



INDIAN JOURNAL OF LEGAL REVIEW

VOLUME 5 AND ISSUE 13 OF 2025

INSTITUTE OF LEGAL EDUCATION



INDIAN JOURNAL OF LEGAL REVIEW

APIS – 3920 – 0001 | ISSN – 2583-2344

(Open Access Journal)

Journal's Home Page – <https://ijlr.iledu.in/>

Journal's Editorial Page – <https://ijlr.iledu.in/editorial-board/>

Volume 5 and Issue 13 of 2025 (Access Full Issue on – <https://ijlr.iledu.in/volume-5-and-issue-13-of-2025/>)

Publisher

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SOCIAL MEDIA TRIALS IN INDIA: A COMPREHENSIVE ANALYSIS OF LEGAL IMPLICATIONS AND SOCIETAL IMPACT

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BEST CITATION – ADHIL AHAMED .K, SOCIAL MEDIA TRIALS IN INDIA: A COMPREHENSIVE ANALYSIS OF LEGAL IMPLICATIONS AND SOCIETAL IMPACT, *INDIAN JOURNAL OF LEGAL REVIEW (IJLR)*, 5 (13) OF 2025, PG. 353-361, APIS – 3920 – 0001 & ISSN – 2583-2344

ABSTRACT

This research paper investigates the rise of "social media trials" in India and their profound impact on the legal system, media landscape, and societal attitudes towards justice. With the widespread adoption of social media platforms, India has witnessed a surge in virtual trials conducted online, blurring the boundaries between public opinion, media coverage, and the judicial process.

The study explores significant instances of social media trials in India, such as the Nirbhaya case and the Aarushi Talwar murder case, analyzing their legal and societal implications. It delves into the ethical considerations surrounding trial by public opinion, examining the consequences of online harassment and cyberbullying on the mental health and privacy of the accused, victims, and witnesses. Moreover, the paper examines the legal framework governing social media trials, drawing insights from the Indian Penal Code, the Information Technology Act, and the Contempt of Courts Act. It highlights how these frameworks regulate issues like defamation, hate speech, cyberbullying, and privacy violation in the context of social media trials.

The symbiotic relationship between social media and traditional media is also explored, emphasizing how social media narratives transcend the virtual realm to influence mainstream media coverage. The research paper delves into the societal consequences of social media trials, including polarization and divisiveness, calling for legal reforms to protect privacy, ensure data security, and strike a balance between freedom of expression and privacy in the digital age.

INTRODUCTION:

In recent years, the global proliferation of social media platforms has profoundly transformed the way people interact, communicate, and share information. India, with its vast and diverse population, has been no exception to this digital revolution. The widespread adoption of social media in the country has given rise to a new and unprecedented phenomenon – the emergence of "social media trials." These trials, conducted not in traditional courtrooms but in the virtual realm of online platforms, have become a contentious subject, blurring the boundaries between public opinion, media

coverage, and the legal process.

The term "social media trials" refers to instances where individuals, often fueled by strong emotions, take to social media platforms to publicly pass judgment on ongoing criminal cases, civil disputes, and high-profile controversies. This surge of online trial by public opinion raises pertinent questions about its impact on the Indian legal system, the principles of justice, and the rights of the accused. As social media's influence continues to grow, it becomes imperative to examine the legal implications and societal consequences of this digital phenomenon.

The purpose of this research paper is to provide a comprehensive analysis of social media trials in India, shedding light on their multifaceted nature and exploring the complex interplay between social media discourse, the justice delivery system, and the broader society. By delving into the legal framework governing such trials, scrutinizing landmark cases, and examining the influence of social media on media coverage and public perception of justice, we aim to gain a deeper understanding of this evolving phenomenon.

