
CRITICAL ANALYSIS OF WORLD SOCIAL MEDIA ON CRIMINAL INVESTIGATION AND IMPACT OF MEDIA COVERAGE ON PUBLIC PERCEPTION

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1. ABSTRACT

Social media is a powerful weapon that has the ultimate power to turn any situation upside down. In another way, it is understood through this research paper that social media works as a tool in shaping the public's opinion. The public is very keen on looking into criminal cases via social media but the same stands as a barrier to the administration of justice as the chances are very high that the public might come to an opinion without knowing the facts which will hamper the criminal investigation. This will shred the law i.e., presumption of innocence into pieces. Further, this research paper tries to focus on the logical consequences of the impact of media coverage on the justice system as to how the public perception of a crime changes based on the depiction of crime in media. Although the justice system is supposed to be independent, it starts crumbling down because of the fierce public opinion and there are chances of manipulation of justice. This research paper tries to analyze whether the advancement of media technology concerning the justice system is a boon and bane.

Keywords: Social media, innocence, justice, criminal, public opinion, media coverage.

2. INTRODUCTION

The emergence of social media has revolutionised the way people communicate¹ and share knowledge². It differs significantly from traditional media such as print, radio, and television in two key aspects. Firstly, users have the ability to generate a significantly larger amount of content than news or opinion makers. Secondly, social media is “viral”, which means that information can spread rapidly through word-of-mouth and interconnectivity among platforms, making it difficult to control the dissemination of any given content.

Social media, once considered a platform for entertainment and leisure, has now become a significant player in the criminal justice system. With the rise of Instagram, Facebook, Twitter, and Snapchat, these channels of communication have become public sources of information that can be used to track criminal behaviour at every level³. Moreover, social media and the criminal justice system are collaborating to monitor and investigate criminal activities. Citizens are also contributing to this effort by using these sites to document criminal behaviour and confessions, making social media a crucial tool in the fight against crime.

The media plays a critical role in shaping public opinion on crime victims and influencing policymakers in their decision-making process⁴. The impact of media messages on the audience’s beliefs and attitudes is commonly referred to as social media impact. The effectiveness of a social media message in influencing its audience depends on various factors, including the audience’s demographics and psychological makeup. These impacts can be temporary or permanent, immediate or gradual, and positive or negative. However, some impacts, such as media messages that reinforce preexisting beliefs, do not lead to any change. Following media exposure,

¹ Kawaljeet Kaur Kapoor et al., *Advances in Social Media Research: Past, Present and Future*, 20 INFORMATION SYSTEMS FRONTIERS 531, 531-532 (2017).

² *How Has Social Media Shaped How We Communicate?*, EKU ONLINE, <https://ekuonline.eku.edu/blog/communication-studies/how-has-social-media-shaped-how-we-communicate/> (last visited Nov.1, 2023).

³ *How Is Social Media Affecting the Criminal Justice System?*, SAINI LAW - CRIMINAL DEFENCE AND IMMIGRATION LAW ADVICE, <https://www.saini-law.com/importance-of-social-media-on-criminal-justice/> (last visited Nov.1, 2023).

⁴ *HOW DOES MEDIA AFFECT SIGNIFICANT CRIMES*, LEGAL VIDHIYA -, <https://legalvidhiya.com/how-does-media-affect-significant-crimes/#:~:text=The%20media%20play%20an%20important%20role%20in%20disseminating%20information,%20and,opinion,%20culture%20and%20legal%20decisions.> (last visited Nov.1, 2023).

researchers analyse the audience's behavioural, physiological, emotional, and cognitive changes, as well as changes in their belief systems, attitudes, and thought processes.

In today's digital age, social media has become an integral part of our lives, affecting almost every aspect of human interaction⁵. One of the areas that have been significantly impacted by this technological revolution is the criminal justice system⁶. Social media platforms have brought about a new era of connectivity, information sharing, and public dialogue, which has fundamentally changed how people engage with issues of law and order. The impact of social media on criminal justice is a fascinating topic that covers a wide range of issues, from how information is shared to the challenges posed by online vigilantism and the way people perceive justice. This exploration aims to understand the complex and evolving relationship between social media and the criminal justice system, examining how it has transformed investigations, legal proceedings, and the broader societal understanding of justice in the digital age.

