

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi Disciplinary
Peer Reviewed

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PRESUMPTION OF INNOCENCE IN THE AGE OF VIRAL JUSTICE: A SOCIAL- LEGAL STUDY OF MEDIA TRAILS IN INDIA.

AUTHORED BY - VAIKHAREE SHRINGARPURE

Student of SY.LLB of Haveli Institute of Legal Studies And Research Silvassa

Affiliated to University Of Mumbai.

Abstract

The presumption of innocence is one of the most important principles of criminal justice, based on the idea that a person should be considered innocent until a court finds them guilty.

In India, however, this principle is increasingly challenged by the rapid growth of television news, social media, and digital platforms. In what can be described as an era of “viral justice,” allegations can spread within minutes and public opinion may reach a conclusion long before the judicial process has begun or been completed.

This socio-legal study examines the growing phenomenon of media trials in India and its impact on the presumption of innocence. It looks at how sensational news coverage, social media discussions, leaked information, and unverified claims can shape public perception of an accused person and create an impression of guilt before a judicial verdict.

The study also explores the possible consequences of media trials, including damage to reputation, invasion of privacy, pressure on witnesses, and the potential influence on investigative and judicial processes. At the same time, it recognizes the important role of the media in promoting transparency, informing the public, and holding institutions accountable.

The study therefore focuses on the difficult balance between freedom of the press and the right to a fair trial. It argues that responsible journalism, ethical reporting, digital media awareness, and stronger safeguards are necessary to ensure that public discussion does not become a substitute for judicial determination.

Ultimately, the study highlights the need to protect both press freedom and the fundamental principle that guilt must be decided by a court, not by public opinion.

Keywords: Presumption of Innocence, Media Trail, Viral Justice, Socio Legal Study, Freedom of Press, Fair Trial, Social Media, Public Opinion, Digital Media, Trial by Media.

Introduction

In a democratic society, media plays an important role in informing citizens and bringing matters of public interest to their attention. In India, freedom of speech and expression includes freedom of press, and the media therefore has an important place in functioning of democracy. This freedom carries a responsibility, particularly when reporting concerns criminal allegations and ongoing investigation. The Law Commission of India recognized this concern in its 200th Report, Trial by Media: Free Speech vs Fair Trial under Criminal Procedure submitted in 2006. The Report specifically examined the conflict between media freedom and right to fair trial. The presumption of innocence is a fundamental principal of criminal justice. It means that, a person accused of any offence should not be treated as guilty merely because an allegation has been made against them. Guilt must ultimately be establish through a fair judicial process based on evidence and law.

The Supreme Court has also recognized that unfair media reporting can affect public opinion and undermine the presumption of innocence. The traditional idea of criminal trial helps change considerably with the growth of mass media and digital communication. Today a criminal case can become a subject of public discussion even before the investigation is complete.

Television debate, newspapers headlines, online news portal and social media platform can rapidly circulate allegation, photos and videos. In many situations, the public is exposed to a narrative of guilt before the accused has had a meaningful opportunity to defend themselves before a court. This phenomenon is commonly referred to as trial by media.

The emergence of social media had made this problem even more complex. Information can become viral within minutes, while emotionally charged content often attract greater public attention. An allegation can quickly become a widely accepted fact in the public mind. Even when the underlying information has not been tested through the judicial process. This creates what may be described as viral justice- a situation in which social medial platform effectively formed a public judgement before the court reaches its decision.

Media trial can have serious consequences. They may damage the reputation and dignity of accused person, influence witness, create public pressure on investigating authorities and affect the fairness of criminal proceeding.

The solution cannot simply be to restrict the media. Responsible journalism is essential for transparency, accountability and public awareness. The real challenge is therefore to maintain a balance between freedom of press, the public's right to know, and the accused's right to fair trial.

This study examines that balance from a socio-legal perspective, focusing on how traditional mass media and emerging digital platform influence public perception of criminal cases in India. It seeks to understand whether viral public opinion is gradually becoming a parallel form of justice and whether such a development threatens the basic principles that a person must be treated as innocent until proven guilty by court of law.

