

Chapter - V

SOCIAL MEDIA TRIALS: A PARALLEL COURT WITHOUT JUDICIAL SAFEGUARDS

BY

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Abstract

Democracy consists of three pillars: executive, legislative, and judiciary. There also exists another pillar, which is the media. In the modern age of digitalization, social media has also become an integral part of mainstream media, as it plays a pivotal role in forming public opinion. Social media, as an epitome of free speech, is often weaponized to hold trials that do not follow the principles of justice, equity, and good conscience, operating with minimal restrictions. In the absence of an appropriate authority to adjudicate, it becomes the judge, jury, and executioner. The adverse opinions harbour for an endless time within the internet grid as digital footprints waiting to be reincarnated again, even after proper adjudication. Social media not only poses a great threat to individual dignity but also puts into question the judicial independence and principles of natural justice by forming blatant criticisms of the judicial mechanism of a country. Uninformed public opinion often uses and turns social media into a weapon of destruction, transforming the boon into a curse. The present study undertakes a socio-legal analysis of rising incidents of social media outrage as a threat to justice delivery and public morality. The purpose of the study is to analyse the rising incidents of social media outrage as a threat to the justice system and public morality. Using a cross-sectional analysis, this study relied on secondary evidence and empirical insights to analyse several academic works and recent incidents, along with a judicial approach, in light of the constitutional framework and legal provisions, investigating the problem from a socio-legal perspective. This study concludes that though unchecked social media trials pose significant challenges to the justice system, a balanced framework safeguarding both fundamental rights and democratic discourse of fair trial is necessary.

Keywords: Social media trials, Freedom of Speech, Natural Justice, Right to Fair Trial, Right to Privacy, Judicial dignity

Introduction

The advent of social media and its proliferation have transformed our views and collective thinking through dynamic flow of instantaneous communication, collective deliberation, and formation of mass public opinion. Especially India which has a large and diverse population with easy access to internet services, faces a huge problem of misinformed public opinion resulting from fake news on social media. The widespread acceptance of social media content has given birth to a new and rather a very problematic phenomenon known as “social media trials”. These public adjudications which are held beyond the limits of a traditional court room not only show utter disregard to the ideas of justice, equity and good conscience but also create adverse public opinion regarding the subject matter. Such opinions often taint the character of the person being subjected to such trial which thrives within the web through digital footprints. Along with the other problems there always remains a risk of undue prejudice towards the accused. Judges, though presumed to be impartial in all circumstances, are also humans and are not devoid of social media presence. Adverse public opinion and mass social media campaigns can also contribute tainting the opinion of the judges, which in turn violates the rules of natural justice.

To combat these ill effects of social media it becomes necessary to regulate the flow of information and activity on social media, which often risks the fundamental rights of individuals getting violated. Any form of regulation of social media or on public media for the fact can be viewed as an attempt to restrict individual liberty and curtail free speech enshrined in the constitutional framework. Thus, a multifaceted approach towards regulating social media trials is the need of the hour, where rather than massacring individual freedom and liberty the ill effects of social media trials can be controlled through sensitization, awareness and thorough understanding of public media.

Evolution of media trial and paradigm shift towards social media

Media is used as one of the means of communication of necessary information, news, content etc. It consists several sources which includes news channels, press, and social media platforms. These media outlets enjoy and draw their immunity from article 19(1) of the Indian Constitution which guarantees freedom of speech and expression. Though the text of the constitution does not expressly talk about media freedom specifically, supreme court in the case of **Romesh Thapar v. State of Madras**¹ held that freedom of speech must also be included under freedom of speech and expression under article 19(1) of the Indian constitution. If we critically examine the history and functioning of

¹ Romesh Thapar v. State of Madras [1950] AIR 1950 SC 124 and 1950 SCR 594

state machinery we will come to understand that such protection is necessary to secure a system of checks and balances upon the different organs of the government and holding them accountable for their arbitrary actions. This is what makes the press or media the fourth pillar of democracy. To secure a functioning and democratic state machinery an impartial and sound media framework is of utmost importance.

From the above discussion though it becomes apparent that freedom of press is important certain back logs occur if the shield of protection is used in an irresponsible manner, one of those challenges is the advent of media trial.