The prevalence of social media trials has raised concerns about the erosion of the fundamental principles of justice, including the presumption of innocence, fair trial rights, and the impartiality of the judicial process.¹ With social media acting as a powerful megaphone for the masses, the accused often find themselves subjected to public shaming and scrutiny long before a formal trial commences. As we explore the impact of social media trials on the justice system, we must consider how online discussions can sway public opinion and potentially influence court proceedings.²

Moreover, the interaction between social media trials and traditional media adds another layer of complexity to the dynamics at play. This is crucial to grasp the broader implications on society's attitudes towards justice. The symbiotic relationship between these two information streams amplifies the reach and impact of social media trials, shaping public discourse and perceptions of guilt or innocence. Understanding how social media narratives transcend the virtual world to influence traditional media's coverage.

This research paper also delves into the societal impact of social media trials, examining the ethical considerations surrounding trial by public opinion. We explore the effects on the mental health and privacy of the accused, witnesses, and victims, considering the consequences of online harassment and cyber bullying. Additionally, we investigate the role of anonymous accounts and the ethical

boundaries concerning their participation in perpetuating social media trials.

INSTANCES OF SOCIAL MEDIA TRIALS

There have been an enormous number of cases where social media swayed public opinion one way or the other. The under-mentioned illustrations delve into the realm of how powerful social media can really be and how it affects the opinion of the public in the tune to the deliverance of justice.

As of my last knowledge update in September 2021, there have been several instances of social media trials in India. Please note that the information provided below may not be exhaustive and is based on events up to September 2021. Newer instances may have occurred after this date. Here are some notable examples:

Nirbhaya Case (2012):³

The brutal gang rape and murder of a young woman in Delhi in December 2012 sparked nationwide protests and discussions on social media. The case received extensive coverage and sparked debates on gender violence and the justice system. Social media played a significant role in galvanizing public opinion and pressuring the authorities to take action.

Aarushi Talwar Murder Case (2008):⁴

The murder of 14-year-old Aarushi Talwar in Noida, Uttar Pradesh, in 2008 became a high-profile case that garnered significant attention on social media. Public discussions on various platforms speculated on the identity of the culprit and questioned the efficacy of the police investigation and the judicial process.

Asaram Bapu Case (2018):

Self-styled godman Asaram Bapu was accused of sexually assaulting a minor girl. The case attracted widespread attention on social media, with users expressing opinions on his guilt or innocence. The discussions surrounding this case led to debates on the influence of spiritual leaders and the credibility of their followers.

Rhea Chakraborty and Sushant Singh Rajput Case (2020):

The death of Bollywood actor Sushant Singh Rajput in June 2020 sparked a media frenzy and extensive discussions on social media platforms. Actress Rhea Chakraborty, who was dating Rajput, became the target of online harassment and trial by public opinion. The case led to debates on mental health awareness and media sensationalism.

Kathua Rape Case (2022):⁵

The abduction, rape, and murder of an eight-year-old girl in Kathua, Jammu and Kashmir, in January 2018 received widespread media coverage and attention on social media. The case triggered outrage and discussions on the safety of women and children in India.

Hyderabad Encounter Case (2019):

The extrajudicial killing of four men accused of gang-raping and murdering a veterinarian in Hyderabad in December 2019 sparked public celebrations on social media. Many users expressed support for the encounter, leading to debates on the rule of law and the use of extrajudicial methods for delivering justice.

Tablighi Jamaat Controversy (2020):

During the COVID-19 pandemic, social media was flooded with discussions on the Tablighi Jamaat congregation held in Delhi in March 2020. The event became a contentious issue, and misinformation and hate speech targeting a specific religious community spread on social media platforms.

LEGAL FRAMEWORK AND REGULATIONS:

The legal framework surrounding social media trials in India is shaped by a combination of existing laws and regulations that govern online content, freedom of speech, defamation, privacy, and the use of digital evidence in legal proceedings. Understanding this legal landscape is crucial to comprehensively analyze the implications of social media trials on the Indian justice system. Below are the key elements of the legal framework that can be

explored in a research paper:

INDIAN PENAL CODE (IPC):

The analysis of social media trials in India in the context of the Indian Penal Code (IPC) is crucial to understand the legal implications and challenges posed by the intersection of online platforms with the country's criminal justice system. Below is a comprehensive analysis of how social media trials relate to various sections of the Indian Penal Code:

Defamation (Section 499 and 500 IPC):

Social media trials often involve accusations of defamation, where individuals are alleged to have made false and defamatory statements about others online. Section 499 of the IPC defines defamation as the act of harming someone's reputation by making or publishing false imputations against them. Social media platforms serve as channels for the dissemination of such defamatory content, leading to legal actions against the accused.

