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Media Trial in Bangladesh: Navigating Pluralism, Media Freedom, and the Right to a Fair Trial

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Abstract

This research explores the complex relationship between media trials and the fundamental right to a fair trial within the legal framework of Bangladesh, in the context of increasing media pluralism and freedom in the digital age. The objective of the study is to critically analyze how media reporting, especially through digital platforms, influences judicial proceedings and whether it compromises the right to a fair and impartial trial. Adopting a qualitative methodology, the study employs a doctrinal approach by examining relevant constitutional provisions, statutory laws, trial procedures, and judicial interpretations that govern media freedom and the justice system in Bangladesh. Secondary sources, including legal journals, academic articles, news reports, and statutory documents, serve as the basis for analysis. The research is justified by the growing concern over parallel trials conducted by the media, often under the guise of press freedom and public interest, which may inadvertently affect the administration of justice. The central research question examines whether existing legal safeguards in Bangladesh are adequate to maintain a balance between media freedom and the right to a fair trial. The study identifies existing legal gaps, judicial responses, and regulatory challenges in addressing media trials and suggests a coherent legal approach to reconcile competing rights. The outcome is expected to contribute to legal scholarship and policymaking by proposing reforms that uphold both democratic media practices and judicial integrity.

Keywords: Media Trial, Fair Trial, Media Freedom, Media Pluralism.

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Introduction

The role of the media in shaping public opinion has expanded exponentially in the digital era, fundamentally influencing governance, accountability, and the administration of justice. In Bangladesh, where democratic aspirations coexist with institutional fragility, the media has become a powerful force in exposing corruption, abuse of power, and human rights violations (Mathew, 2015). While this watchdog role strengthens transparency and public discourse, it also extends into the judicial sphere, where the reporting of ongoing cases risks blurring the line between objective information dissemination and prejudicial influence over judicial processes.

The phenomenon, widely referred to as the “media trial,” occurs when press, broadcast, or digital platforms go beyond neutral coverage to conduct parallel investigations and deliver a “verdict” in the court of public opinion before the judiciary delivers its own decision (Baxi, 2012). Although often justified in the name of press freedom or public accountability, such practices raise significant concerns about the erosion of the right to a fair trial. This right is guaranteed under article 35 of the Constitution of Bangladesh (1972) and further recognized as a cornerstone of justice in international human rights law, notably under article 14 of the International Covenant on Civil and Political Rights (ICCPR, 1966).

Against this backdrop, the present research interrogates the tension between media pluralism and freedom—both indispensable to democratic transparency—and the right to a fair trial, which safeguards individual liberty and judicial independence. The study adopts a qualitative doctrinal methodology, examining constitutional provisions, statutory laws, trial procedures, and judicial interpretations that govern the intersection of media freedom and fair trial rights in Bangladesh. Secondary data include scholarly books and journal articles, newspaper and digital-media reports, international legal instruments such as the ICCPR, and reports from organisations such as Human Rights Watch and Transparency International Bangladesh. The analysis relies on secondary sources, including academic literature, judicial precedents, statutory instruments, and media reports, to critically evaluate how existing legal safeguards respond to the challenges posed by media trials (Mathew, 2015; *State v. Anwar Hossain*, 1997).

Ultimately, Bangladesh faces the pressing challenge of reconciling these competing rights in its rapidly evolving media landscape, where

pluralism and digital proliferation have far outpaced the development of legal safeguards. By drawing on comparative perspectives and contextual analysis, this article seeks to propose a balanced legal and regulatory framework that preserves press freedom while ensuring judicial integrity (*Sunday Times v. United Kingdom*, 1979; *Sahara India Real Estate Corp. v. SEBI*, 2012). In *Sunday Times v. United Kingdom* (1979), the European Court of Human Rights emphasized that freedom of expression protects public discussion of matters of public interest, while recognizing that restrictions may be justified to safeguard the authority and impartiality of the judiciary. Similarly, in *Sahara India Real Estate Corp. Ltd. v. SEBI* (2012), the Supreme Court of India recognized the potential of prejudicial media reporting to affect fair judicial proceedings and affirmed the courts' power to issue postponement orders in appropriate cases to balance freedom of the press with the right to a fair trial. Together, these cases illustrate the need to balance media freedom and pluralism with protection against prejudicial publicity, a central concern of media trials in Bangladesh.

