

Media Trials in India

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ABSTRACT

This paper examines the growing phenomenon of media trials in India and its constitutional implications. It argues that the rise of 24-hour news cycles, digital platforms, and competitive media environments has transformed the role of the press from reporting facts to shaping public opinion, often leading to premature judgments about guilt or innocence. Media trials function as a parallel system of adjudication, where narratives are constructed and disseminated without the procedural safeguards followed in courts of law. The study focuses on the tension between the right to freedom of speech under Article 19(1)(a) and the rights to privacy, dignity, and fair trial under Article 21 of the Indian Constitution. It highlights how the recognition of privacy as a fundamental right in the Puttaswamy judgment has reshaped the constitutional landscape, making reputational harm and informational exposure more significant concerns. Media trials not only challenge the presumption of innocence but also cause long-term social, psychological, and reputational damage, even in cases of acquittal. The paper further analyses judicial and institutional responses, such as contempt law, postponement orders, and self-regulatory mechanisms, and finds them inadequate to address the structural nature of the problem. It concludes that media trials reflect a constitutional imbalance, where strong speech protections are not sufficiently balanced with dignity and fair trial rights. The study calls for a more refined constitutional approach that preserves media freedom while safeguarding individual rights in the digital age.

Keywords: *Media Trials, Freedom of Speech, Right to Privacy, Fair Trial*

Objective:

To analyze the constitutional conflict between media freedom and individual rights in India and assess the impact of media trials on privacy, dignity, and fair trial.

In contemporary India, the courtroom no longer represents the exclusive site of adjudication. Parallel to formal judicial proceedings, a second forum has emerged—televised studios, digital platforms, and algorithm-driven news ecosystems—where allegations are dissected, guilt is inferred, and reputations are irreversibly shaped before a court of law renders its verdict. The phenomenon commonly described as “media trial” has evolved from episodic excess into a structural feature of India’s media landscape. What was once framed as assertive investigative journalism has, in several high-profile cases, transformed into public adjudication, frequently collapsing the distinction between accusation and conviction.

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The expansion of 24-hour news cycles, competitive ratings economies, and the exponential growth of social media have altered the architecture of public discourse. Media platforms no longer merely report legal developments; they often construct narratives around them. Suspects are profiled, psychological motives are speculated upon, leaked evidence is televised, and public opinion is mobilised in real time. The resulting spectacle produces a peculiar constitutional tension: the same Article 19(1)(a) that safeguards the freedom of speech and expression becomes the medium through which Article 21 rights—privacy, dignity, and fair trial—are imperilled.

This tension is not incidental. It is rooted in the design of India's constitutional framework, which simultaneously entrenches robust speech protection and authorises reasonable restrictions under Article 19(2). For decades, judicial interpretation strengthened press freedom, positioning it as foundational to democratic governance. However, the constitutional equilibrium shifted significantly after the recognition of privacy as a fundamental right in *Justice K.S. Puttaswamy (Retd.) v. Union of India*. Privacy was no longer a residual or derivative interest; it was constitutionally entrenched as intrinsic to dignity and liberty. The recognition of informational autonomy, reputational integrity, and decisional freedom recalibrated the scope of Article 21.

In this post-Puttaswamy constitutional order, media trials acquire new significance. Public exposure, speculative commentary, and reputational stigmatisation are no longer merely ethical concerns; they implicate constitutionally protected zones of autonomy. The presumption of innocence—an integral facet of fair trial jurisprudence—stands threatened when the public sphere delivers a *de facto* verdict prior to judicial determination. While courts operate under procedural safeguards and evidentiary standards, media forums are governed by competitive imperatives and audience engagement metrics.

High-profile criminal investigations have demonstrated how media narratives can overshadow judicial processes. In the aftermath of sensational crimes, continuous broadcast debates, selective dissemination of investigative material, and emotionally charged commentary have frequently shaped public perception. The case concerning the death of Sushant Singh Rajput illustrated the scale at which speculative reporting can blur the line between investigation and indictment. Similarly, earlier controversies surrounding the Aarushi Talwar murder investigation revealed how premature narrative construction may influence both public sentiment and investigative trajectories. These instances underscore that media trials are not isolated aberrations but systemic manifestations of structural incentives within contemporary media ecosystems.

The constitutional dilemma is therefore neither abstract nor rhetorical. It implicates three foundational commitments of the Indian Constitution: freedom of speech, the right to privacy, and the guarantee of fair trial. The Supreme Court's early free speech jurisprudence in *Romesh Thappar v. State of Madras* characterised freedom of expression as the cornerstone of democratic governance. Subsequent decisions reinforced the autonomy of the press as indispensable to accountability and public participation. Yet, constitutional doctrine also recognises that speech may be restricted in the interests of, *inter alia*, contempt of court, defamation, and public order. The constitutional text thus anticipates conflict; it does not assume absolute dominance of one right over another.

What complicates the analysis is that media trials often operate within a grey zone—rarely amounting to classical contempt, yet producing tangible prejudice. Courts have occasionally

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expressed concern regarding parallel adjudication. In *R.K. Anand v. Delhi High Court*, the Supreme Court acknowledged the power and potential of the media in exposing corruption but warned against practices that obstruct the administration of justice. Nevertheless, judicial responses have remained cautious, reflecting reluctance to impose prior restraint or expansive censorship.

The deeper constitutional question, therefore, is not whether media freedom should be curtailed, but whether the existing doctrinal framework sufficiently accommodates the dignity and privacy interests of individuals subjected to intense public scrutiny. The recognition of privacy in *Justice K.S. Puttaswamy (Retd.) v. Union of India* introduced a normative shift from state-centric surveillance concerns to a broader conception of autonomy that includes informational self-determination and reputational protection. If privacy is intrinsic to dignity, then reputational annihilation through sustained speculative reporting raises constitutional red flags.

Moreover, media trials complicate the presumption of innocence, a principle deeply embedded in criminal jurisprudence. Although not explicitly enumerated in the Constitution, the presumption flows from the guarantee of life and personal liberty under Article 21 and the due process orientation reinforced in subsequent jurisprudence. Publicly branding an accused as guilty prior to conviction undermines this foundational safeguard. The injury extends beyond immediate prejudice in court proceedings; it affects employability, social standing, mental health, and long-term personal autonomy.

It is equally important to distinguish between legitimate investigative journalism and constitutionally problematic media adjudication. Democratic accountability requires scrutiny of law enforcement agencies, prosecutorial conduct, and systemic failures. Investigative reporting has historically exposed corruption, abuse of power, and procedural irregularities. A blanket condemnation of assertive journalism would impoverish democratic discourse. The challenge lies in identifying the point at which scrutiny morphs into spectacle, and reportage becomes adjudication.