3. FORMATION OF PUBLIC OPINION

Media coverage of the criminal justice system influences public opinion and policy⁷. The relationship between crime and the public's perception of it plays a crucial role in shaping the criminal justice system. The news media has a significant impact on public politics, and its coverage of crime news stories serves to set the agenda and reinforce support for punitive measures. News shapes public opinion and social media is now the primary source of news for most people. It offers broad access to information but also poses a threat to accuracy and reliability. Misinformation spreads quickly on social media and can significantly impact people's perceptions of the world.

Social media is undoubtedly one of the most significant disruptions of our time. It enables us to exchange information and communicate on an unprecedented scale. It promotes freedom of

⁵ Yogesh K. Dwivedi et al., *Setting the future of digital and social media marketing research: Perspectives and research propositions*, 59 INTERNATIONAL JOURNAL OF INFORMATION MANAGEMENT, 1, 1 (2021).

⁶ *Criminal justice and the technological revolution*, DELOITTE, <https://www.deloitte.com/global/en/Industries/government-public/perspectives/criminal-justice-and-the-technological-revolution.html> (last visited Nov.2, 2023).

⁷ Richard Kania, *Media's Influence on the Perception of Criminal Justice*, Criminal Justice Reform (Nov.5, 2023, 5:38 PM), <https://crimeandjusticeresearchalliance.org/rsrch/medias-influence-on-the-perception-of-criminal-justice/>.

expression and is the most efficient means of achieving it today. Social media is omnipresent in our daily lives and has become intrinsic to the functioning of our institutions. However, there are downsides to this. ***Social media is shaping public opinion***⁸, and as people are increasingly getting their information from social media, the news audience has transformed from being mere anonymous consumers of traditional press messages to an active participant in the formation of those messages. One issue is that users tend to engage more with extreme, memorable, highly emotional, or provocative content.

Social media has emerged as a potent tool that shapes public opinion and influences the regalian missions of the state and the conduct of institutions. The rise of social media has upended the traditional social hierarchy, with government institutions losing their power and people gaining more influence. This power shift⁹ is particularly worrisome for the justice system. Research indicates that crime content constitutes a significant portion of the average content in all news sources, ranging from 10% to 30% and that social networks are the primary channel for this type of news. Users actively engage with crime posts, and in emotionally charged cases, the media momentum and the volume of comments can sway public opinion about a person's guilt or innocence before the ruling judge condemns them.

The issue, according to Eric Dupond-Moretti, is that public opinion is too variable¹⁰. In the ***Outreau affair***¹¹, in this public scandal, the accused was initially presumed guilty of the heinous crime of 'child rape', leading to harsh criticism towards the lawyers defending the accused. However, once the accused was declared innocent, these same lawyers suddenly became heroes in the public eye, *thanks to the influence of social media*. This reveals the fickle nature of public opinion, particularly in criminal cases where only those in the courtroom truly understand the intricacies of the situation. As attorney Dupond-Moretti has astutely observed, this fickleness is a

⁸ Abu Muna Almaududi Ausat, *The Role of Social Media in Shaping Public Opinion and Its Influence on Economic Decisions*, LITERASI SAINS NUSANTARA (Nov.8, 2023, 6:50 PM), <https://journal.literasisainsnusantara.com/index.php/tacit/article/view/37>.

⁹ Nian Yan, *Social Media Is Redistributing Power*, 09 OPEN JOURNAL OF SOCIAL SCIENCES 107, 10-108 (2021).

¹⁰ Emma Joignant, *Are Social Media Rendering Criminal Justice?*, SCIENCESPO (Nov.10, 2023, 7:50 PM), <https://www.sciencespo.fr/public/chaire-numerique/en/2022/06/04/student-essay-are-social-media-rendering-criminal-justice/>.

¹¹ ENCYCLOPEDIA, SCIENCE NEWS & RESEARCH REVIEWS, <https://academic-accelerator.com/encyclopedia/outreau-trial> (last visited Oct.30, 2023).

fleeting and unreliable factor in any criminal case¹².

Social media greatly affects public opinion, especially on controversial issues like criminal cases. The abundance of information and discussions online poses challenges for the justice system. As information spreads rapidly and comments become increasingly widespread, it can be quite challenging to remain impartial and objective, which can lead to complications in the administration of justice.

