

**NEXT IAS**

**DAILY EDITORIAL  
ANALYSIS**

**TOPIC**

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**TRIAL BY SOCIAL MEDIA**

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## TRIAL BY SOCIAL MEDIA

### Context

- Recently, the **Kerala Police** have arrested a **woman in connection** with the suicide of a man she had accused of sexual harassment on a bus.
  - ♦ The arrest followed a complaint by the man's family, who alleged that he faced **online harassment after a social media video** posted by the woman went viral.

### What is Social Media Trial?

- A social media trial refers to the **public judgment of an individual's guilt or innocence** on social media platforms based on **allegations, viral content, or partial information before the completion of legal investigation** or judicial proceedings.
- **Individuals, often fueled by strong emotions**, take to social media platforms to publicly pass judgment on ongoing criminal cases, civil disputes, and controversies.
- This surge of **online trials by public opinion** raises pertinent questions about its impact on the Indian legal system, the principles of justice, and the rights of the accused.

### Regulation of Social Media Trials

- There are **no specific laws** that **govern trial** by media in India, however the media's reporting on criminal cases is subject to **various legal provisions**.
- **Contempt of Court:** The Contempt of Courts Act, 1971 defines contempt of court as any act that **scandalizes, lowers the authority of, or interferes** with the due process of the court.
  - ♦ The media's coverage of a criminal case that interferes with the court's functioning or impairs the reputation of the court may be subject to contempt proceedings.
- **Defamation:** Defamation is an offense under **Section 499 of the Indian Penal Code (IPC)**, which defines defamation as the publication of a statement that harms the reputation of another person.
  - ♦ If the media publishes defamatory statements about a person involved in a criminal case, they may be subject to legal action.
- **Right to a Fair Trial: Under Article 21** of the Indian Constitution, every person has the right to a fair trial.
  - ♦ The media's reporting on a criminal case that may influence public opinion may be challenged as a violation of the accused's right to a fair trial.
- **The Code of Criminal Procedure (CrPC):** It provides for the right to a fair trial, which includes the right to a speedy trial and the right to an impartial jury.
  - ♦ Media coverage that influences public opinion or prejudices potential jurors may be subject to challenge.
- **Press Council of India:** The Press Council of India is a statutory body established under the Press Council Act, 1978 to regulate the print media and ensure its freedom and ethical conduct.
  - ♦ The council can take action against newspapers or journalists for any violation of journalistic ethics, including sensationalism or biased reporting.
- **India is a part to the Universal Declaration of Human Rights(UDHR), 1948, and the International Covenant on Civil and Political Rights(ICCPR), 1976** which also proclaim the **right to be presumed innocent until proven guilty** and the **right to a fair and public hearing** by a competent, independent and impartial tribunal established by law.

### Arguments in favor of Social Media Trials

- **Voice to the Voiceless:** Social media provides a platform to victims who may fear institutional apathy, social stigma, or power imbalance.

- **Public Awareness and Sensitisation:** Viral cases highlight social issues like sexual harassment, caste discrimination, or abuse of power, triggering public debate.
- **Accountability of Authorities:** Public pressure can push police and institutions to act promptly where there is delay or negligence.
- **Democratisation of Expression:** Social media allows citizens to participate in public discourse and demand justice in an open, accessible space.
- **Exposure of Systemic Injustice:** Repeated online narratives can uncover patterns of abuse or institutional failure that might otherwise remain hidden.
- **Catalyst for Legal and Policy Reform:** Several reforms and guidelines have been influenced by sustained digital activism and public scrutiny.

### Arguments Against the Social Media Trials

- **Violation of Presumption of Innocence:** Social media trials declare guilt before investigation or conviction, contradicting a core principle of criminal justice.
- **Erosion of Due Process of Law:** They bypass legal procedures such as fair investigation, evidence scrutiny, and judicial hearing.
- **Damage to Reputation and Dignity:** Online shaming causes irreversible harm to an individual's dignity and reputation, protected under Article 21.
- **Risk of Misinformation and Half-truths:** Viral content often lacks verification, leading to judgments based on incomplete or misleading information.
- **Psychological Harm and Vigilante Justice:** Continuous online abuse may result in mental trauma, social ostracism, or even suicide.
- **Influence on Police and Judiciary:** Public outrage can pressure authorities, affecting the objectivity of investigations and fair trial.
- **Weakening of Rule of Law:** When public opinion replaces courts, faith in formal institutions of justice declines.

### SC Observation

- **Maharashtra v. Rajendra Jawanmal Gandhi, (1997):** SC held that the credibility of media is based on unbiased and objective reporting, and responsibility for the same needs to be fixed, it observed that a trial by the press will lead to miscarriage of justice.
- **In Sidhartha Vashist @ Manu Sharma v. State (NCT of Delhi), (2010):** The Supreme Court has commented on the danger of serious risk of prejudice if the media exercises unrestricted and unregulated freedom.
  - ♦ It is held that the freedom of speech protected under Article 19(1)(a) of the Constitution has to be carefully and cautiously used, so as to avoid interference with the administration of justice.
- **Nilesh Navlakha v. Union of India 2021:** Bombay HC held that Freedom of speech under Article 19(1)(a) is subject to reasonable restrictions under Article 19(2). It was the first occasion where any court issued several norms on how social media networks and publications should report.
  - ♦ The privacy and dignity of the victim must always be respected;
  - ♦ The sensitive information related to the case should never be made public.
  - ♦ The confession/admission made in front of an investigator cannot be published;
  - ♦ The interviews of anyone who is connected to the case may not be undertaken when the matter is sub-judice.

### Conclusion

- Freedom of the press, a cherished fundamental right in the country, is subject to **reasonable restrictions** as contemplated by the Constitution itself.

- The media **forms the backbone of a democratic society** as it subjects the functioning of all public institutions to public scrutiny, while also playing an important role, assisting in the administration of justice.
- However, **sometimes, the media oversteps into matters subjudice in the Court**, causing prejudice and hindering fair trial, disrupting the administration of justice.
- This is when the **judicial system steps in to regulate the freedom of press** to prevent threats to privacy and security of individuals and the nation.

Source: TH

### Daily Mains Practice Question

[Q] What is the impact of media trials on the fairness and integrity of the criminal justice system?