Conceptual Framework and Legal Context of Media Trials in Bangladesh

The concept of the media trial has emerged as one of the most pressing debates in the interface between law, media, and justice. At its core, a media trial arises when media reporting extends beyond neutral coverage of facts and events into interpretive, judgmental, or accusatory territory. Instead of simply disseminating verified information, media outlets often conduct parallel investigations, present selective narratives, and create public opinion that anticipates or even supplants judicial outcomes. Scholars have described this phenomenon as a form of “parallel prosecution” by media institutions, where suspects or accused persons are prematurely branded guilty or innocent before the court has delivered its verdict (Baxi, 2012). This practice runs contrary to the principles of journalistic ethics, which emphasize impartiality, factual accuracy, and compliance with the matters under judicial consideration that restricts commentary on pending judicial proceedings (Mathew, 2015). The media trial therefore raises profound questions about its impact on the presumption of innocence and on the integrity of the justice system.

Bangladesh's constitutional and statutory framework provides the key legal foundations for addressing these questions. The Constitution of the People's Republic of Bangladesh (1972) enshrines both the guarantee of press freedom and the right to a fair trial, setting up an

inherent tension between two equally fundamental rights. Article 39 of the Constitution ensures freedom of thought, conscience, and speech, expressly including freedom of the press as an essential pillar of democratic governance. At the same time, article 35(3) guarantees every accused person the right to a “speedy and public trial by an independent and impartial court.” The simultaneous existence of these guarantees demonstrates that while the Constitution recognizes the indispensability of a free media in holding power accountable, it also safeguards judicial independence and the protection of individual rights. The challenge arises when media freedom, exercised without restraint, undermines the impartiality of judicial proceedings by shaping public opinion in ways that could influence the reasoning or decision-making of courts.

Apart from the Constitution, a number of statutory instruments regulate the scope of media activity in the judicial context. The Code of Criminal Procedure, 1898 (CrPC) provides the foundational structure of trial procedures, ensuring that judicial processes remain orderly and insulated from external pressures. The Contempt of Court Act, 1926 empowers courts to punish acts that interfere with the administration of justice, including prejudicial reporting of ongoing proceedings. Although this Act theoretically provides protection against the dangers of media trials, its application in Bangladesh has been inconsistent, and courts have been reluctant to apply contempt jurisdiction strictly against media entities. More recently, the Cyber Security Act, 2023 (CSA) has introduced new provisions aimed at regulating digital expression, including prejudicial reporting on social media platforms. The Act has been heavily criticized for being used primarily to stifle dissent and target journalists, rather than constructively addressing the problem of media interference in judicial processes (Rahman, 2020). These statutory frameworks reflect both the existence of regulatory tools and the gaps that persist in their effective implementation.

The issue of media trials cannot be understood without reference to Bangladesh’s rapidly evolving media landscape. Since the 1990s, Bangladesh has witnessed an unprecedented expansion in media pluralism, with the rise of over 40 television channels, hundreds of print outlets, and an explosion of digital platforms (Kabir, 2019). Social media platforms such as Facebook, YouTube, and TikTok have created parallel news ecosystems that bypass traditional editorial filters. While this has democratized the production and consumption of information, it has also created fertile ground for the dissemination of unverified

claims, sensationalist reporting, and public trials conducted online. The viral nature of digital platforms—where algorithms amplify emotionally charged or controversial content—intensifies the risks of prejudicial reporting. In Bangladesh, where digital literacy remains uneven, online narratives often acquire the status of truth, thereby exerting powerful influence on public opinion and, indirectly, on judicial proceedings.