This paper argues that media trials represent a structural constitutional imbalance in contemporary India. While grounded in the legitimate exercise of free speech, they frequently generate disproportionate harm to privacy, dignity, and fair trial rights. The doctrinal tools available under Articles 19(2) and 21 have not been sufficiently recalibrated to address the intensified harms produced by digital amplification and perpetual online archives. The constitutional framework, designed in an era of print and limited broadcast, now confronts algorithmic dissemination, viral dissemination, and instantaneous reputational impact.

Rather than advocating sweeping regulatory reform, this paper undertakes a doctrinal and analytical inquiry into the constitutional tensions underlying media trials. It examines the evolution of free speech jurisprudence, the transformation of privacy into a fundamental right, and the interplay between these rights in the context of high-profile criminal investigations. By situating media trials within the post-Puttaswamy constitutional landscape, the paper seeks to demonstrate that the issue is not merely ethical or regulatory but fundamentally constitutional.

The argument proceeds in five parts. Part II traces the constitutional architecture of freedom of speech and the press. Part III analyses the doctrinal evolution of privacy and dignity under Article 21. Part IV conceptualises media trials as a form of parallel adjudication and

identifies their structural features. Part V evaluates the constitutional harms arising from such practices, particularly in relation to fair trial and reputational autonomy. Part VI assesses institutional and judicial responses, highlighting doctrinal hesitations and unresolved tensions. The conclusion synthesises these strands to argue that media trials expose a persistent constitutional disequilibrium—one that demands deeper normative reflection within Indian constitutional law.

In examining this phenomenon, the objective is neither to valorise the judiciary nor to vilify the press. Instead, the inquiry recognises that both institutions are integral to democratic governance. The constitutional challenge lies in preserving the vitality of public discourse while safeguarding the dignity and liberty of individuals caught within its glare. The resolution of this tension will shape not only the contours of media freedom but the very meaning of constitutional dignity in twenty-first century India.

Constitutional Architecture of Free Speech and the Press

The constitutional analysis of media trials must begin with the structural foundations of free speech under the Indian Constitution. Article 19(1)(a) guarantees to all citizens the right to freedom of speech and expression. Although the Constitution does not explicitly mention “freedom of the press,” judicial interpretation has consistently recognised press freedom as an essential derivative of this guarantee. From its earliest pronouncements, the Supreme Court positioned free expression as indispensable to democratic governance, public accountability, and participatory citizenship.

Yet the Indian free speech model is not absolute. Unlike the First Amendment to the United States Constitution, Article 19(2) authorises the State to impose reasonable restrictions in the interests of, inter alia, sovereignty and integrity, public order, decency, morality, contempt of court, and defamation. The constitutional design thus anticipates conflict between expression and competing values. The phenomenon of media trials sits squarely within this architecture of tension—where speech rights confront the integrity of judicial processes and the reputational and privacy interests of individuals.

A. Foundational Commitment to Press Freedom

In *Romesh Thappar v. State of Madras*, one of the earliest constitutional free speech cases, the Supreme Court invalidated a state order banning the circulation of a journal on grounds of public safety. The Court underscored that freedom of speech lay at the foundation of all democratic organisations. Although the decision predated the First Constitutional Amendment, it articulated a vision of expressive liberty as structurally central to constitutional democracy.

Shortly thereafter, in *Brij Bhushan v. State of Delhi*, the Court struck down pre-censorship imposed on a newspaper, signalling judicial suspicion toward prior restraint. Together, these early decisions constructed a strong normative presumption in favour of speech, particularly political and journalistic speech.

The jurisprudence matured in *Sakal Newspapers v. Union of India*, where the Court invalidated regulatory measures that restricted the number of pages a newspaper could publish. The Court rejected the argument that economic regulation of circulation could be divorced from speech freedom, recognising that financial viability directly affects editorial independence.

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This reasoning was deepened in *Bennett Coleman v. Union of India*, where the Court struck down newsprint control orders that indirectly curtailed publication volume. The majority emphasised that restrictions on material resources necessary for publication could constitute impermissible infringements on Article 19(1)(a). Importantly, the Court recognised that press freedom includes not only the right to publish but the right to circulate and disseminate information.

Through these decisions, the Court established two critical propositions:

1. Press freedom is constitutionally protected as intrinsic to Article 19(1)(a).
2. Indirect restrictions that substantially affect publication may violate free speech guarantees.

These principles laid the foundation for an expansive understanding of media autonomy.

B. Reasonable Restrictions and Judicial Deference

Despite its robust protection of expression, the Court has consistently acknowledged that Article 19(1)(a) operates within the framework of Article 19(2). The concept of “reasonable restrictions” has evolved through judicial balancing. The Court has recognised that free speech may yield where necessary to protect competing constitutional values, including fair administration of justice.

In *S. Rangarajan v. P. Jagjivan Ram*, the Court held that freedom of expression cannot be suppressed unless the situation created by allowing the speech is dangerous to the community’s interest and the anticipated danger is not remote or conjectural. This formulation emphasised proximity and necessity. Restrictions must respond to real and imminent harm, not speculative apprehensions.

However, the application of this proximity standard in the context of media trials presents difficulty. The harm produced by prejudicial reporting is rarely immediate in the classical sense; it is cumulative, reputational, and psychological. It may not incite public disorder but may nonetheless distort judicial processes and erode presumption of innocence. The doctrinal tools crafted for public order cases do not seamlessly translate to the domain of parallel adjudication.

The Court’s contempt jurisprudence offers partial engagement with this issue. Contempt of court, explicitly enumerated under Article 19(2), permits restrictions to protect the authority and administration of justice. Yet contempt doctrine traditionally addresses acts that scandalise the court or interfere directly with proceedings. Media trials often operate in subtler terrain: they construct public narratives around evidence, speculate on guilt, and amplify investigative leaks without overtly obstructing judicial functioning.

In *R.K. Anand v. Delhi High Court*, the Supreme Court confronted the intersection of sting operations and judicial proceedings. While recognising the media’s role in exposing misconduct, the Court cautioned against practices that could prejudice trials. The judgment acknowledged the power of televised narratives to shape perceptions but stopped short of articulating a comprehensive constitutional framework governing such conduct.

This judicial hesitation reflects a broader constitutional anxiety. Courts are wary of imposing prior restraint, given its historical association with censorship. Yet *ex post* remedies—defamation suits, contempt proceedings, or post-conviction acquittals—often fail to undo reputational damage already inflicted. The digital permanence of media content exacerbates

this asymmetry: once disseminated, narratives remain searchable, shareable, and socially consequential.