The depiction of crime and related preventive strategies in media can have an adverse impact on the public's perception of criminal justice. The development of criminal justice policy is significantly influenced by the public's opinion on crime and punishment. For the proper implementation of justice, the public must have faith in the Criminal Justice System. However, the media has the power to shape the public's perception of crime and punishment, which can lead to misunderstandings about the same. As a consequence of these misconceptions, the public's trust in the criminal justice system has been eroded.

3.1. EFFECT OF SOCIAL MEDIA ON JUDICIARY

Social media should spread reality and accurate news. It is challenging to change people's attitudes using social media, but it has some influence over public opinion. The degree of acceptance or rejection of messages from social media platforms depends on various factors such as direct experience, other sources of information, and reasoning.

The use of social media posts as evidence in criminal proceedings is explained in the jurisprudence of criminal procedure¹³, and the benefits and good policy reasons behind accessing social media evidence are highlighted. One of the advantages of such evidence is the quick upload and sharing of photos, which can help alert authorities to crimes in progress or those that have already been committed.

¹² Juliette Jabkhiro, *French justice minister not guilty in conflict of interest trial -tribunal*, REUTERS (Nov.1, 2023, 8:45 PM), <https://www.reuters.com/world/europe/judgement-day-french-justice-minister-conflict-interest-trial-2023-11-29/>.

¹³ Purnima Mathur, *Impact of Social Media in The Law of Evidence*, LEGAL PEDIA, <https://www.legalpedia.co.in/articlecontent/impact-of-social-media-in-the-law-of-evidence.html> (last visited Nov. 10, 2023).

However, public opinion on criminal cases can often be one-sided¹⁴. Social media can negatively impact the functioning of justice in criminal cases when public opinion becomes one-sided and strongly convinced of an accused's guilt. This can violate the presumption of innocence and affect the outcome of the case.

The presumption of innocence is a fundamental human right¹⁵ that must be protected in any criminal case. However, social media often depicts the accused as "guilty" through suggestive comments, destroying this essential principle. Defence lawyers are constantly fighting to preserve this presumption, and they are right to do so. Unfortunately, in criminal cases, compassion often takes over, and the rights of the defence are relegated to the rank of accessories. Moreover, social media platforms are built to favour negative, biased, and extreme content, leading to a lack of measured reactions when pending criminal cases are discussed on these networks. We must ensure that the presumption of innocence is respected and that social media platforms do not interfere with our legal system's integrity.

Fotis Dulos was accused in *State v. Dulos*¹⁶ of tampering with evidence in the ongoing investigation into the disappearance of Jennifer Dulos, his estranged wife and the mother of his children. Due to the significant media interest that Jennifer Dulos' disappearance received, there was a distribution of false information and unapproved access to case-related data. The Court in Dulos, states that "*The problem with pervasive information or misinformation in the social media age is that in a high-profile case, it carries the potential to overwhelm the vital, constitutionally guaranteed right to a fair trial. This is a particular danger here, where there is still an active criminal investigation and an ongoing process of fact-gathering into the disappearance...*".

Public opinion also favours harsh punishment, "as if to hit hard means the remission of crimes," which is a reasonable conclusion. Though the legal system should be strong enough to withstand strain, public opinion can cause it to crumble. Social media imposes a new system that fosters Manichaeism, instantaneity, the dramatic, the passionate, and sometimes worse private

¹⁴ Emma, supra note 10, at 6.

¹⁵ Narender Singh and Another v. State of M.P., (2004) 10 SCC 699.

¹⁶ State v. Dulos, No. FSTCR190148554T (Conn. Super. Ct. Sep. 12, 2019).

revenge. Information control is therefore essential, but it can be difficult to strike the correct balance between the right to freedom of speech and defence.

Social media impacts criminal proceedings, and the legal system must adapt to account for its influence.

3.2. JUSTICE IN THE ERA OF SOCIAL MEDIA

Judges also need to be careful about how they are perceived on social media. The often repeated maxim – ‘*Justice must not only be done but must also be seen to be done*’¹⁷, places a great deal of responsibility on judges’ behaviour, demeanour, general communication, social etiquette and conduct. A complete denial of social media is impractical, but a well-intentioned selective approach is necessary.

