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ISO 21001: 2018 Certification

TMV's Lokmanya Tilak Law College, Pune

Conference Proceedings

for

NATIONAL CONFERENCE

on

**The Constitution 130th Amendment Bill 2025
and the Future of Indian Democracy:
Ethics, Law, and Politics**

Vol : 2



Saturday, 8th November 2025

**130TH
CONSTITUTIONAL
AMENDMENT
BILL**

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Media Trials vs. Rule of Law: The Risk of Public Prejudgment in Ministerial Custody Cases

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Abstract

The rapid proliferation of mass media and digital communication platforms has fundamentally reshaped the architecture of democratic accountability. Investigative journalism, televised debates, and real-time social media discourse have enhanced public scrutiny of elected representatives and constitutional authorities, thereby reinforcing transparency and participatory governance. However, this expansion of media influence has also generated complex constitutional tensions, particularly in high-profile cases involving ministers or other high constitutional functionaries who are placed in judicial or police custody. In such situations, the phenomenon of "media trials" characterized by speculative reporting, sensationalized narratives, and parallel public adjudication frequently leads to the formation of definitive public opinions prior to judicial determination.

This dynamic raises serious concerns regarding the integrity of the rule of law, presumption of innocence, and the right to a fair trial under Articles 14 and 21 of the Indian Constitution. The issue becomes even more sensitive in light of proposed constitutional or statutory reforms mandating automatic removal of ministers upon prolonged custody or arrest. In such a framework, media-generated public pressure may indirectly influence executive or legislative action, thereby conflating accusation with guilt and eroding procedural

safeguards. This paper undertakes a doctrinal and socio-legal analysis of the constitutional conflict between freedom of speech and press under Article 19(1)(a) and fair trial guarantees under Article 21. It examines Indian judicial precedents addressing media interference in criminal proceedings, explores the sociological and technological mechanisms shaping digital public opinion, and evaluates comparative regulatory models. Ultimately, the study proposes normative and institutional safeguards aimed at harmonizing democratic transparency with due process protections, ensuring that accountability mechanisms do not devolve into instruments of prejudgment.

1. Introduction

Democracy is sustained not merely through periodic elections, but through a continuous culture of transparency, accountability, and informed public discourse. In constitutional democracies like India, the media has historically been regarded as the “fourth pillar” of governance, complementing the legislature, executive, and judiciary. The guarantee of freedom of speech and expression under Article 19(1)(a) of the Constitution has enabled the press to investigate corruption, expose maladministration, and question executive excesses. In this sense, media scrutiny operates as a democratic equalizer ensuring that public power remains subject to public reason.

However, the evolution of 24-hour news cycles, competitive television debates, digital journalism, and algorithm-driven social media platforms has altered the nature and speed of public communication. In high-profile criminal investigations involving ministers or senior executive authorities, media reporting often transcends factual dissemination and assumes an evaluative, accusatory tone. Studio discussions simulate courtroom proceedings; selective leaks are presented as conclusive evidence; hashtags frame narratives of guilt; and moral condemnation precedes legal adjudication. This phenomenon, commonly described as “trial by media,” effectively constructs a parallel adjudicatory space in the public domain.

The constitutional tension emerges from the intersection of two foundational principles: freedom of the press and the rule of law. The rule of law requires that determinations of guilt or innocence be made exclusively through judicial processes governed by procedural fairness. It is premised upon equality before the law (Article 14), the presumption of innocence, and the guarantee of life and personal liberty under Article 21. These principles ensure that no individual regardless of political status is condemned without due process. Media

trials, however, risk undermining these safeguards by shaping public opinion in advance of judicial findings and by creating indirect pressures on investigative agencies, prosecutors, and even judges.

The stakes are particularly heightened when the accused is a minister or high constitutional functionary. Such cases are not merely personal criminal proceedings; they implicate political legitimacy, public confidence in governance, and the stability of democratic institutions. Public outrage, amplified by media narratives, may generate demands for resignation, removal, or legislative reform even before the evidentiary record is tested in court. In contexts where constitutional or statutory proposals contemplate automatic disqualification or removal upon arrest or prolonged custody, the influence of media narratives becomes even more consequential. Arrest which is legally a procedural step may be socially transformed into a symbol of guilt.

