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# **MEDIA TRIALS AND ETHICAL ACCOUNTABILITY: AN ANALYSIS OF UNREGULATED MEDIA COVERAGE IN HIGH-PROFILE ATUL SUBHASH SUICIDE CASES AND ITS CONSTITUTIONAL IMPLICATIONS**

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## **ABSTRACT**

The suicide of software engineer Atul Subhash in Bengaluru on 9 Dec 2024 led to widespread media attention, sparking discussions about journalistic ethics, constitutional protections and the balance between press freedom and judicial fairness in India. This study looks into the legal and ethical issues in how the media reported the Subhash case, focusing on breaches of constitutional rules, legal frameworks and professional guidelines, especially the conflict between Article 19(1)(a) and Article 19(2). The study also explores legal principles by examining the Contempt of Courts Act, 1971, Bharatiya Nyaya Sanhita, 2023, Press Council of India guidelines, WHO suicide reporting standards and Sahara India Real Estate Corp Ltd v SEBI, 2012) case. By analysing major media outlets, the study reveals patterns of sensationalism, biased reporting and ethical lapses. These include criminal contempt through biased reporting that interferes with judicial duties, defamation through unverified corruption claims against judicial officers, potential incitement of gender-based hatred that violates Sec 196(1), commercialisation of tragedy driven by TRP, misrepresentation of Sec 498A IPC data and violations of suicide reporting protocols, which could spread the risk of suicide. Media trials created significant prejudice to fair trial rights, and the judicial system's reluctance to enforce postponement orders allowed harm to continue unchecked. This case highlights systemic problems in media self-regulation, which need to be addressed with comprehensive reforms. These reforms could include empowering the Press Council of India with quasi-judicial authority and financial penalties, standardising judicial postponement orders with digital media jurisdiction, requiring mandatory ethics certification for journalists and overhauling journalism curricula. Without accountability, media freedom without limits undermines constitutional justice and public well-being, so immediate legislative and institutional changes are needed.

**Keywords:**

Media trials; contempt of court; press freedom; judicial prejudice; suicide reporting ethics

## I. Introduction

On 9 Dec 2024, the suicide of 34 years old software engineer Atul Subhash in Bengaluru quickly escalated from a personal tragedy into a national controversy. This was largely due to the unregulated media coverage.<sup>1</sup> Before his death Subhash left a detailed 24 pages suicide note and an 81 minutes video. The video contained severe allegations against his wife Nikita Singhanian, her immediate family and Family Court Judge Rita Kaushik in Jaunpur, UP.<sup>2</sup> The couple had married in 2019 and had been living separately for three years. They were engaged in a divorce and custody dispute over their four years old son. the accusations made by Subhash were emotional harassment and demands for financial extortion exceeding Rs 30 million during divorce settlement negotiations. He also made allegations regarding the misuse of Sec 498A of the IPC, judicial bias and corruption.

This event sparked a nationwide discussion about how gender-specific protective laws are sometimes misused and the systemic challenges men encounter in divorce cases.<sup>3</sup> The media played a significant role in spreading this story, sometimes crossing legal and ethical lines. For instance, they reported in major English newspapers, channels and even local media with headlines like 'Misuse of Dowry Law Who is Responsible for Husband's Death?' This paper looks at how media reporting might not be following the rules, such as constitutional protections, laws against contempt and incitement and professional guidelines about being sensitive and fair. The main issue is figuring out how to balance the freedom of the press under Article 19(1)(a) of the Indian Constitution with the reasonable limits given under Article 19(2) to protect the judiciary, keep the public safe and ensure everyone gets a fair trial under Article 21.

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<sup>1</sup> BBC News, 'A man's suicide leads to clamour around India's dowry law' (22 December 2024) <<https://www.bbc.com/news/articles/c33d616173yo>> accessed 12 October 2025.

<sup>2</sup> Times of India, 'Atul Subhash: 24-page suicide note and a letter titled... goes missing from the Google Drive shared by the Bengaluru techie before his death' (16 December 2024) <<https://timesofindia.indiatimes.com/technology/tech-news/24-page-suicide-note-and-a-letter-titled-goes-missing-from-the-google-drive-shared-by-the-bengaluru-techie-before-his-death/articleshow/116337441.cms>> accessed 12 October 2025.