In 2011, the International Bar Association Legal Policy & Research Unit (IBA LPRU) conducted a global survey to analyse the influence of Online Social Networking (OSN) on the legal profession. The survey was carried out among 61 Bar Associations, including the Bar Council of India. While the survey revealed that only 15% of respondents felt that lawyers’ use of OSN negatively affected the public image of the profession, a staggering 40% felt that judges’ use of OSN negatively affected public confidence and undermined judicial independence¹⁸. This highlights the need to maintain a balance between the accessibility to justice that social media provides and the detrimental effects of widespread criticism from ill-informed commentators on public confidence in the judicial process.

Amid the current challenging times that call for social distancing to preserve our safety, it is equally important to practice social media distancing to protect sacrosanct institutions such as courts of law. Judges who engage in public discussions on social media platforms should be aware that they may face harassment. The Chief Justice of India, Justice Sharad Arvind Bobde, has spoken about the issue of judicial harassment online, noting that “criticizing the judge and not the

¹⁷ Rex v. Sussex Justices, [1924] 1 KB 256.

¹⁸ International Bar Association, *The Impact of Online Social Networking on the Legal Profession and Practice*, MEDIAHANDLER (Nov.12, 2023, 8:25 PM), <https://www.ibanet.org/MediaHandler?id=17FE9002-CE56-4597-9B9D-FF469F39BEEF#:~:text=Only%2015%20per%20cent%20of,affects%20the%20public's%20confidence%20in.>

judgment is defamation.” Judges’ reputations are being torn apart under the guise of ‘freedom of speech,’ which is a concerning trend in the social media world. Justice Bobde himself has acknowledged the difficulty in addressing this problem, which requires attention and a thoughtful approach to ensure that judges are not subjected to undue criticism and harassment.

In 2011, the Indian legal community surveyed the use of social media by lawyers and judges. The Bar Council of India (BCI) expressed its disapproval of lawyers posting comments or opinions about judges they are appearing before, their clients, cases, or opposing counsel on online social networking sites. Similarly, judges were advised against posting comments or opinions about lawyers or parties appearing before them, or cases that are pending. This measure was deemed necessary to prevent any perceived risk of judicial influence before the trial and to reduce online harassment of judges in controversial cases. While social media is an excellent platform for connecting people, it should not overshadow propriety and duty, leading to unnecessary impressions that can impair a fair and comprehensive understanding of judgments¹⁹.

4. IMPACT OF SOCIAL MEDIA ON CRIMINAL INVESTIGATIONS

The principle of maintaining secrecy during criminal investigations is necessary. Confidentiality is a crucial aspect of primary investigations, and its objective is to keep the investigation proceedings concealed from the public. Only authorized individuals are allowed to be informed about the investigation proceedings. The obligation of confidentiality commences from the commencement of the investigative procedures by the judicial police officers, and it terminates as soon as the criminal case is presented before the judiciary for further proceedings. At this stage, publicity becomes the principle, and confidentiality is the exception.

The importance of maintaining confidentiality in investigations is to protect the interests of both the accused and the investigation. It is crucial to avoid publicizing information, commenting on it, or turning it into informational material that individuals share on social media platforms. Such actions could pose a substantial threat to the freedom and reputation of individuals who have found themselves in court due to the errors and injustices of others, and it is essential to

¹⁹ International, *supra* note 18 at 9.

avoid interfering with the investigation process. After the truth is revealed, such actions could lead to their reputations being damaged irreparably.

The importance of not divulging any information related to a criminal investigation that is still in progress is highlighted. Such disclosure not only violates the principles of good criminal justice administration but also poses a significant threat to the accused. The act of disclosing investigative news by unauthorized persons or individuals before the investigation's completion and discussion of its results can render it meaningless, leading to grave injustice. Therefore, it is imperative to maintain the investigation's integrity and safeguard the accused's reputation until its completion.

Sharing details of a crime can impact the witnesses involved and create a social narrative that may not align with their testimony. Witnesses play a crucial role in criminal investigations as they are often referred to as the eyes and ears of the court. It's essential to consider the impact of circulating crime details on witnesses to ensure they can provide unbiased and accurate testimony during the investigation.

4.1. INFLUENCED CONVICTIONS BY THE JUDICIARY

The impartiality and independence of a judge is critical to ensure a fair trial. Any judge who is influenced by external factors is more likely to make unjust decisions. Therefore, all legislation must take measures to safeguard judges from outside influences, especially in criminal cases. In criminal cases, judges must assume a neutral stance towards both parties and base their verdicts solely on the evidence presented in the trial.

