

Trial by Media in the Digital Age: Should Social Media Platforms be Regulated During Ongoing Criminal Trials?

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ABSTRACT

The rapid growth of the social media has transferred the way of information about the criminal cases and disseminated and dissuaded among the public before judicial proceeding concluded. This phenomenon is called “trial by media”. In society where people have enjoyed the right to freedom of speech and expression under Article 19 but such practices may conflict with the right of the accused of a fair trial, which guarantee in Article 21. This article examines the impact on social media on criminal trials, legal issues involved, influences on public opinion. This article concludes that while media trial threaten to the fairness of criminal justice but if responsible and facts based reporting will serve for the interests of justice without undermining the right of the accused.

WHAT IS TRIAL BY MEDIA?

With approximate 5.66 billion active social media user² worldwide, digital media has become the medium of public discourse. People who are active on social media, which shows that there are 5.66 billion points of view that are shared and transferred through platforms such as Facebook, X (Twitter), Instagram, and YouTube. At present, social media has become an instant source of news and public discussion on public matters. However, these discussions also affect criminal trials. People discuss the guilt or innocence of an accused person before a court delivers its verdict. This concept is known as “trial by media”.

Today, trial by media is becoming increasingly prevalent, more news and opinions are being formed by the public through social media than through news channels and courtrooms.

The right to freedom of speech and expression is a fundamental right guaranteed to all individuals, but the question that arises is how much restriction should be placed on speech,

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² Simon Kemp, Digital 2026: 2 in 3 People on Earth Now Use Social Media, DataReportal (Oct. 15, 2025), <https://datareportal.com/reports/digital-2026-two-in-three-people-use-social-media> (last visited June 26, 2026).

expression, and public opinion. These practices affect the right of the accused to get a fair trial. Therefore, it is asked whether social media should be allowed to freely discuss a case or whether there should be restrictions to protect the accused's right to a fair trial.

WHERE DID TRIAL BY MEDIA COME FROM?

The concept of trial media originated with extensive, radio, newspaper which coverage criminal cases. It began in earlier times when media channels and television reports delivered information about the accused and their offences. From this, people formed opinions and started posting them on social media. Over time, it became a trend to judge a person before their guilt or innocence was proven by a court.

Over the years, we have witnessed such trials in cases like the Sushant Singh Rajput Death Case 2020³ where we saw that continuous television and social media debates led to more allegations of a media trial people start making opinions and speculating about the case before the completion of official investigations. This way it judging and questioning about the real cause of death, while in the case of the Jessica Lal Murder Case 1999⁴ where media pressure helped keep public attention on the case and is often creates as an example of the media's positive role. Trial by media has both positive and negative aspects, which we discussed below.

IS TRIAL BY MEDIA LEGALLY VALID?

The Constitution gives the right to freedom of speech and expression under Article 19(1)(a)⁵. It protects the right of people to express their views and discuss matters on social media. Through these discussions, many people become aware of new facts and updates. This right facilitates public discussion and promote transparency and accountability and it also encourages society to bring justice in a quicker and more effective way.

But there is the one question which occurs is that it is legally valid for the media to discuss opinions about an accused person who has not yet been declared guilty or innocent by a court? Does it not affect the rights of the accused as well? Where in the Constitution, under Article 19(2)⁶ provides restrictions on the right to freedom of speech and expression. Moreover, Article

³ India Today. (n.d.) Sushant Singh Rajput. Available at: <https://www.indiatoday.in/sushant-singh-rajput> (Accessed: 26 June 2026).

⁴ Jessica Lal Murder Case: Chronology of Events, The Hindu (Apr. 19, 2010), <https://www.thehindu.com/news/national/Jessica-Lal-murder-case-Chronology-of-events/article61758940.ece>.

⁵ INDIA CONST. art. 19, cl. (1)(a).

⁶ INDIA CONST. art. 19, cl. (2).

21⁷ gives the accused the right to a fair trial. Due to these trial by media causes violations of these rights.

Unlike traditional media, social media allows every individuals to become a publisher and speaker. By these information spreads rapidly without editorial oversight, making it difficult to verify facts. As a result, public perception may be shaped by speculation rather than evidence.

HOW DOES IT IMPACT CRIMINAL TRIALS?