At the same time, it would be reductive to portray media scrutiny as inherently detrimental. Investigative journalism has historically played a vital role in exposing corruption and ensuring that powerful officials do not evade accountability through political influence. In many instances, media attention has compelled investigative agencies to act where inertia or executive interference might otherwise prevail. Thus, the issue is not the existence of media engagement per se, but the manner, intensity, and normative framing of such engagement.

The central question, therefore, is whether media trials enhance democratic accountability by promoting transparency, or whether they imperil the rule of law by substituting populist adjudication for judicial determination. This paper undertakes a critical examination of this tension. It situates the phenomenon within constitutional doctrine, judicial precedents, and socio-technological realities, and seeks to evaluate whether the contemporary media ecosystem has blurred the line between scrutiny and prejudgment. Ultimately, the inquiry aims to assess how constitutional democracies can preserve robust press freedom while safeguarding the integrity of due process and fair trial guarantees.

2. Conceptual Framework: Media Trial and Rule of Law

2.1 Meaning of Media Trial

A “media trial” refers to a phenomenon in which media institutions including television news channels, print journalism, digital platforms, and

social media ecosystems engage in intensive coverage of criminal allegations in a manner that presumes, implies, or strongly suggests guilt before a competent court has rendered its judgment. Unlike objective journalistic reporting that merely informs the public about ongoing investigations or court proceedings, media trials often construct emotionally charged narratives that frame the accused as morally culpable even before evidentiary standards are tested through due process.

The defining features of media trials include sensationalized reporting, dramatic visual presentations, and rhetorical framing that amplifies public outrage. Prime-time debates frequently feature “expert panels” that speculate on motives, reconstruct alleged crimes, and evaluate the character of the accused without access to complete factual records. Leaked investigative materials such as charge sheets, witness statements, or custodial interrogations are selectively presented as conclusive proof. Social media campaigns further intensify the process through hashtags, viral clips, and influencer commentary, creating a cycle of digital amplification. In extreme instances, the coverage descends into character assassination, where personal history, family background, or unrelated controversies are invoked to reinforce presumptions of guilt. What distinguishes a media trial from legitimate investigative journalism is not the act of scrutiny itself, but the normative shift from reporting to adjudicating. While the press plays a constitutionally protected role in exposing wrongdoing and ensuring accountability, a media trial effectively constructs a parallel moral courtroom. In this space, the standards of proof are informal, emotive, and driven by public perception rather than evidentiary rigor. The cumulative effect is the formation of collective moral judgment that may precede and potentially prejudice the judicial process.

2.2 The Rule of Law Doctrine

The doctrine of the rule of law forms the normative foundation of constitutional governance. Classical exposition by A.V. Dicey identified three core principles: the supremacy of law over arbitrary power, equality before the law, and the predominance of legal spirit through judicial oversight. Modern constitutional jurisprudence has expanded this doctrine to include substantive due process, procedural fairness, and the protection of fundamental rights. In democratic systems, the rule of law ensures that power is exercised through pre-established legal norms and that adjudication is conducted by independent courts according to fair procedures.

In the Indian constitutional framework, the rule of law is recognized as part of the basic structure of the Constitution. It manifests through multiple interrelated guarantees. Article 14 ensures equality before the law and equal protection of the laws. Article 21 protects life and personal liberty and has been judicially interpreted to encompass the right to a fair and impartial trial. Embedded within these guarantees is the presumption of innocence a foundational criminal law principle that requires the prosecution to prove guilt beyond reasonable doubt. At the same time, Article 19(1)(a) protects freedom of speech and expression, including the freedom of the press, subject to reasonable restrictions in the interests of contempt of court, defamation, and public order.

The constitutional tension arises at the intersection of these rights. While press freedom is indispensable for democratic transparency, it cannot operate in a manner that undermines fair trial guarantees or compromises judicial independence. When media coverage prejudices an accused person, especially in high-profile ministerial custody cases, it risks eroding the presumption of innocence and creating indirect pressures on courts and investigative agencies. The challenge, therefore, lies not in privileging one constitutional value over another, but in harmonizing freedom of expression with due process protections so that democratic accountability does not devolve into populist adjudication.

