

Regulation of Media Trials in India: Evaluating the Effectiveness of Existing Laws Through Judicial Decisions

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Indian law regulates prejudicial media coverage through a dispersed combination of constitutional guarantees, contempt jurisdiction, sector-specific regulation, criminal-law protections and judicial remedies rather than through a single media-trial statute. This article evaluates the effectiveness of that framework through doctrinal analysis of Supreme Court and High Court decisions, with particular attention to developments between 2023 and 2026, and adds a structured descriptive coding of 11 leading decisions decided between 1997 and 2026. The coded decisions are classified by court level, decision period and primary doctrinal focus, and are summarised through frequencies, percentages, court-by-focus and period-by-focus comparisons, decision-year summaries and leave-one-decision-out sensitivity bounds; these descriptive statistics are used to make the doctrinal pattern transparent rather than to infer the behaviour of all Indian media-trial litigation. The analysis shows an increasing judicial distinction between legitimate public-interest reporting and prejudicial media adjudication, while the regulatory architecture remains fragmented across media and procedural stages. The Supreme Court's 2026 direction requiring States to evolve policies for police-media briefings adds a preventive, source-side dimension. The article proposes a platform-neutral, risk-based framework centred on substantial prejudice, source-side accountability, rapid graduated remedies and contextual updating of materially altered criminal-status information, while preserving open justice and constitutionally protected press freedom.

Keywords: Media trial; freedom of press; fair trial; Article 21; contempt of court; police media briefing; digital media; prejudicial publicity

1. Introduction

Freedom of the press performs an indispensable constitutional function in a democratic legal order. It enables scrutiny of state institutions, facilitates access to information, exposes investigative or administrative failure and permits public debate on matters involving crime and the administration of justice. Although the Constitution of India does not separately enumerate a

freedom of the press, the Supreme Court has consistently treated the liberty of the press as part of the freedom of speech and expression guaranteed by article 19(1)(a). The constitutional commitment is therefore not merely to the institutional autonomy of media organisations; it also protects the public interest

in receiving information concerning the exercise of coercive state power.¹

Criminal justice, however, depends upon a different set of constitutional commitments. Article 21 protects life and personal liberty through a procedure that must be fair, just and reasonable. Within that framework lie the presumption of innocence, access to an impartial adjudicatory process, dignity, privacy and reputation. When journalism shifts from reporting an accusation to declaring guilt, testing witnesses on television, presenting disputed material as conclusive proof or circulating alleged confessions before trial, the resulting conflict is not simply between an individual and the press. It concerns the institutional boundary between public communication and legal adjudication.

The Supreme Court articulated that boundary with unusual clarity in *State of Maharashtra v. Rajendra Jawanmal Gandhi*, observing that trial by press, electronic media or public agitation cannot replace adjudication according to law.² In *M.P. Lohia v. State of West Bengal*, the Court deprecated publication of material touching the merits of a pending criminal controversy.³ Later, in *Sidhartha Vashisht @ Manu Sharma v. State (NCT of Delhi)*, the Court warned that the presumption of innocence should not be destroyed at the threshold by excessive or prejudicial publicity. These decisions establish that media freedom does not carry an entitlement to perform the adjudicatory function of a criminal court.⁴

The difficulty is that the modern media environment is structurally different from the one in which much of the traditional contempt jurisprudence developed. Twenty-four-hour television, online news portals, video channels, social-media accounts, algorithmic recommendation systems and searchable archives can distribute allegations instantly and indefinitely. A sensational narrative created during the first hours of an investigation may be reproduced through clips, screenshots, thumbnails and commentary long after the original report has been corrected. A later acquittal

or discharge may receive a fraction of the attention generated by the arrest. The capacity for prejudice is therefore not confined to the courtroom or even to the formal period of pendency of a trial.

Indian law nevertheless does not contain a single comprehensive enactment titled a law against media trials. Protection is distributed across constitutional doctrine, the Contempt of Courts Act, 1971, the Press Council framework, television broadcasting rules, the Information Technology Rules governing digital news, criminal-law provisions protecting specified victims and proceedings, and the inherent or constitutional powers of superior courts. The Supreme Court's decision in *Sahara India Real Estate Corporation Ltd. v. SEBI* is especially important because it accepts postponement orders as a narrowly tailored response to a real and substantial risk of prejudice, subject to necessity and proportionality rather than a routine form of prior restraint.⁵

The contemporary debate has also shifted from the conduct of publishers to the sources from which prejudicial narratives originate. Police officers and investigating agencies frequently constitute the most authoritative source of early information. A disclosure made during an investigation can acquire an official character even when the underlying allegation remains untested. In September 2023, the Supreme Court in *People's Union for Civil Liberties v. State of Maharashtra* emphasised the need for an appropriate protocol for police briefings and recognised that disclosures should not result in a media trial.⁶ On January 15, 2026, the Court directed States to evolve policies for media briefings with reference to a Police Manual prepared during the proceedings.⁷ This development is important because it introduces a preventive, source-side dimension into a field traditionally dominated by post-publication remedies.

The central research problem addressed in this article is therefore not whether media trials can threaten fair trial or dignity; Indian constitutional jurisprudence has

¹ The Constitution of India, arts. 19(1)(a), 19(2); *Romesh Thappar v. State of Madras*, AIR 1950 SC 124; *Bennett Coleman & Co. v. Union of India*, (1972) 2 SCC 788.

² *State of Maharashtra v. Rajendra Jawanmal Gandhi*, (1997) 8 SCC 386.

³ *M.P. Lohia v. State of West Bengal*, (2005) 2 SCC 686.

⁴ *Sidhartha Vashisht @ Manu Sharma v. State (NCT of Delhi)*, (2010) 6 SCC 1.

⁵ *Sahara India Real Estate Corporation Ltd. v. Securities and Exchange Board of India*, (2012) 10 SCC 603.

⁶ *People's Union for Civil Liberties v. State of Maharashtra*, 2023 INSC 833.

⁷ *People's Union for Civil Liberties v. State of Maharashtra*, 2026 INSC 79, order dated Jan. 15, 2026, available at: https://api.sci.gov.in/supremecourt/1999/15285/15285_1999_5_101_67287_Judgement_15-Jan-2026.pdf (last visited on Sept. 26, 2026).

already answered that question affirmatively. The more difficult issue is whether the existing combination of law, regulation, self-regulation and judicial remedies operates effectively across different media, procedural stages and digital environments. The article evaluates that effectiveness through five criteria: clarity of legal standards, temporal reach, institutional coverage, enforceability and remedial speed, and adaptability to digital persistence and amplification.

The article advances two connected propositions. First, the Indian framework is normatively richer than descriptions of a 'legal vacuum' suggest. Courts have developed a substantial body of principles capable of protecting the presumption of innocence, investigation integrity, dignity and open justice. Secondly, the framework remains institutionally fragmented and predominantly reactive. The most promising direction is not a sweeping prohibition on discussion of pending cases, but a narrow, platform-neutral law of prejudicial publicity supported by source-side accountability, rapid proportionate remedies and consistent professional standards.

2. Review Of Literature And Research Gap

Recent scholarship has increasingly treated media trials as a constitutional and regulatory problem rather than merely a question of journalistic ethics. The principal contemporary study used as a conceptual base for the present article is Riya Agarwal's 2026 paper, "Navigating Media Trials in India: A Study on the Right to Privacy and Right to Freedom of Speech and Expression." Published in June 2026, the paper examines the tension between article 19(1)(a), privacy, fair trial and the presumption of innocence. It identifies sensational reporting, premature conclusions and weak regulatory mechanisms as recurring sources of harm. Its importance for the present study lies in its current constitutional framing and its recognition that the problem is intensified by technological change and continuous news cycles.⁸

A second strand of scholarship examines institutional self-regulation. Chavhan and Sen analyse self-

regulatory bodies governing broadcast and digital media and argue that voluntary participation, uneven jurisdiction and limited enforcement power reduce the capacity of self-regulation to deter unethical coverage. This literature is valuable because it asks an institutional question: not merely what journalists ought to do, but whether available mechanisms are capable of securing compliance when commercial incentives reward sensationalism.⁹

Earlier doctrinal literature and the Law Commission of India's 200th Report focus on the relationship between free speech and fair trial and on the timing of contempt protection. The Law Commission was particularly concerned with prejudicial reporting at the stage of arrest, before the traditional law of pendency fully protected the criminal process. That concern remains strikingly current despite the transformation of the media ecosystem since the Report was published in 2006.¹⁰

Recent Indian scholarship further reinforces these concerns. Kaur (2024) examines the tension between media coverage and the right to a fair trial; Madaan and Mohanty (2025) analyse news bias, presumption of innocence and media accountability; Routiya and Khan (2025) review the adjudicatory approach of the Supreme Court and High Courts; and Bhowmik (2025) evaluates media trials through doctrinal, ethical and regulatory perspectives. These studies strengthen the contemporary literature base while the present paper remains distinct in its structured coding of selected judicial decisions and its emphasis on source-side governance, digital persistence and proportionate remedies.