<sup>3</sup> South China Morning Post, 'Atul Subhash's suicide sparks gender-bias accusations in India's family courts' (20 December 2024) <<https://www.scmp.com/week-asia/people/article/3290123/atul-subhashs-suicide-sparks-gender-bias-accusations-indias-family-courts>> accessed 12 October 2025.

## II. Constitution, Statutory Provisions and Guidelines Governing Sensitive Legal Reporting

In India, media conduct is guided by a set of rules that both protect rights and require certain actions. However, the issues seen in the Subhash case show a significant lack of following these basic rules.

### 2.1 Constitutional Provisions

The constitution gives media freedom, but it also has some limits. Article 19(1)(a) says we can say what we want, and Article 19(2) lets the government put some limits on this freedom if it is for public order, decency, morality, defamation or, most importantly, contempt of court. Reporting that could harm someone's reputation when they are still in court is considered disrespecting the court, because too much attention can mess up the fairness of the trial.

Also, Article 21 protects our basic right to life and personal freedom, which includes the right to a fair trial. Sadly, 'media trials' outside of court can really hurt this right. To make sure justice is fair, Articles 129 and 215 give the Supreme Court and High Courts the inherent power to punish anyone who breaks the law.<sup>4</sup> They are the courts that keep records and have the power to do this. This power is really important for keeping justice fair and free from outside interference.

### 2.2 Statutory Limitations

The media's coverage of the Subhash case touched on several legal rules.

The Contempt of Courts Act 1971, particularly Section 2(c), says that criminal contempt is any publication that makes things difficult for the courts or messes with how justice is served. When the media looked at the suicide note and video as the final word on guilt and pushed for arrests and court action right away, they were stepping on the court's toes, which could lead to criminal contempt.

Additionally, the unverified claims of corruption against Family Court Judge Rita Kaushik put the media in a tricky spot under the Sections 499-500 IPC (now Section 356 of the Bharatiya Nyaya Sanhita, 2023) which covers defamation. This shows how serious it is to report on

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<sup>4</sup> EMS Namboodiripad v T N Nambiar AIR 1970 SC 2015.

important people without checking the facts.

Plus, the way the media presented the tragedy as a ‘men vs women’ fight and an attack on all women using protective laws might have crossed Section 153A IPC (now Section 196(1) of the Bharatiya Nyaya Sanhita, 2023), which stops people from stirring up trouble between groups.

### 2.3 Ethical and Professional Mandates

Beyond statutory law, professional mandates were systematically ignored.

The Press Council of India (PCI) Guidelines are quite clear: they do not allow for the manipulation of facts to make a story more exciting, and they also have specific rules for reporting on suicide. However, the frequent use of dramatic quotes from the note, like ‘This ATM has been closed permanently’ and unverified guesses (such as NDTV’s focus on ‘Files Missing From Atul Subhash’s Google Drive?’), went against these guidelines because they were trying to sensationalise the story.<sup>5</sup>

The World Health Organisation (WHO) Suicide Reporting Guidelines require avoiding graphic details, prominence and sensationalism and mandating the provision of mental health helplines all of which were often overlooked in the rush for engagement.<sup>6</sup>

Furthermore, the Ministry of Information & Broadcasting (MIB) Programme Code (Rule 6 of the Cable Television Networks Rules 1994) prohibits content that is offensive to good taste. The airing of explicit details of the marital dispute constituted a violation of this code and an intrusion into the family’s privacy a facet of their Article 21 rights.<sup>7</sup>

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<sup>5</sup> NDTV, 'Files Missing From Atul Subhash's Google Drive? A Massive Cover-Up Charge' (15 December 2024) <<https://www.ndtv.com/india-news/atul-subhash-nikita-singhania-bengaluru-techie-suicide-files-missing-from-atul-subhashs-google-drive-a-massive-cover-up-charge-7252728>> accessed 12 October 2025.

<sup>6</sup> World Health Organization, 'Quick Reference Guide: Responsible Reporting on Suicide (2023)' <[https://cdn.who.int/media/docs/default-source/mental-health/suicide/responsible-reporting-on-suicide.pdf?sfvrsn=d92532d4\\_1](https://cdn.who.int/media/docs/default-source/mental-health/suicide/responsible-reporting-on-suicide.pdf?sfvrsn=d92532d4_1)> accessed 12 October 2025.