Meaning and concept of presumption of innocence and the right to fair trial.

Meaning of presumption of innocence

The presumption of innocence means that the law places an accused person in a position where he is not considered guilty of the offence at the beginning of the criminal proceeding. The prosecution must establish the allegations against the accused and must be capable of proving it by providing necessary evidence.

Until such proof is established in accordance with the law, the accused shall continue to enjoy the protection of the presumption of innocence.

This principle is closely connected to larger objective of criminal justice. It ensures that no innocent person are wrongfully punished by the law. The justice system therefore has to maintain balance between two important objectives:

- 1) Bringing offenders to justice.
- 2) Protecting innocent persons from wrongful conviction.

Innocent until proven guilty

The principle of innocent until proven guilty does not mean that the law denies the possibility of an accused may have committed an offence. Instead, it means that the legal system does not treat mere suspicion as a proof. An allegation may result in an investigation and prosecution, but it cannot become a substitute for judicial determination.

A person may be arrested by the police officials if they have reasonable grounds to believe that he might have committed an offence, however he shall be presumed to be an innocent until he is proven guilty by the court of law after considering necessary evidences, conducting the proceedings, examining the witnesses etc.

Burden of proof

The burden of proof lies on the prosecution. The accused is not ordinarily required to establish their innocence. It is the responsibility of the prosecuting agency to prove that the accused has

committed an offence. This principle protects individuals from being compelled to disprove every allegation made against them. If the legal system began with the assumption that an accused person was guilty, the accused would face the impossible task of proving the negative. The burden is primarily placed upon the prosecution because the state is seeking to impose criminal consequences upon an individual. Indian criminal jurisprudence follows this principle although certain statutes may create specific presumptions or reverse burdens in particular categories of offences. Such exceptions, however, does not remove the importance of the general principle that the prosecution must establish foundational facts necessary to sustain the allegation.

Standard of Proof in Criminal Cases

The presumption of innocence is closely connected with the high standard of proof generally required in criminal cases. Since a conviction may result in serious consequences for the liberty, reputation and future of any individual, criminal guilt cannot ordinarily be established on the basis of mere suspicion.

The prosecution is generally required to establish guilt beyond reasonable doubt. This does not mean that the prosecution must eliminate every theoretical possibility of innocence. The evidence must sufficiently be reliable and convincing to justify a finding of guilt according to the applicable principle of criminal law. The high standard of proof reflects an important concern of the criminal justice system: the consequences of wrongly punishing an innocent person can be severe and irreversible. A system that values personal liberty must therefore exercise caution before declaring a person guilty.

Relationship between Presumption of Innocence and Fair Trial

The presumption of innocence cannot be understood separately from the right to a fair trial. A fair trial requires that an accused person should be judged through an impartial legal process and that the final decision should be based on evidence presented before the court. The concept of fair trial includes several important safeguards, these include an impartial tribunal, a meaningful opportunity for the accused to defend themselves, access to legal representation, The opportunity to challenge evidence permitted by law. Indian constitutional law has interpreted Article 21 as requiring a procedure that is fair, just and reasonable. The development of this principle has played an important role in recognizing the importance of fairness within the criminal justice process.

A fair trial must also maintain a balance between different interests. It must protect the right of

accused but it must also ensure that victim and society receive an effective and lawful system of justice.

Presumption of Innocence in the Age of Viral Justice

Importance of presumption of innocence has acquired a new dimension in digital age. Traditionally, concern regarding trial by media were primarily associated with newspapers, television and other form of organize journalism. Today information can spread within minute through social media platform, online video, hash tags and digital commentary. A criminal allegation may quickly become a viral event. Individuals who have no direct connection with the investigation may formed strong opinion about the accuse on the bases of incomplete information, edited videos, media reports or social media post. As a result, a public narrative regarding guilt may emerge long before a court has examined the evidence. This phenomenon may be referred as viral justice. Unlike the formal justice system, viral justice does not operate through established rule of evidence, procedural safeguard or impartial adjudication. Online discussion often move quickly from allegation to judgement. Emotional reaction, sensational contents and repeated narratives may create an environment in which the presumption of innocence is ignore in public. The concern is not that the media or the public should be prevented from discussing matters of public importance. Freedom of expression and the public's right to receive information are important elements of a democratic society. However, a distinction must be maintained between legitimate reporting and public declaration of a person guilt before the conclusion of judicial process.

