



## JUDICIAL CONTROL AND REGULATION OF MEDIA TRIALS IN INDIA

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### ABSTRACT

*The phenomenon of media trials wherein news channels, print media, and social media platforms conduct parallel proceedings and pronounce verdicts on accused persons well before a court of law has done so poses one of the most serious contemporary threats to the administration of criminal justice in India. The tension between freedom of speech and expression guaranteed under Article 19(1)(a) and the right to a fair trial under Article 21 of the Constitution lies at the heart of this conflict. This paper examines the constitutional and legislative framework governing media trials, traces the judicial response from the Supreme Court and High Courts through landmark and recent decisions, critically analyses the adequacy of existing regulatory mechanisms, and proposes reforms that can reconcile the competing imperatives of a free press and a fair judiciary. The paper draws on landmark cases as well as the Law Commission's 200th Report and recent legislative developments under the Bharatiya Nyaya Sanhita, 2023.*

*Keywords: Media Trial, Contempt of Court, Fair Trial, Article 19(1)(a), Article 21, Postponement Orders, Press Freedom, Criminal Justice*

### INTRODUCTION

The idea that a person accused of a crime is innocent until proven guilty is one of the oldest and most fundamental principles of criminal jurisprudence. One of the most ancient and basic criminal jurisprudence rules is the principle according to which a person accused of a crime should be regarded innocent before being proven guilty. However, in the modern Indian media, this rule is violated day by day. The TV stations introduce 24-hour debates with the pronouncement of guilt of the suspected ones; presenters play trials entirely with prosecution witnesses; hashtags with demand to arresters become popular on social media before any charge form is presented. It is known as the phenomenon of the media trial, an adjudicatory exercise which is historically not done in a court of law but an adjudicatory exercise that is done in the court of public opinion.



Article 19(1)(a) of the Constitution of India provides the provisions of the freedom of speech and expression, which has been constantly interpreted by the Supreme Court to extend to the freedom of the press. Right to fair trial is the continuation of Article 21 that states that no individual should be denied to life, or his or her liberty, except under the established procedure, which, following “Maneka Gandhi v. Union of India”<sup>1</sup>, must be fair, just and reasonable. The clash of these two rights comes head-on when media reporting turns into a media trial.

The judges have largely responded with the judiciary to this crash. There has been the implication of contempt jurisdiction by courts and postponement orders as well as the development of guidelines specifically due to high-profile cases like the Jessica Lal murder case, the Aarushi Talwar murder case and, most recently, the death of Sushant Singh Rajput. In 2021, Nilesh “Navalakha v. Union of India”<sup>2</sup> ruled by the 2021 High Court of Bombay established the most detailed judicial directives to date, and in 2023 the Supreme Court instructed the Ministry of Home Affairs to compile a guide on police media briefings in *People's Union for Civil Liberties v. State of Maharashtra*. The May 2023 case of “Madhyamam Broadcasting Limited v. Union of India”<sup>3</sup> effectively endorsed that the freedom of the press could not be restricted on national security grounds arbitrarily.

The structure of this paper follows the following. Part II discusses constitutional and legislative processes that address media reporting on criminal proceedings. Part III examines the history of the evolution of the judicial response in major cases. Part IV deals with the mentioned mechanisms of judicial control: contempt, postponement order and guidelines. Part V of the form critically examines the sufficiency of the existing framework. Part VI contains reform proposals. Part VII concludes.

## **CONSTITUTIONAL AND LEGISLATIVE FRAMEWORK**

### **Freedom of Press Under Article 19(1)(a)**

Freedom of the press is not explicitly mentioned in the Constitution of India. Yet, the Supreme Court itself as early as in the year 1950 in “Romesh Thappar v. State of Madras”<sup>4</sup> ruled that the freedom of the press was implied in the freedom of speech and expression and thus would amount to a violation of the freedom of speech and expression.

Article 19(1)(a) guarantees the press, including the electronic media, a constitutional protection. This is not an absolute right though. Article 19(2) specifically acknowledges contempt of court as

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<sup>1</sup> AIR 1978 SC 597.