3. Constitutional Foundations and Conflict

3.1 Freedom of Speech and Press

Freedom of speech and expression under Article 19(1)(a) of the Constitution of India constitutes one of the most vital pillars of democratic governance. Although the Constitution does not explicitly mention “freedom of the press,” judicial interpretation has consistently recognized that press freedom is inherent within the broader guarantee of free expression. The media serves as an institutional mechanism through which citizens receive information about governmental functioning, public policy, and alleged wrongdoing by those in power. In a constitutional democracy, scrutiny of ministers and high constitutional functionaries is not merely permissible but essential. Investigative journalism has historically exposed corruption, maladministration, and abuse of authority, thereby strengthening democratic accountability.

However, constitutional freedom of expression is not absolute. Article 19(2) permits the State to impose reasonable restrictions in the interests of, inter alia, contempt of court, defamation, public order, and decency or morality.

These limitations reflect the understanding that unregulated speech may infringe upon other constitutional values. In the context of ongoing criminal proceedings, particularly those involving public officials, media commentary that interferes with the administration of justice may fall within the domain of contempt of court. Similarly, defamatory reporting may unjustly harm the reputation of an accused person whose guilt has not yet been legally established. Thus, while press freedom is foundational to democracy, it operates within a constitutional framework designed to prevent misuse.

3.2 Right to Fair Trial under Article 21

Article 21 guarantees that no person shall be deprived of life or personal liberty except according to procedure established by law. Over time, judicial interpretation has expanded this provision into a comprehensive repository of procedural and substantive rights. The right to a fair trial has been recognized as an essential component of personal liberty. This encompasses the presumption of innocence, the right to impartial adjudication, protection against arbitrary state action, and adherence to evidentiary standards.

The presumption of innocence is particularly central to criminal jurisprudence. It ensures that the burden of proof lies with the prosecution and that the accused is not socially or legally condemned without due process. When media coverage portrays an individual including a minister as guilty before judicial determination, it risks undermining this foundational principle. Extensive pre-trial publicity may influence witnesses, shape public sentiment, and potentially create indirect pressures on investigative agencies and courts. Even if judges remain institutionally insulated, the surrounding climate of opinion can affect the broader fairness of proceedings. In such circumstances, prejudicial media commentary may indirectly erode the guarantees embedded within Article 21.

3.3 Balancing Competing Constitutional Values

The constitutional challenge lies not in choosing between freedom of the press and fair trial guarantees, but in harmonizing these coexisting rights. Democratic transparency requires that citizens be informed about allegations against those holding public office. At the same time, the legitimacy of the justice system depends upon impartial adjudication based on evidence presented in court. A failure to balance these interests risks either suppressing legitimate journalistic inquiry or allowing unregulated publicity to compromise due

process.

In ministerial custody cases, this balance becomes particularly delicate. Public office introduces a dimension of political morality and heightened public interest. Citizens may reasonably demand accountability from those entrusted with executive authority. Yet, the mere fact of holding office does not extinguish constitutional protections. Arrest or custody remains a procedural stage in criminal investigation and does not equate to guilt. If media narratives transform custody into a presumption of culpability, constitutional accountability may degenerate into populist spectacle. The task, therefore, is to preserve robust media scrutiny while ensuring that institutional integrity, judicial independence, and the presumption of innocence remain uncompromised.

4. Judicial Responses to Media Trials in India

Indian courts have consistently acknowledged the constitutional tensions arising from media trials and have attempted to craft doctrinal safeguards to preserve the integrity of judicial proceedings. While recognising the importance of press freedom in a democracy, the judiciary has also underscored that the administration of justice cannot be compromised by prejudicial publicity. Through a series of landmark decisions, the Supreme Court has clarified that media reporting must not cross the line into adjudicatory commentary that interferes with fair trial rights.

4.1 Sahara India Real Estate Corp. v. SEBI (2012)

In *Sahara India Real Estate Corp. v. SEBI*, the Supreme Court recognised the inherent powers of constitutional courts to issue “postponement orders” in exceptional circumstances. The Court held that when real and substantial risk of prejudice to a pending trial is demonstrated, courts may temporarily restrain publication of certain details to protect the administration of justice. Importantly, the Court did not curtail press freedom generally; rather, it adopted a calibrated balancing approach. The judgment affirmed that Article 19(1)(a) must coexist with Article 21, and that preventive measures may be constitutionally justified to safeguard fair trial rights.

