

Social Media Impact on the Administration of Justice in India

K.M. Roy* & Dr. Ravikumar Tyagi**

*Research Scholar, School of Law, OPJS University Rajasthan, INDIA. E-Mail: roykmunnath{at}gmail{dot}com

**Associate Professor, School of Law, OPJS University, Churu, Rajasthan, INDIA.

Received: 25.12.2019 Revised: 30.12.2019 Accepted: 05.01.2020

Abstract—Social media is a platform where people from different groups share their views. It is an open platform with almost no limitation. Any one is simply required to create one account wherein no strict verification is made for the actual identity of the person. In the last few decades when social media has emerged an important tool of communication, it has been seen that some time the social media is taking up the matter which use to be under the jurisdiction our judiciary system. In this context two questions comes into picture. The first one is that whether social media is able to make an impact on the judiciary and the second one is whether there is any engagement of judiciary with social media.

Keywords—Communication; Judiciary; Justice; Social Media.

I. INTRODUCTION

DEMOCRACY in India is getting matured every next day. So is the case with its people as well as the functionality of government. The functioning of courts is also getting matured in same way. Media and specifically the social media is also changing and every next day taking up issues pending to the courts. It implies that the matter under the jurisdiction is under the debate among the common people too. This postures as a major test for Judges along with Lawyers as they need to answer the open discussions and discourses also [1].

When we are talking open discourse in social media, it incorporates all those discourses that is happening through the internet and it will include discourses done through magazines which are online available and allow the readers to give their opinion, online journals which allow the readers to give their opinion, exchange networks and numerous such frames wherein individuals can meet up and share their thoughts, pictures and so forth. The utilization and remarks over these medium results into open discussion and once in a while reprimanded too. In all those discussions that is taking place on social media there is always a lack of authenticity because the substances or the method that are used are not is regularized at the same time no care is taken to check the factsheet and final viewpoints are distributed and posted on the web. It leads to danger of false and fabricated revealing and subsequently coming about into false suppositions dependent on false fact representation [2].

As a matter of fact we have regularization body to control the substances of the papers and electronic media but such body in case of social media is missing. We do not find

any strict guidelines which can ensure the substances on the social media can be taken back. It is to be noted that in case of contents of traditional media as for example the print media and the electronic media particularly in the matter under the consideration of court are mindful and furthermore know the punitive arrangements of wrong detailing and so forth which are thought about in the Contempt Law. But, this isn't so on account of online networking which has extensive limits and even the realness of the first individual who posted such content on the web based life isn't known now and again. An individual can come over the web based life; imitate himself as some other individual and post content over the equivalent. An example can be one of the case of homicide of spouse of a Union Minister which was pending with court. The twitter account of the union minister was hacked and altogether different image of the union minister had been shown of the union minister which said that union minister had some elicit relationship with a women in Pakistan. This brought about across the nation flash and his significant other was discovered dead in a Delhi five star inn just several days after it. The sweeping outcomes of web based life can be envisioned from this single episode. Even though we had the laws under the IT Act specifically section 66A which states that the concerned company should take the accountable persons under notice but still the person remained absconding but still left a mark on the case. Albeit numerous expert columnists impart by means of internet based life, particularly Twitter, web based life engages anybody to be a distributor. It has been generally found that every individual use to jump on giving the comments on a matter on which people do not have any kind of expertise but still quotes any matter. These matters by virtue of no means

are subject to be checked further. Contrary to this when we talk of other media matter before it comes into public cross many channels as for example the sub-editors, editors and legal advisors etc. Interestingly, 'native columnists' rarely even think twice before putting matter in the public domain. In a number of cases the people putting the matter on the social website don't even know the laws involved in it. In fact, they may even be uninformed of the very presence of the offense. As needs be, there is a far more prominent likelihood that sub-judice contempt [The law of sub judice contempt is concerned to ensure that all the main players in a court case are not improperly influenced or interfered with while the case is pending, including judges, parties and witnesses.] will be submitted through social websites life than by means of the customary media [Pg 5, Juries and Social Media by Associate Professor Jane Johnston, Professor Patrick Keyzer, Geoffry Holland, Professor Mark Pearson, Sharon Rodrick and Professor Anne Wallace]. Consequently, a quick consideration is required on this strategy for correspondence which has exhausted itself past nations because of the overall nearness of web and no apparatuses to check over articulation [3, 4].

