

SENSATIONALISM, GENDER, AND JUSTICE: A CRITICAL STUDY OF MEDIA TRIALS INVOLVING WOMEN IN INDIA

Madhuri Kompella & Prof. Archana Gadekar

Abstract

The intersection of media freedom and fair trial rights assumes a distinctly gendered character when women are involved, whether as accused, victims, or witnesses. This paper critically examines the phenomenon of media trials in India through a gender-sensitive lens, analysing how sensationalized media coverage disproportionately impacts women's dignity, reputation, and right to fair trial under Articles 19 and 21 of the Constitution. Drawing upon landmark cases including the Aarushi Talwar murder case (where a mother was branded a murderer for nearly a decade), the Sheena Bora case, and the Rhea Chakraborty case during the Sushant Singh Rajput death investigation, the paper demonstrates how media trials employ gendered narratives with character assassination, moral policing, and voyeuristic coverage, that uniquely harm women. The paper argues that existing regulatory frameworks, including the Contempt of Courts Act, 1971, Press Council of India Act, 1978, and self-regulatory mechanisms, remain inadequate in protecting women from such gendered harm. The study employs doctrinal methodology, analysing constitutional provisions, statutory frameworks, judicial pronouncements, and Law Commission recommendations. It concludes by proposing gender-responsive amendments to media regulation and emphasizing the need for intersectional approaches that recognize how media trials perpetuate patriarchal narratives, thereby undermining women's empowerment and participation in governance and society.

Keywords: *Media Trial, Women's Rights, Freedom of Speech, Fair Trial, Gender Justice*

I. Introduction

Media, often celebrated as the fourth pillar of democracy, wields immense power in shaping public opinion and influencing societal attitudes. In the contemporary digital age, with India's internet user base exceeding 700 million¹, the reach and impact of media have expanded exponentially (Telecom Regulatory Authority of India, 2023). While this democratisation of information has empowered citizens to raise voices against injustice, it has simultaneously created fertile ground for a troubling phenomenon: the media trial. When this phenomenon intersects with gender, the consequences become particularly devastating for women,

¹ Telecom Regulatory Authority of India. (2025). *Indian telecom services: Yearly performance indicators 2024-25*. <https://www.trai.gov.in>

who find themselves subjected to patriarchal narratives, moral policing, and character assassination masquerading as journalism.

The term ‘media trial’ refers to the impact of media coverage on a person’s reputation by creating a widespread perception of guilt regardless of any verdict in a court of law (Prakash, 2020). Unlike legitimate investigative journalism that serves public interest, media trials prejudge issues of conviction while matters remain pending adjudication, thereby undermining the fundamental principle that an accused is innocent until proven guilty beyond reasonable doubt. When women become subjects of media trials, whether as accused persons, victims, or witnesses, the coverage often assumes distinctly gendered characteristics that inflict unique and irreparable harm.

This paper critically examines the gendered dimensions of media trials in India, analysing how sensationalised coverage disproportionately impacts women’s constitutional rights to dignity, reputation, and fair trial. Through an examination of landmark cases and the existing regulatory framework, this study argues that current mechanisms remain woefully inadequate in protecting women from gendered harm perpetuated through media trials, necessitating gender-responsive reforms in media regulation.

II. Constitutional Framework: The Tension Between Competing Rights

The constitutional framework governing media trials involves a delicate balance between two fundamental rights: the freedom of speech and expression guaranteed under Article 19(1)(a)² and the right to life and personal liberty under Article 21³, which encompasses the right to fair trial and reputation. Understanding this tension is essential to appreciating the gendered impact of media trials.

Article 19(1)(a) guarantees all citizens the right to freedom of speech and expression. While the Constitution does not explicitly mention freedom of the press, the Supreme Court in *Bennett Coleman & Co. v. Union of India* (1972)⁴ held that freedom of the press is implicit in this provision. As observed in *Romesh Thappar v. State of Madras* (1950)⁵, freedom of the press lies at the foundation of all democratic organisations. However, this freedom is not absolute. Article 19(2) permits reasonable restrictions on grounds including contempt of court, defamation, and public order.

² India Const. art. 19, cl. 1(a).

