VOLUME 5 | ISSUE 3

INTERNATIONAL JOURNAL OF ADVANCED LEGAL RESEARCH

THE IMPACT OF SOCIAL MEDIA TRIALS ON FREEDOM OF SPEECH AND FAIR TRIAL RIGHTS

- Anusree PA[1] & Dr. Shampa I Dev[2]

Abstract

The advent of social media has really changed how we discuss issues in public, giving everyone the opportunity to share their thoughts and engage in conversations about legal topics. However, this increased accessibility has led to what we call social media trials, where it's often public opinion—not legal evidence—that shapes the narrative in high-profile criminal cases. While the right to free speech and expression is protected under Article 19(1)(a) of the Indian Constitution, these social media trials can threaten the right to a fair trial as outlined in Article 21. They influence judicial processes, skew public perception, and put pressure on the courts. This paper takes a critical look at how social media trials affect legal rights, especially in terms of how they create narratives even before court rulings are made. It dives into significant cases like Shreya Singhal v. Union of India (2015) and Sahara India Real Estate v. SEBI (2012), which show how the courts have responded to online speech and media's impact. The piece also examines the risks of biased reporting, digital misinformation, and the phenomenon of trial by public sentiment, all of which threaten the principle that one is innocent until proven guilty. Furthermore, it assesses the legal boundaries and regulatory measures in place that address social media trials, such as contempt of court laws, defamation laws, and the Information Technology (IT) Rules, 2021. While some level of regulation is crucial to combat online harassment and false information, too much oversight could choke off real public dialogue. The paper ultimately suggests a balanced approach that protects both free speech and the right to a fair trial, ensuring that social media doesn't compromise the integrity of the judicial system. It calls for better

[1]LLM Christ University, Bangalore
[2]Associate Professor, Christ University, Bangalore

content moderation, ethical journalism, and judicial oversight to prevent the abuse of social media trials. In the end, while social media is a powerful tool for engaging with the public, its function in criminal trials needs to be carefully monitored to protect justice and uphold constitutional rights.

Keywords: Social Media, Media Trials, Indian Constitution, Online Speech, Digital Misinformation, Information Technology (IT) Rules

Introduction

The rise of social media has completely changed how we engage in public discourse. It's given people a unique platform to share their views, dive into debates, and discuss important topics, including criminal trials. While traditional media has historically influenced public opinion, social media has taken it up a notch, with millions of users acting as commentators, analysts, and sometimes even virtual judges. This trend, often called social media trials, raises serious concerns about its effects on two key rights: freedom of speech and expression under Article 19(1)(a)and the right to a fair trial under Article 21 as outlined in the Indian Constitution[3]. Open discussion about legal cases is crucial for a vibrant democracy, but when these conversations morph into digital mob justice, they can undermine the very essence of an unbiased judicial system.

Social media trials often occur outside of the legal system, leading to prejudgments about defendants before the courts have a chance to rule. In high-profile criminal cases, platforms like Twitter, Facebook, and Instagram become arenas where narratives are shaped more by public opinion than by actual legal evidence. Campaigns like #JusticeForSSR in the Sushant Singh Rajput case or #ArrestRhea regarding Rhea Chakraborty show how online activism can shift into a trial by public sentiment, which can sway investigations, legal processes, and even court decisions[4]. This situation raises critical legal and ethical dilemmas—should digital platforms operate like parallel courts? How should we regulate free speech on social media to protect the rights of the accused?

[3] India Const. art. 21.
[4] Abhinav Sharma, Privacy and Dignity in the Spotlight: The Ethics of Media Trials, 5 INDIAN J.L. & LEGAL RSCH. 1 (2023).

Article 19(1)(a) of the Indian Constitution guarantees freedom of speech and expression, allowing people to express opinions, including critiques of the legal system[5]. Nevertheless, this right comes with reasonable restrictions under Article 19(2), which allows limitations on speech that could threaten public order, morality, defamation, or contempt of court. Meanwhile, Article 21 protects everyone's right to life and personal liberty, which includes the right to a fair trial[6]. A fair trial hinges on judicial neutrality, an impartial jury, and protection from undue external influences. When social media hurries to label someone guilty, it undermines the presumption of innocence until proven guiltya fundamental principle of Indian criminal law.