Role of media and advent of social media

As mentioned earlier media is the fourth pillar of democracy. It not only passes on information and communicates them but also plays a great role in forming public opinion. It aims to create informed and aware population by uniting public opinions and communicating the same with the individuals at large. In the recent times media has also taken part in exposing various kinds of criminal activities, bringing actual offenders to the doors of justice. It creates a positive pressure on different organs of the state in adjudicating matters which harm public policy at large. In **In Re: Vijay Kumar (decided along with In Re: Harijai Singh, 1996)**,² the Supreme Court of India held that freedom of the press is an essential part of the fundamental right to freedom of speech and expression under Article 19(1)(a). The Court emphasized that press freedom is indispensable in a democracy, calling it “the mother of all other liberties”.

With the advent of electronic media this function has become more efficient. Amongst other means of electronic media social media takes another leap forward by not only letting mass communication more accessible and fluent but also letting these information flow and utilized in an individual level of connection. Along with letting the conventional media outlets acquire and publish information and content social media platforms let their users connect with each other and lets them exchange information. In this way each and every user becomes a publisher and a recipient of information simultaneously.

Though social media has made our lives easy by letting us enjoy our preferred content in our preferred manner irrespective of time and place, it also poses a significant threat because of several reasons such as communication by uninformed or less educated user base, propagation of false or misleading content etc.

² In Re: Vijay Kumar (1996) 6 SCC 466.

Social media use in India has exploded over the past decade — from around 100 million users in 2014 to nearly 491 million users in 2025, representing about 33.7% of the population³. This has happened due to several reasons such as cheap mobile data, smartphone penetration etc. but the social media literacy in India is very low and this poses a serious threat as these sects of population are very easy to manipulate and they very easily fall victim to spreading and communicating misinformation or indulging in generating propagandas. Misuse of social media along with being a threat to functioning of other state actions this becomes very dangerous to the countries judicial system and the privacy of the parties involved therein. The judiciary of the country is bestowed with a significant task i.e. administering swift and efficient justice and in pursuit of doing so it relies heavily on the principles of natural justice and the rules of evidence. Social media having a large user base and easy access to all can easily form generalized opinions regarding a topic and it often results in mass criticisms without any factual bias.

Meaning of media trials and how social media acts as an extension

Media has taken a very active part in shaping the public conscience such as publicly condemning figures like Marie Antoinette and Louis XVI before their actual trials ultimately leading to their execution or the old-bailey trials in the late 1700s where newspapers selectively reported violent crimes, emphasizing cases with sexual intrigue, dramatic struggles, or high-status defendants shaping public perception of justice and creating proto-media trials. The contemporary ‘media trial’ as a concept is not a very old. It has only found its roots in the 20th century in American legal history in Roscoe "Fatty" Arbuckle's 1921 prosecution. In this instant case Arbuckle was accused of rape and manslaughter of actress Virginia Rappe who died during a party at San Francisco's St. Francis Hotel. William Randolph Hearst's newspapers staged a dramatic press campaign in response to the accusations. Despite Arbuckle's three trials—two of which ended in hung juries, the third jury found him not guilty and issued a public apology. Still the public's perception of his guilt had already been cemented by the constant tabloid coverage. The scandal obliterated his career, leading to the prohibition of his films and the cancellation of contracts, despite the lack of legal culpability. This case illustrates the profound tension between judicial outcomes and the “court of public opinion,” highlighting how celebrity status, moral panic, and sensationalist journalism can converge to undermine due process and permanently damage reputations, setting a precedent for later high-profile media trials. Media trials in general refer to the phenomena where the media outlets to gain more popularity or other ulterior object assume the role of an adjudicating authority and convict an

³ Social media usage in India - statistics & facts < <https://www.statista.com> > accessed 18 December, 2025.

individual even before the courts of law declare that he is guilty or the actual trial taking place, but in pursuit of doing so the media often shows complete disregard to the rules of evidence and administration of justice and entirely operates on satisfying the public opinion to gain more popularity. This often leads to complete vindication of the person's character and future career prospects. Later, even if the person is discharged of the allegations or acquitted by the court of law and media outlets just announce a public apology, but they can never completely eradicate the adverse public opinion they had created and the person suffers for a lifetime.