4.2 R.K. Anand v. Delhi High Court (2009)

In *R.K. Anand*, the Court dealt with sting operations and media conduct during a high-profile criminal trial. The Supreme Court observed that while

investigative journalism can uncover wrongdoing, media interference that disrupts judicial proceedings may amount to contempt of court. The judgment emphasised that trial by media undermines public confidence in the judicial process by substituting media narratives for evidentiary adjudication. It reaffirmed that the courtroom, not the television studio, is the proper forum for determining guilt.

4.3 Manu Sharma v. State (NCT of Delhi) (2010)

In *Manu Sharma*, arising from the Jessica Lal murder case, the Court acknowledged that excessive publicity can pose risks to fair trial rights. While it ultimately upheld the conviction, the Court cautioned that uncontrolled media coverage could create a climate of opinion that affects witnesses and distorts proceedings. The judgment reflected judicial awareness that pre-trial publicity, particularly in sensational cases, may generate implicit pressures inconsistent with due process.

4.4 Romila Thapar v. Union of India (2018)

In *Romila Thapar*, the Supreme Court stressed that public perception cannot replace legal adjudication. The Court reiterated that constitutional governance operates through established procedures and evidence-based findings, not through public sentiment or ideological narratives. This principle is particularly relevant in politically sensitive investigations, where public opinion may be sharply polarised. Collectively, these precedents confirm that while media scrutiny remains constitutionally protected, it must not compromise judicial independence, procedural fairness, or the presumption of innocence.

5. Ministerial Custody Cases: Unique Constitutional Sensitivity

When a minister or high constitutional functionary is placed in judicial or police custody, the constitutional stakes intensify considerably. Such cases implicate not only individual criminal liability but also political legitimacy, executive stability, and public morality. Ministers occupy positions of public trust; therefore, allegations against them often trigger immediate public reaction. Media coverage in these circumstances acquires amplified significance because it influences perceptions of governmental integrity.

The political ramifications are immediate. Media narratives may generate public pressure demanding resignation even before judicial determination.

Political parties may recalibrate strategies in response to public sentiment shaped by televised debates and digital campaigns. International observers and investors may interpret such developments as indicators of institutional instability, affecting the country's global reputation. In this environment, the central normative question arises: should removal from office depend upon proven legal guilt, or merely on custodial status during investigation? The difficulty lies in the irreversible reputational damage that may occur even if eventual acquittal follows. Arrest is a procedural step, not a declaration of guilt. Yet, in the court of public opinion, custody often becomes synonymous with culpability. This conflation raises profound concerns about fairness and proportionality in democratic governance.

6. Presumption of Innocence vs. Public Accountability

6.1 The Presumption of Innocence

The presumption of innocence is a cornerstone of criminal jurisprudence. It ensures that the burden of proof rests upon the prosecution and that the accused is not socially condemned without lawful conviction. Media trials invert this logic by presenting allegations as established facts. When narrative framing portrays the accused as morally culpable before judicial scrutiny, the protective shield of due process weakens.

6.2 Democratic Accountability

At the same time, ministers are not ordinary private individuals. They hold constitutional office and are expected to maintain high ethical standards. Democratic accountability requires transparency regarding allegations of corruption or criminal misconduct. Citizens have a legitimate interest in being informed about the conduct of their representatives. The constitutional tension thus lies between legal innocence and political responsibility. Media trials frequently collapse this distinction, treating accusation itself as sufficient ground for moral condemnation. The challenge is to preserve public accountability without undermining procedural justice.

7. Media, Technology, and Social Media Amplification

The digital era has significantly magnified the power and speed of information dissemination. Traditional media is now intertwined with social media ecosystems that operate continuously and globally.

7.1 Social Media Virality

Platforms such as X (formerly Twitter), YouTube, and Instagram enable instantaneous sharing of information verified or otherwise. Viral posts can shape public discourse within minutes, often without contextual accuracy. In ministerial custody cases, hashtags and trending campaigns may crystallize public judgment before facts are judicially examined.

7.2 Algorithmic Amplification

Digital platforms rely on algorithms designed to maximise engagement. Sensational or emotionally charged content receives greater visibility. Consequently, nuanced legal explanations may be overshadowed by dramatic allegations, intensifying outrage cycles and reinforcing confirmation biases.