International legal standards provide useful guidance for balancing freedom of expression and the right to a fair trial. Bangladesh, as a state party to the International Covenant on Civil and Political Rights (ICCPR), is legally bound to harmonize its domestic laws with these obligations. Article 14 of the ICCPR guarantees the right to a fair and public hearing by an independent and impartial tribunal, while article 19 safeguards freedom of expression. The dual recognition of these rights reflects the universal understanding that neither press freedom nor judicial integrity should be absolute, but rather balanced through legal frameworks that minimize conflicts. Jurisprudence from the European Court of Human Rights (ECHR) illustrates how courts in other jurisdictions have attempted to strike this balance. In the landmark case of *Sunday Times v. United Kingdom* (1979), the Court held that while freedom of the press is vital in a democratic society, restrictions may be imposed where reporting creates a “real and substantial risk” of prejudice to judicial proceedings. Similarly, in *Sahara India Real Estate Corp. v. SEBI* (2012), the Supreme Court of India developed the principle of “postponement orders” to temporarily restrict prejudicial reporting in high-profile cases, thus acknowledging the potential dangers of media trials while maintaining media pluralism. These comparative examples underscore that international practice has evolved toward frameworks that accommodate both rights in a complementary, rather than antagonistic, manner.

In the Bangladeshi context, such coherent jurisprudence and regulatory approaches remain underdeveloped. While courts have occasionally issued warnings against prejudicial reporting—for example, in *State v. Anwar Hossain* (1997), where the High Court observed that excessive media commentary could amount to contempt—the absence of consistent judicial activism has limited the effectiveness of such measures. Similarly, regulatory institutions such as the Bangladesh Press Council, established under the Press Council Act, 1974, operate with merely advisory powers, lacking effective enforcement capacity. The regulatory vacuum is even more evident in broadcast and digital

media, where rapid growth has outpaced the development of statutory controls. This gap underscores the urgent need for Bangladesh to develop a more comprehensive framework to manage the risks of media trials without curtailing legitimate press freedom.

Taken together, the conceptual and legal context of media trials in Bangladesh reveals a complex interplay of constitutional rights, statutory provisions, media pluralism, and international standards. While media freedom remains indispensable for democratic accountability, unchecked media trials pose risks to the impartiality of the judiciary and the rights of the accused. Addressing this tension requires legal clarity, regulatory reform, and judicial guidance, all of which are currently inadequate in Bangladesh's socio-legal framework. The challenge, therefore, is to draw from both domestic experience and comparative jurisprudence to develop a balanced approach that ensures media pluralism flourishes without undermining the constitutional promise of a fair trial.

Impact of Media Trials on Judicial Proceedings and Fair Trial Rights

The impact of media trials on judicial proceedings and the broader right to a fair trial is one of the most contested issues in contemporary legal discourse. While courts are designed to operate as impartial forums insulated from external influence, the media's power to shape narratives and mobilize public opinion often challenges this principle. In Bangladesh, where high-profile cases frequently attract intense media attention, the consequences of such coverage extend beyond the immediate courtroom to the integrity of the entire justice system. The phenomenon raises critical concerns about judicial impartiality, public perception, and the dignity of both the accused and the victims.

A key concern is the influence of media coverage on judges and judicial integrity. Judges, though expected to remain objective arbiters of fact and law, are also members of society who are not immune to prevailing public opinion. Persistent and sensationalized media reporting may create subconscious bias, particularly in cases where societal emotions run high. For instance, in the Bangabandhu Sheikh Mujibur Rahman Murder Case and the War Crimes Trials, extensive media coverage gave rise to debates about whether judicial reasoning might have been influenced by the overwhelming public demand for accountability (Kabir, 2019). Even if judges consciously resist external influence, the appearance of impartiality may be compromised,

undermining public confidence in the judiciary. Jurisprudence in comparative jurisdictions has similarly recognized this danger. The European Court of Human Rights has stressed that “justice must not only be done, it must also be seen to be done” (*Sunday Times v. United Kingdom*, 1979), highlighting the fact that media influence can erode trust in judicial independence even where actual bias is absent.