Numerous court rulings have addressed how media can affect trials. In Sahara India Real Estate v. SEBI (2012), the Supreme Court recognized the risks of biased reporting and set guidelines for courts to delay proceedings in instances where media coverage might undermine fair trial rights. Likewise, in Shreya Singhal v. Union of India (2015), the Court invalidated Section 66A of the IT Act, reinforcing that speech shouldn't be restricted arbitrarily while also stressing the importance of responsible communication.

This article takes a deep dive into the complex relationship between social media trials, free speech, and fair trial rights. It looks at how digital activism, misinformation, and public pressure can threaten the justice system. It also discusses legal frameworks, judicial actions, and possible approaches to find the right balance between free expression and the right to a fair trial. Ultimately, the goal is to ensure that social media remains a platform for open discussion without compromising the integrity of judicial processes.

Understanding Media Trials in the Digital Age

The emergence of social media trials has significantly changed the way we discuss legal matters, creating an environment where the public, rather than the courts, controls the conversation around criminal cases. Unlike traditional media, which adheres to editorial standards, social media promotes immediate, unchecked, and emotionally charged discussions, often turning legal issues into sensational public events. This evolution has raised serious worries about biased reporting, the spread of false information, and "trial by social media," all of which can undermine the integrity of the judicial system.

[5] India Const. art. 19, cl. 1(a).
[6] V. S. Sneha, An Analysis on Trial by Media, 6 INT'l J.L. MGMT. & HUMAN. 2079 (2023).

Historically, traditional media has played a vital role in shaping how the public views criminal trials, with investigative journalism being pivotal in high-profile cases like the murder of Jessica Lal in 1999 and the 2012 Nirbhaya gang-rape case. In the Jessica Lal case, the media's pressure was instrumental in triggering a retrial and ultimately convicting Manu Sharma after he was initially acquitted[7]. Similarly, constant media attention during the Nirbhaya case spurred significant legal changes with the Criminal Law (Amendment) Act, 2013[8]. These instances demonstrate that while the media can constructively impact legal proceedings, they also reveal how public outrage can overshadow due process[9].

On the other hand, social media thrives on speed and engagement, often lacking any form of accountability. Unlike established news outlets that fact-check their content, social media gives anyone the ability to act as investigator, prosecutor, or judge. This scenario has led to rampant misinformation, online harassment, and bias in the context of criminal cases.

A notable case that illustrates the impact of social media trials is the Sushant Singh Rajput incident in 2020. Initially thought to be a suicide, it quickly morphed into a murder investigation propelled by viral hashtags like #JusticeForSSR and #ArrestRhea. Social media platforms, alongside some news channels, disseminated unverified information, accusing Rhea Chakraborty of murder and pressuring law enforcement[10]. Despite the lack of solid evidence, she was arrested, highlighting how social media trials can skew investigations and undermine the presumption of innocence[11].A similar example occurred with the Aryan Khan drug case in 2021, where Shah Rukh Khan's son was caught in a media whirlwind following his arrest. Social media painted him as guilty before any trial had even begun, leading to intense scrutiny of his private life. Ultimately, the courts granted him bail due to insufficient evidence, but the case showcased how media narratives can unduly prolong legal issues.

The case of comedian Munawar Faruqui in 2021 further emphasizes the risks of "digital mob justice." He was detained for allegedly insulting Hindu deities, despite no proof of such actions. The public outcry, amplified by social media, resulted in his lengthy imprisonment

[7] State (NCT of Delhi) v. Manu Sharma,MANU/SC/0268/2010.
[8] Mukesh &Anr. v. State (NCT of Delhi),AIR 2017 SC 2161.
[9] Ravindra Singh, Impact of Media Trial on Right to Privacy: A Critical Analysis, 7 INT'l J.L. MGMT. & HUMAN. 2336 (2024).
[10] Rhea Chakraborty vs The State Of Bihar,AIR 2020 SC 3826.
[11] Saif Hussain, Social Media Trials in India: A Comprehensive Analysis of Legal Implications and Societal Impact, 3 INDIAN J. INTEGRATED RSCH. L. 1 (September-October 2023).

until the Supreme Court stepped in. This situation underscores how narratives based on assumptions rather than actual facts can unfairly prosecute individuals.