The objective of a criminal trial is to establish the truth and enable the judge to form a fair and just conclusion²⁰. This is achieved through a thorough analysis of evidence and facts, and the judge's conviction of the occurrence of the crime. The legal text must be enforced to ensure a correct picture of the case's incident is extracted from the evidence and its assessment. This process helps to ensure that justice is served and that the law is upheld.

²⁰ *The Right to a Fair Trial*, FAIR TRIALS (Oct. 8, 2021), <https://www.fairtrials.org/the-right-to-a-fair-trial/>.

The judge's conscientious conviction is essential for achieving justice in criminal cases. The judge's state of mind is evoked by the facts presented in the case, which helps in invoking the legal rules that are relevant to the case. The judge diligently searches for the realistic truth through conscientious conviction and judicial truth, which is the culmination of hard effort, a long systematic search, and an unwavering commitment to justice.

5. INTERNATIONAL LEGAL FRAMEWORK

The global legal system has established laws and regulations to maintain a balance between justice and freedom of expression on social media platforms. These laws are designed to regulate online behaviour and prevent any form of abuse or misuse while enabling individuals to express themselves freely within legal boundaries. The ultimate goal is to ensure that social media platforms remain a fair and safe space for all users. The international legal framework governing the above issue includes laws, guidelines, and regulations which are mentioned below:

5.1. IBA INTERNATIONAL PRINCIPLES ON SOCIAL MEDIA CONDUCT FOR THE LEGAL PROFESSION

Back in March 2011, the International Bar Association (IBA) started an essential global initiative to investigate the impact of online social networking on the legal profession²¹ and practice. As part of this initiative, a set of *six principles* were outlined to help bar associations and regulatory bodies address the challenges that social media can pose to the legal profession. This initiative aimed to provide constructive guidance to legal professionals on how to leverage social media platforms to their advantage while minimizing any risks that may arise from using these platforms. The six principles²² are as follows:

1. **INDEPENDENCE:** Maintaining professional independence is an essential aspect of legal practice. Bar associations and regulatory bodies must take proactive measures to safeguard their lawyers against any external pressures that could potentially compromise their impartiality while providing advice and representation. Therefore,

²¹ INTERNATIONAL BAR ASSOCIATION, <https://www.ibanet.org/MediaHandler?id=27ebac25-0d13-4318-a1c4-6b751aca935f> (last visited Nov.12, 2023).

²² INTERNATIONAL, *supra* note 21 at 12.

utmost care must be taken to ensure that any comments or content posted online reflect the same level of professional independence and project an appearance of complete independence that is expected in the legal profession.

2. **INTEGRITY:** Legal professionals must maintain high standards of integrity on social media. Regulatory bodies should encourage members to be mindful of their online reputation. Practitioners must exercise discretion and good judgment in their online communication to safeguard their professional reputation and integrity.
3. **RESPONSIBILITY:** Legal professionals must use social media responsibly, be aware of the consequences of their actions, review their content regularly to avoid mistakes, rectify errors immediately, stay vigilant and cautious when using social media, and maintain their credibility and professionalism to avoid any unwanted consequences that may arise from their social media activities.
4. **CONFIDENTIALITY:** Lawyers should know how to communicate confidential and sensitive information through secure channels to maintain public trust. Professional bodies and regulatory authorities should remind them that social media platforms are not secure enough for client data or confidential information unless lawyers know how to protect it while complying with their ethical, legal, and professional obligations.
5. **MAINTAINING PUBLIC CONFIDENCE:** Legal practitioners can enhance their reputation as trusted lawyers by consistently monitoring and maintaining high standards of conduct both online and offline. Upholding values such as independence and integrity is crucial, and it's important to ensure that any statements made are truthful and not misleading. By exercising restraint and adhering to the same ethical standards online as they would offline, legal professionals can build a positive reputation and increase their credibility with clients and peers alike.
6. **POLICY:** Law firms need clear and coherent policies on social media use. Bar associations and regulatory bodies should provide appropriate rules and regular training to educate employees on emerging risks. This will ensure the safe and effective use of social media by legal practices.