Equally problematic is the effect of media trials on public opinion and the presumption of innocence. The principle that every accused person is presumed innocent until proven guilty by a competent court is a cornerstone of criminal justice, enshrined in both article 35 of the Constitution of Bangladesh and article 14 of the ICCPR (1966). Media narratives often construct accused persons as either guilty or innocent long before verdicts are delivered. In cases involving celebrities, politicians, or business magnates, public opinion shaped through media coverage can create enormous pressure on the judiciary to deliver outcomes that align with popular sentiment rather than strict legal reasoning. This is especially concerning in a politically polarized context like Bangladesh, where it is more serious because political divisions may influence media reporting, potentially making coverage of trials more biased, partisan, or sensational, and where media houses are often aligned with partisan interests (Rahman, 2020). As a result, the judiciary risks being perceived as an institution that reacts to the “court of public opinion,” thereby undermining its legitimacy.

The consequences of media trials extend beyond abstract concerns of judicial independence to the lived experiences of the accused and victims. For accused persons, premature public branding as guilty can cause irreparable harm even if they are ultimately acquitted. This includes reputational damage, loss of livelihood, and long-term psychological distress. In Bangladesh, accused individuals in corruption or sexual harassment cases have often been socially ostracized due to adverse media portrayals, regardless of the final judicial outcome (Mathew, 2015). Victims, too, are not spared from harm. Sensationalist reporting of personal details can lead to retraumatization, stigmatization, and even threats to personal safety. For example, in cases involving gender-based violence, insensitive media reporting often shifts public scrutiny onto the victim, exacerbating their suffering and undermining the protective function of the justice system (Begum, 2021). Thus, media trials compromise not only the rights of the accused but also the dignity and privacy of victims, creating a dual layer of injustice.

The challenges posed by digital media add yet another dimension to the impact of media trials. Unlike traditional newspapers or television outlets, which typically have editorial filters and professional codes of conduct, digital platforms operate within algorithm-driven ecosystems that prioritize engagement and virality over accuracy or fairness. Content that is sensational, emotionally charged, or accusatory tends to be amplified, often without regard to its factual basis. In Bangladesh, social media platforms such as Facebook, YouTube, and TikTok have become primary news sources for a large segment of the population, making them powerful vehicles for prejudicial narratives (Kabir, 2019). Viral hashtags, online petitions, and digital campaigns can rapidly create a climate of “mob justice,” placing immense pressure on judges to align their decisions with public outrage. This algorithmic amplification not only intensifies the prejudicial impact of media trials but also fosters an environment in which judicial independence becomes increasingly difficult to maintain.

In sum, the impact of media trials on judicial proceedings and fair trial rights in Bangladesh is multifaceted and deeply concerning. They risk influencing judicial reasoning, eroding the presumption of innocence, stigmatizing both accused persons and victims, and amplifying prejudicial narratives through digital platforms. The result is a justice system that is vulnerable to external pressures and public sentiment, undermining its constitutional mandate to deliver impartial and fair outcomes. Unless addressed through coherent legal and regulatory measures, the unchecked expansion of media trials threatens to compromise not only the integrity of judicial institutions but also the fundamental rights of individuals at the heart of the justice process.

Judicial, Legislative, and Regulatory Gaps, Challenges and Responses

Bangladesh’s response to prejudicial media coverage has been uneven across the judicial, legislative, and regulatory domains. Courts have, at times, acknowledged the danger that speculative or sensational reporting poses to the administration of justice. Decisions such as *State v. Anwar Hossain* reflect an awareness that commentary capable of influencing a pending case may trespass into contempt; yet these warnings tend to be issued case-by-case, without the articulation of a stable doctrine that lower courts and newsrooms can reliably follow (Kabir, 2020). The result is a patchwork of ad hoc restraints that neither give journalists clear guardrails nor furnish accused persons with predictable protections against “trial by media.” This lacuna is

particularly significant in a system where freedom of expression (Constitution, art. 39) coexists with the accused's right to a fair and impartial hearing (art. 35), and where both values require principled reconciliation rather than episodic admonitions.