In these social media trials, emotional reactions, rapid updates, and collective participation replace the traditional evidence-based trial process, leading to "trial by trending hashtags." Misinformation spreads quickly online, shaping public opinion, exerting pressure on law enforcement, and fostering online mob behavior. This disruption compromises the rights to a fair trial and makes it increasingly challenging to maintain judicial impartiality[12].

While social media offers a platform for public discussion, it often disturbs the legal process through biased narratives and misinformation. Cases like those of Sushant Singh Rajput, Aryan Khan, and Munawar Faruqui illustrate the enduring harm caused by media trials. It's crucial to consider regulating the influence of social media on judicial proceedings while still upholding free speech principles.

Freedom of Speech vs. Fair Trial: The Legal Conflict

The freedom of speech and expression, protected under Article 19(1)(a) of the Indian Constitution, is a core right that empowers people to voice their opinions, discuss legal issues, and critique judicial actions. In a democratic setting, open conversations about legal matters foster transparency, accountability, and enhance public awareness of justice. Social media has really broadened this right, allowing citizens to engage in lively debates about high-profile cases in real-time. However, there's a downside—this freedom is sometimes misused, leading to social media trials where public opinion shapes perceptions of an accused individual before the court even reaches a verdict[13]. While many believe that discussing legal cases online is simply exercising free speech, when such discussions escalate into digital campaigns that label someone as guilty or innocent, they infringe upon the right to a fair trial, as outlined in Article 21.

A fair trial is a vital aspect of Article 21, which safeguards the right to life and personal liberty. This encompasses the principle that an accused is presumed innocent until proven guilty, as well as the rights to an impartial trial and protection from biased media coverage. The tenets of criminal justice demand that legal proceedings remain independent, unbiased,

[12] Aditi Sanjay, Constitutional Validity of Media Trial, 4 INDIAN J.L. & LEGAL RSCH. 1 (2022).
[13] C. Beckton, Freedom of Expression - Access to the Courts, 61 CAN. B. REV. 101 (March 1983).

and grounded in evidence rather than public opinion[14]. Unfortunately, social media trials often breed a hostile atmosphere where judicial outcomes are swayed more by public sentiment than the actual facts presented in court. In high-profile cases, the relentless media attention can lead to the vilification of the accused, witness intimidation, and undue pressure on judges, all of which undermine due process.

Several landmark cases have highlighted the tension between free speech and the rights to a fair trial. Take Sahara India Real Estate v. SEBI (2012), for instance. The Supreme Court recognized that excessive media coverage could disrupt judicial processes and established guidelines for delaying media reporting in situations where it could bias the trial[15]. This ruling reinforced the idea that while free speech is crucial, it needs to be balanced with the right to a fair trial, allowing courts to impose restrictions to minimize media influence on ongoing cases.

Another notable case, R.K. Anand v. Registrar, Delhi High Court (2009), addressed the media's role in judicial interference. This case emerged from a sting operation by a news outlet that uncovered a lawyer trying to sway a key witness in a criminal case[16]. The Supreme Court decided that although investigative journalism serves the public good, the media cannot take on the roles of law enforcement or the judiciary. This case affirmed that only courts should determine guilt or innocence, not media organizations or social media campaigns[17].

The significance of due process was further underscored in A.K. Gopalan v. State of Madras (1950), with the Supreme Court stating that any removal of personal liberty must adhere to procedures defined by law[18]. This ruling is especially important in light of social media trials, as declaring someone guilty online before a court has made a decision violates the due

[14] Shreya Sahi, Conflict between Freedom of Speech and Expression and Right to Reputation in the Light of Media Trials, 4 INT'l J.L. MGMT. & HUMAN. 5259 (2021).
[15] Sahara India Real Estate Corp.Ltd.& Ors vs Securities &Exch.Board Of India &Anr,AIR 2012 SUPREME COURT 3829.