A significant gap nevertheless remains. Much writing on media trials presents the issue as a broad clash between article 19(1)(a) and article 21 or concludes at a high level of generality that stronger regulation is required. Comparatively less attention is given to a structured evaluation of how the existing legal framework performs when tested against concrete judicial decisions. The present article addresses that gap by using case law as evidence of recurring

⁸ Riya Agarwal, "Navigating Media Trials in India: A Study on the Right to Privacy and Right to Freedom of Speech and Expression" 9(2) *Journal of Constitutional Law and Jurisprudence* (2026), available at: <https://lawjournals.celnet.in/index.php/Jolj/article/view/2122> (last visited on Sept. 26, 2026).

⁹ Amol Deo Chavhan and Pallavi Sen, "Assessing the Efficacy of Self-Regulation in

Broadcast and Digital Media in Deterring Media Trials in India" 6(5) *International Journal of Legal Science and Innovation* 149-159 (2024).

¹⁰ Law Commission of India, *Trial by Media: Free Speech Vs. Fair Trial Under Criminal Procedure (Amendments to the Contempt of Courts Act, 1971)*, 200th Report (Law Commission of India, New Delhi, 2006).

regulatory problems and by separating the question of legal recognition from the question of institutional effectiveness.

The study is also distinct in its temporal scope. It incorporates the post-2023 criminal-law framework, the Supreme Court's 2023 and 2026 directions on police-media briefings, the Delhi High Court's treatment of continuing digital availability after discharge, and 2026 High Court decisions that reject blanket restraints while preserving case-specific protection. These decisions make it possible to evaluate whether Indian law is moving toward a more precise distinction between legitimate reporting and prejudicial adjudication.

3. Research Questions, Objectives And Methodology

A. Research Questions

- What constitutional, statutory, regulatory and judicial mechanisms presently govern prejudicial media coverage of criminal investigations and trials in India?
- What standards have Indian courts developed to distinguish legitimate reporting, commentary and open-justice reporting from impermissible media adjudication?
- How effective are the existing mechanisms when assessed for clarity, temporal reach, institutional coverage, enforceability and digital adaptability?
- What reforms can improve protection of fair trial, privacy and dignity without creating a general system of prior restraint?

B. Objectives

- To map the current constitutional and legal framework relevant to media trials in India.
- To analyse the evolution of judicial standards through leading and recent decisions of the Supreme Court and High Courts.
- To evaluate the practical effectiveness of existing regulation across print, broadcast and digital environments.
- To formulate proportionate reforms focused on prejudicial risk, source-side accountability and rapid remedies.

C. Methodology and Evaluative Criteria

The research adopts a doctrinal and analytical legal method. Primary materials include constitutional provisions, central statutes, rules, professional norms, Law Commission materials and reported judgments. The analysis gives priority to authoritative judicial

sources and to recent decisions up to September 2026. Secondary scholarship is used to identify conceptual approaches and to situate the paper's contribution, but the conclusions are derived from the legal framework and judicial reasoning rather than from assumptions about media influence.

Effectiveness is assessed through five criteria. *Clarity* asks whether the conduct that creates legal risk can be identified in advance. *Temporal reach* asks whether the law operates when prejudicial narratives typically emerge, particularly during investigation and immediately after arrest. *Institutional coverage* considers whether materially similar conduct is governed coherently across newspapers, television, digital publishers and networked platforms. *Enforceability and remedial capacity* examine whether violations can be corrected quickly and meaningfully. *Digital adaptability* asks whether the law accounts for virality, replication, searchability and long-term persistence.

The study does not attempt to determine whether individual judges were actually influenced by particular broadcasts or publications. Such speculation would be both methodologically weak and institutionally inappropriate. The relevant legal concern is instead the risk recognised in doctrine: interference with investigation, distortion of witness behaviour, premature attribution of guilt, violation of protected privacy, reputational injury and obstruction of the administration of justice.

D. Structured Case-Law Coding and Descriptive Legal Analytics

To add a transparent analytical layer without converting a doctrinal study into a survey-based empirical project, the 11 judicial decisions summarised in Section 7 were treated as a purposive case-law dataset. The unit of analysis is one reported decision or order. Each decision was coded for (i) court level, (ii) decision year and period, and (iii) one mutually exclusive primary doctrinal focus derived from the central principle already identified in the judicial-decision matrix. The four focus categories are: fair-trial and parallel-adjudication protection; accountability, proportionality and reporting boundaries; investigation-stage and source-side governance; and digital persistence or post-proceeding reputation.

Frequency, percentage and period-by-focus cross-tabulation are used as descriptive legal analytics. No inferential statistical test is applied because the decisions are a purposive doctrinal sample rather than a random sample of all Indian litigation concerning

prejudicial publicity. The statistical layer therefore improves traceability and replicability of the doctrinal

synthesis but does not assign effectiveness scores to courts, statutes or institutions.

Table 1. Structured Case-Law Coding Protocol

Coding variable	Operational rule	Descriptive output
Court level	Supreme Court or High Court, based on the reported decision.	Frequency and percentage.
Decision period	1997–2012; 2021–2023; 2025–2026.	Temporal frequency and percentage.
Primary doctrinal focus	One mutually exclusive category based on the central principle stated in Section 7.	Frequency and percentage by focus.
Period × focus	Cross-tabulation of decision period against primary doctrinal focus.	Pattern of doctrinal emphasis over the selected periods.

E. Reproducible coding and statistical specifications

The quantitative population for calculation is the fixed corpus of 11 decisions listed in Table 3, not all Indian litigation. The two PUCL orders are separate decision units within one litigation stream; the dataset therefore contains 11 decisions but 10 named litigation streams. Foundational constitutional authorities cited elsewhere are contextual sources and are outside this analytical corpus. The reconstruction below uses only the central principles stated in the supplied matrix; it is not an independent recoding of the full judgment texts.

The codebook assigns F to fair-trial or parallel-adjudication protection, A to accountability, proportionality or reporting boundaries, I to investigation-stage or source-side governance, and D to digital persistence or post-proceeding reputation. Assignment follows the primary issue identified in Table 3. Secondary themes are retained in the doctrinal discussion but are not double-counted. Court level and year are factual fields; primary focus is an interpretive field. No second-coder agreement coefficient is available, so coding reliability is not claimed.

For category j , $p_j = 100 \times n_j / N$, with $N = 11$. Within-period percentages use the period denominator N_t : $p_{jt} = 100 \times n_{jt} / N_t$. Percentages are rounded to one decimal; independent rounding can produce totals of 100.1%. The decision-year distribution is described by its median, quartiles and range. Quartiles use the linear percentile convention. Calendar periods have unequal lengths and gaps, so their counts are not annual litigation rates.

A leave-one-decision-out calculation assesses corpus sensitivity. After omitting a decision in category j its

share is $(n_j - 1)/10$; after omitting a decision in another category its share is $n_j/10$. The resulting bounds measure dependence on the selected corpus, not statistical confidence intervals. Sampling confidence intervals, significance tests and regression are not warranted by this purposive selection or by the absence of measured effectiveness outcomes.

4. Conceptualising A “Media Trial”

The expression “media trial” has become common in legal commentary, but Indian legislation does not provide a comprehensive definition. This absence is not necessarily a defect that can be cured simply by enacting a broad definition. Criminal proceedings are legitimate matters of public concern. Arrests, bail hearings, investigative failures, prosecutorial decisions and courtroom proceedings often involve questions of public accountability. A definition that treats intensive or critical reporting as a media trial merely because a matter is sub judice would chill open justice and investigative journalism.