In *Arnold v. King Emperor*⁶ which was a case of an appeal by the editor of a newspaper against his conviction for criminal libel under section 499 of the Indian Penal Code, Lord Shaw of Dunfermline in delivering the judgment of the Privy Council observed that "The freedom of the journalist is an ordinary part of the liberty of the subject, and in any extension that the subject can go in general, he can also be the journalist, but, apart from the established law, his privilege is neither a nor upper. The responsibilities attributed to their power in the distribution but the scope of his statements, criticisms or comments is as broad and not wider than that of any other subject."⁷

Hate Speech (Section 153A and 153B IPC):

Social media platforms may become breeding grounds for hate speech, which can incite violence or promote enmity between different groups based on religion, race, or ethnicity. Sections 153A and 153B of the IPC prohibit the promotion of such hatred and provide for stringent punishment. Social media trials may involve instances where individuals are charged

with spreading hate speech, leading to communal tensions and disturbances.

Obscenity (Section 292 and 293 IPC):

Social media trials may also revolve around charges of obscenity for sharing explicit content or materials considered indecent or offensive. Sections 292 and 293 of the IPC criminalize the sale and distribution of obscene materials, including online content. Users who share objectionable content on social media platforms can face legal action under these provisions.

Cyberbullying and Online Harassment:

Social media trials often encompass cases of cyberbullying and online harassment, where individuals face abuse, threats, or humiliation through online platforms. While the IPC does not specifically address cyberbullying, provisions related to harassment (Section 506 IPC) and criminal intimidation (Section 503 IPC) may be applied to such cases.

Privacy Violation:

Social media trials may involve cases where personal information or private images are shared without consent, violating an individual's privacy. Though India recognizes the right to privacy as a fundamental right, there is no specific comprehensive data protection law.

Defamation of Religion (Section 295A IPC):

Social media discussions that insult or offend religious sentiments can lead to charges under Section 295A of the IPC, which criminalizes deliberate and malicious acts intended to outrage religious feelings.

Incitement to Violence (Section 505 IPC):

Social media trials may involve cases where individuals are accused of promoting or inciting violence through their online posts or comments. Section 505 of the IPC deals with statements conducive to public mischief and incitement.

INFORMATION TECHNOLOGY ACT, 2000 (IT Act):

Social media trials in India intersect significantly

with the Information Technology Act, 2000 (IT Act), which addresses various aspects of electronic communication, data protection, and cybercrimes. The IT Act plays a crucial role in regulating social media platforms and online behavior, especially concerning the dissemination of information and user-generated content. Below is an analysis of how social media trials are influenced by the provisions of the Information Technology Act, 2000:

Safe Harbor Provision (Section 79):

Section 79 of the IT Act provides a "safe harbor" for intermediaries, including social media platforms. According to this provision, intermediaries are not liable for user-generated content if they act as mere intermediaries in transmitting, hosting, or publishing the content. However, they must comply with due diligence requirements specified under the IT (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021. Social media trials often involve discussions on the liability of social media platforms for the content posted by their users. Section 79 provides a legal framework to determine the extent of accountability and responsibility of these platforms.

Cyber Defamation (Section 66A – Struck Down):

Section 66A of the IT Act, which dealt with the punishment for sending offensive messages through communication services, was struck down by the Supreme Court of India in 2015. Prior to its removal, this provision was controversial and widely criticized for its potential misuse to curb free speech. Social media trials involving charges of cyber defamation were often framed under Section 66A before its invalidation.