[16]R.K.Anand vs Registrar,Delhi High Court,(2009) 8 SCC 106.
[17] Sandra F. Chance & Susan D. (I) Ross, Gag Orders: Shields Or Swords in the Constitutional Conflict between Fair Trial and Free Press, 1 COMM. L. &POL'y 271 (Spring 1996).
[18] A.K. Gopalan vs The State Of Madras,AIR 1950 SC 27.

process principle. Public trials on social media create a biased environment that hinders the accused's ability to receive a fair and impartial hearing[19].

The Contempt of Courts Act, 1971 lays down a legal framework aimed at curbing media trials that hinder justice. This legislation penalizes actions that scandalize or prejudice judicial proceedings, including media coverage that might sway court decisions[20]. The judiciary has frequently cautioned against "parallel investigations" by the media, as they disrupt the justice system. In several instances, courts have issued gag orders or contempt warnings to prevent media from exceeding its boundaries.

While freedom of speech is a cornerstone of democracy, it shouldn't trump the fundamental right to a fair trial. The growing trend of media trials and social media activism underscores the necessity for courts and lawmakers to regulate biased reporting while respecting legitimate public discourse. Striking a balance between these two fundamental rights is crucial for safeguarding both democracy and justice.

Negative Consequences of Social Media Trials

The presumption of innocence is a key principle in criminal law, which means that a person is considered innocent until a court proves them guilty. Unfortunately, social media trials often ignore this principle, declaring people guilty even before any legal proceedings take place. The narratives that emerge online are frequently fueled by speculation, sensationalism, and bias, shaping public opinion in ways that can have lasting and damaging effects. Once someone is labeled guilty by the public, even if they're later acquitted, it can be incredibly difficult to restore their reputation. The psychological toll on the accused can be significant, leading to social isolation, mental health issues, and even job loss. Even when the legal system clears someone of wrongdoing, the stigma generated by social media can linger, impacting their personal and professional lives for a long time.

Another alarming outcome of social media trials is how they can interfere with judicial independence. The judicial system is supposed to operate without outside influences, but high-profile cases often attract intense public attention that can sway judicial decisions. Judges may find themselves feeling pressured to make rulings that align with popular opinion

[19] Apurva Bangale, Trial by Media: An Impediment in Administration of Justice, 23 SUPREMO AMICUS [530] (2021).
[20] Shivangi Gupta, Role of Media Trials in Criminal Justice System: An Analysis, 5 INT'l J.L. MGMT. & HUMAN. 835 (2022).

instead of adhering solely to the evidence[21]. This kind of pressure can result in stricter bail conditions, delays in court proceedings, or even wrongful convictions or acquittals. In these scenarios, justice shifts away from being based on facts and legal arguments, becoming instead influenced by fear of public reaction[22].

Social media trials can also skew the reliability of witness testimonies and the evidence presented. It's crucial that witnesses give their accounts free from intimidation or bias, but the narratives that circulate online can manipulate or dissuade them from stepping forward. In some instances, witnesses might alter their statements due to public pressure or threats, weakening either side of the case. Furthermore, the rapid spread of misinformation through viral posts, manipulated videos, and conspiracy theories can distort the true nature of the case. Investigative agencies often find it challenging to sift through factual information and misinformation, which can lead to flawed legal strategies and potential miscarriages of justice.

One particularly dangerous effect of social media trials is the emergence of online mobs and cancel culture, where people suffer abuse, harassment, and threats based on unverified accusations. When social media users take it upon themselves to determine someone's guilt, they often organize attacks involving doxxing (revealing personal information), issuing death threats, and calling for professional bans. A notorious example of this kind of cyber harassment was the case of Rhea Chakraborty in connection with Sushant Singh Rajput. After the actor's passing, social media outrage rapidly escalated into a well-coordinated attack against Rhea, branding her as the primary suspect despite the lack of solid evidence. She faced hate campaigns, sexist slurs, and even threats to her safety, with news outlets amplifying the narrative pushed by social media. This situation illustrates how digital mobs, fueled by misinformation, can devastate someone's life, often before the justice system has had a chance to assess their innocence or guilt.