A narrower functional understanding is therefore preferable. A media trial occurs when communication concerning a criminal matter begins to perform an adjudicatory or coercively prejudicial function outside the legal process. Indicative conduct includes declaring guilt as established before adjudication; presenting disputed evidence as conclusive; broadcasting alleged confessions in a manner that assumes voluntariness and truth; attacking or validating witnesses while testimony remains pending; conducting parallel reconstruction designed to determine criminal liability; publishing legally protected identities; or circulating confidential investigative material in a manner creating a substantial risk to investigation or trial.

The focus must remain on prejudice rather than publicity. A large audience does not convert accurate reporting into a media trial. Equally, the fact that material originates from a FIR or police statement does not always make subsequent commentary constitutionally harmless. The legal evaluation must consider the nature of the material, procedural stage, tone and framing, availability of verification, vulnerability of participants, possibility of affecting witnesses or evidence and whether the publication presents allegation as established fact.

This distinction is consistent with the Supreme Court's proportionality-oriented approach in *Sabara*. It is also reflected in recent High Court decisions. In *Muhammed Bilal S. v. Union of India*, the Kerala High Court in March 2026 refused to create a general prohibition on publication of the identities of accused persons, emphasising that affected individuals may seek tailored constitutional relief where dignity or reputation is demonstrably threatened.¹¹ In *Rabden Sherpa v. State of Sikkim*, the Sikkim High Court held in April 2026 that fair and accurate reporting of a FIR does not, without more, amount to a media trial.¹²

These decisions are important because they reject the assumption that protection against media trials requires categorical secrecy. A constitutionally sustainable framework must preserve reporting of public records and open proceedings while restraining communications that materially transform public information into a parallel determination of criminal responsibility.

5. Constitutional Framework: Freedom Of The Press, Fair Trial, Privacy And Reputation

A. Article 19(1)(a) and Press Freedom

Article 19(1)(a) protects freedom of speech and expression, and judicial interpretation has long recognised that the freedom of the press is embedded within that guarantee. The protection serves both individual autonomy and democratic accountability. Crime reporting can expose unlawful detention, investigative manipulation, institutional delay and unequal enforcement. Court reporting also allows

citizens to observe how coercive state power is reviewed by an independent judiciary.

The constitutional protection is not absolute. Article 19(2) permits reasonable restrictions on specified grounds, including contempt of court and defamation. The existence of those grounds does not itself validate any restriction; the measure must remain legally authorised, necessary and proportionate. The danger in the media-trial context is that vague appeals to dignity or public order can become vehicles for suppressing scrutiny. The equally serious danger is treating article 19(1)(a) as a defence for practices that prejudice guilt or interfere with adjudication.

The Supreme Court's free-speech cases therefore support a dual proposition: prior restraint is exceptional, but freedom of publication does not carry immunity from legally defined consequences. *Reliance Petrochemicals Ltd. v. Proprietors of Indian Express Newspapers* illustrates the Court's concern with preserving publication unless a compelling administration-of-justice justification exists. The principle is particularly relevant when designing remedies for modern media trials: the least speech-restrictive effective remedy should ordinarily be preferred.¹³

B. Article 21: Fair Trial, Dignity, Privacy and Reputation

Article 21 supplies the central countervailing interests. A fair criminal process requires that culpability be determined on admissible evidence by a competent court. The presumption of innocence is not merely a rhetorical courtesy; it allocates the burden of proof and protects the accused from being treated as legally guilty before conviction. Public communication that repeatedly converts accusation into certainty can undermine that normative position even when it does not directly dictate the court's decision.

Privacy and dignity add a second dimension. In *Justice K.S. Puttaswamy (Retd.) v. Union of India*, the Supreme Court recognised privacy as a fundamental right grounded in liberty and dignity. Privacy in criminal reporting is not absolute, particularly where the information forms part of a public record or concerns a matter of legitimate public importance. Yet

¹¹ *Muhammed Bilal S. v. Union of India*, W.P. (PIL) No. 24 of 2026, 2026:KER:24850, decided on Mar. 19, 2026 (Ker. HC).

¹² *Rabden Sherpa v. State of Sikkim*, W.P. (C) No. 07 of 2026, 2026 SCC OnLine Sikk 26, decided on Apr. 7, 2026.

¹³ *Reliance Petrochemicals Ltd. v. Proprietors of Indian Express Newspapers Bombay (P) Ltd.*, (1988) 4 SCC 592.

unnecessary disclosure of intimate details, family information, protected victim identities or confidential communications can inflict harm unrelated to the legitimate public function of crime reporting.¹⁴

Reputation also has constitutional significance. A person may ultimately be acquitted, discharged or never prosecuted, yet remain permanently associated online with a sensational accusation. The legal status of a report may therefore change in practical effect over time. What was an accurate description of an arrest on the publication date can become misleading if search results continue to foreground the accusation while omitting later exonerating developments.

The Delhi High Court's decision in *IE Online Media Services Private Limited v. Nitin Bhatnagar* is significant in this respect. The Court considered continued digital accessibility of reports after the plaintiff had been discharged and treated the persistence of criminal allegations as capable of causing ongoing reputational injury. The case should not be read as creating an automatic right to erase accurate history; rather, it demonstrates why updating, contextualisation, de-indexing and removal must be treated as distinct remedies with different constitutional implications.¹⁵

The constitutional task is therefore one of reconciliation, not hierarchy. Neither press freedom nor privacy invariably prevails. Courts must identify the precise harm, the public-interest value of the information, the procedural stage, the availability of less restrictive measures and the continuing accuracy of the publication. This contextual approach is more consistent with constitutional proportionality than a categorical rule either for unrestricted publication or for blanket confidentiality.

6. Existing Legal And Regulatory Framework

A. Contempt of Courts Act, 1971

Criminal contempt remains one of the strongest legal tools against publication that prejudices judicial proceedings or obstructs the administration of justice. Section 2(c) of the Contempt of Courts Act, 1971 includes publication that prejudices, interferes or tends to interfere with the due course of a judicial

proceeding, as well as conduct that obstructs administration of justice. The strength of contempt lies in enforceability: superior courts can issue binding orders and impose sanctions rather than relying solely on professional ethics.¹⁶

Its limitation lies partly in architecture and timing. Traditional contempt doctrine developed around the pendency of proceedings, whereas the modern media narrative often crystallises earlier. Arrest, police interrogation and initial forensic claims may dominate coverage before charges are tested in court. By the time formal proceedings attract the strongest sub judice protection, the reputational and investigative effects may already be difficult to reverse.

The Law Commission's 200th Report recognised this problem and recommended reform designed to address prejudicial publicity from the stage of arrest. The continued relevance of that recommendation two decades later demonstrates that the temporal gap remains unresolved at the statutory level. The 2026 police-briefing framework mitigates the problem at its source but does not replace a coherent rule applicable to prejudicial publications themselves.

B. Press Council of India and Norms of Journalistic Conduct

The Press Council Act, 1978 establishes the Press Council of India with a mandate that combines preservation of press freedom with maintenance and improvement of journalistic standards. The Council's Norms of Journalistic Conduct provide professional guidance on accuracy, fairness, privacy, crime reporting and matters affecting judicial proceedings. This model has an important constitutional advantage: it relies on an institution designed specifically for professional accountability rather than direct day-to-day executive control over editorial content.¹⁷

The difficulty is jurisdictional and remedial. The Council's traditional institutional focus is the print press and news agencies, while the contemporary media trial often unfolds simultaneously on television, online portals and social media. Its sanctions also do not replicate the coercive power of a court. A censure may be professionally significant, but it may arrive

¹⁴ *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1.

¹⁵ *IE Online Media Services Private Limited v. Nitin Bhatnagar*, FAO 346/2025, judgment dated Dec. 18, 2025 (Delhi HC).

¹⁶ The Contempt of Courts Act, 1971 (Act 70 of 1971), s. 2(c).

¹⁷ The Press Council Act, 1978 (Act 37 of 1978), s. 13; Press Council of India, *Norms of Journalistic Conduct* (2022).

after harmful content has already been viewed, copied and indexed at scale.

The Press Council framework is therefore best understood as one layer of a broader system. It is capable of articulating standards and developing professional expectations, but it cannot by itself provide a uniform remedy for cross-platform prejudicial publicity.