<sup>2</sup> 2021 SCC OnLine Bom 56, decided on 18-01-2021, Division Bench of Chief Justice Dipankar Datta and Justice G.S. Kulkarni.

<sup>3</sup> 2023 SCC OnLine SC 366, decided on 05-04-2023.

<sup>4</sup> AIR 1950 SC 124.



one of the reasons why the State can place reasonable limitations on this freedom. This format of the constitution provides the space of normative within which the media trial control functions: the press is entitled to report but it can be abridged to avoid contempt of court.

### **The Contempt of Courts Act, 1971**

Criminal contempt as defined by section 2(c) of the Contempt of Courts Act, 1971 is the publication of any matter which scandalises or is likely to scandalise or lowers or is likely to lower the authority of a court, or prejudices or otherwise interferes or is likely to interfere with the due course of any judicial proceeding, or obstructs or is likely to obstruct the administration. Imperatively, under Section 3(2) a publication made in situations where a proceeding is not being actively pursued i.e. before a summons or chargesheet is issued is immunised. This poses a large regulatory loophole: large-scale media coverage between the date of arrest and the date of filing a chargesheet, which is often the most sensational part of all reporting, is much beyond the reach of contempt proceedings.<sup>5</sup> The Law Commission of India in its 200th Report expressly identified this as a loophole and suggested that the date of arrest be the date on which contempt proceedings should occur.<sup>6</sup>

### **Statutory and Regulatory Framework**

In India, a Programme Code as provided by the Cable Television Networks (Regulation) Act, 1995, and the Cable Television Networks Rules, 1994 regulates television news channels, including by eliminating a license upon contravention of the Programme Code, which forbids content that: (a) constitutes contempt of court, (b) is defamatory, (c) contains deliberately false and

Print media come under the jurisdiction of the Press Council of India, created by the Press Council Act, 1978, which has come to issue revised Norms of Journalistic Conduct in 2022 which warn of the risks of sensationalism or partisanship in reporting on a criminal case, but has no power of coercive enforcement and this greatly restricts their practical effectiveness.

## **EVOLUTION OF JUDICIAL RESPONSE: LANDMARK CASES**

### **Early Foundations: Establishing the Anti-Media-Trial Principle**

The Supreme Court laid the cornerstone of the anti-media-trial principle in State of “Maharashtra v. Rajendra Jawanmal Gandhi”<sup>7</sup>, where it declared that 'a trial by press, electronic media or public

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<sup>5</sup> The Contempt of Courts Act, 1971 (Act 70 of 1971), s. 3(2).

<sup>6</sup> Law Commission of India, 200th Report: “Trial by Media: Free Speech vs. Fair Trial under Criminal Procedure (Amendments to the Contempt of Courts Act, 1971) (August, 2006).

<sup>7</sup> (1997) 8 SCC 386.



agitation is the very antithesis of the rule of law' and that it 'can well lead to miscarriage of justice.' This dictum has been cited in virtually every subsequent judgment on media trials and represents the foundational judicial position.

In “Anukul Chandra Pradhan v. Union of India”<sup>8</sup>, the Supreme Court, in articulating the role played by the media in drawing immense publicity to the hawala transactions scandal, pointed out that the presumption of innocence of the accused must not be ruined by the very initiative of being subjected to media trial, over the issue of the fair trial guarantee of Article 21.

In “Saibal Kumar Gupta v. B.K. Sen”<sup>9</sup> it was decided by the Supreme Court that the newspaper holding what amounted to a trial of an impending case by publishing such a material that would be likely to prejudice the result would be to interfere with the working of justice.

### **Sting Operations and Investigative Journalism: The R.K. Anand Case**

A more subtle issue, considered in the 2009 case of “R.K. Anand v. Registrar”<sup>10</sup>, Delhi High Court, is the boundary separating media investigation and media trial. The broadcast of a sting operation revealing subornation of witnesses that portrayed both the defence lawyer and a public prosecutor in the Priyadarshini Mattoo case as trying to DNA a witness constituted a vital doctrinal distinction, the Supreme Court held; intervening on behalf of a prosecutor or a defence lawyer to persuade a witness of guilt or innocence is unconstitutional.