II. INFLUENCE OF PARALLEL TRIALS ON JUDGES

It is a human nature to act and to react on every whatever that comes to ones' knowledge. Therefore it is obvious to check whether our judiciary system is getting influenced by the parallel trials. As far as the objective of the social media is concerned it is true that it has been made to connect people irrespective of their caste creed, religion, and race. They share their feelings on everything with each other. But in this course the people take up issue that remain under consideration of the court. It presents risk to the observers as well as hamper the experiencing examination. The strain to adapt to this must be taken by the directing official who needs to remain by the weight of the preliminary which is worked by people in general everywhere through revealing from media and web based life. India has seen numerous such issues wherein the assessment of open determined by media battle pressurized legal executive and organization. Everybody has a privilege to be assumed honest except if he is demonstrated to be blameworthy by any able court [Article 11(1) of the Universal Declaration of Human Rights: "Article 11 (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has all the guarantees necessary for his defence."]. Be that as it may, the circumstance totally changes when a denounced is independently attempted outside courts in media, via web-based networking media stages. Despite the fact that Constitution of India ensures the right to speak freely and articulation [Article 19(1)(a) of the Constitution of India], anyway such opportunity is additionally not unlimited. This reality is seen and taken consideration by composed media. Be that as it may, this isn't valid on account of Social Media, which is neither sorted out

nor observed as it makes preposterous break morally justified to protection and the right to speak freely and articulation. Ideal to have reasonable hearing has been over and over held to be one of the major rights by the Hon'ble Supreme Court of India in various cases [Zahira Habibullah Sheikh (5) v. State of Gujarat: 2006(2) R.C.R.(Criminal) 448, M.H. Hoskot v. State of Maharashtra: 1978(3) SCC 544, Mohd. Sukur Ali v. State of Assam, 2011(2) R.C.R.(Criminal) 121, Rafiq Ahmed @ Rafi v. State of U.P, 2011(8) SCC 300]. When someone quotes about his or her availing the right to speak [Life Insurance Corporation of India v. Manubhai D Shah (1992 (3) SCC 637), Indian Express Newspapers v. Union of India AIR 1986 SC 515, Romesh Thapar v. State of Madras : 1950 SCR 594] freely at the same time and in the same way it needs to be remembered that others have the Right to security [Malak Singh etc. v. State of Punjab & Haryana & Ors., AIR 1981 Supreme Court 760; State of Maharashtra & Anr. v. Madhukar Narayan Mardikar, AIR 1991 Supreme Court 207; R. Rajagopal @ R.R. Gopal & Anr. v. State of Tamil Nadu & Ors., AIR 1995 Supreme Court 264; PUCL v. Union of India & Anr., AIR 1997 Supreme Court 568; Mr. 'X' v. Hospital 'Z', (1998) 8 SCC 296; Sharda v. Dharmpal, (2003) 4 SCC 493 ; People's Union for Civil Liberties (PUCL) & Anr. v. Union of India & Anr., AIR 2003 Supreme Court 2363 ; District Registrar and Collector, Hyderabad & Anr. v. Canara Bank & Ors., (2005) 1 SCC 496 ; Bhavesh Jayanti Lakhani v. State of Maharashtra & Ors., (2009) 9 SCC 551; and Smt. Selvi & Ors. v. State of Karnataka, AIR 2010 Supreme Court 1974]. While making the judgments about the issues pertaining to the rights; Judges are considering all the pros and cons of the cases [Media Efforts Flushed by Sunken Judiciary: Damini Case Juvenile Verdict, Dr. Shefali Tiwari and Prof. Ruchita Shandilya, published in Pacific Business Review International, Volume 6, Issue 5, November 2013] at times. On the other turn in various cases it has been held by the Hon'ble Supreme Court of India that media preliminary is obstruction into the organization of equity [5].