C. Television Broadcasting and the Programme Code

Television broadcasting is governed by the Cable Television Networks (Regulation) Act, 1995 and the Cable Television Networks Rules, 1994. The Programme Code restricts categories of content including material that is defamatory, deliberately false or contemptuous of court. Amendments introduced a tiered grievance structure combining broadcaster-level processes, recognised self-regulatory bodies and governmental oversight.¹⁸

This framework is more formalised than purely voluntary ethical regulation, but speed remains a practical weakness. In a high-profile case, a prime-time programme can be clipped and redistributed within minutes. A later grievance decision, apology or takedown may not travel through the same network through which the original allegation circulated. The effectiveness of a remedy must therefore be assessed not only by whether a complaint mechanism exists, but by whether it can prevent or reduce the specific harm created by rapid dissemination.

Television also illustrates the commercial dimension of media trials. Debate formats can reward certainty, confrontation and simplified narratives even where the evidence is incomplete. Legal regulation cannot constitutionally prescribe editorial tone in general, but it can insist that allegations are not represented as judicial findings and that protected material is not disclosed.

D. Digital News and the Information Technology Rules

The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 created a Code of Ethics for publishers of news

and current affairs content, incorporating the Norms of Journalistic Conduct and the television Programme Code into the digital publishing environment. This development reduces the conceptual gap between legacy media and professional digital news organisations.¹⁹

Digital communication nevertheless poses problems that publisher-focused rules only partly address. The most influential prejudicial content may be produced by individual users, influencers, anonymous accounts, commentary channels or accounts that reproduce fragments of mainstream reporting. Algorithmic systems can repeatedly recommend old content without any new editorial decision by the original publisher. Content can migrate across services, making a remedy directed at one URL or one broadcaster incomplete.

A constitutionally sustainable digital framework must therefore distinguish the responsibility of original publishers, intermediaries and subsequent speakers. It should also distinguish correction, contextual updating, de-indexing and deletion. Treating all four as equivalent obscures their different effects on both reputation and public access to historical information.

E. Bharatiya Nyaya Sanhita, Bharatiya Nagarik Suraksha Sanhita and Victim Protection

The Bharatiya Nyaya Sanhita, 2023 contains targeted restrictions relevant to criminal reporting. Sections 72 and 73 protect the identity of victims of specified sexual offences and restrict unauthorised publication of matter concerning specified court proceedings, subject to statutory exceptions.²⁰ The Bharatiya Nagarik Suraksha Sanhita, 2023 continues in-camera protection for specified sexual-offence proceedings.²¹ The Protection of Children from Sexual Offences Act, 2012 separately imposes strong safeguards concerning the identity and privacy of children.²²

These provisions are important for the theory of media-trial regulation because they show that Parliament can identify specific categories of publication harm and attach direct legal consequences. At the same time, they do not constitute a general law against prejudicial narrative-building in ordinary criminal investigations. The legal system is

¹⁸ The Cable Television Networks (Regulation) Act, 1995 (Act 7 of 1995), s. 5; Cable Television Networks Rules, 1994, r. 6.

¹⁹ Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, Appendix, Code of Ethics.

²⁰ The Bharatiya Nyaya Sanhita, 2023 (Act 45 of 2023), ss. 72-73.

²¹ The Bharatiya Nagarik Suraksha Sanhita, 2023 (Act 46 of 2023), s. 366.

²² The Protection of Children from Sexual Offences Act, 2012 (Act 32 of 2012), s. 23.

consequently stronger in situations involving statutorily protected victims than in the broader field of premature attribution of guilt.

The existence of targeted statutory prohibitions also cautions against using a broad media-trial statute as a substitute for careful drafting. Where Parliament intends secrecy or restricted publication, it can define the subject, protected person, procedural stage and exceptions with precision. Any wider legislation should follow the same model of narrowly specified risk rather than vague moral disapproval of sensational coverage.

F. Police-Media Briefings and the 2026 Police Manual

The most important recent development concerns the regulation of information at source. Police statements have a distinctive capacity to influence public narratives because they carry the authority of the investigating state. Even when an officer intends only to inform the public, disclosure of alleged motive, confession, forensic inference or unverified witness material can be interpreted as an official determination of guilt.

In the 2023 phase of *People's Union for Civil Liberties v. State of Maharashtra*, the Supreme Court recognised the need for a comprehensive approach to media briefings during criminal investigation. It stressed objectivity

and the need to avoid disclosures that lead to a media trial. The proceedings eventually resulted in the reportable order of January 15, 2026, reported as 2026 INSC 79, in which the Court directed States to evolve appropriate policies for media briefings taking the Police Manual into account.²³

The significance of this intervention is conceptual as well as practical. Traditional regulation assumes that the publisher is the principal point at which harm can be controlled. The Police Manual model recognises that prejudicial publicity may be prevented more effectively by limiting premature or unauthorised disclosure before it enters the media ecosystem. Source-side regulation can also improve accuracy by centralising official communication through designated spokespersons and separating verified procedural facts from investigative hypotheses.

The model's effectiveness will depend on implementation. State-level policies require clear designation of authorised officers, training, written records of briefings, restrictions on disclosure of protected or unverified material, and accountability for unofficial leaks. A manual without internal disciplinary consequences risks becoming advisory rather than preventive. The 2026 direction is therefore a major improvement in legal architecture, but its institutional success cannot be presumed merely from its formal adoption.

Table 2. Regulatory Coverage Matrix for Prejudicial Publicity

Legal / regulatory source	Primary coverage	Relevant stage	Principal mechanism described in this paper
Articles 19(1)(a), 19(2) and 21	All media through constitutional adjudication	Investigation, trial and post-proceeding contexts	Balancing of press freedom, fair trial, dignity, privacy and reputation; proportionate judicial relief.
Contempt of Courts Act, 1971	Publication affecting judicial proceedings	Primarily pending judicial proceedings	Criminal contempt jurisdiction and binding court orders.
Press Council Act / Norms of Journalistic Conduct	Print press and news agencies	Reporting and commentary	Professional standards, adjudication and censure.
Cable Television framework / Programme Code	Television broadcasting	Broadcast stage	Programme restrictions and grievance / oversight mechanisms.
IT Rules, 2021	Publishers of digital news and current affairs content	Online publication	Code of Ethics and digital grievance structure.

²³ *People's Union for Civil Liberties v. State of Maharashtra*, 2026 INSC 79. See also Supreme

Court of India, *Police Manual for Media Briefing*, uploaded pursuant to the order dated Jan. 15, 2026.

BNS, BNSS and POCSO protections	Specified victims, protected identities and proceedings	Investigation and trial	Targeted statutory confidentiality and publication restrictions.
Police-media briefing policies following PUCL (2026)	Official police disclosures	Investigation stage	Source-side controls, authorised briefing and limits on premature disclosure.

JUDICIAL DEVELOPMENT OF THE LAW

Indian case law reveals a movement from general condemnation of trial by media toward a more structured doctrine of prejudice, proportionality and source-side responsibility. The following decisions show that development in condensed form.

Table 3. Selected Judicial Decisions and Regulatory Significance

Judicial decision	Central principle	Regulatory significance
<i>State of Maharashtra v. Rajendra Jwanmal Gandhi</i> (1997)	Trial by press or electronic media cannot substitute adjudication by courts.	Foundational judicial rejection of parallel adjudication.
<i>M.P. Lohia v. State of West Bengal</i> (2005)	Publication on the merits of a pending criminal matter was deprecated.	Illustrates danger of sub judice commentary.
<i>R.K. Anand v. Registrar, Delhi High Court</i> (2009)	Media can expose misconduct, while courts retain authority to protect administration of justice.	Demonstrates accountability role of journalism alongside judicial control.
<i>Sidhartha Vashisht @ Manu Sharma v. State (NCT of Delhi)</i> (2010)	Presumption of innocence should not be destroyed by prejudicial publicity.	Connects media conduct with fair-trial values.
<i>Sahara India Real Estate Corp. Ltd. v. SEBI</i> (2012)	Postponement orders may be used against a real and substantial risk of prejudice, subject to necessity and proportionality.	Provides a calibrated preventive remedy.
<i>Nilesh Navalakha v. Union of India</i> (2021)	Media should not conduct a parallel investigation or obstruct an ongoing investigation.	Extends concern to intensive electronic coverage at investigation stage.
<i>People's Union for Civil Liberties v. State of Maharashtra</i> (2023)	Police-media disclosures should be objective and should not generate a media trial.	Shifts focus to source-side regulation of investigative information.
<i>IE Online Media Services Pvt. Ltd. v. Nitin Bhatnagar</i> (2025)	Continued digital availability of criminal allegations after discharge can create continuing reputational harm.	Highlights digital permanence and post-proceeding remedies.
<i>People's Union for Civil Liberties v. State of Maharashtra</i> , 2026 INSC 79	States were directed to evolve policies for police media briefings with reference to the Police Manual.	Creates a contemporary preventive governance framework.
<i>Muhammed Bilal S. v. Union of India</i> (2026)	General publication bans were rejected; tailored constitutional remedies remain available.	Reinforces proportionality and case-specific relief.