C. Expansion of Speech in the Digital Era

The constitutional architecture of free speech was constructed in an era dominated by print and limited broadcast media. The digital transformation has radically altered both the scale and speed of dissemination. News channels compete in real time; social media platforms enable instantaneous amplification; algorithmic recommendation systems reward sensational content.

The Supreme Court's decision in *Shreya Singhal v. Union of India* illustrates judicial sensitivity to the digital context. Striking down Section 66A of the Information Technology Act, the Court reaffirmed the importance of protecting online speech from vague and overbroad restrictions. The judgment distinguished between advocacy and incitement, protecting even unpopular or controversial expression absent direct incitement to violence.

While *Shreya Singhal* strengthened digital speech protections, it also underscored a structural reality: online speech can cause widespread reputational and psychological harm without meeting the threshold of incitement. The architecture of digital communication intensifies visibility and accelerates narrative formation. In high-profile criminal cases, hashtags, viral debates, and televised commentary merge to create an ecosystem in which public opinion crystallises rapidly.

The doctrinal challenge lies in reconciling this expanded expressive sphere with constitutional commitments to dignity and fair process. Traditional speech restrictions were designed to address state censorship, public disorder, or explicit defamation. Media trials, by contrast, operate through cumulative narrative construction rather than discrete unlawful statements.

D. The Democratic Function of the Press

Any constitutional critique of media trials must avoid collapsing into hostility toward the press. The democratic function of journalism remains indispensable. Investigative reporting has exposed corruption, custodial violence, environmental violations, and institutional failure. Public scrutiny of criminal investigations can prevent abuse of power and ensure transparency.

The Supreme Court has repeatedly emphasised that freedom of the press enables citizens to make informed political choices. Without robust media engagement, democratic accountability would wither. The press acts as a watchdog, scrutinising executive and investigative agencies. Curtailing this function risks shielding misconduct from public view. However, the watchdog role presupposes a distinction between scrutiny and substitution. Reporting on procedural irregularities differs from publicly attributing guilt. Investigating systemic failure differs from constructing psychological profiles of suspects. The constitutional protection of speech does not automatically legitimise adjudicatory commentary that undermines the presumption of innocence.

E. Structural Tension: Speech Versus Fair Trial

The right to a fair trial, though not expressly enumerated in the Constitution, has been read into Article 21 as part of the guarantee of life and personal liberty. Judicial interpretation has

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consistently emphasised procedural fairness, impartial adjudication, and adherence to due process.

Media trials complicate this guarantee by influencing public perception, potentially affecting witnesses, and exerting indirect pressure on investigative agencies. Although judges are trained to disregard external commentary, the broader ecosystem in which trials unfold cannot be insulated entirely from public narratives. The legitimacy of adjudication depends not only on actual fairness but on the appearance of fairness.

The Supreme Court has occasionally acknowledged this concern. In *Sahara India Real Estate Corp. Ltd. v. SEBI*, the Court considered the permissibility of postponement orders to prevent prejudicial reporting. While affirming the importance of free speech, the Court recognised that courts possess inherent powers to balance expression against fair trial rights. The judgment introduced a limited framework permitting temporary postponement in cases of real and substantial risk to justice.

Yet postponement orders remain exceptional. They are reactive, case-specific, and dependent on judicial intervention. They do not address the broader culture of speculative adjudication that characterises media trials.

F. The Constitutional Inadequacy

The constitutional architecture of free speech in India is robust, historically protective, and normatively justified. However, it was not designed with the contemporary phenomenon of sustained media adjudication in mind. The doctrinal emphasis on proximity and incitement, while appropriate for public order concerns, inadequately captures the diffuse harms associated with reputational erosion and psychological invasion.

Moreover, the absence of a clearly articulated balancing doctrine between Article 19(1)(a) and the dignity dimension of Article 21 leaves courts navigating ad hoc solutions. The recognition of privacy as a fundamental right in *Justice K.S. Puttaswamy (Retd.) v. Union of India* intensifies this gap. If dignity and informational autonomy are constitutionally entrenched, then expressive practices that systematically undermine them demand closer scrutiny.

The constitutional structure thus reveals an unresolved tension. On one hand, the press enjoys strong protection against state interference. On the other, individuals subjected to media trials possess constitutionally recognised claims to dignity, privacy, and fair process. The doctrinal tools mediating these claims remain underdeveloped.

This tension forms the normative foundation of the present inquiry. To understand whether media trials represent an aberration or a constitutional misalignment, it is necessary to examine the transformation of privacy jurisprudence under Article 21. The recognition of privacy as intrinsic to dignity recalibrates the balance between expression and autonomy. The next Part traces this evolution, demonstrating how the constitutional status of privacy reshapes the analysis of media trials in contemporary India.

The Evolution of Privacy and Dignity Under Article 21

The constitutional evaluation of media trials cannot be completed through the lens of free speech doctrine alone. It must be situated within the transformation of Article 21 jurisprudence, particularly the recognition of privacy and dignity as core constitutional

values. If the early decades of Indian constitutional law privileged expressive liberty as the backbone of democratic life, the latter decades witnessed a parallel expansion of personal liberty through a dignity-centred interpretation of Article 21. The intersection of these doctrinal streams—speech and dignity—forms the constitutional battlefield upon which media trials must be examined.

A. Early Judicial Reluctance: Privacy Denied

The Constitution of India does not expressly enumerate a right to privacy. In its early interpretation, the Supreme Court declined to recognise privacy as a fundamental right. In *M.P. Sharma v. Satish Chandra*, an eight-judge bench rejected the argument that search and seizure powers violated a constitutional guarantee of privacy. The Court observed that the Constitution did not contain a provision analogous to the Fourth Amendment of the United States Constitution and declined to import such a right by implication.

Similarly, in *Kharak Singh v. State of Uttar Pradesh*, the majority refused to acknowledge a general right to privacy, though it invalidated domiciliary visits on narrower grounds. The dissent by Justice Subba Rao, however, articulated a broader understanding of personal liberty, suggesting that surveillance intruded upon a protected sphere of individual autonomy. Though not immediately adopted, this dissent planted the seeds for a dignity-based reading of Article 21.

The early refusal to recognise privacy must be understood within its historical context. Article 21 was then interpreted narrowly, as a guarantee against deprivation of life and personal liberty except according to “procedure established by law.” The transformative shift in Article 21 jurisprudence occurred only after the Emergency era, when the Court began reimagining personal liberty as substantive and expansive.