Understanding Trial by Media: From Newsroom to Viral Justice

Meaning and Concept of Trial by Media

The expression trial by media is generally used to describe a situation in which extensive media coverage of a criminal matter goes beyond informing the public and begin to shape public opinion regarding the guilt of innocence of a person. The concern arises when an individual who is legally accused is presented before the public as though their guilt has already been established, even though the matter is still under investigation or pending before a court. The media undoubtedly perform an important role in a democratic society. It informs citizens about matters of public importance and often contributes to public accountability. Public access to information may also promote transparency in the administration of justice. The difficulty begins when the distinction between reporting a case and deciding a case in the court of public

opinion becomes blurred. Thus the central concern surrounding trial by media is not the media coverage itself. The real concern is prejudicial publicity that may create an assumption of guilt before the court has reached a final conclusion.

The Role of Traditional Media in Criminal Cases

Before the growth of digital platforms, newspaper, radio and television were the principal means through which the public received information about criminal cases. Newspapers could shape public perception through headlines, editorials and investigative reports while television introduced a more immediate and visual form of coverage.

The expansion of 24*7 news channels significantly changes the nature of crime reporting. A case that previously received limited coverage could now become the subject of continuous broadcasts, panel discussions and repeated analysis. The pressure to provide fresh content often resulted in constant speculation regarding new developments.

Statements made by police officials, lawyers, experts or unidentified sources could be repeatedly discussed even before their accuracy was tested in the court.

The format of debate may therefore encourage certainty and confrontation even when the facts remain uncertain. The difference between journalism and adjudication must consequently be recognized.

The Shift From Traditional Media To Digital and Social Media

The rise of social media has changed the way criminal allegations are discussed. Traditional media organisations generally operate through editors, journalists and established publications processes. Social Media platforms, however, allow almost anyone to publish information or opinion instantly.

A single post, video or allegation, can reach thousands or even millions of people within a short time. Users can share comment and reinterpret information without waiting for verification by a professional news organization. As a result, the formation of public opinion is no longer controlled only by newspaper or television channels.

This transformation has created more complex environment for the principle of fair trial. Information can travel rapidly across different platforms and once narratives becomes popular, it may be difficult to correct.

Influencers and Digital Commentators

Digital platforms have also created new groups of influential voices. YouTubers, Podcasters,

Social Media influencers and independent commentators frequently analyse criminal cases and legal controversies. Their content may reach audiences that do not regularly follow traditional news.

Some digital commentators may contribute positively by explaining legal developments in accessible language. However, problems arise when speculation is presented as fact or when an accused person is publicly declared guilty without a judicial finding.

A person commenting from a personal account may still reach a larger audience than a conventional news programme. Consequently, the influence of digital commentary cannot be dismissed simply because it is not produced by a traditional media institution.

The Socio-Legal Dimensions of Viral Justice

Understanding the Socio Legal Nature of Viral Justice

The phenomenon of viral justice cannot be understood only as a legal issue.

It is also closely connected with the way society responds to crime, constructs public opinion and demands accountability. Criminal cases do not exist in isolation from society. They often generate strong emotional reactions, particularly when the alleged offences involves violence, vulnerable victims or circumstances that attract widespread public attention. Criminal law requires evidence, investigation, procedural safeguards and judicial scrutiny. Society may expect an immediate response and may form an opinion before the legal process is complete. Digital Media has made this difference even more visible. A single incident can become a national discussion within a few hours while the legal process may continue for months and years.