7.3 Deepfakes and Misinformation

Emerging technologies such as deepfakes and AI-generated misinformation further complicate the landscape. Fabricated audio or visual content can irreparably damage reputations before authenticity is questioned. In politically sensitive cases, such manipulation poses grave risks to institutional credibility. In this digital ecosystem, narratives may indirectly influence the broader judicial climate, even if judges themselves remain insulated. The cumulative societal environment may become charged with expectations of conviction or exoneration.

8. Sociological Dimensions: Public Perception and Democratic Morality

Media trials reflect deeper sociological transformations. Declining trust in institutions often fuels demands for instant justice. Citizens frustrated with perceived delays in judicial processes may turn to media narratives as substitutes for formal adjudication. Populist morality which prioritises symbolic accountability over procedural fairness gains traction in such contexts. This dynamic risks transforming constitutional governance into spectacle-driven politics. Instead of evaluating evidence through structured legal processes, public discourse may focus on emotive symbolism. Democratic morality, rooted in constitutional values, may be replaced by populist morality driven by outrage and immediacy. The long-term consequence is erosion of institutional legitimacy.

9. Comparative Perspectives

Comparative constitutional analysis reveals varying approaches to managing prejudicial publicity.

9.1 United Kingdom

The United Kingdom maintains stringent contempt of court laws that restrict reporting capable of prejudicing active proceedings. The “sub judice” rule prevents commentary that may influence jurors, reflecting a strong commitment to fair trial safeguards.

9.2 United States

The United States provides robust First Amendment protections for speech and press. However, safeguards such as change of venue, jury sequestration, and voir dire questioning aim to mitigate prejudicial impact in jury trials. The American model emphasises structural remedies rather than prior restraint.

9.3 Australia and Canada

Both Australia and Canada adopt balanced regulatory frameworks that combine contempt laws with judicial discretion. Courts may issue suppression orders in exceptional circumstances to protect trial integrity. In contrast, India lacks comprehensive statutory regulation specifically addressing media trials, relying primarily on judicial doctrine and self-regulation mechanisms.

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10. Democratic Risks of Public Prejudgment

Public prejudgment in ministerial custody cases presents systemic democratic risks. It may indirectly undermine judicial independence by generating intense societal expectations. It can encourage political vendetta, where investigative processes become tools of rivalry amplified by media narratives. Capable individuals may be discouraged from public service due to fear of reputational destruction based on unproven allegations. Governance stability may weaken as political transitions occur in response to media-driven outrage rather than judicial findings.

Most significantly, public prejudgment risks transforming constitutional morality grounded in due process and restraint into populist morality driven by spectacle. The rule of law demands institutional patience and procedural discipline, values that may conflict with instantaneous public condemnation.

11. Need for Regulatory and Normative Safeguards

Given these challenges, calibrated safeguards are necessary to harmonize democratic transparency with fair trial rights.

11.1 Judicial Postponement Orders

Courts should exercise their power to issue postponement orders in exceptional cases where substantial prejudice is demonstrable. Such measures must remain proportionate and time-bound.

11.2 Media Ethics Codes

Strengthening self-regulatory mechanisms through more robust Press Council guidelines and enforceable editorial standards can promote responsible reporting without excessive state intervention.

11.3 Digital Platform Accountability

Algorithmic transparency, misinformation control, and accountability frameworks for digital platforms are essential to address amplification of prejudicial narratives.

11.4 Legislative Clarification

Parliament may consider statutory standards governing reporting in high-profile criminal cases, ensuring clarity without undermining press freedom.

11.5 Public Legal Education

Finally, fostering public awareness regarding the presumption of innocence and procedural fairness is crucial. An informed citizenry is less likely to equate arrest with guilt and more likely to appreciate the constitutional importance of due process. Through these combined measures, constitutional democracies can strive to ensure that accountability mechanisms reinforce rather than erode the rule of law.

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12. Conclusion

Media trials occupy a paradoxical space within democratic systems. While transparency is indispensable for combating corruption and ensuring executive accountability, premature moral condemnation undermines constitutional due process. In ministerial custody cases, the stakes extend beyond individual rights to institutional legitimacy and democratic stability.

The rule of law demands that guilt be determined by courts, not by prime-time debates or viral narratives. Democratic morality must be grounded in constitutional morality, not emotional populism. The challenge is not to silence media but to cultivate responsible journalism aligned with constitutional values. A mature democracy must reconcile press freedom with fair trial rights. Without this equilibrium, public prejudgment risks eroding the very democratic structures it seeks to protect.

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