³ India Const. art. 21.

⁴ *Bennett Coleman & Co. v. Union of India*, (1972) 2 SCC 788 (India).

⁵ *Romesh Thappar v. State of Madras*, AIR 1950 SC 124 (India).

Article 21 provides that no person shall be deprived of life or personal liberty except according to procedure established by law. The Supreme Court in *Maneka Gandhi v. Union of India* (1978)⁶ expanded this provision to include the right to live with human dignity. Subsequently, the right to reputation has been recognised as an integral component of Article 21. In the context of media trials, this creates a direct conflict: the media's exercise of Article 19(1)(a) rights can violate an accused person's Article 21 rights to reputation and fair trial.

Significantly, 'contempt of court' is expressly listed as a ground for restricting free speech under Article 19(2). This constitutional provision directly interfaces with the Contempt of Courts Act, 1971, which defines criminal contempt to include any publication that prejudices or interferes with judicial proceedings or obstructs the administration of justice. Media trials, by their very nature, fall squarely within this definition, as they prejudge matters pending before courts and create parallel narratives that can influence judicial outcomes.

For women subjected to media trials, this constitutional tension assumes additional dimensions. The right to reputation under Article 21 carries gendered implications in a patriarchal society where women's honour and character are subject to heightened scrutiny. When media coverage employs gendered tropes of the 'scheming woman', 'gold digger', or 'bad mother', it inflicts harm that extends beyond individual reputation to reinforce broader societal stereotypes that impede women's empowerment.

III. The Gendered Dimensions of Media Trials

Media trials involving women exhibit distinct patterns that differentiate them from coverage of male accused persons. These gendered dimensions manifest through several mechanisms: character assassination based on sexuality and morality, deployment of patriarchal stereotypes, invasion of privacy justified as public interest, and moral policing of women's behaviour and relationships.

Character assassination in media trials of women frequently centres on their sexuality, relationships, and perceived deviation from traditional gender roles. Women are labelled with terms like 'gold digger', 'controlling girlfriend', or questioned about their moral character in ways that male accused persons rarely experience. This pattern reflects deeply ingrained patriarchal attitudes that judge women primarily through the lens of their relationships with men and their conformity to traditional notions of femininity.

The deployment of patriarchal stereotypes is particularly evident in how media frames women's agency. When women exercise autonomy in relationships, finances, or career choices, media coverage often reframes this agency as manipulation or scheming. The 'scheming woman' trope, deeply rooted in cultural

⁶ *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248 (India).

narratives, finds ready application in media trials where women's independent actions are portrayed as evidence of malicious intent rather than legitimate exercise of personal autonomy.

The invasion of privacy in media trials of women extends beyond what would be considered acceptable for male accused persons. Personal photographs, private conversations, relationship history, and family backgrounds are dissected and broadcast, often with voyeuristic undertones. This gendered invasion of privacy reflects a broader societal tendency to treat women's lives as public property, subject to scrutiny and judgment.

IV. Case Studies: Women as Victims of Media Trials

A. The Aarushi Talwar Murder Case: A Mother Condemned

The Aarushi Talwar murder case represents one of the most egregious instances of media trial in Indian history, with particularly devastating consequences for Dr. Nupur Talwar, the victim's mother. On May 16, 2008, thirteen-year-old Aarushi Talwar and domestic help Hemraj Banjade were found murdered at the Talwar residence in Noida. What followed was nearly a decade of relentless media vilification of the parents, particularly the mother.

The media coverage was characterised by wild theories and blatant character assassination. The prosecution's theory that the parents killed Aarushi after finding her in a 'compromising position' with the servant was amplified uncritically, despite its basis in speculation rather than evidence. Dr. Nupur Talwar, in particular, was subjected to scrutiny of her role as a mother, with implicit suggestions that a 'good mother' could not be associated with such circumstances. Rebecca John, the Talwars' advocate, noted that it became 'a ritual to wake up to news channels figuring out new theories' and that they were 'horribly losing the battle against perception' (Newslaundry, 2017).