This difference creates socio- legal problem at the centre of viral justice. Public discussion can perform an important democratic function by demanding accountability and drawing attention to injustice. At the same time, public pressure can become problematic when society begins to treat an accusation as equivalent to proof. The issue is therefore not whether people should discuss criminal cases, but whether public discourse can begin to undermine the legal safeguards that exist to ensure a fair determination of guilt.

Formation of Public Opinion on High Profile Criminal Cases

Public opinion is rarely formed solely through direct knowledge of a criminal case. Most members of public receive information through news reports, social media posts, videos, discussion and other forms of communication. Th manner in which information is presented

can therefore influence the way a case is understood.

Certain cases attract particularly intense public attention because they involve shocking allegations, celebrities, political figures, children, women or other circumstances. Once a case becomes highly visible, every new development may be analysed and interpreted by the public. In the digital environment, individuals are not merely passive recipients of information. They actively participate by sharing posts, commenting on videos and expressing opinions. This can result in rapid development of a dominant public narrative. When the same conclusion is repeatedly expressed by news channels, influencers and ordinary users, alternative interpretations may receive less attention.

Confirmation Bias and the Construction of a Narrative

An important psychological aspect of viral justice is the tendency to interpret new information in a manner that supports an existing belief.

Once people form a strong opinion about a case, they may be more likely to notice or accept information that confirms their view and dismiss information that challenges it.

Social Media can intensify this tendency. Users may follow accounts that reflect their existing opinions. Online discussions can therefore develop into separate groups where participants repeatedly reinforce each other's beliefs.

From a socio-legal perspective, this is significant because criminal trials are expected to examine evidence with an open and impartial approach. Public discourse does not necessarily follow the same discipline. Online audiences may form conclusion first and evaluate information later.

Sensationalism and Demand For Instant Justice

Modern society increasingly receives information at great speed. People are accustomed to immediate news updates and instant reactions. This expectation can influence attitudes towards the criminal justice system.

Legal Proceedings, by contrast, are often slow because they involve investigation, collection of evidence, examination of witnesses and procedural safeguards. Delays within the justice system are genuine concerns and can frustrate victims and public. However, frustration with delay can also create support for immediate conclusions outside the judicial process. When people believe that justice is delayed, they may turn to social media as a space for demanding accountability.

The Problem is that speed and justice are not always the same.

A rapid public conclusion may feel satisfying but it may not be accurate. Legal safeguards exist precisely because initial impression can be incomplete. The desire of instant justice must therefore be balanced against the risk of punishing a person before guilt has been legally established.

The Victim's Perspective and the Rights of the Accused

Discussion about trial by media often focus on the rights of the accused. However, a socio-legal analysis must also recognize the perspective of victims and their families. Media attention may provide victims with visibility, allow them to express concerns and draw public attention to failures within the criminal justice system. Public campaigns have, in some circumstances, helped bring attention to serious offences that might otherwise have received limited institutional attention.

It is incorrect to suggest that all media attention is harmful. The challenge lies in balancing the interests involved. The protection of presumption of innocence should not be interpreted as indifference towards victims. Similarly, public sympathy for a victim should not automatically determine the legal outcome of a case.

Legal Framework Governing Media And Fair Trial in India

The issue of trial by media in India involves a difficult constitutional balance between two important interests.

On one side is the freedom of speech and expression that enables the media to report on matters of public importance,

On the other side is the right of an accused person to receive a fair trial and to be judged according to the procedure established by law.

Article 19(1)(a): Freedom of Speech and Expression

Article 19(1)(a) of the Constitution of India guarantees the right to freedom of speech and expression. Freedom of press is generally understood as an essential part of constitutional protection. The media therefore plays an important role in informing citizens, reporting on criminal proceedings and bringing matters of public concern to attention.

However, this freedom is not absolute. Article 19(2) provides reasonable restrictions on freedom of speech and expression on specific grounds.

Article 21 and the Right to Fair Trial

Article 21 protects life and personal liberty and has been interpreted by Indian courts to require a procedure that is fair, just and reasonable. The right to fair trial is closely connected with this broader constitutional protection.