The conventional media outlets have an upper hand because all of their programs and contents go through a thorough scrutiny by the board of editors and they also have to obey by the laws of the land regarding publication of a news. On the other hand, when it comes to social media there are hardly any such restrictions put on the social media platforms. Social media platforms being a mode communication and fairly new in the digital domain lack necessary restrictions and whenever an effort is made to restrict the flow of content or publication of content on social media it often leads to violation of the fundamental rights. Accounts on these platforms are often used by private individuals who do not possess any experience in journalism and without proper education or ethical code of conduct these accounts often publish with the motive of gaining popularity publish "spicy" or "sensational" news. A 2024 study by the Indian School of Business (ISB)⁴ and CyberPeace found that 77.4% of misinformation cases in India originate from social media platforms, making them the primary vector for fake news and deepfakes, nearly half of all fake news stories in India are political in nature, reflecting how misinformation is weaponized in electoral and governance contexts. In another study a January 2024 poll conducted by Social & Media Matters found that a staggering⁵ 78.9% of India's first-time voters have come across fake news on social media. This underscores the susceptibility of younger people to the spread of disinformation.

Why social media trials are a detriment to the traditional justice system

The traditional justice system is largely based on the principles of natural justice which operates with two principles-

- i. Audi Alteram Partem and
- ii. Nemo debet esse judex in propria causa.

⁴ NDTV, 'Nearly Half Of The Fake News Stories In India Are Political' < <https://www.ndtv.com> > accessed 18 December, 2025.

⁵ TIMES OF INDIA, < <https://timesofindia.indiatimes.com> > accessed 18 December, 2025.

The first principle means that both the parties should be hard. In another way it means that no one shall be left unheard. While the other one means that no man should be the judge in his own cause. It is also sufficed by two other principles namely, Justice should not only be done but manifestly and undoubtedly be seen to be done; and judges, like Caesar's wife should be above suspicion⁶.

Social media or for the fact any form of media trial shows complete disregard to the rules of natural justice. Here, the majority frames an opinion which is often fuelled by rage, empathy, political motive or other human emotions etc. The person against whom the adverse opinion is made is not given chance to justify or give proper explanations also. Even if in later stages of the trial the person is acquitted by the actual court of law adverse opinion in relation to his character persists in the web and it can be used any time by anyone to stigmatize his career.

Apart from the above-mentioned factors undue pressure from the public might also violate the accused's right of fair trial. Right of fair trial is a cardinal principle of the criminal jurisprudence⁷ and it is enshrined in the part-iii of the constitution of India specifically under article 21 and article 14. The adjudication by the judge must be without any bias and any apprehension of such bias renders the entire trial infructuous. The courts are only to give special considerations in cases where special laws with similar kind of legislative intent is brought forward. For example, laws relating to vulnerable communities such as the SC/ST Prevention of Atrocities Act, 1989 or POCSO act require special considerations in relation to caste or age of the victim, or Juvenile Justice act which brings special provisions for child in conflict with law and child in need of care and protection. Apart from expressed legislative intent the courts should not in general show special considerations.

Undue media pressure or social media outrage always comes with a risk that the adjudicating judge on the matter, being a human may fall victim to such outrage and might show undue bias. The hon'able supreme court has also in the case of Sidharth Vasisht v. NCT of Delhi⁸ held that the media should perform the acts of journalism and not as a special agency for the Court. Recently hon'able Chief Justice of India Surya Kant has remarked fake news, public emotions, and media trials are quietly damaging India's justice system. He stressed that transparency without understanding law is hurting public trust.⁹

In 2022, then-Chief Justice of India N V Ramana had expressed concern over media running "kangaroo courts" and conducting "ill-informed and agenda-driven debates" on issues that

⁶ Lesson v. General Council of Medical Education, (1890) LR 43 Ch D 366.

⁷ Ratiram v. State of Madhya Pradesh (2012), AIR 2012 SC 1485.

⁸ Sidharth Vasisht v. NCT of Delhi (2010) 6 SCC 1.

⁹ < <https://www.barandbench.com> > accessed 18 December, 2025.

even experienced judges find difficult to decide. He said that media trials affect the fair functioning and independence of the judiciary and can weaken democracy. "I urge upon the media, particularly the electronic and social media, to behave responsibly," he said¹⁰. He also stated that news networks regularly air conversations influenced by certain agendas, not facts, making it harder for judges to stay unbiased and damaging the legal system¹¹. He also drew a stark contrast between print and electronic media, stating that the former has "some accountability" while the latter has "zero accountability," where false narratives disappear but the harm to democracy and the judiciary endures. "Self-regulate and measure their words," he counselled the media¹².