In November 2013, despite the circumstantial nature of evidence, the CBI court convicted the Talwars and sentenced them to life imprisonment. However, on October 12, 2017, the Allahabad High Court acquitted them, holding that the CBI had failed to prove guilt beyond reasonable doubt. Justice Bala Krishna Narayana criticised the trial court's judgment as 'conjectural and speculative' and described the case as a 'fictional animation of events' (*Dr. Mrs. Nupur Talwar v. State of U.P.*, 2017)⁷. The High Court also severely criticised the media for not having investigated the murder properly.

⁷ Dr. Nupur Talwar v. Central Bureau of Investigation, 2017 SCC OnLine All 2222 (India).

The case exemplifies how media trials uniquely harm women through gendered narratives. Dr. Nupur Talwar was judged not merely as an accused but as a mother, with her grief and conduct scrutinised through the lens of expected maternal behaviour. The acquittal, while legally vindicating, could not undo nearly a decade of social stigma and psychological trauma inflicted through media trial.

B. The Rhea Chakraborty Case: A Modern Witch Hunt

The death of actor Sushant Singh Rajput on June 14, 2020, triggered what has been described as a ‘modern-day witch hunt’ against his girlfriend, actress Rhea Chakraborty. Despite Mumbai Police initially treating the case as suicide with evidence suggesting a history of mental health concerns, certain television channels launched a sustained campaign portraying Chakraborty as responsible for Rajput’s death.

The gendered nature of this media trial was explicit and pervasive. Chakraborty was labelled a ‘gold digger’, ‘vishkanya’ (poison maiden), ‘controlling girlfriend’, and accused of practising ‘kaala jaadu’ (black magic). Television channel Aaj Tak was criticised for hosting discussions on whether Chakraborty had been a ‘bad girlfriend’ (Media Manipulation Casebook, 2020). Notably, much of this coverage was led by women anchors, demonstrating how patriarchal narratives can be internalised and perpetuated across gender lines.

Republic TV and its founder Arnab Goswami ran aggressive campaigns demanding Chakraborty’s arrest, with headlines describing her as ‘criminal-minded’ (Al Jazeera, 2020). The coverage employed familiar gendered stereotypes: the Bengali woman as manipulative, the girlfriend who separated a man from his family, the scheming woman who exploited a successful man. As journalist Manisha Pande observed, the portrayal was of a ‘controlling girlfriend who had enslaved a 34-year-old man in his own house’ (SheThePeople, 2020).

Chakraborty was arrested on September 8, 2020, by the Narcotics Control Bureau for drug-related allegations in connection to Rajput’s death. She spent 27 days in Mumbai’s Byculla Jail before the Bombay High Court granted her bail in October 2020, stating that she was not part of any chain of drug dealers. In March 2025, the CBI submitted its closure report, confirming Rajput’s death as suicide and giving Chakraborty a complete clean chit. The agency found no evidence to support allegations of abetment to suicide, illegal confinement, or theft against Chakraborty (Business Standard, 2025).

The Bombay High Court, in its landmark judgment in *Nilesh Navalakha v. Union of India* (2021)⁸, observed that reporting by Republic TV and Times Now in the case was ‘prima facie contemptuous’. The Court held that media trial leads to ‘interference and obstruction to administration of justice’ and noted that journalists had ‘lost their neutrality’ and media had become ‘highly polarised’ (LiveLaw, 2021). The Court

⁸ Nilesh Navalakha v. Union of India, 2021 SCC OnLine Bom 56 (India).

specifically found that the coverage regarding Chakraborty was ‘prejudicial’ and that she was stripped of the ‘presumption of innocence, the cornerstone of the criminal justice system’ (The Quint, 2021).

C. The Sheena Bora Case: Gendered Narratives of Maternal Deviance

The Sheena Bora murder case, which came to light in August 2015, presents a different but equally instructive example of gendered media trial. Indrani Mukerjea, a media executive, was arrested for the alleged murder of her daughter Sheena in 2012. The case gained national attention due to the involvement of high-profile suspects and the revelation that Indrani had concealed her relationship with Sheena, presenting her as a sibling rather than daughter.