5.2. UNODC GUIDELINES ON THE USE OF SOCIAL MEDIA

In 2019, the United Nations Office on Drugs and Crime (UNODC) released guidelines on the use of social media by judges²³. The guidelines emphasized the significance of creating guidance materials and other knowledge resources to assist judges in handling issues related to judicial integrity and independence. These resources are particularly important in light of the growing use of new information technology tools and social media, which have presented unique challenges to the judicial system.

The guidelines presented below aim to shed light on the advantages and disadvantages of using social media platforms, and offer comprehensive guidance and training programs that align with globally recognized standards of judicial conduct and ethics. The guidelines cover a wide range of topics including the potential risks and benefits of judges having a social media presence, the importance of maintaining an appropriate online identity, guidelines for appropriate content and behaviour on social media, recommendations for handling online friendships and relationships, and training on privacy and security policies.

The regulation and guidance of social media engagement by the judiciary are crucial for maintaining a fair and just legal system. The IBA Principles and UNODC Guidelines offer a robust framework for this purpose, but it is equally important to ensure effective implementation by providing regular training and updates to keep up with the constantly evolving technologies.

5.3. UDHR, ECHR & DDHC

Finding the right balance between protecting individual rights and ensuring social responsibility is a challenging task for lawmakers. While regulating social media may be necessary to prevent harm, it may also limit the right to free expression and access to information. These fundamental rights are safeguarded at the global, European, and national levels, as outlined in Article 19 of the Universal Declaration of Human Rights²⁴, Article 11.1 of the European Union

²³ UNITED NATIONS OFFICE ON DRUGS AND CRIME, https://www.unodc.org/res/ji/import/international_standards/social_media_guidelines/social_media_guidelines_final.pdf (last visited Nov. 13, 2023).

²⁴ *Universal Declaration of Human Rights*, G.A. Res. 217A (III), U.N. Doc. A/810 at 71 (1948), art. 19.

Charter of Fundamental Rights (ECHR)²⁵, and Articles 10 and 11 of the Declaration of the Rights of Man and the Citizen (DDHC)²⁶ in France. It's worth noting that in 2009, the French Constitutional Council extended the freedom of expression to online communications, including social media, to reflect the evolution of communication means and its importance in democracy. Social media platforms often argue that such legislation violates their users' rights. Hence, creating a framework that balances individual rights and social responsibility is essential.

Limitations on freedom of expression are crucial for various reasons, including preventing hate speech, terrorism, and child abuse, as well as ensuring the proper functioning of the justice system. Therefore, national and regional frameworks provide for restrictions on this right. In Europe, Article 10.2 of the ECHR allows for limitations if necessary to protect democracy and achieve other goals outlined in Article 10.3, such as protecting the reputation or rights of others, preventing the disclosure of confidential information, and maintaining the authority and impartiality of the judiciary. In France, the *Loi sur la liberté de la presse*²⁷ of 1881 both protects and limits the right to free speech, not only for the press but also for public speech, including social media. Article 23 of the law states that speech must have been made public through one of the means of publication to be within the scope of the law, and social media is one of those means.

Both national and European legal systems have provisions for restricting freedom of expression, but a common critique is that these legal frameworks may not be robust enough to enforce such limitations. While social media platforms consider freedom of expression as a fundamental component of their business, unrestricted speech can result in the infringement of the rights of defence. Therefore, it may be necessary to consider implementing additional measures to regulate online free speech.

6. NATIONAL LEGAL FRAMEWORK

India is a democratic country that highly values freedom of speech as a fundamental right

²⁵ *Charter of Fundamental Rights of the European Union*, 2012 O.J. (C 326) 391, art. 11.1.

²⁶ *Declaration of the Rights of Man and of the Citizen*, 1789 J.O. 83, art. 10-11.

²⁷ *France Promulgates the Loi sur la liberté de la presse du 29 juillet 1881 : History of Information*, HISTORY OF INFORMATION, <https://www.historyofinformation.com/detail.php?id=5454> (last visited Nov. 13, 2023).

enshrined in the Constitution. Article 19(1)(a)²⁸ guarantees the right to freedom of speech and expression, although reasonable restrictions exist for the protection of public order, decency, and morality. While individuals enjoy the right to express their opinions on social media, it's essential to know that the legal framework places certain restrictions on what can be said. The Information Technology Act, of 2000, and its subsequent amendments regulate online activities, including social media platforms.