<i>Rabden Sherpa v. State of Sikkim</i> (2026)	Fair and accurate FIR-based reporting is not automatically a media trial.	Protects legitimate reporting while preserving limits on media adjudication.
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A. Descriptive Case-Law Analytics

The coded sample contains 11 decisions. Seven decisions (63.6%) are Supreme Court decisions and four (36.4%) are High Court decisions. Five decisions (45.5%) fall in 1997–2012, two (18.2%) in 2021–2023 and four (36.4%) in 2025–2026. Thus, six of the 11 selected decisions (54.5%) are from 2021–2026, which reflects the paper’s deliberate inclusion of recent digital-era and investigation-stage developments. The primary-focus distribution is reported below. These figures describe only the purposively selected decisions in this paper.

Table 4. Descriptive Summary of the Coded Decision Sample (N = 11)

Dimension	Category	n	%
Court level	Supreme Court	7	63.6
Court level	High Court	4	36.4
Decision period	1997–2012	5	45.5
Decision period	2021–2023	2	18.2
Decision period	2025–2026	4	36.4
Primary doctrinal focus	Accountability / proportionality / reporting boundaries	4	36.4
Primary doctrinal focus	Fair-trial / parallel-adjudication protection	3	27.3
Primary doctrinal focus	Investigation-stage / source-side governance	3	27.3
Primary doctrinal focus	Digital persistence / post-proceeding reputation	1	9.1

Primary Doctrinal Focus of the Coded Judicial Decisions (N = 11)

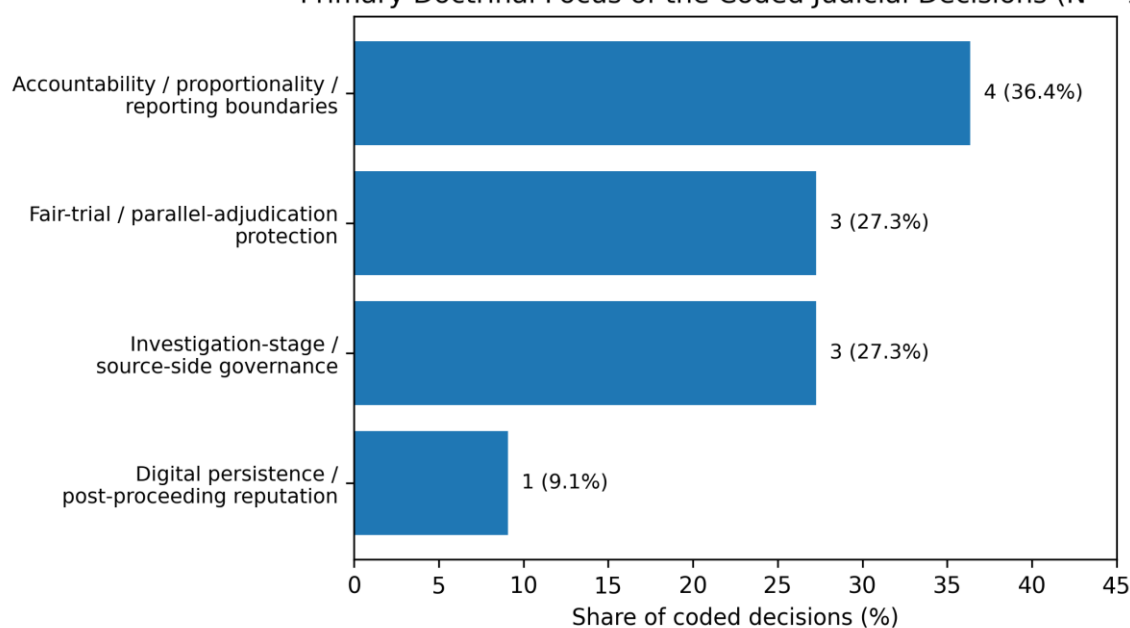


Figure 1. Distribution of the Coded Decisions by Primary Doctrinal Focus

Source: Author's calculations from the 11 judicial decisions listed in Table 3 and the auditable coding dataset in Table 6; percentages are $n/11 \times 100$. Case citations are provided in the References.

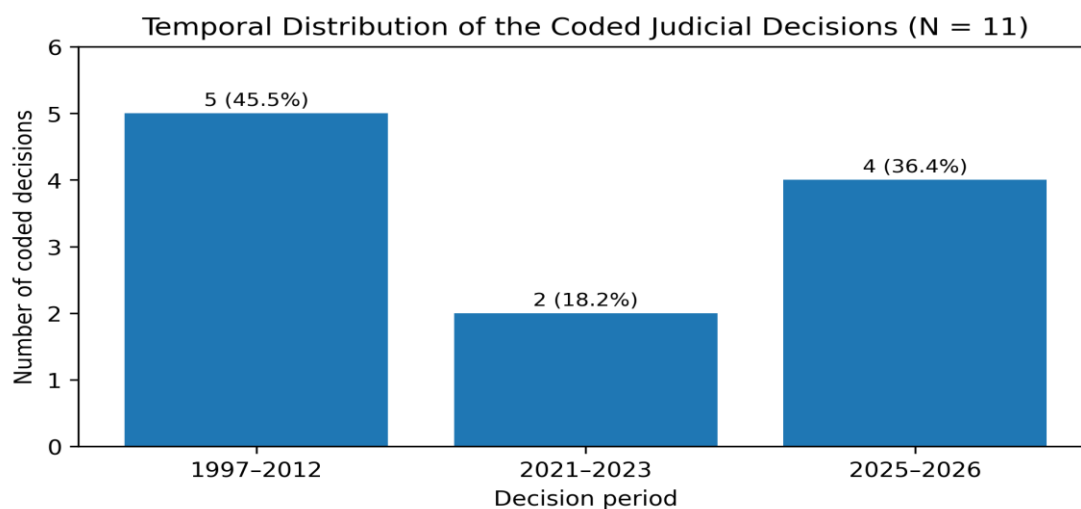


Figure 2. Temporal Distribution of the Coded Judicial Decisions

Source: Author's calculations from the decision years of the 11 judicial decisions listed in Table 3 and Table 6.

Table 5. Primary Doctrinal Focus by Decision Period

Primary doctrinal focus	1997–2012	2021–2023	2025–2026	Total
Fair-trial / parallel-adjudication protection	3	0	0	3
Accountability / proportionality / reporting boundaries	2	0	2	4
Investigation-stage / source-side governance	0	2	1	3
Digital persistence / post-proceeding reputation	0	0	1	1
Total	5	2	4	11

The cross-tabulation shows a change in the issues represented in the selected case set. The foundational period (1997–2012) is concentrated on fair-trial protection, parallel adjudication and proportionate judicial control. The 2021–2023 decisions in the sample concern investigation-stage and source-side problems. The 2025–2026 group adds both reporting-boundary decisions and the distinct problem of persistent digital reputation. This pattern is a descriptive feature of the selected decisions and should not be read as a frequency estimate for all Indian cases.

B. Decision level dataset and extended descriptive results

Table 6. Auditable decision level coding dataset

ID	Decision	Year	Court	Focus
C01	Rajendra Jawanmal Gandhi	1997	SC	F
C02	M P Lohia	2005	SC	F
C03	R K Anand	2009	SC	A
C04	Manu Sharma	2010	SC	F

C05	Sahara	2012	SC	A
C06	Nilesh Navalakha	2021	HC	I
C07	PUCL 2023	2023	SC	I
C08	Nitin Bhatnagar	2025	HC	D
C09	PUCL 2026	2026	SC	I
C10	Muhammed Bilal	2026	HC	A
C11	Rabden Sherpa	2026	HC	A

SC = Supreme Court; HC = High Court. Focus codes are defined in the methodology. Each row corresponds in sequence to Table 3. Two PUCL rows represent separate orders in the same litigation stream.