The media coverage centred heavily on Indrani Mukerjea’s personal life, relationships, and perceived deviation from maternal norms. The Hindustan Times noted a ‘media frenzy over the Mukerjea family scandal’ that examined every facet of the case in real-time (Barry, E., 2015). The coverage focused disproportionately on Indrani’s multiple marriages, her decision to leave her children with her parents, and her ambitious career trajectory, framing these choices as evidence of moral deviance rather than personal autonomy.

The gendered narrative was unmistakable: a mother who prioritised career over children, who concealed her maternal status, who exercised agency in her relationships, was thereby rendered capable of the ultimate maternal transgression of killing her own child. While the legal proceedings continue, with Indrani granted bail by the Supreme Court in May 2022 after nearly seven years in custody, the media trial has already delivered its verdict based on gendered expectations of maternal behaviour.

V. Inadequacy of Existing Regulatory Framework

The existing legal and regulatory framework governing media conduct in India has proven inadequate in addressing media trials generally and their gendered dimensions specifically. This inadequacy stems from gaps in legislation, weak enforcement mechanisms, and the toothless nature of self-regulatory bodies.

The Contempt of Courts Act, 1971, provides the primary statutory mechanism for addressing prejudicial publications. Section 2(c) defines criminal contempt to include publications that ‘prejudice, or interfere or tend to interfere with, the due course of any judicial proceeding’ or ‘interfere or tend to interfere with, or obstruct or tend to obstruct, the administration of justice’. Media trials clearly fall within this definition. However, the Act suffers from significant limitations. Under Section 15(2), subordinate courts where most criminal proceedings are ‘active’ have no power to take direct action for contempt; they can only make a ‘reference’ to the High Court. This procedural hurdle means that immediate action against prejudicial coverage is rarely possible.

The Law Commission of India, in its 200th Report submitted on August 31, 2006, recommended amendments to the Contempt of Courts Act to address media trials. It proposed postponement orders to be issued by High Courts (through a bench of not less than two judges) to restrain prejudicial publications. The Commission recognised that ‘balancing of the rights of freedom of speech and the due process right of the suspect/accused as explained in *Maneka Gandhi’s* case can be done more appropriately by the High Court which is a Constitutional Court’. However, these recommendations remain largely unimplemented.

The Press Council of India Act, 1978, established the Press Council to preserve press freedom while ensuring adherence to journalistic ethics. While the Council has issued norms of journalistic conduct, including guidelines on court reporting, its pronouncements are merely advisory. As Harish Salve observed in his lecture on media trials, while courts should draw a ‘Lakshman Rekha’ that must not be transgressed, government control of media would lay ‘the edifice of a worse tyranny’ (Salve, 2020). This captures the dilemma: effective regulation is needed, but coercive state control is undesirable.

Self-regulatory bodies like the News Broadcasters Association (NBA) and News Broadcasting and Digital Standards Authority (NBDSA) have been similarly ineffective. In the Sushant Singh Rajput case, while NBDSA directed channels like Aaj Tak, Zee News, India TV, and News 24 to air public apologies for violating journalistic norms, these directions came only after sustained judicial intervention and the damage to Rhea Chakraborty had already been inflicted.

Crucially, none of these mechanisms specifically address the gendered dimensions of media trials. There are no specific guidelines recognising that coverage of women accused persons or women related to criminal cases requires additional sensitivity to avoid reinforcing patriarchal stereotypes. The absence of gender-responsive provisions means that women continue to be subjected to character assassination, moral policing, and voyeuristic coverage without effective remedy.

VI. Judicial Response to Media Trials

Indian courts have increasingly recognised the threat posed by media trials to the administration of justice, though their interventions have been reactive rather than preventive. Several landmark judgments have attempted to establish parameters for media conduct.

In *R.K. Anand v. Registrar of Delhi High Court* (2009)⁹, the Supreme Court made the first analytical judicial pronouncement supporting genuine, transparent, and public interest media trial while cautioning against prejudicial pre-judgment. The Court observed that if trial by media makes ‘prejudicial pre-judgment as

⁹ R.K. Anand v. Registrar, Delhi High Court, (2009) 8 SCC 106 (India).

to guilt or otherwise of accused, it could definitely attract the provisions of Contempt of Court'. This judgment recognised the dual nature of media's role, acknowledging its positive contribution in cases like the Jessica Lal and Priyadarshini Mattoo murders while warning against its abuse.