The legal boundaries on social media platforms may seem restrictive, but they ultimately serve to protect individuals and ensure fairness. Through a combination of legislation, regulations, and court interpretations, we can work towards creating a better and more just online environment. Within India, the Information Technology Act (IT Act) is a powerful tool that helps to set clear boundaries and guidelines for social media platforms. The same are as follows:

1. **SECTION 69A²⁹**: This particular section of the law confers upon the government the legal authority to restrict access to any online content that could potentially jeopardize national security, disrupt public order, or instigate violent behaviour. The legislation enables the government to direct the blocking of specific content or websites if deemed necessary.
2. **SECTION 79³⁰**: This section pertains to the accountability of intermediaries, such as social media platforms. It mandates intermediaries to exercise reasonable care and promptly remove or block access to unlawful content upon receiving intimation from authorized authorities.
3. **SECTION 505(2)³¹**: Anyone who shares or spreads content that promotes hatred, enmity, or ill-will among religious or social groups will face strict punishment under this section.
4. **Intermediary Guidelines and Digital Media Ethics Code (2021)³²**: The Indian government introduced the Intermediary Guidelines and Digital Media Ethics Code in

²⁸ *Constitution of India*, art. 19(1)(a).

²⁹ Information Technology Act, 2000, § 69A, No.21, Acts of Parliament, 2000 (India).

³⁰ Information Technology Act, 2000, § 79, No.21, Acts of Parliament, 2000 (India).

³¹ Information Technology Act, 2000, § 505(2), No.21, Acts of Parliament, 2000 (India).

³² *The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021*, PRS LEGISLATIVE RESEARCH, <https://prsindia.org/billtrack/the-information-technology-intermediary-guidelines-and-digital-media-ethics-code-rules-2021> (last visited Nov.16, 2023).

2021, which effectively regulate social media intermediaries and digital media platforms. These guidelines impose specific obligations on intermediaries, including social media platforms, to ensure compliance and accountability, such as:

1. “Appointment of Chief Compliance Officer, Grievance Redressal Officer, and Nodal Contact Person to ensure smooth and effective functioning of the organization”.
2. Implement a robust content moderation mechanism, removing prohibited content within 36 hours of the court order or notification from authorities.
3. To address user complaints by establishing an efficient grievance redressal mechanism that ensures all issues are resolved within a specified timeframe and is determined to provide quick and effective solutions to any problems that may arise.

7. CONCLUSION

Social media networks have become an indispensable part of our daily lives in today's world. They serve as virtual meeting places where people can hold discussions, express their opinions and connect, regardless of geographical boundaries. By providing a platform for open communication, social media networks have created a sense of community among their users, fostering a positive human experience within a specific framework.

However, social media networks are also a breeding ground for criminal activities. Criminal acts are propagated through these networks at an alarming rate, and the continuous publication and commenting of specific issues through these networks is one of the best methods adopted in forming community public opinion. Social media has come to play a great role in mobilizing minds by focusing on narrating certain facts and detailing them with sound, image and word, which was often a prelude to an actual movement outside the virtual framework of these networks.

The use of social networks has had a significant impact on the proper conduct of criminal justice. It affects the ‘*Presumption of Innocence, influences the confidentiality of the investigation,*

influences the legal adaptation of crime, and influences the punishment'. Therefore, it is crucial to consider the impact of social media networks on criminal justice and take necessary measures to maintain proper conduct and ensure justice.

In a democratic setup, the Judiciary and the Media stand tall as two of the most crucial pillars, playing an integral role in upholding the principles of justice and accountability. They are crucial for the proper functioning of the system. The Judiciary should always keep in mind the Media's right to cover and disseminate news of court proceedings in an open justice system, while the Media, in turn, should exercise due diligence and caution while reporting on court proceedings to maintain the Judiciary's sanctity and ensure a free and fair trial. The best way to regulate the media is to use the Court's contempt jurisdiction to punish those who breach the basic code of conduct. It is important to note that social media should not be granted complete freedom of speech and expression, as it could potentially prejudice the trial itself.

The judiciary holds the responsibility of providing justice to those in need. Its functioning is crucial to maintain harmony in society. Judges are social workers who make judgments based on established laws and with due deliberation. It is essential to avoid using their judgments as a tool to attack them personally, as this goes against the principles of justice. Therefore, it is necessary to ensure the proper functioning of the judiciary and uphold the values of fairness and equality by allowing them to do their job without any influence of opinions of social media.