### **Postponement Orders: The Sahara Judgment**

The biggest structural innovation in Indian media trial jurisprudence was the 2012 decision of the Supreme Court in “Sahara India Real Estate Corporation Ltd. v. Securities and Exchange Board”<sup>11</sup> of India. The Court was in admiration of the fact that when the sub-judice stage is reported on in such a manner that it is likely to destroy the presumption of innocence, the courts automatically gain power to issue the so-called postponement orders that are aimed at delaying the broadcasting of a certain kind(s) of information that involves a pending case, in the interim.

The Court held Postponement order is neither as drastic as an absolute gag order (prior restraint), nor as punitive as retrospect contempt proceedings initiated post-facto. Technically, it is a very narrow, time-limited protector of reporting; it is a delay, but does not truly and wholly limit reporting. The Court believed that such orders came under the scope of reasonable restrictions as per Article 19(2) since they were needed to uphold the right to fair trial as per Article 21. The test

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<sup>8</sup> (1996) 6 SCC 354.

<sup>9</sup> AIR 1961 SC 633.

<sup>10</sup> (2009) 8 SCC 106.

<sup>11</sup> (2012) 10 SCC 603.



becomes one of a necessity of such orders may only be issued where there is a real and substantial risk of prejudice to on-going proceedings which cannot be prevented through any effect less restrictive.

### **The Jessica Lal and Manu Sharma Cases: Media as Catalyst for Justice**

The Jessica Lal murder case and the trial that followed Manu Sharma bring a contradiction; the internationality of the media when it comes to condemning a media trial, led to a turnaround of a misguided acquittal. The same case, “Sidhartha Vashist ( Manu Sharma) v. State (NCT of Delhi)”<sup>12</sup> clearly indicated the seriousness of the risk of prejudices in case the media is permitted the freedom of action without restraint and an example of the threat posed to the case in progress by the unchecked activities of the media as the fourth estate, yet it equally acknowledged the necessity of media as a watchdog in high profile cases.

### **Sushant Singh Rajput Case: The Bombay High Court Guidelines (2021)**

The 2020-2021 media reporting of the death of actor Sushant Singh Rajput was by any standard the most protracted and toxic media trial deep-rooted in Indian broadcasting history. The Republic TV and Times Now used constant campaigns in social media with the hashtag of Arrest Rhea; anchors were publishing pictures of the body of the deceased; witnesses were interviewed in unending investigations; and primetime debates were giving verdicts of guilt against Rhea Chakraborty long before other courts had taken evidence into account. The Bombay High Court issued an extensive 251-page judgment in ‘Nilesh Navalakha v. Union of India’<sup>13</sup> in answer to several PILs.

The Division Bench to which the case was presented by Chief Justice Dipankar Datta and Justice G.S. Kulkarni believed that media trials amount to contempt of court and they violate the recovery of justice. The judgment established a series of banishing norms: (i) no publication of alleged police confidences; (ii) no reconstructions or dramatizations of a crime scene; (iii) no interviews of witnesses in sub-judice case; (iv) no one-sided narrative campaign to favour arrest or conviction; (v) no violation of the privacy of accused individuals or victims; and (vi) no writing on the basis of a leaked The Court further noted that the Republic TV and Times Now coverage of the SSR case was prima facie contemptuous but it did not take any formal contempt measures.

### **PUCL v. State of Maharashtra (2023): Police Briefings and Media Trial**

In 2023, a bench, headed by Chief Justice D.Y. Chandrachud, in People's Union for Civil Liberties v. State of Maharashtra, answered the question of police briefings to the media in current criminal

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<sup>12</sup> (2010) 6 SCC 1.

<sup>13</sup> 2021 SCC OnLine Bom 56, decided on 18-01-2021, Division Bench of Chief Justice Dipankar Datta and Justice G.S. Kulkarni.



investigations as a key source of media trial content.<sup>14</sup> The bench ordered the Ministry of Home Affairs to come up with a detailed manual regulating the police media briefings within three months drawing on the comments of all states Directors Grand of Police and the National Human Rights Commission.