<sup>7</sup> Justice K S Puttaswamy v Union of India (2017) 10 SCC 1.

**Legal and Ethical Breaches**

Violation Type	Applicable Law/Guideline	Illustrative Media Action	Constitutional Nexus
Media Trial/Prejudice	Contempt of Courts Act,1971	Analyzing video/note as definitive proof of ‘abetment to suicide’	Article 21 (fair trial)
Polarization/Incitement	IPC Sec 153A(BNS 196(1))	Framing case as universal attack on men’s rights/gender laws	Article 19(2) (Public Order)
Sensitivity Failure	WHO/PCI Suicide Guidelines	Repeated graphic detail dissemination; no mental health helpline	Public Health/Ethical Duty
Defamation	IPC 499-500 (BNS 356)	Publishing unverified corruption charges against Judge Kaushik	Article 21 (Right to Reputation)

**III. Sensationalism, Polarization and Misuse of Data**

The media’s approach to the subhash tragedy was characterised by sensationalism- the deliberate amplification of dramatic and emotional elements, largely driven by commercial imperatives. Legally, sensationalism is not explicitly criminalised but is regulated through self-governing bodies such as the PCI and court oversight. It encompasses practices like

- exaggerated headlines,
- unverified claims and
- emotional appeals that prioritise engagement over truth.<sup>8</sup>

**3.1 The Commercialisation of Tragedy: Clickbait and TRP-Driven Narratives**

<sup>8</sup> PCI Guidelines (n 19).

The quest for high Television Rating Points (TRP) turned the event into a nationwide show.<sup>9</sup> Media outlets used attention-grabbing headlines and bold language to get more people watching.<sup>10</sup> The coverage often looked like it was trying to get people to agree with certain ideas, with the same parts being shown over and over again and hashtags like #JusticeForAtulSubhash being used.<sup>11</sup> This mix of news and activism made it hard to tell what was right and wrong, showing that a business model was being used where being ethical in journalism was not as important as making money. Live debates and special shows (like X's 'LIVE: Justice For Atul Subhash: A Tragic Suicide') were made to entertain, turning the sadness and arguments into something to sell.

### 3.2 Gender Polarisation and Incitement

The core legal dispute over a marital dissolution was generalised into a national gender war. Headlines framed the case as a systemic critique of women's Bengaluru Techie Atul Subhash's Life and Death protective laws, leading to a "clamour around India's dowry law" (BBC) and sparking "gender bias accusations in India's family courts" (South China Morning Post). Vernacular media amplified this polarisation with headlines such as Dahej Kanoon Ka Durupyog, Pati Ki Maut Ke Zimmedar Kaun?

The sensationalism was further fuelled by reports emphasising the intimate custody conflict and the husband's financial difficulties. News reports, amplifying the claims of Subhash's father Pawan Modi, highlighted the emotional assertion that Nikita had prevented his four-year-old grandson from meeting his grandfather. This was made into headlines such as "Family Will Die By Suicide If...": Atul Subhash's Father On Grandson's Custody" (NDTV, 24 Dec 2024). Subhash was reportedly denied visitation rights to his son unless he complied with financial demands. This emotional framing transformed the custody battle into a public spectacle minimising the legal complexities. This selective framing and headline choices turned a private tragedy into a broad societal debate fostering enmity and potentially meeting the legal definition for promoting enmity between groups (BNS 196(1)). Societal fault lines were exploited solely to boost engagement leading to a polarised public view.

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<sup>9</sup> Prasar Bharati (Broadcasting Corporation of India) Act 1990, s 12 (TRP regulation context).

<sup>10</sup> Times of India, 'Atul Subhash suicide case: Father of techie questions bail to wife, in-laws; raises concern for "missing grandson" (5 January 2025) <<https://timesofindia.indiatimes.com/city/bengaluru/atul-subhash-suicide-case-father-of-techie-questions-bail-to-wife-in-laws-raises-concern-for-missing-grandson/articleshow/116960612.cms>> accessed 12 October 2025.