B. Post-Maneka Gandhi Expansion of Liberty

The watershed decision in *Maneka Gandhi v. Union of India* fundamentally altered Article 21 interpretation. The Court held that “procedure established by law” must be just, fair, and reasonable, effectively incorporating due process principles into Indian constitutional law. Article 21 was no longer confined to physical restraint; it became a repository of substantive rights essential to human dignity.

Following *Maneka Gandhi*, the Court progressively expanded Article 21 to encompass a wide range of rights—legal aid, speedy trial, livelihood, shelter, and environmental protection. Within this doctrinal evolution, privacy began to re-emerge as a constitutional claim.

In *Gobind v. State of Madhya Pradesh*, decided slightly before *Maneka Gandhi* but interpreted more generously thereafter, the Court tentatively recognised that privacy may be implicit in personal liberty, though subject to compelling state interests. The judgment adopted a cautious tone, suggesting that privacy claims would require case-by-case development.

This incremental approach signalled a departure from the categorical denial in *M.P. Sharma* and *Kharak Singh*. Privacy began to acquire constitutional texture, though its contours remained undefined.

C. Informational Privacy and Reputational Autonomy

The recognition of privacy gained sharper doctrinal form in *R. Rajagopal v. State of Tamil Nadu*, commonly known as the “Auto Shankar” case. The Court held that the right to privacy includes the right to be left alone and protects individuals against unauthorised publication of personal information. While public officials could not claim privacy regarding acts performed in their official capacity, private individuals retained protection against involuntary exposure. Significantly, Rajagopal articulated a principle directly relevant to media trials: the press cannot publish intimate details without consent unless such information forms part of public records. The judgment attempted to balance press freedom with personal autonomy, recognising reputational and informational interests as constitutionally significant.

The jurisprudence expanded further in *People’s Union for Civil Liberties v. Union of India*, where the Court acknowledged that telephone tapping intrudes upon privacy and established procedural safeguards. The Court recognised that privacy includes the freedom to communicate without unwarranted intrusion.

These cases gradually reframed privacy from a defensive shield against state surveillance into a broader claim to informational self-determination. Yet the doctrinal foundation remained fragmented until 2017.

D. The Transformative Moment: Puttaswamy

The nine-judge bench decision in *Justice K.S. Puttaswamy (Retd.) v. Union of India* marked a constitutional watershed. Overruling the contrary observations in *M.P. Sharma and Kharak Singh*, the Court unequivocally held that privacy is a fundamental right protected under Articles 14, 19, and 21.

The judgment conceptualised privacy as intrinsic to dignity, autonomy, and liberty. It recognised multiple facets of privacy, including:

- **Bodily privacy** – protection against physical intrusion.
- **Informational privacy** – control over dissemination of personal data.
- **Decisional autonomy** – freedom in intimate and personal choices.

Importantly, Puttaswamy framed privacy not as isolation but as the ability to shape one’s identity free from unjustified interference. Dignity emerged as the normative anchor of constitutional liberty. Privacy was described as essential to the development of personality and individual autonomy.

This recognition carries profound implications for media trials. If informational autonomy is constitutionally protected, then involuntary exposure of personal details—particularly speculative or prejudicial information—engages Article 21. The injury is not merely reputational but dignitarian.

The Court in Puttaswamy also acknowledged the horizontal dimension of privacy concerns, particularly in the context of non-state actors controlling data. Although the case primarily addressed state action, its reasoning suggests that constitutional values may inform the regulation of private actors whose conduct affects fundamental rights. In an era where media corporations and digital platforms exercise immense communicative power, this horizontal dimension assumes heightened relevance.

E. Dignity as a Constitutional Value

The dignity-based understanding of Article 21 transforms the analysis of media trials. Dignity encompasses respect for individual worth, protection against humiliation, and preservation of personal reputation. While defamation law historically addressed reputational injury, constitutional dignity expands the inquiry beyond financial harm to existential harm.

Media trials often involve the repeated display of images, reconstruction of alleged crimes, speculative commentary on motives, and character judgments. Even in cases that culminate in acquittal, the reputational damage may be irreversible. The digital archive ensures that allegations remain permanently accessible, shaping public perception long after judicial exoneration.

The Supreme Court has recognised reputation as an aspect of Article 21 in various decisions. Reputational injury is not merely a private tort; it affects constitutional dignity. In the context of media trials, the reputational assault frequently precedes and sometimes eclipses judicial determination.

Moreover, dignity is intertwined with mental privacy. Continuous public scrutiny, televised debates, and invasive speculation can produce psychological distress. Although constitutional jurisprudence has not fully articulated mental privacy as a distinct category, Puttaswamy's emphasis on autonomy and personhood provides normative grounding for such claims.

F. Privacy, Public Figures, and Criminal Accusations

A persistent argument in defence of media trials is that criminal investigations are matters of public concern. Indeed, the public has a legitimate interest in understanding the functioning of investigative agencies and the progress of prosecutions. However, public interest does not automatically dissolve privacy claims.

Rajagopal drew a distinction between matters forming part of public records and private details unrelated to official conduct. In criminal cases, the filing of a chargesheet or judicial order may constitute public record. Yet speculation regarding personal relationships, psychological states, or unverified allegations often extends beyond public record boundaries. The difficulty lies in delineating the legitimate domain of public scrutiny. The Constitution does not require silence regarding criminal investigations. But neither does it license narrative construction that imputes guilt prior to adjudication. The dignity-based understanding of Article 21 suggests that exposure must remain tethered to verifiable public facts rather than conjecture.

G. The Presumption of Innocence as Dignitarian Safeguard

Although primarily associated with criminal procedure, the presumption of innocence has constitutional resonance. It flows from the due process orientation of Article 21 and the commitment to fair trial. Public narratives that portray accused individuals as criminals before conviction undermine this principle.

The harm is not limited to courtroom prejudice. Even if judicial officers remain impartial, the social environment surrounding the accused may be irrevocably altered. Employment prospects diminish, social ostracisation intensifies, and familial relationships strain under public suspicion. Acquittal rarely restores the pre-accusation status quo.

In this sense, media trials inflict a form of pre-conviction punishment. They produce stigma without due process. The dignitarian harm lies not only in reputational loss but in the denial of narrative agency—the individual’s inability to control the story told about them.

H. Digital Permanence and the Amplification of Harm

The digital ecosystem intensifies privacy concerns. Unlike traditional print publications that fade from circulation, online content persists indefinitely. Search engines, archived broadcasts, and social media reposts ensure that allegations remain accessible. Even if later corrections are issued, the initial sensational narrative often garners greater visibility.