In *Dr. Shashi Tharoor v. Arnab Goswami* (2017)¹⁰, the Court held that it is 'the function and right of the media to gather and convey information to the public and to comment on the administration of justice, including cases before, during and after trial, without violating the presumption of innocence'. This judgment attempted to balance media freedom with fair trial rights, though it did not specifically address gendered dimensions of media coverage.

The most significant judicial intervention came in *Nilesh Navalakha v. Union of India* (2021), where the Bombay High Court delivered a 251-page judgment on media trials in the context of the Sushant Singh Rajput case. The Court observed that Republic TV and Times Now 'started a vicious campaign of masquerading as the crusaders of truth and justice' while 'throwing the commands of the CrPC and all sense of propriety to the winds'. The Court held that such coverage was 'prima facie contemptuous' and that it had stripped Rhea Chakraborty of the presumption of innocence. The Court issued guidelines for media reporting and emphasised that media ought to present facts 'in public interest rather than what, according to the media, the public is interested in'.

Despite these judicial pronouncements, courts have generally refrained from initiating contempt proceedings against media houses, preferring to issue guidelines and observations. This cautious approach, while understandable given concerns about press freedom, has meant that media trials continue with relative impunity. The lack of specific judicial recognition of gendered harm in media trials further limits the effectiveness of judicial intervention in protecting women.

VII. Recommendations for Gender-Responsive Media Regulation

Addressing the gendered dimensions of media trials requires a multi-pronged approach encompassing legislative reform, strengthening of regulatory mechanisms, and cultivation of gender-sensitive journalism practices.

First, the recommendations of the Law Commission's 200th Report regarding postponement orders should be implemented through appropriate amendments to the Contempt of Courts Act¹¹. High Courts should be empowered to issue timely orders restraining prejudicial publications when matters are sub judice.

¹⁰ *Dr. Shashi Tharoor v. Arnab Goswami*, CS(OS) 253/2017 (Delhi H.C. 2017) (India).

¹¹ Contempt of Courts Act, 1971, No. 70, Acts of Parliament, 1971 (India).

Additionally, specific provisions should be inserted recognising gendered harm as an aggravating factor in contempt proceedings arising from media trials.

Second, the Press Council of India should be strengthened with adjudicatory powers and its guidelines should specifically address gendered coverage. Provisions should prohibit character assassination based on sexuality, relationships, or conformity to traditional gender roles; deployment of gendered stereotypes in coverage of accused persons; and voyeuristic coverage of women's personal lives under the guise of public interest.

Third, self-regulatory bodies like the NBA and NBDSA should adopt gender-sensitive codes of conduct with meaningful penalties for violations. The current system of post-facto apologies is inadequate; mechanisms for real-time intervention and substantial financial penalties should be established.

Fourth, journalism education should incorporate modules on gender-sensitive reporting, particularly in crime coverage. Recognising and avoiding patriarchal tropes should become a core competency for journalists covering criminal cases.

Fifth, courts should develop specific guidelines for media coverage of cases involving women, similar to guidelines that exist for reporting on sexual offences. These guidelines should emphasise the presumption of innocence, prohibit gendered character assassination, and mandate gender-neutral framing of women's agency and choices.

VIII. Conclusion

Media trials represent a significant threat to constitutional values, particularly the presumption of innocence and the right to fair trial. When women become subjects of media trials, this threat assumes distinctly gendered dimensions that inflict unique and irreparable harm. The cases of Nupur Talwar, Rhea Chakraborty, and Indrani Mukerjea demonstrate how media coverage employs patriarchal narratives, character assassination based on sexuality and relationships, and moral policing to condemn women in the court of public opinion while legal proceedings remain pending.

The existing regulatory framework, comprising the Contempt of Courts Act, Press Council of India Act, and self-regulatory mechanisms, has proven inadequate in addressing media trials generally and their gendered dimensions specifically. While judicial interventions, particularly the Bombay High Court's judgment in the Sushant Singh Rajput case, have recognised the problem, courts have been reluctant to initiate contempt proceedings, preferring to issue guidelines that are frequently ignored.