Table 7. Additional descriptive statistics for the selected corpus

Indicator	Calculated result	Interpretation
Decision units / litigation streams	11 / 10	Repeated PUCL orders count separately
Median decision year	2021	Middle decision in the ordered corpus
First / third quartile	2009.5 / 2025.5	Linear percentile convention
Interquartile range	16 years	Q3 minus Q1
Observed calendar span	1997–2026; 29 years	Latest minus earliest decision year
Recent decisions, 2021–2026	6/11; 54.5%	Purposeful recent inclusion
Decisions in 2026	3/11; 27.3%	Concentration in the latest year
One decision as share of full corpus	9.1 percentage points	100/11; small-denominator sensitivity
Supreme Court to High Court ratio	7:4; 1.75	Composition, not relative effectiveness

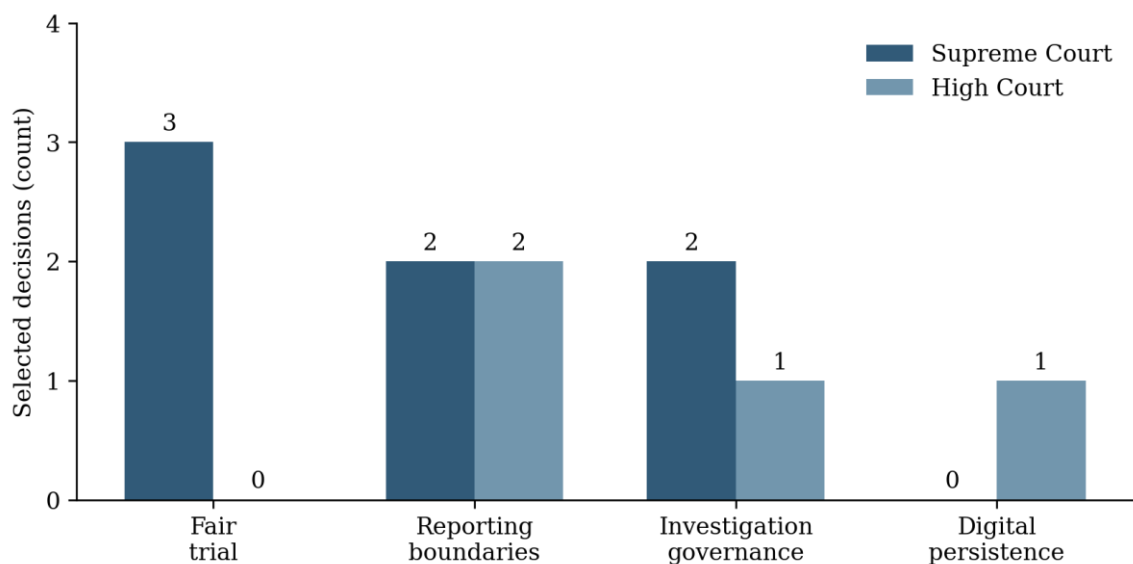


Figure 3. Court level by primary doctrinal focus

Source: Author's calculations from the 11 decisions in Table 3. The Supreme Court subset contains three fair-trial decisions, two reporting-boundary decisions and two investigation-governance decisions. The High Court subset

contains two reporting-boundary decisions, one investigation-governance decision and the digital-persistence decision. Underlying decision-level inputs are shown in Table 6 and supported by the case citations in the References.

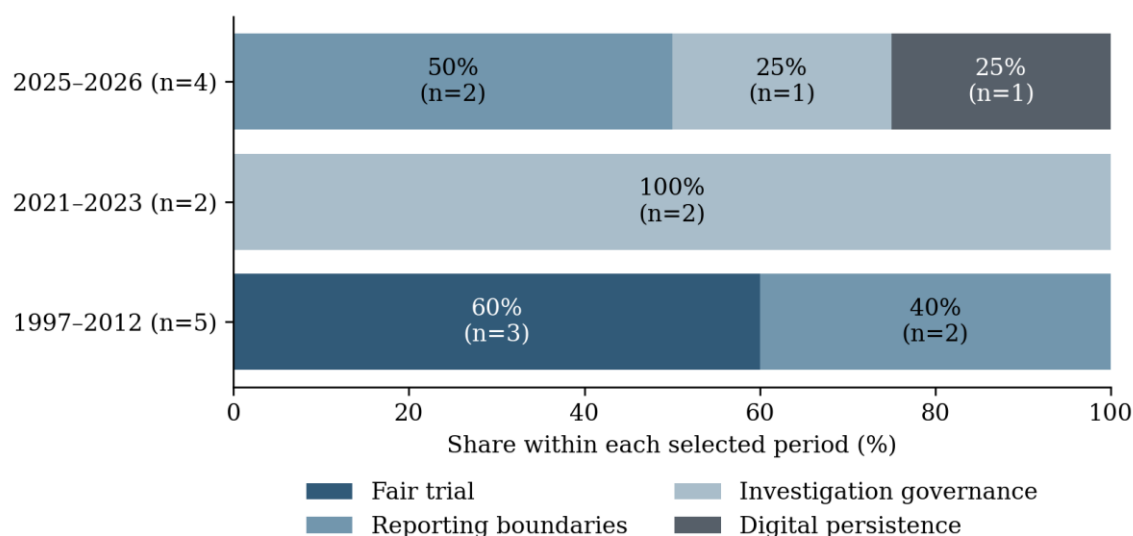


Figure 4. Within period composition of doctrinal focus

Source: Author's calculations from the 11 decisions in Table 3. Fair-trial decisions comprise 60.0% of the earliest subset, while investigation governance accounts for both decisions in 2021–2023. The latest subset contains 50.0% reporting-boundary decisions and 25.0% each investigation governance and digital persistence. Different denominators and unequal calendar windows prevent a prevalence or growth-rate interpretation. Underlying decision-level inputs are shown in Table 6 and supported by the case citations in the References.

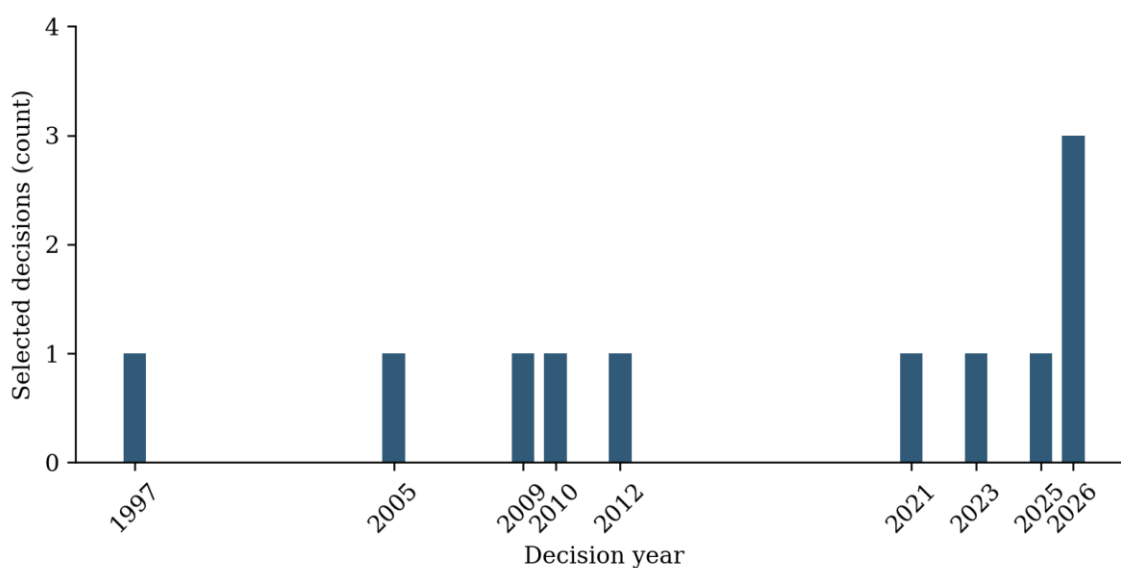


Figure 5. Decision counts by individual year in the selected corpus

Source: Author's calculations from the 11 decisions in Table 3. The median year is 2021 and three decisions fall in 2026. All other represented years contain one selected decision each. Unrepresented years mean no decision from that year was included, rather than that no relevant litigation occurred. This graph makes recent-selection concentration explicit. Underlying decision-level inputs are shown in Table 6 and supported by the case citations in the References.