Effect on investigation procedure

The investigative process is significantly impacted by social media trials, which frequently skew law enforcement authorities' objectivity and put unnecessary pressure on them to follow popular opinion. The Indian Supreme Court has warned against this tendency on several occasions. In **Sahara India Real Estate Corp. Ltd. v. SEBI**¹³ (2012), the Court noted that "uncontrolled reporting by the media can prejudice the right to a fair trial" and established the postponement order concept to prevent investigations from drawing hasty conclusions. In a similar vein, the Court cautioned that extensive media speculation might "hamper the investigation and prejudice the rights of the accused" in the 2020 Sushant Singh Rajput case. These judicial pronouncements highlight that when social media platforms amplify narratives of guilt or innocence, investigating officers are compelled to pursue lines of inquiry shaped more by public outrage than by evidentiary standards. This undermines the integrity of the investigative process, as agencies risk prioritizing popular narratives over objective fact-finding, thereby weakening the constitutional guarantee of a fair and impartial trial under Article 21.

Effect on right to privacy

It was in the case of **Kharak Singh vs. State of UP**¹⁴ where the apex court held that right to privacy is a fundamental right. In the case of **Sharada vs. Dharampal**¹⁵, the Hon'ble Supreme Court defined the term privacy as "the state of being free from intrusion or disturbance in one's private life or affairs". Further, in the case of **K.S. Puttaswamy vs. Union of India**¹⁶, the court again reaffirmed the

¹⁰ The Indian Express <<https://indianexpress.com>> accessed 18 December, 2025.

¹¹ Ibid.

¹² Ibid.

¹³ Sahara India Real Estate Corp. Ltd. v. SEBI (2012) 10 SCC 603.

¹⁴ Kharak Singh vs. State of UP, AIR 1963 S.C. 1295

¹⁵ Sharada vs. Dharampal (2003) 4 S.C.C. 493.

¹⁶ K.S. Puttaswamy vs. Union of India (2017) 10 S.C.C. 1.

right to privacy as an integral part of life and personal liberty under Article 21 of the Constitution. In **R. Rajagopal v. State of Tamil Nadu**¹⁷, the Supreme Court underscored the limits of press freedom in relation to the right to privacy. It held that every citizen has the right to protect personal aspects of life—such as family, marriage, procreation, motherhood, childbearing, and education—from publication without consent. Any disclosure of such matters, whether positive or negative, truthful or otherwise, would amount to a violation of privacy and could invite liability for damages. However, the Court clarified that the position changes if an individual voluntarily enters public controversy or invites attention, in which case the boundaries of privacy may be narrowed. Social media platforms being easily accessible to the general public gets used to leak or expose private matters of the individuals. Many times, these private matters may not be related to the case entirely, but these affairs are used to fuel public rage. This tantamount to violation of an individual's right to privacy. Very recently in the Sushant Singh Rajput case, name of actress Reha Chakravarty was involved and several private affairs of her were brought to the public domain to which she never agreed to. Such activities not only taint the investigation and the trial process but also puts the individual liberty at risk.

Though it must be noted that involvement of media in judicial proceedings is not entirely bad is done with proper care. The case of **Manu Sharma v. State (NCT of Delhi)/ Jessica Lal Murder**¹⁸ case served as a prime example of how high society, celebrity culture, political power, and media activism interact in India. In this case Manu Sharma, the son of a prominent Congressman, was implicated by several witnesses in the 1999 shooting death of Jessica Lal at a Delhi nightclub. Despite this, the trial court cleared the accused of all charges, purportedly as a result of institutional flaws and witness silencing. Later due to intense public outrage and persistent media pressure the Delhi High Court was forced to reopen the case. This resulted in a fast-track trial where the accused was given a life sentence in 2006. While upholding the conviction, the Supreme Court issued a warning about the perils of media trials, stressing that unrestrained publication during ongoing investigations might jeopardize Article 21's provision of a fair trial and that the presumption of innocence must not be shattered at the threshold. In order to protect judicial dignity and the rule of law, the Court emphasized the necessity of checks and balances in subjudice proceedings. Even while the court has cautioned against its excesses, the case is nonetheless a significant illustration of how investigative journalism may reveal institutional flaws and rally public opinion to uphold justice.