The formal law of contempt offers tools but not always clarity. Bangladesh has long relied on the Contempt of Court Act, 1926, and courts retain inherent powers to preserve the integrity of proceedings; however, modern attempts to restate or codify the boundaries of protected reporting have been contested and partially invalidated, leaving practitioners uncertain about how far fair comment extends and when it becomes punishable interference (The Code of Criminal Procedure, 1898; analysis in *The Contempt of Courts Act, 2013* decision, such as, the David Bergman contempt proceedings (ICT-BD Miscellaneous Case No. 04 of 2014) discussing provisions on fair reporting and constructive criticism) (DULJ, 2024). This uncertainty is amplified in high-profile criminal matters, where saturation coverage can create a “media penalty” before a verdict is entered.

Legislatively, Bangladesh replaced the Digital Security Act, 2018 with the Cyber Security Act, 2023 in response to sustained domestic and international criticism of overbroad restrictions on online speech (ICNL, 2024; Transparency International Bangladesh [TIB], 2023). Although the CSA narrowed some offenses and penalties, rights groups and policy analysts argue that it “repackages” many of the same risks to legitimate expression, chilling reporting and commentary that may be critical but undeniably newsworthy (ReliefWeb, 2023). Notably, much of the discussion that animated challenges to the DSA—such as vague offense definitions, expansive law-enforcement powers, and the absence of robust public-interest defenses—continues to shadow the CSA's operation, with implications for journalists who cover matters under judicial consideration online (Human Rights Watch, 2018). Recent reporting also suggests that further reforms are under consideration to pare back controversial provisions, underscoring the fluidity of the legal environment (Times of India, 2025). In the interim, however, the cumulative effect is not a targeted answer to media trials but a broad risk that legitimate trial reporting may be chilled while genuinely prejudicial content remains difficult to effectively monitor and regulate.

Judicial practice in Bangladesh reveals the two-edged nature of contempt as a response to prejudicial speech. On the one hand, tribunals have used contempt to sanction commentary that, in their

view, undermined judicial authority or risked influencing proceedings. The International Crimes Tribunal (ICT) has been especially assertive. In the widely discussed proceedings against journalist David Bergman, the ICT held that several blog posts criticizing aspects of ICT jurisprudence and historical claims crossed the line into contempt; Bergman was convicted and fined, with no right of appeal under the tribunal's statute (Columbia Global Freedom of Expression, n.d.; Dhaka Tribune, 2014; Human Rights Watch, 2014; Concerned Historians, 2014). Similarly, the ICT initiated contempt show-cause notices against Human Rights Watch over a critique of ICT procedure during the war-crimes trials (International Commission of Jurists, 2013; U.S. Department of State, 2013). These episodes demonstrate that contempt can curb genuinely prejudicial speech—but they also highlight the risk that contempt becomes a blunt instrument used against critical but good-faith analysis, thereby chilling legitimate oversight of the justice process. In short, contempt proceedings have sometimes protected judicial authority at the cost of narrowing the space for evidence-based debate about ongoing trials.

Regulatory arrangements compound these tensions. The Press Council, constituted under the Press Council Act, 1974, is mandated to uphold journalistic standards and can inquire into professional misconduct. In practice, its recommendations are largely advisory, and for decades it lacked any meaningful power to impose sanctions on violations related to prejudicial trial coverage. Commentary from media lawyers and policy analysts repeatedly notes that this weak remedial toolkit makes the Council an imperfect forum for timely, effective responses to publicity which affects the right to a fair trial, of a case under judicial consideration (The Daily Star, 2023). While the government has periodically proposed amendments to strengthen the Press Council, including the introduction of financial penalties for violations of journalistic standards, such proposals have not yet resulted in a clearly defined and consistently enforced regulatory framework. The absence of strong institutional independence, transparent procedures, and effective enforcement mechanisms limits the Council's capacity to ensure media accountability without undermining press freedom. Consequently, Bangladesh still lacks a balanced model of co-regulation in which state oversight is complemented by meaningful self-regulation by media professionals (The Daily Star, 2023). On the broadcasting side, Bangladesh adopted a National Broadcasting Policy in 2014, which was criticized as overbroad and potentially enabling content-based controls; civil society recommended establishing an independent

