

SESSION I

- Media Trials & Where Scrutiny is Necessary

The Media Has Done Both...

- Delivered justice
- Destroyed reputations
- Media is powerful—and dangerous

What is a Media Trial?

- Public perception before judicial determination
- Narrative before evidence
- Public becomes jury

Why It Matters

- Impacts fair trial
- Influences investigation
- Shapes reputation permanently

3 Types of Media Trials

1. Corrective

2. Amplifier

3. Parallel Court

Corrective Force



Priyadarshini
Mattoo

Jessica Lal



Amplifier

Nirbhaya case

Jessica Lal Case

- **29-30 April 1999:** Jessica Lal was shot in Delhi.
- **3 August 1999:** Chargesheet was filed against Manu Sharma and others.
- **2001:** Key witnesses turned hostile during trial.
- **21 February 2006:** Trial court acquitted the accused.
- **18-20 December 2006:** Delhi High Court convicted Manu Sharma and imposed life imprisonment.
- **19 April 2010:** Supreme Court upheld the life sentence.

What did Media do?

- Media kept the acquittal in public discussion and framed it as a justice issue, not just a crime report.
- Coverage highlighted hostile witnesses and later sting material suggesting witness intimidation and bribery.
- News channels and newspapers amplified public protests, candlelight vigils, and calls for accountability.
- This pressure helped build momentum for appeal and closer institutional scrutiny.



Times International:
Bush: US can't be held
hostage for oil Page 30

Chalo, Didi!

Lack of open spaces in the
city has led to mushrooming
of sports classes Page 2

Sport: Dhoni was
murderous against
us: Inzamam Page 25

No one killed Jessica

7 Yrs After Model's Murder, All Accused Let Off For Lack Of Evidence

THE SUNDAY HERALD

New Delhi: A multi-currency scenario money by working a fast wheel as a shopping party, the case thinking that people in their police. But the police have now withdrawn charges against the accused, so in effect, all the accused walked away free on Tuesday.

This is the shocking story of the model's murder. The case, which started in the court of the Hon'ble District Judge, a case known as the Jessica murder case, has been the subject of a book by the author of the book, which has been translated into English. The book is titled 'The Jessica Murder Case' and is available in paperback format. The book is a detailed account of the case, from the initial investigation to the final verdict. It is a must-read for anyone interested in the case.



April 28, 1999
Munir Sharma and his brother Taranjit Dutt were shot and a heavily wounded by a man, leading to his death.

**6 years, 9 months
21 days** duration of case

Why he needed 3 key witnesses turned hostile

Prosecution failed to establish murder weapon

Walking Free

All six accused set at liberty by the court on Tuesday.



"There was enough circumstantial evidence to bring the guilty to book"

— Special C.I., Jaipur police

We saw it coming: Sister

THE SUNDAY HERALD

New Delhi: It's a terrible thing that you could do anything to the people who murdered your sister. Munir Sharma, the man accused in the Jessica murder case, has been let off by the court. His sister, who was a witness in the case, has said that she saw the man who murdered her sister. She said that she saw him in the days before the murder. She said that she saw him in the days before the murder. She said that she saw him in the days before the murder.

her sister. My wife diagnosed with cancer just a few days after Munir Sharma's arrest. She was accused in the Jessica murder case. She was accused in the Jessica murder case. She was accused in the Jessica murder case.

Ahead Of Budget, An Action-Taken Report Promises that FM kept and broke

BY ANANTHARAMAN

New Delhi: Public treasury (action), so he is studying it. December the promise of the FM to report on the progress of the budget. The FM has promised to report on the progress of the budget. The FM has promised to report on the progress of the budget.