Amicus curiae, Senior Advocate Gopal Sankaranarayanan, filed a Police Manual for Media Briefing which presented a four-part structure of the breadth and mission of briefings, authority and workflow, protocol of what the briefing should contain and what the training needs are. The manual pointed out that police disclosures should safeguard the identity of victims, accused and witnesses and should not be made in such a manner that it indicates a priori determination of guilt. In January 2026, the Supreme Court instructed all the states to draft their own policies on police media briefings according to this manual. The case is a major extension of judicial authority upward of what media will report to the state, and the supplying of its information to media.

### **Madhyamam Broadcasting Limited v. Union of India (2023): Press Freedom and State Regulation**

Although it is technically not a media trial case, the recent April 2023 judgment of the Supreme Court in ‘Madhyamam Broadcasting Limited v. Union of India’<sup>15</sup> is a significant new barometer of how far the state may include media regulation, as it kept its rationale confidential in a sealed cover, only to be opened upon appeal. It was asked to provide the right to a fair hearing under Article 21 and the Supreme Court (written by CJI D.Y. Chandrachud) ruled that this was a breach of the principles of natural justice (*audi alteram partem*). More importantly, the Court found that the refusal to grant a broadcasting licence is a limitation on the freedom of press which has to be in conformity with the terms of Article 19(2) and cannot be excessive. The case is directly applicable to the regulation of media trials: the court has ruled that although a state may regulate media, they should do so in a proportional, transparent and proportionate manner and using due process. The blanket revocation or the gag order would not be constitutional on grounds that would be based on unspecified reasons, a principle that is equally applicable to the judicial order that some media are not supposed to report on the criminal case.

### **Dr. Sandip Ghosh & Anr. v. Union of India & Ors.**<sup>16</sup>

The former Principal of R.G. Kar Medical College, Dr. Sandip Ghosh, filed a writ petition seeking a restraint order against media houses and social media intermediaries from broadcasting allegedly false and malicious reports about his alleged involvement in the rape and murder of a resident

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<sup>14</sup> People's Union for Civil Liberties v. State of Maharashtra, 2023 SCC OnLine SC 1166 (Order dated 13-09-2023, Bench of CJI D.Y. Chandrachud, Justice P.S. Narasimha and Justice Manoj Misra).

<sup>15</sup> 2023 SCC OnLine SC 366, decided on 05-04-2023.

<sup>16</sup> 2024 SCC OnLine Cal 7734; 2024 LiveLaw (Cal) 189 | Calcutta High Court, decided on 21 August 2024

doctor on August 9, 2024. He argued that such coverage prejudiced the ongoing CBI investigation and incited public anger, amounting to a ‘media trial’. Justice Shampa Sarkar of the Calcutta High Court declined to issue the gag order, holding that *‘an indiscriminate order of restraint on the media or the intermediaries at this stage, on the pleadings before this Court, is uncalled for’*. The Court balanced the petitioner's right to privacy against the media's freedom of speech under Article 19(1)(a), ruling that since the incident had attained global importance, blanket media restrictions were unwarranted. It cautioned media against ‘animated dramatization’ and directed the petitioner to approach the Press Council of India for specific grievances.

### **Wikimedia Foundation Inc. v. ANI Media Private Limited & Ors.<sup>17</sup>**

ANI filed a defamation suit before the Delhi High Court against Wikimedia, alleging that Wikipedia's article on ANI falsely labelled it a ‘propaganda tool’. During the appeal, the Division Bench of the Delhi High Court passed an interim order directing Wikimedia to take down pages and discussions commenting on the ongoing court proceedings, holding that such content bordered on contempt and interfered with administration of justice. Wikimedia challenged this before the Supreme Court. Justice Ujjal Bhuyan, delivering the judgment, set aside the Delhi High Court's takedown direction. The Supreme Court held that courts must exercise extreme caution before issuing interim censorship orders, especially on globally accessible digital platforms, as even temporary restrictions could produce a prolonged chilling effect on free speech. The Court stressed that proportionality and detailed judicial reasoning are mandatory prerequisites for any such restriction, reaffirming the constitutional protection of expression under Articles 19(1)(a) and 21.