¹⁷ R. Rajagopal v. State of Tamil Nadu, AIR 1995 SC 264.

¹⁸ Manu Sharma v. State (NCT of Delhi) (2010) 6 S.C.C. 1.

Legal Frame work and challenges to combat media trials

India's statutory regulatory framework includes a number of Acts of Parliament that give the government and regulatory bodies the power to stop sensationalist reporting. The primary law governing electronic media in this regard is the Cable Television Networks (Regulation) Act, 1995; under its Programme rule (Rule 6), all cable networks must abide by a strict rule that prohibits programs that are likely to incite violence or disturb law and order, content that amounts to contempt of court, and anything that disparages or slanders the integrity of the courts. Additionally, Section 20 of the Act gives the Central Government the authority to prohibit the transmission of any channel or program if it is deemed necessary for upholding public order, morality, or decency. Furthermore, the Press Council Act of 1978 governs the Press Council of India (PCI). The PCI's "Norms of Journalistic Conduct" state that the media cannot publish anything that could compromise a suspect or accused person's right to a fair trial and that reporting must be based on actual facts rather than conjecture or hearsay. Under Section 14, publications or editors may be warned, reprimanded, or condemned by the PCI. Even though a censure cannot impose sanctions, it has a significant impact on a publication's reputation and advertising opportunities. In reaction to the expansion of digital platforms and viral campaigns, the government passed new legislation to address "YouTube trials" and social media activism. The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 now formally regulate social media intermediaries and digital news portals. These rules ensure fair competition by requiring digital publications to follow the same Programme Code (Cable Act) and Norms of Journalistic Conduct (PCI) as traditional media. They also establish a three-tier grievance redressal system: Level I requires publishers to self-regulate by designating a Grievance Officer; Level II requires publishers to self-regulate through an independent body; and Level III provides oversight by the Ministry of Information and Broadcasting, which has the authority to order the removal of content that violates the ethics code.

In addition to media-specific laws, the fundamental criminal framework offers privacy and reputational safeguards against the detrimental consequences of media trials. If media outlets make negligent or deceptive comments that damage someone's reputation before guilt is proven, they may face criminal defamation charges under Sections 499 and 500 of the Indian Penal Code. Another law that protects privacy rights is section 72 of the Bhartiya Nyaya Sanhita (formerly IPC Section 228A), which strictly prohibits disclosing the identities of victims of certain crimes, including sexual assault. This clause, which is often the consequence of careless reporting, is illegal to violate. Furthermore, the majority of state police handbooks now include stringent guidelines for press conferences that

forbid officers from disclosing investigative information or naming individuals in a way that implies guilt prior to the filing of a chargesheet.

Self-regulation or responsible use of social media is another important factor in reducing sensationalism. In order to avoid direct government intervention, private broadcasters have established their own regulating agencies, establishing a system known as "soft law." Complaints against sensationalism and biased reporting on news stations are handled by the News Broadcasting & Digital Standards Authority (NBDSA). If stations are found guilty of holding a media trial, it has the authority to impose fines of up to ₹1 lakh or more and to force them to broadcast public apologies during prime time.

Conclusion

In conclusion it can be stated that although India's regulatory frameworks provide a significant protection against these media trials on a public-adjudications it is not enough in this digital age. The biggest obstacle is the technological complexity of tracking down the IP addresses of anonymous users who propagate offensive information on many sites. Social media, in contrast to conventional media, allows stories to spread quickly and virally, which can evade regulatory monitoring with ease.

Therefore, self-awareness and civic duty must be the foundation of the remedy in addition to legal remedies. The presumption of innocence and the right to a fair trial are important fundamental rights that citizens, journalists, and internet users must understand. Statutory protections are just as important as fostering civic sense refusing to prejudice situations or magnify unsubstantiated accusations. Statutes can never efficiently come into effect if the population is not ready to accept it. Thus, incorporating social-media awareness into the educational framework could also prove to be useful. In this sense, the struggle against social media trials is both a legal issue and a question of shared accountability, guaranteeing that justice is unbiased and unaffected by the court of public opinion.

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