The “right to be forgotten,” though not yet fully crystallised in Indian jurisprudence, emerges as a corollary to informational privacy. The permanence of digital content raises questions about whether constitutional dignity can coexist with perpetual public access to unproven allegations.

While Puttaswamy did not explicitly endorse a right to erasure, its emphasis on informational control suggests that individuals possess an interest in limiting the indefinite circulation of personal data. Media trials, particularly in digital form, directly challenge this interest.

I. The Constitutional Recalibration

The recognition of privacy as a fundamental right recalibrates the constitutional balance between speech and autonomy. Free speech jurisprudence developed during a period when privacy claims were doctrinally weak. Post-Puttaswamy, the normative weight of Article 21 has increased.

This does not imply that speech must yield automatically to privacy. Rather, it necessitates a more structured balancing exercise. The proportionality framework articulated in Puttaswamy—requiring legality, legitimate aim, necessity, and proportionality—provides an analytical template. Although originally applied to state action, its logic may inform judicial evaluation of restrictions or remedies concerning prejudicial media conduct.

If dignity and informational autonomy are constitutionally entrenched, then sustained speculative reporting that intrudes upon these interests demands careful constitutional scrutiny. The absence of explicit doctrinal articulation does not negate the underlying normative conflict.

Conceptualising “Trial by Media”: Parallel Adjudication in the Public Sphere

The doctrinal foundations of free speech and privacy reveal the constitutional terrain upon which media trials unfold. Yet before evaluating their constitutional consequences, it is necessary to conceptualise what precisely constitutes a “trial by media.” The phrase is frequently invoked in public discourse, often as rhetorical shorthand for aggressive reporting. For constitutional analysis, however, the term must be analytically defined.

This Part argues that media trials are not merely instances of sensational journalism; they represent a form of **parallel adjudication**—a public process in which narratives of guilt, motive, and culpability are constructed, debated, and socially affirmed outside the institutional safeguards of the judiciary. Unlike investigative reporting, which scrutinises evidence and state conduct, media trials simulate adjudicatory reasoning while lacking procedural constraints.

A. Definitional Ambiguity and Analytical Clarification

The Constitution does not recognise the term “media trial,” nor does statutory law define it. The concept has evolved through judicial observations and scholarly commentary. Courts have occasionally expressed concern about prejudicial reporting but have refrained from formulating a comprehensive definition.

For analytical purposes, media trial may be understood as:

Sustained media engagement with an ongoing investigation or criminal proceeding that constructs narratives of guilt or innocence through speculative commentary, selective disclosure, and emotive framing, thereby influencing public perception prior to judicial determination.

This definition identifies four structural features:

1. **Temporal proximity to ongoing proceedings**
2. **Narrative construction beyond verified public records**
3. **Simulation of adjudicatory reasoning**
4. **Public mobilisation and reputational impact**

Each feature distinguishes media trials from constitutionally protected investigative journalism.

B. Investigative Journalism versus Adjudicatory Substitution

Investigative journalism plays a vital democratic role. It exposes corruption, reveals procedural irregularities, and holds public authorities accountable. Reporting on investigative failures or systemic bias enhances transparency.

However, a qualitative shift occurs when media platforms assume the role of adjudicator.

This shift is visible when:

- Studio debates pronounce moral or legal guilt.
- Unverified “sources” are presented as conclusive evidence.
- Visual reconstructions simulate crime narratives.
- Accused individuals are repeatedly described using criminal terminology prior to conviction.

The constitutional concern arises not from reporting facts but from **constructing verdicts**. Judicial adjudication operates under strict evidentiary rules, cross-examination, and impartial decision-making. Media platforms, driven by competitive imperatives, often operate without such constraints. The substitution of spectacle for procedure transforms public discourse into a parallel courtroom.

The Supreme Court in *R.K. Anand v. Delhi High Court* recognised both the power and the peril of media engagement in criminal proceedings. While acknowledging the press’s role in exposing wrongdoing, the Court warned against interference with the administration of justice. Yet the decision stopped short of articulating doctrinal boundaries separating scrutiny from substitution.

C. The Architecture of Media Amplification

Media trials are structurally enabled by the architecture of contemporary communication. Three factors are particularly significant:

1. The 24-Hour News Cycle

Continuous broadcasting creates demand for constant updates, even when investigative developments are minimal. In the absence of new facts, speculation fills the void. Panel

discussions replace evidentiary disclosure. Emotional narratives sustain audience engagement.

2. Competitive Ratings and Economic Incentives

Television rating points (TRPs) and digital engagement metrics incentivise sensational framing. Complex legal nuance yields less attention than moralised storytelling. As a result, coverage often privileges dramatic interpretation over procedural restraint.

3. Algorithmic Amplification

Digital platforms amplify content that provokes engagement. Outrage, suspicion, and moral certainty travel faster than cautious reporting. Once narratives crystallise online, they become self-reinforcing. Hashtags and viral clips convert isolated commentary into mass perception.

The case surrounding the death of Sushant Singh Rajput illustrates this architecture. Speculative debates, leaked communications, and emotionally charged commentary dominated national discourse for months. Public sentiment appeared to coalesce around narratives long before judicial processes matured. Regardless of eventual legal outcomes, the intensity of public adjudication exemplified the structural features of media trials.

Earlier, the Aarushi Talwar investigation similarly demonstrated how early narrative construction can frame public perception. Media portrayals shaped collective understanding of the case even as evidentiary ambiguities persisted. These examples reveal that media trials are not confined to a single political or ideological orientation; they are systemic products of competitive media ecosystems.

D. The Simulation of Legal Reasoning

One of the most constitutionally troubling aspects of media trials is their simulation of legal reasoning. Television debates frequently adopt courtroom aesthetics: moderators act as interrogators, panelists assume prosecutorial or defence roles, and conclusions are framed as determinations.

However, unlike judicial proceedings, media forums lack:

- Evidentiary admissibility standards
- Cross-examination safeguards
- Judicial impartiality
- Presumption of innocence

The appearance of procedural debate masks the absence of procedural discipline. This simulation produces a powerful psychological effect: viewers perceive that adjudication has occurred. The social legitimacy of judicial verdicts may consequently be undermined if they diverge from entrenched public narratives.

E. Public Opinion and Institutional Pressure

Media trials do not operate in isolation from state institutions. Sustained public narratives can influence investigative priorities, prosecutorial strategies, and political responses. While direct causation is difficult to establish, the environment of intense scrutiny may shape institutional behaviour.