One of the most important principles of criminal law is the presumption of innocence. A court can declare a person guilty or innocent only after examining the evidence. However, on social media, these principles are often ignored. By viewing certain facts, videos, or hashtags, some people declare a person to be a criminal. This affects the person's mind and also harms the reputation of the accused.

Moreover, witnesses may be influenced by the information circulating on online. Continuous exposure to media narratives can affect their memory, testimony, or willingness to participate in proceedings. Not only are witnesses affected, but sometimes investigating officers are also influenced, as they faced pressure which created by people on social media through their opinions. This may lead to quicker arrests, and sometimes a fair trial and proper collection of evidence may not take place correctly.

While Judges are expected to decide cases solely on the basis of evidence and law. Although where judges are trained to remain impartial, while excessive media attention and public outrage may indirectly affect the atmosphere surrounding of the case.

THE ROLE OF LAW IN ADDRESSING AND PREVENTING THESE PROBLEMS

In law, there are various provisions that help protect against such issues. One such law is the Contempt of Courts Act, 1971⁸. The Act empowers courts to punish publications that interfere with the administration of justice. If media reporting creates a substantial risk of prejudicing judicial proceedings, it may amount to contempt of court. The Information Technology Act,

⁷ INDIA CONST. art. 21.

⁸ Contempt of Courts Act, No. 70 of 1971, INDIA CODE (1971).

2000⁹ also protects against such issues, not in a direct way but indirectly, as it regulates the platforms where such trials or allegations are posted.

In the history of judicial proceedings, there have been many cases that have discussed this issue, such as: *Sahara India Real Estate Corporation Ltd. v. Securities and Exchange Board of India (2012)*¹⁰ where in this landmark case, the Supreme Court recognised that excessive media is reporting may affect the fairness of judicial proceedings, the Court held that postponement orders may be issued in the certain circumstances to prevent prejudice to ongoing cases. Where in the *Sidhartha Vashisht v. State (NCT of Delhi)* also known as *Manu Sharma v. State (NCT of Delhi) (2010)*¹¹, the Supreme Court observed that trial by media can interfere with the administration of justice. The Court emphasized on that media reporting should not prejudice the rights of the accused. Where *R.K. Anand v. Registrar, Delhi High Court (2009)*¹² case the Court highlighted the importance of responsibility of journalism and stated that media freedom carries with corresponding duties and responsibilities.

In these cases, where judicial proceedings, the courts discussed the restrictions that should exist on media reporting.

HOW TRIAL BY MEDIA UPHOLDS JUSTICE AND PROTECTS INDIVIDUALS

Although many negative arguments have been given by judicial proceedings and legal socialists regarding trial by media, as it may harm criminal proceedings but trial by media also has positive aspects in the administration of justice. It helps promote public awareness. Media coverage informs citizens about crimes, investigations, and court proceedings. These information gives public a better way to understand legal issues and hold institutions accountable.

Not only does it promote awareness, but it also promotes transparency. By receiving information through the media, people become more aware of the legal system, laws, proceedings, and crimes occurring in the country. Media coverage often highlights the concerns of victims and their families, ensuring that their grievances are heard and not ignored by authorities. Sometimes, the pressure created by the media makes authorities work more

⁹ The Information Technology Act, No. 21 of 2000, INDIA CODE (2000).

¹⁰ *Sahara India Real Estate Corporation Ltd v. Securities and Exchange Board of India*, (2012) 8 SCC 142.

¹¹ *Sidharath Vashisht v. State (NCT of Delhi)*, (2010) 6 SCC 198.

¹² *R.K. Anand v. Registrar, Delhi High Court*, (2009) 8 SCC 228.

responsibly and with greater accountability. The best example of the media's power is the Nirbhaya Case (2012),¹³ where intense media coverage generated nationwide awareness, leading to the significant reforms in criminal laws relating to sexual offences.

CONCLUSION

It can be said that trial by media affects the rights of the accused of fair trial which is its fundamental right. But however, we cannot ignore the fact that if the media works truthfully without determining whether the accused is guilty or innocent, and instead focuses on communicating true facts and accurate information, then media can become a source of transparency and justice for the public.



¹³ BBC News, Coronavirus: India Announces 21-Day Lockdown, BBC (Mar. 24, 2020), <https://www.bbc.com/news/world-asia-india-51969961>.