### **Jaideep Bose v. M/s Bid and Hammer Auctioneers Pvt. Ltd.<sup>18</sup>**

This case examined whether an editor could face criminal defamation charges for content published by their media organisation without specific, individualized allegations against them. The High Court had partly upheld the defamation prosecution. The Supreme Court reversed this, with Justice R. Mahadevan ruling that prosecution of editors would not be justified without establishing direct editorial accountability. The Court articulated the principle of maintaining a fair balance between editorial accountability and the democratic role of the press, emphasizing that criminal defamation law cannot be used as a tool to judicially penalise media organisations through their editors without satisfying the threshold of specific individual involvement. This ruling has significant implications for judicial regulation of media conduct, reinforcing that while courts can control prejudicial media reporting, they must not allow defamation law to become a mechanism for suppressing legitimate press activity.

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<sup>17</sup> 2025 INSC 656; Decided on 9 May 2025, Supreme Court of India

<sup>18</sup> Supreme Court of India, 2025 (decided during 2025 judicial year)



## MECHANISMS OF JUDICIAL CONTROL

### Contempt of Court Jurisdiction

The primary instrument of judicial control over media trials is the courts' contempt jurisdiction under Articles 129 and 215 of the Constitution, read with the Contempt of Courts Act, 1971. Criminal contempt, as defined in Section 2(c), encompasses publications that prejudice or tend to prejudice judicial proceedings. Courts can initiate contempt suo motu or on a petition filed with the consent of the Attorney General or Solicitor General (for the Supreme Court) or the Advocate General (for High Courts). Punishment under Section 12 extends to simple imprisonment for up to six months, a fine of up to Rs. 2,000, or both. The Supreme Court's 2021 judgment in *Prashant Bhushan, In Re*, while primarily concerning a lawyer's tweets about the Chief Justice, also clarified the institutional purpose of contempt proceedings: to protect the administration of justice, not to shield judges from criticism.<sup>19</sup> The Court emphasised that fair and accurate criticism of judicial decisions is protected speech; what is prohibited is conduct that undermines the due course of judicial proceedings or scandalises the court.

### Postponement Orders and Prior Restraint

As discussed in Part III.C, the Sahara judgment established postponement orders as the primary tool of pre-emptive judicial control over media coverage of pending proceedings. A postponement order differs from prior restraint: it does not permanently prohibit publication but defers it until such time as the risk of prejudice has passed for instance, until after the trial concludes or the jury (in jurisdictions with jury trials) retires. In India's non-jury system, courts applying the Sahara test must assess whether a reasonable judge would be influenced by the media coverage in question, a test that requires careful calibration. The power to issue postponement orders has been exercised sparingly by Indian courts. The difficulty lies in the standard of proof courts must satisfy themselves that there is a 'real and substantial risk' of prejudice, not a merely speculative one. Given India's constitutionally protected free press and the proportionality doctrine articulated in *Madhyamam Broadcasting*, such orders are subject to strict scrutiny.

### Court-Ordered Guidelines and Judicial Directives

Beyond individual contempt proceedings, courts have increasingly resorted to issuing prospective guidelines directed at the media. The Bombay High Court's guidelines in *Nilesh Navalakha* represent the apex of this approach. These guidelines do not criminalise coverage per se but provide a normative framework within which media organisations are expected to operate. The Supreme Court's direction to prepare a Police Briefing Manual in the *PUCL* case represents a variant of this

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<sup>19</sup> Prashant Bhushan, *In Re*, (2021) 3 SCC 1.



approach regulating the source of information rather than the media outlet itself.<sup>20</sup> The advantage of guidelines over contempt proceedings is that they operate prospectively and educatively, creating a standard against which media conduct can be measured without the adversarial character of contempt cases. The disadvantage is enforceability: in the absence of a statutory regulator with coercive powers over electronic media, compliance with judicially issued guidelines remains largely voluntary.