YET TO WALK THE TALK

Promise	Status
Commit to fund more for research and innovation	Report of progress yet to be submitted. Rs. 100-150 crore to be spent next year.
Set up a task force to study the impact of the budget	Appointed a task force to study the impact of the budget.
Review the impact of the budget on the economy	Review report submitted to the PM.
Review the impact of the budget on the environment	Review report submitted to the PM.
Review the impact of the budget on the education sector	Review report submitted to the PM.
Review the impact of the budget on the health sector	Review report submitted to the PM.
Review the impact of the budget on the infrastructure sector	Review report submitted to the PM.
Review the impact of the budget on the social sector	Review report submitted to the PM.
Review the impact of the budget on the foreign exchange reserves	Review report submitted to the PM.
Review the impact of the budget on the fiscal deficit	Review report submitted to the PM.
Review the impact of the budget on the inflation rate	Review report submitted to the PM.
Review the impact of the budget on the interest rate	Review report submitted to the PM.
Review the impact of the budget on the exchange rate	Review report submitted to the PM.
Review the impact of the budget on the money supply	Review report submitted to the PM.
Review the impact of the budget on the credit growth	Review report submitted to the PM.
Review the impact of the budget on the savings rate	Review report submitted to the PM.
Review the impact of the budget on the investment rate	Review report submitted to the PM.
Review the impact of the budget on the consumption rate	Review report submitted to the PM.
Review the impact of the budget on the government expenditure	Review report submitted to the PM.
Review the impact of the budget on the government revenue	Review report submitted to the PM.
Review the impact of the budget on the government debt	Review report submitted to the PM.
Review the impact of the budget on the government assets	Review report submitted to the PM.
Review the impact of the budget on the government liabilities	Review report submitted to the PM.
Review the impact of the budget on the government net worth	Review report submitted to the PM.
Review the impact of the budget on the government balance sheet	Review report submitted to the PM.
Review the impact of the budget on the government cash flow	Review report submitted to the PM.
Review the impact of the budget on the government working capital	Review report submitted to the PM.
Review the impact of the budget on the government investments	Review report submitted to the PM.
Review the impact of the budget on the government disinvestments	Review report submitted to the PM.
Review the impact of the budget on the government net investments	Review report submitted to the PM.
Review the impact of the budget on the government net disinvestments	Review report submitted to the PM.
Review the impact of the budget on the government net financial investments	Review report submitted to the PM.
Review the impact of the budget on the government net financial disinvestments	Review report submitted to the PM.
Review the impact of the budget on the government net financial investments and disinvestments	Review report submitted to the PM.

NEWS DIGEST

Moheadkar is named as head: The Union Minister for Health and Family Welfare, Dr. M. K. Moheadkar, has been named as the head of the National Health Authority. He will be responsible for the overall health care of the country.

India's position on Iran: India's position on Iran remains unchanged. The government will continue to support the international community's efforts to resolve the crisis peacefully.

MoK in custody till March 31: The Union Minister for Law and Justice, Dr. M. K. MoK, has been placed under house arrest until March 31. He is accused of involvement in a corruption case.

NIIT

Govt shows forked tongue for chicken

Army, Rlys Take It Off Their Menus; Health Ministry Says It's Safe



GET AMONG THE CHICKENS: Few buyers for trays in a market stall. The government has banned the sale of chicken in trays. This move has caused a stir in the market. Many buyers are looking for alternatives.

5th Card

IRCTC

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Key takeaway

- The Jessica Lal case shows that media can support justice by sustaining attention and exposing weaknesses in the process.
- It also raises an important question: where is the line between media activism and trial by media?

Priyadarshini Mattoo Case

How media pressure and protests helped overturn an acquittal

- Law student Priyadarshini Mattoo was raped and murdered in Delhi in January 1996.
- Main accused, Santosh Singh, was initially acquitted in 1999 despite strong suspicion.
- The judgment was widely seen as a miscarriage of justice, especially because the court said it believed Singh was responsible
- Media and public campaigns later played a major role in reviving the appeal and securing conviction.

Appeal that stalled

- CBI filed an appeal in the Delhi High Court in February 2000.
- For several years, the appeal moved slowly despite applications for early hearing.
- Priyadarshini's family kept approaching authorities and speaking to the press, asking for a serious rehearing.

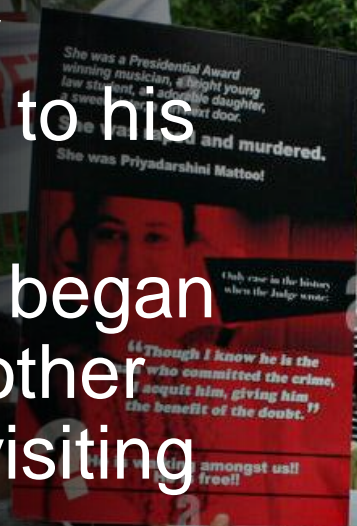
Media pressure and protests

- After the Jessica Lal uproar in 2006, Priyadarshini's father publicly appealed for similar attention to his daughter's case.

- News channels and papers began linking the Mattoo case with other high-profile injustices and revisiting the 1999 acquittal.

- Students and activists organised marches, candlelight vigils, and signature campaigns under banners

- Media coverage amplified these protests and kept the case in constant public view.



Legal turnaround in High Court

- Under sustained public and media pressure, the Delhi High Court took up the appeal on a priority basis.
- The court held day-to-day hearings in 2006 instead of long gaps between dates.
- On 17 October 2006, the High Court reversed the acquittal and convicted Santosh Singh of rape and murder.
- The Supreme Court later upheld the conviction and sentence.