Table 8. Leave one decision out sensitivity of primary focus shares

Primary focus	Full corpus %	Minimum %	Maximum %
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Fair trial	27.3	20.0	30.0
Reporting boundaries	36.4	30.0	40.0
Investigation governance	27.3	20.0	30.0
Digital persistence	9.1	0.0	10.0

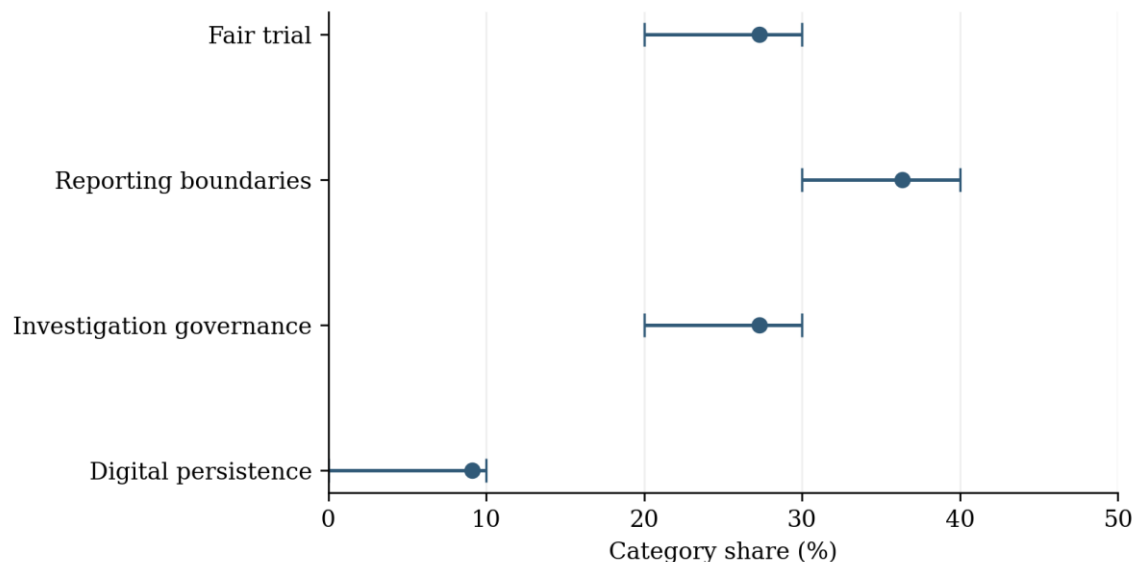


Figure 6. Corpus sensitivity of primary focus percentages

Source: Author's calculations from the 11 decisions in Table 3. Dots show the original category shares and horizontal bars show the leave-one-decision-out range. The digital-persistence category falls from 9.1% to 0.0% if its sole decision is omitted. Reporting boundaries range from 30.0% to 40.0%. These are deterministic sensitivity bounds, not confidence intervals. Underlying decision-level inputs are shown in Table 6 and supported by the case citations in the References.

C. Limits on statistical and technical interpretation

The quantitative results demonstrate the composition and internal pattern of the selected authorities. They do not establish the incidence of media trials, causal influence on judges, enforcement success, public attitudes or the effectiveness of a particular regulator. Court level is nominal, doctrinal focus is categorical and the year is temporal; none is a measured effectiveness outcome. The five evaluative criteria therefore remain qualitative legal assessments rather than numerical scores.

A future effectiveness study should collect complaint-level or publication-level observations with a documented sampling frame. Relevant measurable outcomes include median hours from complaint receipt to interim decision, compliance rate among

final orders, correction or contextual-update rate among eligible reports, and residual availability of identified URLs after a fixed follow-up interval. Each rate requires a stated numerator, eligible denominator and observation window. These are proposed indicators; no values are imputed in this article.

The early decisions establish a basic institutional proposition: adjudication of criminal guilt belongs to courts. *Rajendra Jawanmal Gandhi* and *M.P. Lohia* are often cited for that proposition, but their contemporary relevance lies in the warning that public communication can distort the conditions under which adjudication occurs. The principle is not that the public must remain uninformed, but that the media should not transform unfinished allegations into a substitute verdict.

R.K. Anand v. Registrar, Delhi High Court demonstrates why the doctrine cannot be reduced to hostility toward media involvement in legal proceedings. Investigative journalism and recorded reporting in that matter contributed to exposure of serious misconduct. The case therefore illustrates both sides of the constitutional balance: journalism can protect the administration of justice by revealing wrongdoing,

while courts retain authority to respond when conduct itself obstructs justice.²⁴

The doctrinal turning point is *Sahara*, because it offers a remedial framework rather than a broad condemnation. The Supreme Court recognised postponement orders as a neutralising device where publication creates a real and substantial risk to fairness and where less restrictive alternatives are inadequate. The emphasis on necessity, duration and proportionality gives courts a method for protecting proceedings without imposing a permanent ban on discussion.

The Bombay High Court's decision in *Nilesh Navalakha v. Union of India*, arising from intensive television coverage following the death of actor Sushant Singh Rajput, further developed the principle at the investigation stage. The Court cautioned against a parallel investigation by the media and against broadcasts capable of interfering with the investigative process. Its importance lies in recognising that the administration of justice can be affected before evidence reaches the trial court.²⁵

Recent cases refine the line rather than expanding censorship. *Muhammed Bilal S.* rejects a general identity ban for accused persons and relies on existing constitutional remedies. *Rabden Sherpa* protects fair and accurate reporting of a FIR and expressly states that such reporting does not itself amount to media trial. The combined effect is to support a risk-based standard: restrictions require demonstrated prejudice, not merely discomfort caused by adverse publicity.

The digital dimension appears most clearly in *Nitin Bhatnagar*. The dispute concerns the continued effect of earlier reports after the legal position of the person reported upon changed. This raises a different question from classic contempt: not whether a pending trial will be prejudiced, but whether continued prominence of incomplete criminal-status information unjustifiably impairs dignity and reputation. The law will increasingly need to address this post-proceeding phase as online archives become permanent components of personal reputation.

7. Evaluating The Effectiveness Of The Existing Framework

A. Clarity of Legal Standards

Indian law does not provide a single statutory definition of media trial, but judicial decisions have developed recurring indicators of legally problematic conduct: prejudgment of guilt, interference with investigation, publication capable of affecting proceedings, parallel investigation, attacks on witnesses, protected-identity disclosure and misuse of confidential material. The case law therefore supplies more clarity than the absence of a statute might initially suggest.

The weakness is accessibility and consistency. These principles are dispersed across constitutional cases, contempt decisions, sectoral norms and regulatory codes. A professional newsroom with legal counsel can reconstruct the applicable standards; a local digital publisher, independent video channel or police public-relations unit may not. Clarity should therefore be improved through a consolidated, platform-neutral statement of core principles rather than through an overbroad definition of 'media trial'.

B. Temporal Reach

Temporal reach is the framework's most persistent weakness. The strongest reputational and investigative effects often arise during the earliest stages of a case, when information is incomplete and public curiosity is at its highest. Traditional contempt protection, designed around formal proceedings, is not optimally structured for this phase. The Law Commission identified the problem in 2006, and subsequent cases continue to reveal it.

The 2026 police-briefing framework materially improves temporal reach by regulating official information during investigation. It does not, however, govern every speaker or every republication. A prejudicial narrative may still arise from leaks, private participants, former officials, social-media commentary or selective republication of lawfully obtained material. The source-side model should therefore be viewed as necessary but not sufficient.

C. Institutional Coverage

Regulation remains divided by medium. Print journalism is associated with the Press Council framework; television operates under the Cable

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

²⁵ *Nilesh Navalakha v. Union of India*, 2021 SCC OnLine Bom 56.

Television rules and self-regulatory bodies; professional digital news publishers are subject to the IT Rules; individual users and intermediaries are governed by different legal principles. The same statement may therefore encounter different complaint channels depending on where it appears.

Fragmentation is not entirely undesirable. A single government-controlled media regulator would create serious risks for press freedom. The preferable objective is substantive convergence rather than institutional monopoly. Different bodies can remain, but the underlying minimum standards concerning presumption of innocence, protected identities, alleged confessions, witness interference, corrections and later legal developments should be consistent.

D. Enforceability and Remedial Speed

Constitutional courts possess strong remedial powers. They can issue injunctions, postponement orders, contempt directions and case-specific protections. Statutory and regulatory bodies can also order corrections or impose other consequences within their jurisdiction. The legal system therefore does not lack remedies in the formal sense.