The legitimacy of criminal adjudication depends on both actual fairness and perceived fairness. When public discourse presumes guilt, acquittals may be perceived as institutional failure. Conversely, convictions may be celebrated as validation of prior media narratives.

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Either outcome risks transforming judicial processes into confirmations of public sentiment rather than independent adjudication.

The Supreme Court's decision in *Sahara India Real Estate Corp. Ltd. v. SEBI* acknowledged that prejudicial publicity can threaten the administration of justice. The Court recognised the power to issue postponement orders where real and substantial risk to fairness exists. Yet such orders are exceptional and reactive. They do not address the broader phenomenon of sustained narrative construction.

F. The Psychological and Social Consequences

Media trials produce consequences extending beyond legal outcomes. The accused, their families, and even peripheral individuals become subjects of relentless scrutiny. Visual repetition of images, speculative commentary on character, and emotive storytelling transform individuals into public symbols.

This transformation implicates dignity in two distinct ways:

1. **Objectification** – Individuals are reduced to narrative archetypes (villain, conspirator, betrayer).
2. **Narrative Dispossession** – The individual loses control over how their story is told.

The harm persists irrespective of conviction. Acquittal rarely erases the stigma embedded through sustained coverage. In digital contexts, archived content ensures that allegations remain searchable indefinitely.

G. Media Trials and Democratic Legitimacy

It would be reductive to characterise media trials as purely destructive. Public engagement with criminal cases reflects democratic participation. Citizens possess legitimate interest in accountability and transparency. The challenge lies in distinguishing engagement from adjudication.

Democratic legitimacy requires both open discourse and procedural fairness. When discourse morphs into pre-judgment, the legitimacy of adjudication is compromised. Conversely, suppressing discourse entirely risks insulating state power from scrutiny.

The constitutional dilemma is therefore structural, not moralistic. It concerns how constitutional democracy accommodates expressive vitality while preserving dignitarian safeguards. Media trials expose a fault line between the normative ideals of transparency and the procedural requirements of justice.

H. Toward a Constitutional Characterisation

From the foregoing analysis, media trials may be characterised as:

- A **speech practice** protected prima facie under Article 19(1)(a);
- A **dignitarian intrusion** implicating Article 21 privacy and reputation;
- A **procedural threat** to fair trial guarantees; and
- A **systemic phenomenon** intensified by digital communication structures.

This characterisation reveals that media trials cannot be addressed solely through contempt law or defamation remedies. They occupy an interstitial constitutional space—neither wholly unlawful nor wholly benign.

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The constitutional inquiry must therefore move beyond definitional ambiguity and examine the concrete harms produced by such practices. The next Part evaluates these harms in detail, analysing how media trials intersect with dignity, privacy, and the presumption of innocence in ways that challenge the coherence of India's constitutional framework.

Media Trials as Constitutional Harm: Dignity, Fair Trial, and Reputational Autonomy

Having traced the constitutional architecture of speech and the evolution of privacy, and having conceptualised media trials as parallel adjudication, the inquiry must now confront the central question: **What is the precise constitutional harm produced by media trials?**

The argument advanced in this Part is that media trials generate a composite constitutional injury. They do not merely threaten courtroom impartiality; they intrude upon dignity, erode reputational autonomy, destabilise the presumption of innocence, and distort the structural balance between Articles 19 and 21. The injury is cumulative and often irreversible.

A. The Presumption of Innocence and Article 21

Although the Constitution does not explicitly codify the presumption of innocence, the Supreme Court has repeatedly recognised it as intrinsic to criminal jurisprudence and implicit in Article 21's guarantee of fair procedure. Fair trial is not a narrow procedural guarantee; it embodies impartial adjudication, evidentiary discipline, and the burden of proof resting upon the prosecution.

Media trials undermine this structure by socially inverting the burden of proof. In public discourse, the accused is frequently required to demonstrate innocence in response to speculative allegations. Studio debates often frame silence as suspicion. The absence of public rebuttal is interpreted as tacit admission.

The constitutional injury here is subtle but profound. Even if judicial officers remain insulated from external narratives, the accused exists within a social environment saturated with presumptive guilt. Witnesses, investigators, and peripheral actors may internalise dominant narratives. The broader legitimacy of adjudication may also be affected.

In *Sahara India Real Estate Corp. Ltd. v. SEBI*, the Supreme Court acknowledged that prejudicial publicity can threaten fairness and recognised the possibility of postponement orders to prevent real and substantial risk. However, the standard articulated is high and reactive. It addresses discrete instances of prejudice rather than sustained narrative construction.

The presumption of innocence operates not merely as a rule of evidence but as a dignitarian safeguard. It protects individuals from being treated as criminals without lawful conviction. Media trials, by contrast, impose a form of reputational conviction without procedural safeguards.

B. Dignity as Protection Against Public Stigmatisation

The recognition of privacy and dignity in *Justice K.S. Puttaswamy (Retd.) v. Union of India* recalibrates the analysis. Dignity encompasses respect for individual worth and protection against humiliation. Media trials frequently involve repetitive visual framing, moral commentary, and emotive rhetoric that reduce individuals to symbols of wrongdoing.

This stigmatisation is constitutionally significant for two reasons:

- 1. Irreversibility** – Unlike courtroom proceedings, which culminate in verdicts, media narratives often persist irrespective of outcome.

- 2. Scale** – Broadcast and digital platforms disseminate narratives nationally and globally.

Dignity is not solely about secrecy; it concerns the manner in which individuals are represented in public discourse. Even accurate reporting may become constitutionally problematic if framed in a manner that strips individuals of contextual nuance and presumes culpability.

The harm intensifies in cases involving intimate details—personal relationships, mental health, family disputes, or private communications. When such details are aired without adjudicatory relevance, informational privacy is directly implicated.

C. Informational Privacy and Narrative Control

Puttaswamy conceptualised informational privacy as the ability to control dissemination of personal data. Media trials often involve the selective disclosure of investigative leaks, call records, financial information, or personal messages.

Even when such disclosures originate from investigative agencies, their broadcast multiplies exposure. The constitutional question is not merely whether the information is true, but whether its disclosure prior to adjudication respects proportionality and necessity.

Unlike defamation, which addresses falsity, informational privacy concerns the timing, context, and consent associated with disclosure. A truthful statement may nonetheless violate privacy if disseminated without legitimate public interest or procedural safeguards.

The digital environment magnifies this injury. Search engines and archived broadcasts ensure perpetual accessibility. The accused may be acquitted, yet search results continue to foreground allegations. The reputational shadow lingers.