<sup>11</sup> X (formerly Twitter), '#JusticeForAtulSubhash' (trending 10-20 December 2024) <[https://x.com/search?q=%23JusticeForAtulSubhash&src=typed\\_query&f-live](https://x.com/search?q=%23JusticeForAtulSubhash&src=typed_query&f-live)> accessed 12 October 2025.

### 3.3 Exploitation of Graphic Elements

Media outlets exploited graphic details from Subhash's note, quoting phrases such as "This ATM has been closed permanently." This sensationalism was evident in headlines like "This ATM is closed forever: The family's pain in Atul's suicide note" which violated PCI guidelines against graphic repetition.<sup>12</sup>

Further contributing to the sensationalism was the widespread focus on the specifics of the divorce dispute, including the alleged 3 crore financial demand for settlement, with headlines such as the Times of India's: "Atul Subhash Suicide: Bengaluru AI Engineer suicide allegedly over in-laws' Rs 3 crore demand sparks outrage" and NDTV's reporting that Subhash died by suicide over alleged "torture and demand of Rs 3 crore by his wife Nikita Singhania for divorce settlement".<sup>13</sup> The private life of the estranged couple was publicly dissected, with headlines such as the Times of India's "Bengaluru executive suicide: Atul Subhash's wife Nikita Singhania was living as paying guest in Gurgaon"(Dec 15, 2024) exposing intimate and irrelevant details of the wife's living situation after their separation.

Moreover, serious, but unverified, allegations of judicial corruption against Judge Reeta Kaushik were widely published. Headlines like Zee News's "Casualty of System: Techie Atul Subhash dies by suicide after years of harassment by wife Family Court; Netizens react" immediately framed the system as guilty."<sup>14</sup> Subhash claimed in his note that the judge asked for Rs. 5 lakh bribe and "taunting him into committing suicide" when he refused. Despite the gravity of the corruption allegations, a glaring omission noted in reporting was the initial lack of an FIR against the judge.

A significant failure also lay in the media's systematic misrepresentation of empirical legal data. Media narratives emphasised the anecdotal misuse of Section 498A while consistently ignoring official statistics. National Crime Records Bureau (NCRB) data reveals that while approximately 140,000 cases are registered annually under Section 498A only 4.8% were

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<sup>13</sup> Times of India, 'Tragic suicide of executive allegedly linked to 3 crore demand from in-laws ignites outrage' (Bengaluru, 11 December 2024) <<https://timesofindia.indiatimes.com/city/bengaluru/tragic-suicide-of-executive-allegedly-linked-to-3-crore-demand-from-in-laws-ignites-outrage/articleshow/116184453.cms>> accessed 12 October 2025.

<sup>14</sup> Zee News, 'Casualty of System: Techie Atul Subhash dies by suicide after years of harassment by wife, Family Court; Netizens react' (12 December 2024) <<https://zeenews.india.com/technology/casualty-of-system-techie-atul-subhash-dies-by-suicide-after-years-of-harassment-by-wife-family-court-netizens-react-2830041.html>> accessed 12 October 2025.

proven false upon investigation. This manufactured data deficit risks putting pressure on the legislature and judiciary to weaken gender-protective legislation based on sensationalism rather than empirical necessity and the genuine needs of vulnerable women thereby threatening policy erosion.

#### **IV. Media Trials and the Prejudicing of Judicial Proceedings**

Media trials occur when journalism preempts judicial functions by asserting guilt before due process is complete, thereby creating a substantial risk of prejudice to the fair trial rights guaranteed under Article 21.

##### **4.1 Definition of Media Trial and the Risk of Criminal Contempt**

In the Subhash case, media outlets frequently published analyses asserting the guilt of the accused (the Singhania family and Judge Kaushik) based solely on the one-sided narrative presented in the suicide note and video. This extra-judicial adjudication usurps the court's function and constitutes criminal contempt under the Contempt of Courts Act 1971 as it interferes with the proper administration of justice. Furthermore, unverified claims of corruption against the judge posed defamation risks (BNS sec 356).

