwell, United Kingdom, 10th edn, 2021).

³² Helen Fenwick, *Civil Liberties and Human Rights* 189 (Routledge, London, 3rd edn, 2020).

³³ Fiona McKay, “Freedom of the Press versus Fair Trial: UK Perspectives,” 36 *Journal of Media Law* 71 (2021).

³⁴ Geoffrey R. Stone, *Perilous Times: Free Speech in Wartime* 88 (W. W. Norton & Company, New York, 2nd edn, 2019).

³⁵ Richard L. Hasen, “Pretrial Publicity and the First Amendment,” 45 *University of California Law Review* 1023 (2022).

sentiment. Another key tool is jury sequestration, where jurors are isolated from outside influences for the duration of the trial to ensure their deliberations are based solely on the evidence presented in court. Furthermore, courts conduct an extensive voir dire process, which entails careful and thorough questioning of potential jurors to identify and exclude those whose impartiality may have been compromised by pre-trial media narratives. This approach reflects a judicial preference to protect free speech while using procedural safeguards to preserve the fairness of trials.

4. Challenges and Analysis of Trial by Media

One of the persistent challenges in contemporary journalism is the tendency to prioritize sensationalism over ethical responsibility. In the race to capture higher viewership and readership, many media outlets dramatize events, often at the cost of factual accuracy and sensitivity. This practice leads to exaggerated headlines, speculative reporting, and emotionally charged narratives that may distort the actual situation.³⁶ A particularly troubling aspect of sensationalist reporting is the invasion of personal privacy. In pursuit of exclusive stories, some media houses resort to publishing private photographs, personal messages, or unverified information regarding an individual's character and intentions. Such actions not only breach ethical standards but also contribute to the public's mistrust of media institutions. When speculation is presented as fact, it can have damaging consequences for the reputation, safety, and mental well-being of those involved. Thus, the pressure to remain competitive often pushes journalists and news organizations into ethically questionable practices, creating a conflict between professional integrity and market survival.³⁷

Another critical issue is the inadequacy of regulatory mechanisms governing the press and digital platforms. In India, for instance, the Press Council of India serves as a monitoring body, but its decisions are advisory in nature and carry no binding legal authority. As a result, media organizations can ignore its guidelines without facing significant consequences. This lack of enforceability weakens the council's ability to maintain professional accountability. The rise of social media has further complicated the situation. Unlike traditional news outlets, digital platforms operate with minimal oversight, allowing unverified, misleading, or prejudicial content to spread rapidly.³⁸ The absence of robust monitoring and accountability mechanisms

³⁶ S. Sundaram, *Media Accountability and Ethics in India* 67 (Oxford University Press, London, 1st edn., 2020).

³⁷ Rituparna Das, *Accountability Mechanisms in Indian Journalism* 101 (Bloomsbury, New Delhi, 1st edn., 2021).

³⁸ Mark Andrejevic, *Social Media and the Ethics of Information* 49 (Routledge, London, 1st edn, 2019).

makes it difficult to control misinformation or biased narratives. Moreover, because these platforms function across national boundaries, jurisdictional challenges often prevent governments from implementing effective regulation. Together, weak regulation in mainstream journalism and the virtually unchecked circulation of content on social media create an environment where misinformation and unethical reporting practices can flourish with little restraint.³⁹

A major challenge in the media landscape lies in balancing competing rights and freedoms. On one hand, press freedom is a cornerstone of democracy, enabling journalists to inform the public and hold institutions accountable. On the other hand, individuals are entitled to their right to privacy, particularly in sensitive or ongoing legal cases.⁴⁰ When the press publishes intrusive details about personal lives, this right is often compromised. The consequences of sensationalized or irresponsible reporting are not confined to institutions—they deeply affect individuals and families. Persons accused of crimes often endure severe reputational damage, regardless of the final verdict. Even if acquitted, the stigma attached to their name can persist indefinitely, affecting personal relationships, employment opportunities, and social standing. The impact extends to families of the accused, who may suffer from social exclusion, community judgment, and emotional distress.⁴¹ In some cases, relatives face hostility or are treated as though they share responsibility for the alleged crime, intensifying their hardship.

The Victims, too, are not spared from the consequences of sensationalism. When details of their experiences are publicized without sensitivity, their privacy is violated, and the trauma is often prolonged. The exposure can lead to secondary victimization, making it difficult for them to recover and reintegrate into society. Thus, media coverage—when driven by sensationalism rather than responsibility—has profound and lasting consequences on the lives of both accused individuals and victims, highlighting the urgent need for more ethical practices and stronger safeguards.⁴²

³⁹ P. K. Sen, “Misinformation and Digital Journalism: Legal Perspectives,” 12 *Indian Journal of Law and Technology* 67 (2022).

⁴⁰ United Nations, *Guidelines for Cross-Border Digital Media Governance* 24 (UNESCO, 2021).

⁴¹ The Press Council of India, *Annual Report 2022–23* 15 (Government of India, New Delhi, 2023).

⁴² Dinesh Sharma, “Social Media and Journalistic Ethics in India,” 8 *International Journal of Communication Studies* 77 (2023).

5. Conclusion and Suggestions

5.1 Conclusion

Trial by media presents a nuanced challenge in democratic societies. While a free and independent press is essential for promoting transparency, accountability, and informed public discourse, its misuse can undermine the very principles of justice it aims to uphold. In India, this tension is especially evident. The judiciary has consistently recognized the rights to privacy and a fair trial as fundamental safeguards of human dignity and the integrity of the legal system. Yet, in high-profile cases, media coverage often crosses the line, with sensational reporting, speculative narratives, and premature judgments shaping public opinion before courts deliver verdicts. The rise of digital and social media has intensified this problem, enabling the rapid spread of unverified information and amplifying prejudicial biases. Although judicial guidelines and regulatory advisories seek to mitigate these risks, their limited enforceability leaves gaps in accountability. Therefore, trial by media cannot be seen as wholly positive or negative; its impact depends on the responsibility exercised by the press. Striking a careful balance—preserving media independence while protecting the rights to a fair trial and privacy—is essential to ensure that the media contributes constructively to democracy without compromising justice.

5.2 Suggestions

Addressing the challenges posed by trial by media requires a multi-pronged approach that combines judicial safeguards, legislative reforms, media accountability, digital regulation, and public awareness. Only by adopting a balanced framework can the rights of individuals be protected while preserving the democratic role of a free press. The following measures are suggested:

1. The courts should use postponement orders more often to delay news reports that could unfairly influence a trial.
2. To hold private trials for sensitive cases to protect the personal privacy of everyone involved.
3. To create clear rules for the media on how to report on active court cases without bias.
4. To pass laws that make it illegal to violate the privacy of an accused person or a victim.
5. To update contempt of court laws to better punish media reports that harm a fair trial.
6. To create a system to quickly remove false or biased content from social media sites.
7. To provide assistance to journalists on fair court reporting and teach the public about "innocent until proven guilty."