Although Indian jurisprudence has not yet fully articulated a “right to be forgotten,” High Court decisions have tentatively recognised the need to protect individuals from perpetual digital stigma. The conceptual foundation for such recognition lies in Puttaswamy’s emphasis on autonomy and dignity.

D. Reputational Autonomy and Constitutional Status

The Supreme Court has recognised reputation as an element of Article 21 in multiple decisions. Reputation is not merely an economic interest; it is integral to personhood.

Media trials destabilise reputational autonomy by constructing dominant narratives that the accused cannot realistically counter. While defamation law provides civil remedies, such remedies are retrospective and often protracted. By the time judicial relief is granted, reputational injury may be entrenched.

Moreover, defamation law addresses false statements, whereas media trials frequently operate through insinuation and framing rather than explicit falsity. The cumulative effect of suggestive commentary, emotive graphics, and panel debates may produce reputational harm without crossing the technical threshold of defamation.

This reveals a doctrinal gap: constitutional dignity protects reputation, but available legal remedies inadequately address reputational erosion through cumulative narrative construction.

E. Psychological Harm and Mental Privacy

An underexplored dimension of media trials is psychological harm. Continuous public scrutiny can produce anxiety, depression, and social withdrawal. The repeated broadcast of images and allegations generates a climate of surveillance.

Mental privacy—though not explicitly articulated as a separate doctrinal category—flows logically from the autonomy rationale of Article 21. The ability to develop one’s personality without constant public intrusion is intrinsic to dignity. Media trials, particularly those involving speculative moral commentary, intrude upon this psychological domain.

While constitutional jurisprudence traditionally addresses tangible deprivations, the dignitarian turn in *Puttaswamy* invites recognition of less visible harms. The Constitution’s commitment to liberty extends beyond physical restraint to conditions necessary for meaningful autonomy.

F. The Chilling Effect on Acquittal and Reintegration

One of the most insidious consequences of media trials is their impact on post-acquittal reintegration. Even when courts acquit, public perception may remain sceptical if media narratives have entrenched guilt. Employment opportunities, social relationships, and community standing may be permanently affected.

In effect, media trials can create a parallel punitive regime. The accused suffers stigma irrespective of legal outcome. The Constitution’s promise of fair trial loses practical significance if social punishment precedes judicial determination.

This phenomenon also risks eroding faith in judicial institutions. If public narratives diverge sharply from verdicts, courts may be perceived as either complicit or incompetent. Conversely, if courts convict in alignment with public sentiment, questions may arise regarding independence.

G. Balancing Article 19 and Article 21: The Proportionality Lens

The tension between speech and dignity cannot be resolved through categorical prioritisation. Both Article 19(1)(a) and Article 21 occupy foundational status. The appropriate analytical tool is proportionality—a framework explicitly endorsed in *Puttaswamy*.

Under proportionality, restrictions must:

1. Be sanctioned by law;
2. Pursue a legitimate aim;
3. Be necessary;
4. Be proportionate in impact.

Although media trials typically involve private actors rather than state restrictions, proportionality may inform judicial assessment of remedies or regulatory frameworks. For example, temporary reporting restrictions during sensitive stages of trial may be justified where demonstrable risk to fairness exists.

However, proportionality also guards against excessive censorship. The goal is not to silence investigative journalism but to prevent disproportionate dignitarian harm. The challenge lies in operationalising this balance without chilling legitimate reporting.

H. The Structural Imbalance

The cumulative analysis reveals a structural imbalance. Free speech doctrine is well-developed, historically protective, and institutionally entrenched. Privacy and dignity, though constitutionally recognised, lack equally detailed operational safeguards in the context of media practices.

This imbalance produces asymmetry: expressive freedom enjoys doctrinal clarity, while dignitarian harms often rely on fragmented remedies. Media trials exploit this asymmetry, operating within legal grey zones while inflicting substantial constitutional injury.

The constitutional problem is therefore not isolated misconduct but systemic misalignment. The framework governing speech has not fully internalised the dignitarian transformation of Article 21.

I. Toward Doctrinal Coherence

Addressing this imbalance does not require wholesale curtailment of press freedom. Rather, it demands doctrinal coherence—an explicit acknowledgment that sustained speculative adjudication may violate constitutional dignity even absent classical contempt or defamation. Courts must grapple with the question whether dignity and fair trial interests warrant structured balancing during ongoing proceedings. The legitimacy of constitutional democracy depends on preserving both expressive vitality and procedural justice.

Media trials expose the fragility of this balance. They reveal how constitutional rights, when exercised without regard to countervailing values, can undermine the very democratic order they seek to protect.

Institutional Response and Judicial Hesitation: Regulation, Self-Regulation, and the Limits of Constitutional Intervention

If media trials produce identifiable constitutional harms, the next inquiry concerns institutional response. How have courts, regulatory bodies, and self-regulatory mechanisms addressed prejudicial publicity? And more fundamentally, why does the constitutional framework appear hesitant in articulating robust doctrinal limits?

This Part argues that India's institutional response to media trials has been fragmented and reactive. Courts have acknowledged the problem but avoided expansive doctrinal innovation. Regulatory mechanisms exist but lack enforceable authority. The result is a constitutional space marked by recognition without resolution.

A. Contempt Jurisprudence: A Narrow Shield

Article 19(2) expressly permits reasonable restrictions in relation to contempt of court. The Contempt of Courts Act, 1971 provides statutory foundation for punishing acts that scandalise the court or interfere with the administration of justice.

In theory, prejudicial reporting during ongoing proceedings could constitute criminal contempt if it substantially interferes with justice. In practice, however, courts have applied

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contempt cautiously. The threshold for interference is high, reflecting judicial awareness that contempt power must not become a vehicle for suppressing legitimate criticism.

Media trials often evade this threshold. Speculative debates may shape public opinion without demonstrably obstructing courtroom procedure. Unless direct interference with witnesses, evidence, or judicial functioning is shown, contempt proceedings are rarely invoked.

Moreover, contempt is punitive and retrospective. It punishes misconduct after harm has occurred. It does not provide preventive clarity regarding permissible boundaries of reporting.

The judiciary's reluctance to deploy contempt aggressively reflects a principled commitment to press freedom. However, this restraint leaves dignitarian harms largely unaddressed.

B. Postponement Orders and Case-Specific Balancing

The Supreme Court's decision in *Sahara India Real Estate Corp. Ltd. v. SEBI* marked a significant doctrinal development. Recognising the tension between free speech and fair trial, the Court affirmed that courts possess inherent powers to issue postponement orders where there is a real and substantial risk of prejudice.