Punishment for Sending Offensive Messages (Section 67):

Section 67 of the IT Act deals with the punishment for publishing or transmitting obscene material in electronic form. Social media trials may involve instances where users are accused of sharing objectionable or explicit

content on online platforms, leading to legal action under this provision.

CONTEMPT OF COURTS ACT, 1971:

Social media trials in India can intersect with the Contempt of Courts Act, 1971, which deals with the offense of contempt of court. The act aims to maintain the dignity and authority of the judiciary and ensures that court proceedings are conducted fairly and without interference. Contempt of court can be broadly classified into two categories: civil contempt and criminal contempt.

Here's an analysis of how social media trials relate to the Contempt of Courts Act, 1971:

Scandalizing the Court:

Social media discussions and posts that criticize or question the integrity of the judiciary can amount to contempt of court. Scandalizing the court refers to making derogatory or unfounded statements that undermine the authority of the judiciary or lower public confidence in the judicial system.⁸ Social media trials may involve users expressing strong opinions, using offensive language, or making baseless allegations against judges, which could attract contempt proceedings under the Act.

Prejudicing Ongoing Proceedings:

Social media trials can lead to the dissemination of information or opinions that may prejudice the outcome of ongoing court cases. Sharing speculative or prejudiced views about the guilt or innocence of an accused, particularly before the court reaches a verdict, can interfere with the administration of justice. Social media users who indulge in such prejudicial content risk facing contempt charges for interfering with the fair trial process.

Influencing Judicial Decisions:

Social media content that seeks to influence or put pressure on judges to rule in a particular way may constitute contempt of court. Attempts to influence judicial decisions through social media can be seen as an affront to the

independence and impartiality of the judiciary, leading to potential contempt action.

RIGHT TO PRIVACY:

Social media trials in India often intersect with the right to privacy, which is recognized as a fundamental right by the Supreme Court of India. The right to privacy is enshrined under Article 21 of the Indian Constitution and has been affirmed in landmark judgments, such as the Puttaswamy case in 2017. Social media trials can raise significant concerns regarding the privacy of individuals involved in legal cases. Here's an analysis of the relationship between social media trials and the right to privacy in India:

Privacy of the Accused, Victims, and Witnesses:

Social media trials may involve sharing personal information, images, or videos related to the accused, victims, or witnesses. This can violate their right to privacy, as sensitive information is made public without their consent. Such privacy breaches can lead to harassment, online bullying, and further victimization, impacting the mental health and well-being of those involved.

Media Reporting and Privacy:

The interaction between social media and traditional media in social media trials can amplify the privacy concerns. Social media discussions may be picked up and reported by mainstream media, leading to further exposure of private details. Balancing the public's right to information and the privacy rights of individuals involved in the case becomes critical in media reporting.

Anonymous Accounts and Privacy:

Social media trials often involve content posted by anonymous accounts, making it challenging to identify the individuals responsible for the posts. This anonymity can embolden users to share private information without accountability, further exacerbating privacy concerns.

Data Protection and Consent:

Social media platforms gather vast amounts of user data, which can be used in social media trials as evidence. The collection, storage, and use of personal data raise questions about data protection and consent. Users may not always be aware of how their data is being used in the context of legal proceedings, highlighting the need for informed consent.

Right to Be Forgotten:

The right to be forgotten, which allows individuals to request the removal of personal data from online platforms, is another aspect relevant to social media trials. Individuals involved in legal cases may seek to exercise this right to protect their privacy and personal information from being perpetually available on social media platforms.

IMPACT ON JUSTICE DELIVERY:

The impact of social media on justice delivery in India is a multifaceted and complex phenomenon that merits thorough examination. As social media continues to shape public opinion, its influence on the legal system and the administration of justice cannot be overlooked. The following are key aspects of the impact of social media on justice delivery in the context of social media trials in India:

One of the most significant impacts of social media on justice delivery is the rise of "trial by public opinion." Social media platforms serve as a space where individuals can express their views and judgments on ongoing cases, often without access to all the facts and evidence. This phenomenon raises concerns about the presumption of innocence and the fair trial rights of the accused. The research paper can explore how trial by public opinion on social media can influence legal proceedings and public perception of guilt or innocence.