## **CRITICAL ASSESSMENT OF THE REGULATORY FRAMEWORK**

### **The Immunities Gap in the Contempt of Courts Act**

The most fundamental structural weakness in the existing framework is the immunity granted under Section 3(2) of the Contempt of Courts Act to publications made before a chargesheet is filed. In high-profile criminal cases, the most intensive and damaging media coverage typically occurs precisely in this pre-chargesheet phase from the time of arrest to the time of formal charge. The Law Commission's 200th Report identified this gap in 2006 and recommended that the triggering point for contempt be extended to the time of arrest. Nearly two decades later, this recommendation remains unimplemented.

### **Absence of a Statutory Regulator for Electronic Media**

Print media has the Press Council of India; the film industry has the Central Board of Film Certification. Electronic media, however, operates in a regulatory vacuum. The Cable Television Networks Act provides a skeletal Programme Code, but the absence of an independent statutory regulator analogous to Ofcom in the United Kingdom with coercive enforcement powers means that violations are rarely penalised. The Bombay High Court in *Nilesh Navalakha* itself expressed surprise at the absence of any statutory body to regulate electronic media. This gap is particularly acute in the era of social media and online news platforms, which fall outside the Cable TV Act entirely. The Digital Personal Data Protection Act, 2023 addresses privacy-related violations but does not directly regulate sub-judice reporting. The 2023 enactment of the Bharatiya Nyaya Sanhita provides some supplementary tools: Section 356 on defamation and Section 77 on obstruction of justice could potentially be invoked against particularly egregious cases of media reporting that harms individuals or interferes with investigations.<sup>21</sup> However, these provisions are not specifically designed for media trial scenarios and have not yet been tested in this context.<sup>22</sup>

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<sup>20</sup> Vishwajeet Deshmukh, 'Media Trials in India: A Judicial View to Administration' JURIST – Student Commentary (January 20, 2021), <https://www.jurist.org/commentary/2021/01/vishwajeet-deshmukh-media-trials-india/>.

<sup>21</sup> The Bharatiya Nyaya Sanhita, 2023 (Act 45 of 2023), s. 356; s. 77.

<sup>22</sup> 'Media Trials in India: Judicial Response to TV Courtrooms' Neetiniyaman (December 4, 2025), <https://neetiniyaman.com/media-trials-in-india/>.

### **C. The Problem of Subconscious Judicial Influence**

A frequently raised concern is that media trials influence not only public perception but also the subconscious thinking of judges. While Indian courts have consistently held that judges are trained to decide cases purely on the basis of evidence and legal argument, this assumption has been questioned. The Supreme Court itself acknowledged in *In Re: P.C. Sen* that judges are susceptible to the 'subconscious effect' of media pressure. Unlike common law jury systems where sequestration and jury directions can partially insulate the fact-finder from media influence, there is no equivalent mechanism for the professional judges who adjudicate criminal cases in India.

This is compounded by the growing role of social media. A 2024 study noted that social media verdicts and prime-time debates create hostile narratives that, in the SSR case, resulted in 'widespread public perception of guilt' that was constitutionally impermissible under Article 21's fair trial guarantee.<sup>23</sup>

### **Tension with the Right to Information and Investigative Journalism**

A genuinely difficult doctrinal tension lies between the condemnation of media trials and the legitimate role of investigative journalism. The *R.K. Anand* case illustrates this: in that instance, media coverage exposed genuine wrongdoing that the formal criminal justice system had failed to address. The Priyadarshini Mattoo case and the Jessica Lal case are further examples where media attention led to a reopening of proceedings that had been closed.<sup>24</sup> The challenge is to develop a legal framework that distinguishes between partisan advocacy (which constitutes a media trial) and evidence-based investigative reporting (which constitutes a legitimate exercise of press freedom). The *Sahara* framework's focus on 'real and substantial risk of prejudice' as the threshold for intervention provides a workable starting point for this distinction, but its application in practice requires courts to make sensitive case-by-case assessments of the likely influence of particular reporting.