A fair trial requires that an accused person should receive an impartial determination should receive an impartial determination of guilt based on evidence and law. The Law Commission of India has specifically examined the conflict between media freedom and the rights of suspects.

This doesn't mean that Article 21 prevents all discussion of criminal cases. Rather, it highlights the importance of ensuring that excessive or prejudicial publicity does not undermine the basic safeguards available to an accused person.

Article 14 and 20 of the Indian Constitution

Article 14 guarantees equality before the law and equal protection of law. In the context of criminal justice, the rule of law requires that legal outcomes should be determined through established procedures rather than through social status, popularity or public image of individuals involved.

Article 20(3) also provides protection against self-incrimination by ensuring that a person accused of an offence cannot be compelled to be a witness against themselves. Although this provision does not directly regulate media reporting, it forms part of the wider constitutional framework that protects accused persons during criminal process.

Judicial Approach Towards Trial By Media

The Indian Judiciary has repeatedly recognized importance of maintaining a balance between freedom of media and right to fair trial. Judicial decision have also recognized that excessive or prejudicial publicity may interfere with the administration of justice and affect the rights of individuals involved in criminal proceedings.

M.P Lohia vs State of West Bengal

The Supreme Court expressed concern regarding prejudicial media reporting during the pendency of criminal matter. The case is often referred to in discussion on trial by media because the Court disapproved of media material that presented one side of matter while legal proceedings were still continuing.

The decision highlights an important principle: media discussions should not create a public impression about the guilt or innocence of an accused before the judicial process has reached its conclusion. Even when a case attracts significant public attention, the legal determination must remain the responsibility of the court.

R.K Anand vs Registrar, Delhi High Court

The Supreme Court dealt with issues arising from a media sting operation connected with an ongoing criminal case. The judgement is particularly significant because it demonstrated both the positive and problematic aspects of media involvement in the administration of justice.

The Court recognized that responsible investigative journalism can expose wrongdoing and assist in bringing serious concerns to public attention. At the same time, the case demonstrates that media involvement in matters connected with judicial proceedings must be approached carefully. The media cannot itself replace the judicial process or become the final authority determining guilt.

Thus, the case reflects the judiciary attempt to strike a balance. Media freedom is important, but it must operate within the broader requirement that justice should be administered through lawful and fair procedures.

Sahara India Real Estate Corporation Ltd vs SEBI

Although Sahara India Real Estate Corp Ltd vs SEBI did not arise from conventional criminal trial, the judgement is highly significant in understanding the broader conflict between freedom of expression and the administration of justice.

The Supreme Court recognized that there is a strong presumption in favour of open justice and the right of media to report judicial proceedings. However, it also acknowledged that, in exceptional circumstances, courts may take limited measures to prevent a substantial risk of prejudice to the administration of justice.

The Court recognized the possibility of postponement orders, under which publication or reporting may be postponed for limited period where the circumstances justify such protection. Such orders are not meant to impose permanent censorship. Instead, they are exceptional measures designed to balance freedom of expression with the need to preserve fairness in judicial proceedings.

The judgement is important because it demonstrates that neither media freedom nor the right to a fair trial is treated as absolute in every situation. The appropriate approach is to carefully balance the competing constitutional interests involved.

A Comparative Perspective: India and the United Kingdom

A comparative analysis of India and the United Kingdom is useful because both legal systems recognise the importance of freedom of expression as well as the need to protect the fairness of judicial proceedings. However, the two jurisdictions have adopted somewhat different approaches towards prejudicial publicity and media reporting during ongoing cases.

The Indian Approach

In India, the issue of trial by media is primarily addressed through constitutional principles, contempt law and judicial decisions. Article 19(1)(a) protects freedom of speech and expression, while the right to a fair and just legal procedure has been developed through constitutional jurisprudence, particularly under Article 21. The central challenge is therefore to balance media freedom with the rights of individuals involved in judicial proceedings.