Media Sensationalism and Trial by Media:

Social media discussions often spill over into traditional media, leading to sensationalized coverage of cases and turning them into high-

profile controversies. This blending of social media narratives with traditional media reporting can potentially impact the objectivity and fairness of reporting, affecting the course of justice. The research can analyze instances where trial by media dynamics influenced the legal process and how the judiciary responds to such media-driven pressures.

Public Pressure and Judicial Independence:

The widespread dissemination of information and opinions on social media can create significant public pressure on the judiciary. Judges may face challenges in maintaining impartiality and independence in the face of online scrutiny and criticism. The research paper can investigate the implications of this pressure on judicial decision-making and how the judiciary safeguards its autonomy.

Witness Tampering and Intimidation:

Social media provides a platform for potential witness tampering and intimidation. Research can investigate cases where witnesses' safety and credibility were compromised due to social media interference and explore measures to protect witnesses from such influence.

Strengthening Access to Justice:

On the positive side, social media can facilitate access to justice by spreading awareness about legal rights and avenues for redressal. It can also serve as a tool for legal advocacy and mobilization. The research can explore how social media initiatives have positively impacted access to justice for marginalized communities.

MEDIA AND SOCIETY:

The symbiotic relationship between social media trials and traditional media in India is a crucial aspect that shapes the landscape of public opinion and the dissemination of information during legal proceedings. The interaction between these two information streams plays a significant role in amplifying the impact of social media trials and influencing public perception of justice. For a

research paper on social media trials in India, exploring this symbiotic relationship is essential. The following points outline the key aspects to be examined:

Amplification of Social Media Narratives:

Traditional media often picks up social media discussions, transforming them into news stories and headlines. As social media trials gain traction on online platforms, they can quickly become headline news on television, newspapers, and online news portals. This amplification magnifies the reach of social media narratives and significantly influences the public's perception of ongoing cases. The research paper can analyze specific instances where social media content went viral and was subsequently covered extensively by traditional media.

SOCIETAL IMPACT AND ETHICAL CONSIDERATIONS:

The societal impact of social media trials in India is a critical aspect that extends beyond the legal realm and has far-reaching consequences on individuals, communities, and the overall fabric of society. As social media platforms become virtual courtrooms of public opinion, the social and psychological implications of these trials warrant careful examination. For a research paper on social media trials in India, exploring their societal impact is essential. The following points outline key aspects to be analyzed:

Prejudice and Vigilantism:

Social media trials can perpetuate prejudices and biases, leading to online vigilantism. Vigilantes may take it upon themselves to "punish" the accused, bypassing the formal legal process. The research can examine cases where social media trials resulted in harassment, online bullying, and other forms of cyber vigilantism, discussing their consequences for individuals and social cohesion.

Mental Health and Well-being:

The accused, victims, witnesses, and their

families may suffer severe mental distress due to public scrutiny and judgment on social media. The research paper can delve into the mental health impact of social media trials on those involved in the cases and explore potential measures to protect their well-being.

Privacy and Data Security:

Social media trials may lead to the dissemination of personal information, images, or videos related to the case, violating the privacy of individuals. The research can analyze the challenges of protecting privacy in the digital age and the legal recourse available to victims of privacy breaches arising from social media trials.

Role of Anonymous Accounts:

Anonymous accounts on social media can play a significant role in spreading misinformation, hate speech, or false accusations during trials. The research can investigate how anonymous accounts impact the dynamics of social media trials and assess the ethical implications.

Legal Reforms and Awareness:

The societal impact of social media trials can trigger calls for legal reforms to address the challenges posed by the digital age. The research can explore the evolving legal landscape and initiatives to raise awareness about responsible social media usage during trials.