National Broadcasting Commission through legislation to ensure fair, transparent licensing and content standards insulated from political influence (Al Jazeera, 2014; TIB, 2014). As for social media and online outlets, the landscape remains largely governed by general speech and cyber rules rather than a dedicated, predictable regime for contents relating to the matters relating to judicial consideration, even though algorithmic amplification means prejudicial narratives can reach massive audiences in hours.

Comparative experience underscores the feasible middle path Bangladesh has yet to fully develop. In India, the Supreme Court’s decision in *Sahara India Real Estate Corp. Ltd. v. SEBI* (2012) recognized that courts may, in exceptional cases, issue narrowly tailored postponement orders to delay publication of material that poses a real and substantial risk to the fairness of a pending trial. The *Sahara* framework does not gag the press indefinitely; rather, it calibrates timing and scope to protect adjudication without extinguishing public scrutiny (Indian Kanoon, 2012; see also scholarly commentary) (SSRN; Casemine). In the United Kingdom, the Contempt of Court Act, 1981 adopts a strict-liability rule: publications that create a “substantial risk of serious prejudice” to active proceedings may be sanctioned regardless of intent, but the test is constrained by public-interest defenses and precise, well-understood triggers for when proceedings are “active.” These features together deliver both clarity to publishers and reliable safeguards for trials (Legislation.gov.uk, 1981; Judiciary of England & Wales, 2024). Bangladesh has not yet codified analogous postponement powers or developed a doctrine that clearly define case laws, the threshold of risk, and the evidentiary basis for intervention. Without such architecture, courts oscillate between under- and over-enforcement, while journalists face uncertainty about how to report robustly on ongoing matters without risking sanction.

Taken together, the gaps are mutually reinforcing. Judicial warnings without doctrine fail to build predictable constraints; legislative reforms aimed at cyber harms do not directly address trial-prejudicial speech; and regulators lack the authority, independence, or procedural roadmaps to act swiftly and fairly. The comparative record shows that a more coherent approach is possible—one that combines targeted, time-limited judicial remedies; precise legislative definitions and defenses; and credible, independent regulators with proportionate sanctioning powers and due-process guarantees. Until Bangladesh adopts such an integrated model, the justice system will remain vulnerable both to

prejudicial media influence and to heavy-handed restrictions that chill democratic oversight of courts.

Suggestion

To mitigate the adverse impact of media trials on the justice system, one of the foremost measures is the codification of rules relating to judicial precedents through parliamentary legislation. At present, Bangladesh lacks a comprehensive statutory framework defining the permissible limits of reporting on ongoing judicial proceedings. A dedicated law modeled on comparative jurisdictions such as India and the United Kingdom could delineate the scope of responsible reporting while safeguarding the principles of open justice. Such codification would not only reduce ambiguity for journalists but also establish enforceable boundaries to prevent prejudicial coverage that undermines the presumption of innocence and judicial independence.

Equally critical is the issuance of judicial guidelines by the Supreme Court of Bangladesh. Courts, being the guardians of fair trial rights, are in a unique position to set binding practice directions for media houses and reporters. Guidelines could include rules on postponement of reporting in sensitive cases, restrictions on disclosing details that may compromise impartiality, and mechanisms for immediate judicial intervention when media narratives threaten fairness. By institutionalizing these practices, the judiciary would strike a balance between the constitutional guarantee of freedom of expression and the equally vital right to a fair trial.