The Contempt of Courts Act, 1971 provides a legal mechanism against publications that substantially interfere with or prejudice the due course of judicial proceedings or the administration of justice. Indian courts have also recognised that, in exceptional circumstances, limited measures may be necessary to prevent serious prejudice arising from media publicity.

In **Sahara India Real Estate Corporation Ltd. v. SEBI**, the Supreme Court emphasized the need to balance freedom of expression and the right to a fair trial. The Court recognised that, where there is a real and substantial risk of prejudice, courts may issue limited postponement orders to delay publication for a specific period. Such measures are exceptional and must be based on necessity and proportionality rather than being treated as a form of permanent censorship.

Thus, the Indian approach is largely based on a case-by-case balancing of competing rights. The courts attempt to protect both open justice and the fairness of legal proceedings.

The United Kingdom Approach

The United Kingdom has a more specific statutory framework dealing with publications that may prejudice ongoing legal proceedings. The Contempt of Court Act, 1981 is particularly significant in this regard.

Under the strict liability rule contained in the Act, a publication may amount to contempt where it creates a substantial risk that the course of justice in active proceedings will be seriously impeded or prejudiced. The application of this framework is not limited to traditional newspapers or broadcasters. Publications made through social media can also fall within the

scope of contempt law.

UK prosecutorial guidance specifically recognises that prejudicial material may include reporting that presumes a person's guilt or innocence, misrepresents the case or introduces information that could improperly influence the course of proceedings.

Challenges in the age of digital and viral media

The growth of digital communication has made the problem of trial by media more complex than it was during the era of traditional newspapers and television. Information relating to an ongoing criminal case can now be circulated instantly through social-media platforms, online news portals, videos and private messaging services. While this has increased public access to information, it has also created serious challenges for the protection of the presumption of innocence and the right to a fair trial.

Speed of Information and Viral Narratives

One of the greatest challenges is the speed with which information travels online. A single allegation, video or news report can reach millions of people within a few hours. Often, the public begins forming opinions before the complete facts of the case have been investigated. The legal process, however, necessarily takes time. Investigations must be conducted, evidence must be examined and both sides must receive an opportunity to present their case. This difference between the speed of social media and the pace of legal justice can create pressure for immediate conclusions and instant punishment.

Misinformation and Unverified Information

Social media allows information to be shared without the same level of editorial scrutiny traditionally associated with professional journalism. Rumours, edited videos and incomplete information can therefore spread rapidly.

Once a particular narrative becomes viral, correcting it may be extremely difficult. Even if later information proves that an earlier claim was inaccurate, the original content may already have influenced public opinion. This is particularly dangerous in criminal cases because an individual may be publicly condemned on the basis of information that has never been tested in a court of law.

Participation of Ordinary Social-Media Users

In the past, media reporting was largely controlled by established newspapers and broadcasters. Today, almost every individual with a smartphone can create and distribute content to a large audience.

Influencers, content creators and ordinary users can comment on ongoing criminal cases and sometimes reach thousands or millions of viewers. This makes regulation particularly difficult because the issue is no longer limited to a small number of recognised media organisations.

Digital Permanence and Reputational Harm

Another serious concern is the permanent nature of online information. News reports, videos and social-media posts may remain available even after a case has ended. An accused person who is ultimately acquitted may still find that old allegations continue to appear online.

Thus, the legal process may formally restore a person's innocence, but the damage caused to their reputation may continue in society. The digital age has therefore expanded the consequences of prejudicial publicity beyond the duration of the actual criminal trial.

Findings and Recommendation

Key Findings

The first major finding is that extensive media coverage does not automatically amount to a media trial. The media has an important role in a democratic society and can contribute to transparency, public awareness and institutional accountability. The problem arises when reporting moves beyond factual communication and begins to present an accused person as guilty before a competent court has reached a final conclusion.

Secondly, the study shows that social media has increased the speed and reach of public opinion. Hashtags, viral videos and online campaigns can create strong narratives regarding guilt or innocence within a short period. Unlike a judicial process, however, public opinion does not operate according to rules of evidence or procedural safeguards.