"There is technique set up by law administering the lead of preliminary of an individual blamed for an offense. A preliminary by press, electronic media or open unsettling is very absolute opposite of principle of law. It can well prompt premature delivery of equity. A judge needs to watch himself against any such weight and he is to be guided carefully by guidelines of law [Himanshu Singh Sabharwal v. State of M.P 2008(3) SCC 602]."

III. ENGAGEMENT OF JUDICIARY WITH SOCIAL MEDIA

An extensive discussion on the matter that whether there should be an engagement between the judiciary and the social media is on the table among many thinkers. A few specialists state this ought not to be done in any case, there are sees actually additionally which state that there is no mischief in it. Be that as it may, such use ought to have certain limitations which are essential for organization of equity. An

impacted judge can never oversee fair equity, henceforth, any unessential impact ought to be stayed away from. It has been seen that courts such as Courts of England and Wales have endorsed the use of online networking and blogging but with certain cautionary restrictions [Guide to Judicial Conduct, March 2013, Judiciary of England and Wales]. Another significant issue which needs thought is that there are occurrences wherein the judges have utilized online life during the court procedures [Jurors' and Attorneys' Use of Social Media During Voir Dire, Trials, and Deliberations, A Report to the Judicial Conference Committee on Court Administration and Case Management, Meghan Dunn, Federal Judicial Center, May 1, 2014]. Notwithstanding, it is to be seen that such cases are not normal and in any event this is valid for the nation like India, which is yet significantly subordinate upon age old paper technique and the utilization of innovative gadgets isn't normal [6, 7].

IV. CONCLUSION

One can conclude from above discussion that the impact of social media cannot be denied on the administration of judiciary system. To save from such instances which lead to interference in the judiciary system people need be made aware of the rights and duties both. People need to understand that similar to the right to speech there are other rights also like that right to fair trial and many more [8]. When someone is enjoying their right one should their duty to remember the duty safeguard the rights of others. Regarding the second question of engagement of judiciary and social media, it is suggested that that the engagement should be welcomes but too much of precautions as fabrication of matter on social websites is always possible.

REFERENCES

- [1] R. Surette (1992). "Media, Crime, and Criminal Justice: Images and Realities", *Pacific Grove, CA: Brooks/Cole Publishing Company*.
- [2] D.A. Graber (1980), "Crime News and the Public", New York: *Praeger*, Pp. 24-26.
- [3] S.M. Chermak (1995), "Victims in the News: Crime and the American News Media", Boulder, CO: *Westview Press*.
- [4] G. Barak (2013), "Media, Process, and the Social Construction of Crime: Studies in Newsmaking Criminology", *Routledge*.
- [5] C. Hale (1996), "Fear of Crime: A Review of the Literature", *International Review of Victimology*, Vol. 4, No. 2, Pp. 79-150.
- [6] M. Mundt, K. Ross & C.M. Burnett (2018), "Scaling Social Movements through Social Media: The Case of Black Lives Matter", *Social Media+ Society*, Vol. 4, No. 4.
- [7] M. Borkert, K.E. Fisher & E. Yafi (2018), "The Best, the Worst, and the Hardest to Find: How People, Mobiles, and Social Media Connect Migrants in (to) Europe", *Social Media+ Society*, Vol. 4, No. 1.
- [8] B. Neilson & N. Rossiter (2005), "FCJ-022 From Precarity to Precariousness and Back Again: Labour, Life and Unstable Networks", *The Fibreculture Journal*, No. 5.