The judgment introduced a balancing framework grounded in necessity and proportionality. Postponement was conceived as a temporary and narrowly tailored remedy—not censorship, but calibrated delay.

Yet the practical reach of *Sahara* is limited. Postponement orders require judicial initiative and are typically sought by affected parties. They are case-specific and do not generate broader normative guidance for media conduct. Furthermore, courts may hesitate to impose such orders for fear of appearing restrictive.

The result is a reactive model: intervention occurs only when prejudice becomes sufficiently demonstrable. Structural patterns of narrative construction remain largely outside its ambit.

C. The Press Council of India: Moral Authority without Enforcement

The Press Council of India was established under the Press Council Act, 1978 to preserve press freedom and maintain standards of journalism. The Council has issued Norms of Journalistic Conduct, cautioning against pre-judging guilt and sensationalising criminal proceedings.

However, the Council's powers are limited to censure and admonition. It lacks authority to impose fines or enforce compliance. Its jurisdiction does not extend effectively to television or digital platforms, which dominate contemporary media trials.

Thus, while the Council articulates ethical standards, its capacity to address systemic violations is constrained. The normative gap between constitutional dignity and enforceable regulation persists.

D. Broadcasting and Self-Regulation Mechanisms

Television news channels operate under self-regulatory frameworks such as the News Broadcasters & Digital Association (NBDA) and its adjudicatory arm, the News

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Broadcasting & Digital Standards Authority (NBDSA). These bodies issue guidelines discouraging prejudicial reporting and sensationalism.

Yet self-regulation faces structural limitations:

1. **Voluntary Membership** – Not all broadcasters are bound.
2. **Limited Sanctions** – Remedies often involve warnings or advisories.
3. **Competitive Incentives** – Ethical restraint may conflict with ratings pressures.

The digital sphere further complicates matters. Social media platforms amplify broadcast narratives, often beyond the control of originating outlets. Regulatory frameworks struggle to address this diffusion.

E. Judicial Reluctance and Democratic Anxiety

The judiciary's cautious approach is not accidental; it reflects constitutional anxiety. Strong intervention risks sliding into prior restraint, historically associated with authoritarian control. Early free speech jurisprudence, beginning with *Romesh Thappar v. State of Madras*, embedded suspicion toward censorship.

Courts are mindful that suppressing media coverage may shield state misconduct from scrutiny. In a democracy marked by institutional fragility and periodic executive overreach, press freedom functions as a safeguard.

This institutional memory informs judicial hesitation. The spectre of censorship looms large in any proposal to regulate media conduct. Consequently, courts often prioritise speech protection even where dignitarian harm is visible.

F. Horizontal Application of Fundamental Rights

A deeper doctrinal complexity concerns horizontality. Fundamental rights traditionally operate vertically—against the State. Media organisations, though powerful, are private actors. Direct constitutional claims against them raise questions about the horizontal application of rights.

While *Puttaswamy* acknowledged that privacy concerns may arise in the context of non-state actors, Indian constitutional jurisprudence has not fully articulated a horizontal enforcement framework. Courts occasionally invoke constitutional values in private disputes, but systematic doctrinal clarity remains elusive.

This structural limitation complicates efforts to frame media trials as direct constitutional violations. Remedies often revert to tort law or statutory regulation rather than constitutional adjudication.

G. Comparative Glimpses and Doctrinal Hesitation

Comparative jurisprudence offers insight but no simple solution. In the United States, for example, the Supreme Court in *Nebraska Press Association v. Stuart* adopted an extremely high threshold for prior restraint, emphasising the primacy of free speech even in the face of prejudicial publicity.

Indian courts, though not bound by First Amendment absolutism, share caution toward prior restraint. The fear that regulation may chill investigative journalism contributes to doctrinal restraint.

However, the Indian constitutional context differs in one crucial respect: dignity occupies explicit normative centrality within Article 21 jurisprudence. The post-Puttaswamy landscape arguably justifies more structured balancing than historically attempted.

H. The Persistence of Doctrinal Gaps

The institutional response to media trials reveals three persistent gaps:

1. **Reactive Intervention** – Remedies are typically post hoc.
2. **Fragmented Regulation** – Multiple bodies operate with limited coordination and authority.
3. **Doctrinal Ambiguity** – The balance between Articles 19 and 21 remains under-theorised.

This fragmentation allows media trials to flourish within legal grey zones. While individual instances may attract judicial admonition, systemic patterns endure.

I. The Constitutional Paradox

India's constitutional framework aspires simultaneously to robust public discourse and dignitarian protection. Media trials expose the paradox inherent in this aspiration. Strong speech protection enables scrutiny but also permits speculative adjudication. Strong dignity jurisprudence recognises harm but lacks operational mechanisms to address it without risking censorship.

The judiciary's hesitation thus reflects deeper constitutional ambivalence. Courts recognise the dangers of media trials yet remain wary of expanding regulatory authority. The result is a constitutional equilibrium that appears stable in doctrine but unstable in practice.

CONCLUSION: CONSTITUTIONAL DISEQUILIBRIUM AND THE FUTURE OF PUBLIC ADJUDICATION

The rise of media trials in India is neither accidental nor episodic. It is the product of structural incentives, digital amplification, and an expansive free speech doctrine forged in an earlier communicative era. At the same time, the constitutional recognition of privacy and dignity in Justice K.S. Puttaswamy (Retd.) v. Union of India has transformed the normative landscape.

The central argument of this paper has been that media trials represent a constitutional disequilibrium. They are grounded in the legitimate exercise of speech yet frequently produce disproportionate harm to dignity, reputational autonomy, and fair trial rights. The doctrinal tools available—contempt, defamation, postponement orders, and self-regulation—are fragmented and reactive.

This disequilibrium does not imply that press freedom should be curtailed wholesale. Nor does it suggest that judicial authority must expand unchecked. Rather, it reveals a need for deeper constitutional reflection on how Articles 19 and 21 interact in a digitally saturated democracy.

Media trials illuminate the fragility of presumption of innocence in the age of spectacle. They demonstrate how narrative power can rival institutional adjudication. They challenge the assumption that expressive liberty and dignitarian protection naturally coexist without tension.

Ultimately, the constitutional promise of India rests upon preserving both vibrant public discourse and the intrinsic worth of the individual. The task before constitutional

jurisprudence is not to silence speech but to ensure that freedom does not eclipse fairness. In the twenty-first century, the meaning of constitutional dignity will depend significantly on how this balance is conceptualised and maintained.

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