A further concern is the potential conflict between viral public narratives and the presumption of innocence. An accused person may be legally entitled to be treated as innocent until proven guilty, yet socially they may already be viewed as guilty. Even where a person is ultimately acquitted, reputational damage caused by widespread publicity may be difficult to reverse.

Need for Responsible Media Reporting

One of the most important recommendations is the promotion of responsible reporting in criminal matters. Media organisations should maintain a clear distinction between an accusation, an investigation and a conviction.

The use of language that presents an accused person as unquestionably guilty before the completion of a trial should be avoided. Reporting should clearly communicate the stage of proceedings and distinguish verified information from speculation.

Clearer Guidelines for Digital Platforms

The challenges of viral justice cannot be addressed solely by regulating traditional media. Digital platforms have become important spaces where public narratives regarding criminal cases are created and circulated.

There is a need to consider clearer standards for dealing with demonstrably false or seriously prejudicial content relating to ongoing judicial proceedings. At the same time, any such framework must be carefully designed so that it does not become a tool for suppressing legitimate criticism, investigative journalism or public discussion.

Legal Awareness and Public Education

Legal awareness can play an important role in addressing the problem of viral justice. Members of the public should understand the difference between an arrest, an accusation and a conviction.

Greater awareness of the presumption of innocence and the importance of a fair trial may encourage more responsible public discussion. Legal literacy is particularly important in the digital age, where users frequently share information without examining its source or accuracy.

Judicial Safeguards in Exceptional Cases

Courts should continue to have the power to take appropriate measures where media publicity creates a genuine and serious risk to the fairness of judicial proceedings. As recognised in Indian jurisprudence, limited protective measures may be necessary in exceptional circumstances.

However, such restrictions should remain proportionate and should not become a routine method of preventing media reporting. The objective should be to protect the integrity of the judicial process while preserving the constitutional importance of freedom of expression.

Conclusion

The presumption of innocence remains one of the most important foundations of a fair criminal justice system. It ensures that an individual is not treated as legally guilty merely because they have been accused, arrested or subjected to public suspicion. The determination of guilt must ultimately be made through a lawful judicial process based on evidence, rather than on assumptions, popular opinion or public pressure.

The growth of digital media has, however, created new challenges for this principle. The traditional idea of trial by media, once primarily associated with newspapers and television, has expanded into a wider phenomenon involving social-media platforms, viral content, online campaigns, influencers and ordinary users. In this environment, information can spread rapidly and public opinion can develop even before an investigation or trial has been completed.

The concept of “viral justice” highlights the growing gap between the speed of public opinion and the deliberate nature of the legal process. While social media can play a constructive role by raising awareness, demanding accountability and bringing attention to serious concerns, it can also create parallel narratives of guilt or innocence. Such narratives may disregard the basic principles of criminal law, including the presumption of innocence and the requirement that guilt must be established through legally admissible evidence.

The Indian legal framework provides important safeguards through constitutional principles, contempt law and judicial interpretation. However, the rapid development of digital communication has made the issue increasingly complex. The challenge is no longer limited to regulating established media organisations. It now includes the influence of online platforms, algorithms, influencers and millions of users who can participate in the rapid creation and circulation of public narratives.

A comparative analysis also demonstrates that the protection of fair trial rights requires a careful balance between freedom of expression and the administration of justice. The solution cannot be the complete restriction of media reporting or public discussion. Such an approach would undermine the democratic value of free expression. At the same time, unrestricted and prejudicial publicity can cause serious harm to an accused person and may weaken public respect for the legal process.

Therefore, the need of the present time is not to silence the media but to encourage greater responsibility in the way criminal cases are reported and discussed. Responsible journalism, legal awareness, digital accountability and proportionate judicial safeguards can help maintain the necessary balance.

Ultimately, in a society governed by the rule of law, public opinion may raise questions, demand accountability and criticise institutions, but it cannot replace the role of a court. Justice cannot be determined by the number of views, shares or hashtags supporting a particular narrative. The presumption of innocence must remain protected until guilt is established through a fair and lawful judicial process.

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