**MEDIA TRIAL IN INDIA AND CASE ANALYSIS OF
PRIYADARSHINI MATTOO CASE WITH RESPECT TO
MEDIA TRIAL**

Nidhi N Anand, Faculty of Law, PES University, Bangalore

- The paper argues that in the Mattoo case, weak investigation led to a 1999 acquittal even though the trial judge believed Santosh Singh was responsible.
- Extensive reporting and investigative stories exposed gaps in the probe.
- Public anger and media focus helped push the CBI appeal in the Delhi High Court and contributed to the decision to hold day-to-day hearings in 2006.
- The author calls this a positive example of media pressure helping to correct a failure, while still warning against one-sided or sensational coverage.

Exercise 1: Intervene or Not?

- Scenario:
- Powerful accused acquitted but doubts remain

- Should media intervene?
- YES / NO

Amplifier: Nirbhaya Case

Media outrage and legal reform

- 2012 Delhi gang-rape and murder of a 23-year-old physiotherapy intern on a moving bus.
- Case became a national symbol of women's safety and state failure.
- Example of media activism leading to systemic change.

How media amplified public outrage

- Continuous front-page and prime-time coverage kept the case in focus for weeks.
- TV, print and digital media highlighted details of the crime and failures in policing and governance.
- Images of protests at India Gate and Jantar Mantar were broadcast daily across India and globally.
- Scholars note that this visibility reduced stigma and encouraged more reporting of sexual offences in Delhi.

From outrage to legal reform

- Government set up the Justice Verma Committee within days to recommend changes to criminal law on sexual offences.
- The Committee's 2013 report proposed a wider definition of sexual assault and new offences like stalking, voyeurism and acid attacks.
- Criminal Law (Amendment) Act, 2013 implemented many of these ideas, amending IPC, CrPC and Evidence Act.
- The case is now widely cited as an example of media-backed public pressure leading to concrete legal reforms.

Takeaway: Nirbhaya

Shows a positive side of intense media coverage: amplifying victims' voices and pushing the state to act.

Raises questions: Can we get the benefits of public pressure without turning every case into a media trial?



AIPP EastMojo Fellowship 2024

A tragedy forgotten: How the Oting massacre was erased from memory

On the fateful evening of December 4, 2021, a pick-up truck carrying eight coal miners returning to Oting village was ambushed by the 21st Para Special Forces of the Indian Army.

by Mohdazam Ashraf
December 11, 2024



Oting: When the system had evidence but not will

- 2021 Oting massacre in Nagaland: 14 civilians killed by 21 Para SF.
- SIT chargesheet found 30 soldiers responsible for murder and SOP violations.
- AFSPA requires central sanction; MoD refused, SC later closed proceedings citing AFSPA protection.

Question

If the Nirbhaya case had received Oting-level coverage, would we have seen the same legal reforms? And if Oting had received Nirbhaya-level coverage, would AFSPA still have prevented prosecution?

Parallel Courts and Media Trials

Aarushi Talwar and Sushant Singh Rajput cases

- “Parallel courts” refers to TV studios and social media behaving like courts of law.
- In such media trials, anchors, panels, and hashtags declare who is guilty long before any judicial verdict.
- The Aarushi Talwar and Sushant Singh Rajput cases are key examples where narrative often replaced evidence.

<https://www.youtube.com/watch?v=bFetfJSzIQ8>

Media trial in the Aarushi case

- 2008 Noida double murder (Aarushi and Hemraj) quickly turned into a high-TRP media spectacle.
- Channels ran dramatic “reconstructions” suggesting the parents were killers, long before the trial finished.
- Reports often relied on unnamed sources and speculation about character rather than proven forensic facts.
- The trial court convicted the Talwars on circumstantial evidence; the High Court later acquitted them, criticising conjecture and poor investigation.

Media coverage after Sushant Singh Rajput's death

- Initial evidence and official investigations pointed towards suicide.
- A section of TV media recast the story as a “murder mystery”, promoting multiple conspiracy theories.
- Rhea Chakraborty was portrayed as a villain on air, with selective leaks of chats and personal details.
- The CBI later closed the case without supporting the murder theories, but the media narrative had already damaged reputations.

When narrative replaces evidence

- Presumption of innocence was flipped: families and associates were treated as guilty until they disproved TV narratives.
- Forensic gaps and legal standards received less attention than dramatic storylines and panel debates.
- Long-running hashtags and talk shows helped “lock in” public opinion even before courts had completed trials or appeals.
- Later court findings (Talwar acquittal; CBI closure in Sushant’s case) did not fully erase the stigma created by media trials.