Institutional reform of regulatory bodies is also necessary. The Bangladesh Press Council, established under the Press Council Act, 1974, has long been criticized for lacking enforcement authority. Granting the Council stronger sanctioning powers, alongside the establishment of an independent broadcast regulator, would create a more accountable media environment. These reforms would ensure that both print and electronic media adhere to ethical standards and legal obligations while reducing reliance on case-by-case interventions by a court.

Given the rise of digital platforms, addressing digital media accountability has become indispensable. Social media companies and digital news platforms must be placed under clear legal obligations to monitor, regulate, and, when necessary, restrict prejudicial content

related to ongoing trials. Without such oversight, algorithmic amplification of sensationalized and biased narratives risks fueling mob justice and eroding public confidence in the judiciary. Lessons can be drawn from global best practices, where governments have worked with technology companies to ensure content moderation mechanisms are effective, transparent, and rights-respecting.

Furthermore, training for journalists in legal reporting and media ethics is essential. Many instances of prejudicial reporting stem not from deliberate malice but from ignorance of legal boundaries. Mandatory certification programs, workshops, and continuous professional development courses could sensitize reporters to the ethical and legal implications of their work. Coupled with enforceable sanctions for violations, such initiatives would professionalize media practices and reduce instances of trial by media.

Lastly, the importance of public awareness campaigns cannot be overstated. Citizens must be made aware that while media freedom is integral to democracy, trial by media threatens both justice and the rule of law. Nationwide awareness initiatives, spearheaded jointly by the judiciary, media regulators, and civil society, could emphasize the dangers of prejudicial reporting and highlight the importance of judicial independence. This public sensitization would create a more informed citizenry capable of resisting sensational narratives and respecting the integrity of legal proceedings.

Together, these reforms would form a comprehensive strategy to curb the excesses of media trials in Bangladesh, ensuring that the fundamental principles of justice are preserved without undermining the equally important role of a free and pluralistic media.

Conclusion

The phenomenon of media trials in Bangladesh highlights a critical tension between the democratic value of press freedom and the constitutional guarantee of a fair trial. The expansion of media pluralism, particularly through digital platforms, has democratized access to information, enabling citizens to participate more actively in public discourse and hold institutions accountable. However, this growth has also created new challenges. The boundaries between journalistic reporting and adjudication have become increasingly blurred, leading to situations where public perception, fueled by

sensationalist coverage, may influence judicial outcomes and compromise the integrity of the legal process.

Unchecked media trials pose multiple risks. They threaten the presumption of innocence, stigmatize accused persons before verdicts are delivered, and can retraumatize victims through irresponsible reporting. Algorithm-driven social media further exacerbates these risks, amplifying sensational narratives and creating an environment akin to “mob justice.” The judiciary, while constitutionally empowered to ensure fair trials, faces the formidable challenge of operating independently in a socio-political and media landscape that often pressures public institutions to conform to popular sentiment. Without effective intervention, these dynamics risk eroding public confidence in the justice system and undermining the very foundations of rule of law in Bangladesh.

To address these challenges, a comprehensive and balanced legal framework is essential. Legislative reforms should codify judicial rules and clarify the boundaries of permissible reporting, drawing lessons from comparative jurisdictions such as India and the United Kingdom. Judicial guidelines and practice directions can provide courts with tools to regulate media reporting effectively, balancing transparency with fairness. Strengthening regulatory institutions, including the Press Council and broadcast regulators, would enhance accountability, while measures to promote digital media responsibility could mitigate the prejudicial impact of online content. Complementary initiatives, such as journalist training in legal reporting and ethical standards, alongside public awareness campaigns, are necessary to cultivate a culture that respects both media freedom and judicial independence.

Ultimately, the goal is to create a system in which democratic accountability through a free press coexists with the impartial administration of justice. By implementing a multi-faceted approach that combines legislative clarity, judicial activism, regulatory oversight, ethical journalism, and civic education, Bangladesh can ensure that justice is administered in courts of law rather than in the court of public opinion. Such reforms would not only safeguard individual rights but also strengthen the legitimacy and credibility of the judiciary, reinforcing the democratic values upon which the nation is founded.

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