The practical problem is delay. A person must identify the legal harm, select the correct forum and obtain relief after publication has already occurred. In a viral information environment, the first twenty-four hours may matter more than the final outcome of a complaint several weeks later. A remedy that arrives after content has been replicated across dozens of platforms is formally valid but operationally weak.

A more effective framework requires emergency but proportionate procedures. Courts and regulatory bodies should be able to order rapid correction, prominent contextual updating, temporary postponement or protection of statutorily confidential information without defaulting to complete deletion. Speed and calibration must operate together.

E. Digital Adaptability

Digital permanence changes the nature of legal injury. The classic model assumes that the prejudicial publication is tied to a particular edition or broadcast. Online information can be searched, recommended and resurfaced indefinitely. Even if the original report was accurate, its continuing presentation without later procedural developments may become incomplete or misleading.

The appropriate legal response should distinguish among updating, correction, de-indexing and deletion. Updating preserves the original report while adding

later legal developments. Correction addresses false information. De-indexing limits discoverability in defined circumstances without erasing the source. Deletion removes the publication and should ordinarily require the strongest justification. The distinctions are important because they permit protection of reputation with less interference in historical record and public access.

Digital adaptability also requires attention to repetition by third parties. The original publisher cannot always control screenshots, reposts or commentary. Liability rules must therefore remain tied to the conduct of the specific actor and should avoid imposing impossible duties to eliminate every copy from the internet. The objective should be meaningful mitigation of identifiable harm, not an unattainable guarantee of digital oblivion.

F. Overall Assessment

Measured against the five criteria, the existing framework is best described as legally substantial but operationally incomplete. Its normative content is strongest where courts can identify a concrete risk in an individual case. Its weaknesses become most visible where harm is rapid, cross-platform, investigative rather than trial-stage, or persistent after the proceedings have changed.

The descriptive coding provides a separate quantitative view of the selected authorities. Of the 11 decisions, 7 (63.6%) are Supreme Court decisions and 4 (36.4%) are High Court decisions. By primary focus, 4 decisions (36.4%) concern accountability, proportionality or reporting boundaries; 3 (27.3%) concern fair-trial or parallel-adjudication protection; 3 (27.3%) concern investigation-stage or source-side governance; and 1 (9.1%) concerns digital persistence after the underlying criminal status changed. These figures do not rank the doctrines or institutions; they simply make the composition of the case set explicit.

The framework's development since 2023 is nevertheless significant. The law is moving away from a publisher-only model and toward governance of information flows. The challenge for reform is to consolidate that progress without converting media-trial regulation into a system of executive licensing or routine censorship.

8. A PROPORTIONATE REFORM MODEL

1. Adopt a statutory standard of prejudicial publicity, not a vague prohibition on “media trials”.

A new legislative or model-code provision should focus on publication that creates a real and substantial risk of material prejudice to investigation, adjudication, protected participants or the administration of justice. The law should expressly preserve fair and accurate reporting of public records and open proceedings. This would translate the logic of *Sabara* into an accessible standard while avoiding a prohibition based solely on the popularity or intensity of coverage.

2. Extend protection to the early investigative stage through carefully defined triggers.

The law should respond to the period in which narratives are most likely to harden: arrest, formal identification of a suspect and active investigation. Protection at this stage should not create automatic secrecy. Instead, the risk standard should become available before a trial is formally underway, allowing courts to address witness interference, disclosure of alleged confessions and publication of sensitive investigative material when the danger is concrete.

3. Establish uniform minimum rules for police-media briefings.

State policies adopted pursuant to the Supreme Court's 2026 direction should include designated spokespersons, written or recorded briefings, clear separation between verified procedural facts and investigative hypotheses, restrictions on disclosure of alleged confessions and forensic opinions before appropriate verification, protection of victims and minors, and internal consequences for unauthorised leaks. Transparency about the briefing process can itself reduce speculative sourcing.

4. Harmonise substantive standards across print, television and professional digital news.

Institutional diversity can remain, but the core obligations should converge. At minimum, all professional news media should follow consistent principles on presumption of innocence, identification of allegation as allegation, protection of vulnerable persons, witness-related commentary, correction, disclosure of later procedural developments and use of confidential investigative information.

5. Create rapid, graduated remedies.

The law should prefer the least restrictive measure capable of addressing the harm. Available remedies should include clarification, correction, right of response, prominent updating, temporary postponement, targeted removal of protected personal data and limited de-indexing. Complete

deletion or broad prior restraint should remain exceptional because of their greater impact on public access and historical record.

6. Require contextual updating when the legal status materially changes.

Professional publishers should maintain a mechanism for updating prominent digital reports when a person is discharged, proceedings are quashed, a closure report is accepted or an acquittal becomes final. The requirement should apply particularly where the earlier report remains readily discoverable and continues to state the accusation without the later development. Contextual updating is less speech-restrictive than deletion and more accurate than leaving an obsolete status unqualified.

7. Regulate unofficial investigative leaks while preserving genuine whistle-blowing.

Police policies cannot succeed if carefully controlled formal briefings are accompanied by informal disclosure of case diaries, alleged confessions or unverified evidence. Internal rules should prohibit unauthorised disclosure of confidential investigative material, subject to a carefully designed public-interest exception for exposure of illegality, corruption or serious institutional wrongdoing.

8. Build transparent review and compliance mechanisms.

State police briefing policies should be publicly accessible. Departments should periodically disclose training, designated spokesperson arrangements and anonymised complaint outcomes. Media regulatory bodies should publish reasoned decisions in searchable form. Transparency would allow courts, scholars and the public to evaluate whether the framework works in practice rather than merely existing on paper.

9. PRINCIPAL FINDINGS

The structured case-law dataset contains 11 decisions: 7 Supreme Court and 4 High Court decisions. Six of the 11 decisions were delivered between 2021 and 2026, and the coded focus categories are reported through frequencies and percentages rather than inferential statistics. The median decision year is 2021, with an interquartile range of 16 years. Each selected decision represents 9.1% of the corpus; leave-one-decision-out ranges demonstrate that the category proportions are sensitive to individual inclusions.

- India does not operate in a complete legal vacuum. Constitutional law, contempt jurisdiction,

sectoral regulation, targeted criminal-law restrictions and judicial remedies collectively provide substantial authority to restrain prejudicial publicity.

- The principal weakness is fragmentation. Standards must be reconstructed across multiple statutes, judicial decisions and regulatory mechanisms, producing uncertainty for publishers, police authorities and affected individuals.
- Recent jurisprudence is increasingly precise. Courts have resisted blanket restrictions and have distinguished fair and accurate reporting from prejudgment of guilt, parallel investigation and demonstrable interference with legal proceedings.
- Timing remains a central structural problem. Harm often arises during investigation, while many traditional remedies are activated only after publication or after the legal process has advanced.
- Digital permanence creates a distinct post-proceeding problem. The need for correction or contextual updating may continue even when the risk of trial prejudice has ended.
- The Supreme Court's 2026 police-media briefing framework is the strongest recent preventive reform because it targets the information source rather than relying exclusively on later sanctions against publication.

10. Conclusion

The regulation of media trials in India has evolved substantially through judicial decisions, but it remains a framework built in layers rather than a single coherent code. Courts have developed strong constitutional principles: freedom of the press protects reporting and criticism; fair trial and dignity

protect individuals against prejudicial adjudication outside court; postponement or restraint must be necessary and proportionate; accurate reporting of public records is not automatically a media trial; and investigative authorities themselves bear responsibility for the manner in which information enters the public domain.

These principles make the present legal framework stronger in doctrine than is sometimes assumed. The weakness lies in operation. Remedies are frequently reactive, different media are governed through different institutions, early investigative publicity remains difficult to contain, and digital archives can continue to reproduce incomplete criminal-status information long after proceedings have changed. The 2026 Police Manual initiative is therefore important because it addresses the problem before publication, but its value will depend upon implementation by State police organisations and accountability for unauthorised disclosure.

A constitutionally sustainable reform should not seek to prohibit public discussion of criminal cases. Such a model would weaken open justice and legitimate investigative journalism. The appropriate objective is narrower: a platform-neutral law of prejudicial publicity centred on a real and substantial risk of harm, supported by consistent source-side rules, rapid graduated remedies and contextual updating of materially altered legal status. This approach preserves the essential democratic role of the media while maintaining the equally fundamental proposition that criminal liability is determined by courts on evidence, not by the velocity of a public narrative.

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