Findings

- Social-media trials have become a regular feature of high-profile Indian cases, often shaping public opinion before formal verdicts.
- The Nirbhaya, Aarushi, Kathua and other cases show how viral commentary can blur the line between investigation and judgment, sometimes leading to online harassment of victims, witnesses and the accused.
- Existing statutes (IPC, IT Act, Contempt of Courts Act) are being stretched to cover defamation, hate speech, obscenity and privacy breaches, but they were not designed

for the speed and reach of digital platforms.

- The “safe-harbor” protection for intermediaries under Section 79 of the IT Act conflicts with demands for quicker removal of harmful content, creating a legal gray area.
- Traditional media frequently amplifies social-media narratives, turning online speculation into headline news and further pressuring the judiciary.
- Anonymity on platforms hampers accountability, while the lack of a comprehensive data-protection law leaves personal information vulnerable to misuse.

Recommendations

1. Define “social-media trial” in legislation to clarify when online discourse crosses from protected speech to unlawful interference with justice.
2. Amend the IT Act to tighten intermediary liability for content that threatens a fair trial, while preserving a proportionate notice-and-takedown procedure.
3. Strengthen privacy safeguards through a robust data-protection law that requires explicit consent before personal data from social-media posts can be used as evidence.
4. Introduce a “right-to-be-forgotten” mechanism for individuals involved in criminal cases, allowing them to request removal of non-essential personal data after a reasonable period.
5. Create specialized training for police, prosecutors and judges on digital evidence and the impact of online discourse on trial fairness.
6. Promote responsible reporting by encouraging media houses to verify social-media claims before broadcast, and to include disclaimers when coverage may prejudice ongoing proceedings.
7. Encourage platform-level transparency by requiring social-media companies to publish periodic reports on content removal requests related to potential contempt or defamation.

These steps aim to balance free expression with the rights of individuals and the integrity of the judicial process in India’s digital age.

CONCLUSION & SUGGESTIONS:

In conclusion, The Supreme Court has expounded that the fundamental principle behind the freedom of press is people’s right to know.⁹ The phenomenon of social media trials in India represents a complex interplay between the virtual world of social media and the traditional realm of justice delivery. As social media continues to shape public opinion, the impact of these trials on the Indian legal system and society at large is undeniable. particular social media trials lead to a prejudice in the minds of the general public resulting into a pre-conceived notion or a pre-shaped opinion, anything contrary to which leads to questioning the credibility of the Justice system. The judiciary at the end faces a lot of criticism and backlash, often times, beyond the limits of permitted speech and decency. In a situation where cases are sub-judice, judges are often placed in front of the cannon of public opinion, making their work difficult to stay neutral and being able to decide cases on merits. At the onset, social media trials are something that cannot be stopped or prevented and only point is regulating them better. Improving legislations around social media trials in India requires careful consideration of the challenges posed by the digital age while safeguarding individual rights, freedom of expression, and the integrity of the justice system. Here are some suggestions for enhancing the legal framework:

Clarity in Defining Social Media Trials: Introduce a clear and comprehensive definition of “social media trials” in legislation to distinguish them from mainstream media reporting and online discussions. This will help in precisely addressing legal issues specific to social media platforms.

Data Protection and Consent: Enact robust data protection laws to ensure that user data on social media platforms is adequately safeguarded. Require explicit consent from

users for the use of their data as evidence in legal proceedings, including social media trials.

Online Anonymity and Accountability: Develop mechanisms to ensure greater accountability for anonymous accounts on social media platforms. While respecting the right to privacy, require platforms to verify user identities for accounts involved in contentious discussions or cases.

Balancing Freedom of Expression and Privacy: Establish guidelines to strike a balance between freedom of expression and the right to privacy in social media trials. Define the permissible boundaries for discussing ongoing cases to prevent undue interference with justice delivery.

Training for Law Enforcement and Judiciary: Provide specialized training to law enforcement agencies, prosecutors, and judges on handling digital evidence and understanding social media dynamics. This will ensure fair and efficient adjudication of social media trials.