In the end, social media trials erode the foundations of fairness, due process, and impartiality, turning justice into a spectacle rather than a constitutional right. Although social media can play a role in raising awareness, it shouldn't replace the judicial process or dictate legal

[21]Parameswar S. Nair & Najiya Nazrin P. N., An Empirical Analysis on Media Trials in India, 5 INT'l J.L. MGMT. & HUMAN. 632 (2022).

[22] Susan Hanley Duncan, Pretrial Publicity in High Profile Trials: An Integrated Approach to Protecting the Right to a Fair Trial and the Right to Privacy , 34 OHIO N.U. L. REV. 755 (2008).

conclusions. A balanced approach is necessary to manage online narratives while ensuring that justice is served fairly and independently.

Need for Regulation:Free Speech and Judicial Integrity

Regulating social media trials is crucial for striking the right balance between free speech and maintaining the integrity of the judiciary. While Article 19(1)(a) of the Indian Constitution guarantees people the right to discuss and critique legal matters, this freedom isn't without limits. Laws like Sections 124A, 499-500, and 505 of the Indian Penal Code (IPC) place restrictions on speech that can incite violence, spread false information, or damage someone's reputation. The Information Technology (IT) Act of 2000 also has measures in place to penalize the dissemination of fake news and defamatory content, which are frequently exploited in social media trials to sway public opinion[23]. Unfortunately, these laws are often applied inconsistently, allowing unchecked narratives to impact judicial processes.

The judiciary plays a vital role in regulating media trials to ensure that public discussions don't undermine the right to a fair trial. The Supreme Court can issue contempt notices under the Contempt of Courts Act, 1971, targeting individuals or media outlets that disrupt the justice system. Additionally, courts have laid down guidelines to restrict prejudicial reporting, as seen in landmark cases like Sahara India Real Estate v. SEBI (2012). Still, the fast-paced flow of information on digital platforms calls for stronger regulatory measures to rein in online media trials.

To tackle this challenge, we need more robust content moderation policies to stop the spread of false claims and harmful content. It's essential to enforce ethical journalism standards that compel social media platforms and digital news outlets to practice responsible reporting. Furthermore, launching public awareness campaigns about responsible online discourse can help combat misinformation and digital vigilantism, ensuring that social media serves as a platform for informed debate rather than a space for public shaming[24]. A balanced regulatory framework is key to safeguarding both free speech and the dignity of judicial proceedings.

Conclusion

[23]Fayeza Farhana, Trial by Media in India, 2 INDIAN J.L. & LEGAL RSCH. 1 (August-September 2021).
[24] Gavin Phillipson, Trial by Media: The Betrayal of the First Amendment's Purpose, 71 LAW & CONTEMP. PROBS. 15 (Autumn 2008).

The growing impact of social media on court proceedings has sparked a notable clash between freedom of speech and the right to a fair trial. Article 19(1)(a) of the Indian Constitution upholds free expression, including discourse about legal issues. However, when social media generates unregulated trials, it often infringes upon Article 21, which guarantees a fair and unbiased judicial process. The principle of presumption of innocence, fundamental to criminal justice, tends to get overlooked as public opinion often jumps to conclusions, labeling individuals as guilty before a verdict is even reached. This situation leads to biased reporting, added pressure on judges, tampering with witness testimonies, and can seriously tarnish reputations, sometimes irreversibly changing the trajectory of justice.

To safeguard fair trials from the disruptive nature of social media, we need to reinforce judicial protections. Courts should proactively utilize their authority under the Contempt of Courts Act, 1971, to curb online narratives that could disrupt legal proceedings. Moreover, it's essential to implement strict guidelines for responsible reporting and ethical journalism, ensuring that media coverage doesn't compromise an accused individual's right to a fair trial. Legal measures like Sections 499-500 of the IPC (related to defamation) and the IT Act, 2000 (dealing with online misinformation) should be consistently enforced to deter false claims and online harassment.

While some form of regulation is crucial, complete censorship isn't the answer. A balanced strategy is necessary—one that promotes digital responsibility while still upholding free speech. Social media users, journalists, and content creators need to commit to ethical reporting and diligent fact-checking to help stop the spread of misinformation and biased viewpoints. The aim should be to cultivate social media into a forum for thoughtful discussion rather than a ground for public trials, thereby safeguarding both democratic principles and the integrity of the justice system.