Addressing this challenge requires gender-responsive reforms that recognise the unique harm inflicted on women through media trials. Legislative amendments, strengthened regulatory bodies with adjudicatory

powers, gender-sensitive codes of conduct, and judicial guidelines specifically addressing gendered coverage are essential components of a comprehensive response.

Ultimately, media trials involving women undermine the very foundations of women's empowerment by reinforcing patriarchal stereotypes, punishing women for exercising agency, and creating a chilling effect on women's participation in public life. A media ecosystem that perpetuates such harm cannot claim to serve democratic values. As Harish Salve noted, the media must understand 'the difference between sense and sensationalism, news and noise, civility and chaos'. Drawing this distinction is essential not only for the administration of justice but for the advancement of gender equality in Indian society.

Endnotes

- 1) Bennett Coleman & Co. v. Union of India, AIR 1973 SC 106.
- 2) Barry, E. (2015, September 4). In India, murder case brings sensational coverage. *The New York Times*. <https://www.nytimes.com/2015/09/04/world/asia/india-indrani-mukerjea-murder-case-sensational-coverage.html>
- 3) Business Standard. (2025, March 23). CBI closes Sushant Singh Rajput case: Recounting media trial and witch hunt. https://www.business-standard.com/india-news/sushant-singh-rajput-death-cbi-report-rhea-chakraborty-media-trial-theories-125032300269_1.html
- 4) Constitution of India, 1950, arts. 19, 21.
- 5) Contempt of Courts Act, 1971, No. 70 of 1971.
- 6) Dr. Mrs. Nupur Talwar v. State of U.P. and Anr., Criminal Appeal No. 653-654 of 2015 (Allahabad High Court, October 12, 2017).
- 7) Dr. Shashi Tharoor v. Arnab Goswami and Anr., 2017 SCC OnLine Del 12411.
- 8) Law Commission of India. (2006). *200th Report: Trial by Media: Free Speech and Fair Trial Under Criminal Procedure Code, 1973*. Government of India.
- 9) LiveLaw. (2021, January 18). What kind of reporting amounts to 'media trial'? Bombay High Court gives guidelines. <https://www.livelaw.in/top-stories/media-trial-bombay-high-court-ssr-case-guidelines-168557>
- 10) Maneka Gandhi v. Union of India, AIR 1978 SC 597.
- 11) Media Manipulation Casebook. (2020). Targeted harassment: The media-led witch hunt of Rhea Chakraborty. <https://casebook.mediamanipulation.org>

- 12) NewsLaundry. (2017, October 14). Talwar case a serious miscarriage of justice: Rebecca John. <https://www.newsLaundry.com/2017/10/14/aarushi-rajesh-nupur-talwars-rebecca>
- 13) Nilesh Navalakha and Ors. v. Union of India and Ors., PIL (ST) No. 92252 of 2020 (Bombay High Court, January 18, 2021).
- 14) Prakash, A. (2020). Trial by media: A threat to our judicial system. *Indian Law Journal*.
- 15) Press Council of India Act, 1978, No. 37 of 1978.
- 16) R.K. Anand v. Registrar of Delhi High Court, (2009) 8 SCC 106.
- 17) Romesh Thappar v. State of Madras, AIR 1950 SC 124.
- 18) Salve, H. (2020). Pros and cons of media trial [Lecture]. Bar Association of India. <https://www.barandbench.com/news/media-trial-senior-advocates-weigh-in-during-ram-jethmalani-memorial-lecture>
- 19) SheThePeople. (2020, October 8). Don't we owe an apology to Rhea Chakraborty for the witch hunt and media trials? <https://www.shethepeople.tv/home-top-video/rhea-chakraborty-bail-sushant-singh-death-case-celebs-demand-apology-witch-hunt-media-trial/>
- 20) The Quint. (2021, January 18). Media trials interfere with administration of justice: Bombay HC lays down crime reporting guidelines. <https://www.thequint.com/news/law/bombay-hc-media-trial-judgment-sushant-singh-rajput-rhea-chakraborty-interference-with-criminal-investigation>.

Copyright & License:

© Authors retain the copyright of this article. This work is published under the Creative Commons Attribution 4.0 International License (CC BY 4.0), permitting unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.