Questions :

- At what point does strong, critical reporting cross the line into an unfair media trial?
- Should there be clearer rules in India on how TV and digital media report on ongoing criminal cases?
- How can journalists balance the public's right to know with an accused person's right to a fair trial?
- What responsibilities do viewers have when they consume crime coverage that looks more like a show than a report?

When Media is Necessary

- State failure
- Delayed investigation
- Power shielding accused
- Marginalised victims

Part 2: When Media Coverage Becomes Prejudicial

Fair trial versus free press in high-profile cases

- Prejudice: A **preconceived opinion**, usually negative. Not based on evidence or full understanding

Prejudice = when media coverage **makes people treat someone as guilty or unreliable before all the evidence is tested in court**

Fair trial vs free press

- Article 21 protects the right to life and personal liberty, which includes a fair trial and presumption of innocence.
- Article 19(1)(a) protects freedom of speech and expression, including the freedom of the press.
- Article 19(2) allows reasonable restrictions for contempt of court, defamation, public order and other listed grounds.

Prejudicial coverage arises where these two sets of rights collide in a live criminal case.

From reporting to prejudice

- Coverage can be prejudicial if it predicts outcomes or labels an accused as guilty while the trial is still pending.
- Publishing alleged confessions, leaked charge sheets or privileged documents can influence witnesses and judges.
- Dramatised reconstructions of “how the crime happened” go beyond reporting into running a parallel trial.

Contempt and sub judice

- The Contempt of Courts Act allows courts to punish acts that tend to interfere with or obstruct the administration of justice.
- Indian courts have held that presenting an under-trial as a criminal in the media can amount to contempt.
- Reporting of sub judice matters is not banned, but it must not prejudice the trial or influence witnesses.
- Judges have repeatedly reminded the press that it cannot run a parallel investigation or act as a substitute court.

Supreme Court on prejudicial reporting

- In Sahara India v SEBI (2012), the Supreme Court examined TV reporting on confidential filings in a pending case.
- The Court said leaks and speculative commentary on such material can interfere with the administration of justice.
- It discussed “postponement orders” as a tool to temporarily delay reporting that poses a serious risk of prejudice.
- The judgment stressed that press freedom cannot override an accused person’s Article 21 right to a fair trial.

Case study: Aarushi Talwar

- 2008 Noida double murder case (Aarushi and Hemraj) became a high-TRP media trial.
- Channels ran dramatic reconstructions and suggested the parents were killers long before the trial ended.
- Coverage relied heavily on anonymous “sources” and speculation about character, rather than only on court evidence.
- The trial court convicted the parents; the High Court later acquitted them, criticising conjecture and gaps in proof.

Case study: Sushant Singh Rajput

After Sushant Singh Rajput's death in 2020, early evidence pointed towards suicide by hanging.

A part of TV media recast the story as a “murder mystery”, promoting multiple conspiracy theories.

Rhea Chakraborty was tried on air through leaked chats, speculation about motives and moral judgments.

The CBI later closed the case without supporting the murder theories, but reputational damage had already been done.

Checklist: Is this coverage prejudicial?

- Does the report call someone a murderer or rapist while their trial is still going on?
- Does it publish alleged confessions, leaked charge sheets or privileged documents before they appear in open court?
- Does it use actors, graphics or narratives to “recreate” how the crime supposedly happened?
- Could the tone or content reasonably influence witnesses, judges, or public opinion about guilt before the verdict?

Prejudicial Reporting

- Assumes guilt
- Influences trial
- Damages reputation

Red Flags

- Sources say
- Big expose
- Nation wants to know

5 Red Lines

- Declaring guilt early
- Leaks as facts
- Character attacks
- Sensational headlines
- Studio trials

Case: Aarushi

- Speculation as fact
- Victim blamed
- Narrative collapsed

Case: SSR

- Individual vilified
- Multiple narratives
- TRP-driven coverage

Case: Sheena Bora

- Drama over facts
- Endless speculation

Case: Sunanda Pushkar

- Speculation before evidence
- Narrative outran facts

Contrast: BMW Case

- Media exposed power
- Strengthened justice

Exercise: Headline on Trial

- **BREAKING:** Killer Girlfriend?
- What's wrong?

Fix the Headline

- Actor's death under investigation
- Police question close associates

Newsroom Reality

- Speed vs Accuracy
- TRP vs Ethics
- Competition pressure

5 Rules

- Facts not theories
- Clear attribution
- Neutral language
- Protect identity
- Respect due process

Final Message

- Investigate power, not individuals under trial
- Media must not replace the system