##### **4.2 The Judicial Doctrine of Prior Restraint: Analysis of Sahara India Real Estate Corp Ltd v SEBI**

To counter the threat posed by media trials, the Supreme Court in Sahara India Real Estate Corp Ltd v SEBI (2012) established a doctrine permitting courts to issue 'postponement orders'. This measure is considered a 'neutralising device' evolved by the courts to balance the competing constitutional interests of freedom of expression and the freedom of trial. This power, derived from the courts' inherent jurisdiction under Articles 129 and 215, confirms that media self-regulation is often insufficient necessitating judicial intervention under Article 19(2).

##### **4.3 The "Real and Substantial Risk" Test**

The Supreme Court mandated that prior restraint such as a postponement order can only be imposed if the court determines that the publication creates a 'real and substantial risk of prejudice to the proper administration of justice or to the fairness of trial'. This test recognises that even fair and accurate reporting can in rare circumstances cause prejudice to connected trials necessitating a postponement measure. In the Subhash case the relentless nationwide and

emotionally charged coverage particularly the focus on the accused family and the unverified allegations against the judge clearly crossed this threshold. The extreme publicity risked prejudicing potential jurors if the system utilised them tainting the pool of potential witnesses and indirectly pressuring the investigating police and the presiding judge.

#### 4.4 The Twin Tests of Necessity and Proportionality

Any restriction on media freedom, even if justified by the risk of prejudice, must be subject to the twin tests of necessity and proportionality to safeguard Article 19(1)(a).

1. **Necessity Test:** The restriction must be necessary because alternative measures such as strong judicial warnings sequestration of witnesses or a change of venue are insufficient to prevent the serious risk of prejudice.
2. **Proportionality Test:** The benefit derived from the restriction (ensuring a fair trial) must demonstrably outweigh the detrimental effect on the right to free expression. The order must be limited in scope and duration.

Despite the clear framework provided by Sahara, courts often exhibit reluctance to consistently enforce this 'neutralising device'. This reluctance stems from the fear that even necessary restrictions might be perceived as a wholesale 'gag order' thereby restricting free speech. Consequently prejudice accrues unchecked and the accused's right to a fair trial is violated in practice even if protected in legal theory.

#### 4.5 Case Illustrations of Prejudice and Judicial Outcomes

Media coverage frequently demonstrated an intent to influence judicial decisions. For example, Times of India's headline stated: "Atul Subhash suicide case: Wife shouldn't be SmI allowed to use child to get bail, says counsel." This constant focus created pressure on law enforcement to make arrests under IPC Section 306 (abetment to suicide). The bias was evident as media largely minimised or failed to adequately present the counter-narrative including Nikita Singhania's statement to police where she denied all allegations of harassment against her estranged husband. She asserted that she had been the victim of harassment and questioned the logic of harassment while being separated for almost three years. Nevertheless, the judiciary ultimately resisted the immediate media narrative. The High Court granted anticipatory bail to Sushil Singhania (The Hindu, 17 Dec 2024) and subsequently granted regular bail to the wife and in-laws in Jan 2025 (Times of India, 4 Jan 2025) confirming the courts' independence from media-driven narratives.

## V. Sensitivity Failures and the Risk of Contagion

The media's lack of sensitivity in reporting details of the suicide constitutes a serious breach of public health ethics and professional norms, increasing the risk of contagion.

### 5.1 Violation of Suicide Reporting Norms and Contagion Risk

PCI and WHO guidelines mandate that media avoid prominence, graphic details and sensationalised descriptions of suicide. They should instead focus on prevention and provide helplines. The repeated and often romanticised broadcasts of the suicide note's most graphic and dramatic phrases, coupled with speculation on cover-ups (e.g. *Times of India*: "24-page suicide note... goes missing from the Google Drive"), violated this critical mandate. By focusing intensely on the final protest element of the suicide, the media glamorised the act as a successful means of seeking justice. This framework contributes directly to public health harm by inspiring vulnerable individuals facing similar matrimonial or financial distress to engage in copycat cases. This phenomenon was tragically realised by subsequent headlines in April 2025. The media prioritised spectacle over their public health duty to focus on prevention.

### 5.2 Privacy and Obscenity Violations

The media's intrusion into the family's private life was significant. It exposed vulgar details of the marital dispute and displayed family photographs. The persistent focus on the intimate aspects of the couple's three years separation, Nikita's living situation as a paying guest in Gurgaon and their custody battle over their four-year-old son breached the MIB Programme Code requirements for good taste and directly violated the right to privacy under Article 21 of the Constitution. The extensive focus on the minor child within the context of the custody battle further exacerbated these privacy violations demonstrating a profound disregard for the dignity and future welfare of the grieving family.