### **Proportionality and the Madhyamam Principle**

The Supreme Court's judgment in *Madhyamam Broadcasting Limited* has introduced the principle of proportionality as a constitutional constraint on any state action restricting media activity. Regulators and courts seeking to control media trial coverage must now satisfy a four-part proportionality test: (i) a legitimate aim; (ii) suitability of the measure for that aim; (iii) necessity no less restrictive means available; and (iv) a proportionality balance between the benefit to the judicial process and the cost to press freedom. This standard, while appropriate as a constitutional

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<sup>23</sup> 'Impact of Media Trials on the Judicial Process and the Administration of Justice' 12(11) IJCRT (November 2024), <https://www.ijcrt.org/papers/IJCRT2411028.pdf>.

<sup>24</sup> *R.K. Anand v. Registrar, Delhi High Court*, (2009) 8 SCC 106.



safeguard, may in practice make courts reluctant to issue postponement orders or initiate contempt proceedings in all but the clearest cases.

## **REFORM PROPOSALS**

Based on the foregoing analysis, the following reforms are proposed:

1. Amendment to Section 3(2) of the Contempt of Courts Act, 1971 to extend the triggering point for criminal contempt liability from the date of filing of a chargesheet to the date of arrest. This change, long recommended by the Law Commission, would close the most significant regulatory gap and prevent the most damaging phase of media trial coverage from escaping legal sanction.
2. Establishment of an independent statutory Broadcasting Standards Authority for electronic media, with powers to impose financial penalties for violations of the Programme Code, including media trial-type coverage. Unlike the Press Council, this body should have coercive enforcement powers. Its adjudicatory decisions should be subject to judicial review but should be final on questions of fact.
3. Codification of the postponement order doctrine in statute specifically, through an amendment to the Code of Criminal Procedure (now the Bharatiya Nagarik Suraksha Sanhita, 2023) empowering the High Court to grant postponement orders in criminal cases where there is a real and substantial risk of prejudice to the accused's right to a fair trial. The statute should expressly specify the conditions for granting such orders, their duration, and the procedure for challenging them.
4. National implementation of the Police Media Briefing Manual directed by the Supreme Court in *PUCL v. State of Maharashtra*. All state governments should be required to enact binding Standard Operating Procedures for police media briefings within a statutory timeframe, with penalties for officers who brief the media in violation of the Manual.
5. Extension of regulatory jurisdiction to online news platforms and social media in sub-judice matters, through appropriate amendments to the Information Technology Act, 2000 and the rules made thereunder. The Digital Personal Data Protection Act, 2023, while addressing privacy, does not govern sub-judice reporting, and this gap needs to be specifically addressed.

## **CONCLUSION**

The regulation of media trials in India sits at the intersection of two foundational constitutional values: the freedom of the press and the right to a fair trial. Neither can be sacrificed for the other. The challenge for the legal system is to construct a framework that preserves the press's role as a democratic watchdog while preventing it from degenerating into a parallel tribunal that pronounces guilt before any court has done so. India's judiciary has made significant efforts in this direction.



The foundational principle that 'trial by press is the antithesis of rule of law' was established in 1997 and has been consistently reaffirmed. The Sahara judgment created the architecture of postponement orders. The Bombay High Court's 2021 guidelines in the SSR case represent the most detailed regulatory framework produced by any Indian court. And the Supreme Court's 2023 directions in PUCL have extended judicial control upstream to the state's role as a supplier of information to the media.

Yet significant gaps remain. The immunity gap in Section 3(2) of the Contempt of Courts Act, the absence of a statutory regulator for electronic media, and the lack of regulatory coverage for online platforms and social media continue to leave the accused's right to a fair trial inadequately protected. The Law Commission's 200th Report identified the core problem nearly two decades ago; its principal recommendation amending the triggering point for contempt has still not been enacted. The 2023 developments the PUCL Police Manual, the Madhyamam Broadcasting proportionality framework, and the legislative reforms under the Bharatiya Nyaya Sanhita represent important steps forward. But the pace of legal reform must keep up with the accelerating pace of media technology. In the age of 24-hour news cycles and social media virality, the presumption of innocence cannot be expected to survive without robust legal protections. The judiciary has charted the path; the legislature must now follow.

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