## VI. Recommendations

The failures observed in the Subhash case are indicative of systemic weaknesses in media regulation, education and enforcement mechanisms. Urgent and comprehensive reforms are required to restore ethical and legal compliance.

### 6.1 Short-Term Regulatory Interventions: Strengthening Enforcement

#### 6.1.1 Empowering the Press Council of India (PCI)

The PCI's current power, limited to issuing warnings, admonishments or censures, is insufficient to address severe ethical breaches. Legislative action is necessary to transform the PCI into a quasi-judicial authority. This would involve granting the PCI the power to impose graduated financial penalties ranging from Rs 1 lakh to Rs 50 lakh based on the severity of the breach and the media entity's reach. Furthermore, compliance should be mandated by establishing a legal requirement for media houses to publicly publish PCI censure orders within 72 hours with identical prominence to the offending content.

### **6.1.2 Standardizing Judicial Postponement Orders**

The consistent application of the Sahara v SEBI doctrine must be ensured across all High Courts. Standardised guidelines must be developed for issuing postponement orders based on the 'real and substantial risk' test. Given the speed of digital dissemination, the judicial system requires dedicated benches to fast-track the hearing of postponement applications ideally within 48 hours. Crucially, the jurisdiction of these orders must be explicitly extended to cover digital news media and social media content to close the current regulatory gap.

## **6.2 Long-Term Educational and Training Reforms**

### **6.2.1 Mandatory Journalism Ethics Certification**

To elevate professional standards, mandatory, renewable ethics certification should be instituted for all practising journalists. This training should focus on specialised modules concerning legal literacy including the Contempt of Courts Act and BNS provisions gender-neutral reporting techniques and essential mental health crisis reporting protocols including suicide prevention awareness.

### **6.2.2 Curriculum Overhaul and Accountability Systems**

Academic journalism curricula must integrate extensive mandatory ethics courses. These should utilise detailed case studies such as the Subhash and Sushant Singh Rajput incidents to illustrate the consequences of unethical reporting. Within newsrooms, structural reforms are required including the mandatory appointment of trained Ethics Officers who report directly to editorial boards and the establishment of independent editorial review committees to vet sensitive stories prior to publication.

## **6.3 International Benchmarks**

India can benefit from adapting international models for media self-regulation and

accountability. The UK's Independent Press Standards Organisation (IPSO) Model provides a strong template. An adaptation would involve establishing an independently funded, binding arbitration process to resolve complaints swiftly and effectively. Furthermore, the IPSO guidelines for suicide reporting which emphasise 'Don't sensationalise, Don't stigmatise, Don't glorify' should be formally adopted culturally adapted for the Indian context and rigorously enforced, integrated directly with mental health support systems.

## **VII. Conclusion: A Call for Accountable and Empathetic Journalism**

The Atul Subhash suicide case serves as a definitive case study illustrating the profound failure of contemporary Indian media to adhere to constitutional law and ethical mandates in the pursuit of commercial gain. The intense and biased coverage breached restrictions on freedom of speech under Article 19(2) by risking criminal contempt promoting incitement to gender enmity and exposing individuals to severe defamation risks. Simultaneously the media's systematic disregard for WHO and PCI suicide reporting guidelines transformed a public health crisis into a sensational spectacle increasing the risk of contagion and severely violating the privacy rights of all stakeholders.

The necessity for judicial tools of prior restraint, as articulated in the Sahara v SEBI doctrine, is a direct measure of the media's failure in self-regulation. Had the media prioritised ethical norms the judiciary would not be forced into the constitutionally precarious position of restricting free speech. The systemic failures, amplified by weak enforcement mechanisms regulatory gaps concerning digital media and commercial pressure, have necessitated a paradigm shift. Only through comprehensive urgent systemic reform including the strengthening of the PCI's enforcement powers the standardised and consistent application of the 'real and substantial risk' test under the Sahara precedent and mandatory ethical re-education for journalists can the media landscape ensure that reporting serves as a pillar of truth justice and public welfare rather than a catalyst for controversy and societal division.

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