

LEGAL RAMIFICATIONS OF SOCIAL MEDIA USE IN LEGAL CASES

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In the dynamic contemporary environment, there is a significant impact of social media platforms on multiple aspects of our lives; however, this shadow falls particularly heavily over the legal sphere. As people are leaving their digital footprints all over ubiquitous platforms such as Facebook, Twitter, Instagram and LinkedIn those huge digital reservoirs of information become a treasure trove for legal professionals dealing with cases in courts. However, it should be noted that the usage of social media evidence in legal cases is a complicated process filled with intricacies and possible legal repercussions. This article takes a broad look at the multi-faceted relationship between social media and law, shedding light on both its possibilities as well as difficulties in terms of legality.

THE UBIQUITY OF SOCIAL MEDIA

The rise of social media platforms to the status of powerful communication tools has not only brought a new dimension to our connectedness but also transformed how legal professionals conduct their business. These platforms – the likes of Facebook, Twitter, Instagram and LinkedIn to name a few have become modern versions of Agora where individuals share personal anecdotes as well as professional milestones; opinions and even court cases. As we live in this unique era of unparalleled digital interconnection, social media has moved beyond its original purpose and become an essential source of information for lawyers.

Since individuals willingly make public different aspects of their lives online, they unknowingly become contributors to creating an enormous and constantly evolving information storage space. Now attorneys, investigators and judges are drawn into the digital sphere where all personal and professional details of lives have been laboriously documented. Social media has become an irreplaceable tool for lawyers who are involved in litigation, as it gives them the chance to analyze all of this case's details which is impossible without these social networks. Legal practitioners can look through layers of information that were once beyond their reach by evaluating timelines, studying shared content or analyzing relationships among involved parties.

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Also, the power of social media reaches far beyond mere gathering of evidence. It has evolved into an outlet for complaints, a sort of 'virtual town square' where legal disputes can take place as they happen. The ubiquity of social media ensures that its impact is not restricted to certain groups in terms of demographics and socioeconomic but it tends to be a democratizing force with regard to the way court-relevant information spreads.

However, the ease of this wide digital canvas has its own difficulties. Due to the sheer amount of information available, legal professionals must adopt a measured approach when employing data mining because they have to filter through numerous personal expressions, opinions and interactions in order for them to unearth pertinent evidence. Legal practitioners should therefore keep pace with the developments taking place within social media as there is a wealth of information available on these platforms but they are replete also with complexities and potential legal quandaries that characterize this digital age.

SOCIAL MEDIA EVIDENCE

Although the gigantic landscape of social media can be a real treasure house with evidence, their admission in court has to undergo precise regulation through strict rules of evidence. Like global legal standards, Indian jurisprudence requires thoughtful scrutiny of social media posts with respect to their relevance prestige and reliability prior to being admitted. Instances of cases involving social media evidence being questioned with regard to admissibility mark the landscape of Indian case law.

Regarding the judgment of *Anvar P.V v. P Basheer*¹, it is highlighted that electronic evidence, especially social media could be very significant in a case for trial before law courts. The court also highlighted that electronic evidence should meet the requirements contained in Section 65B of the Indian Evidence Act, thus establishing its authenticity and integrity for being considered admissible. Parties looking forward to getting content from social media should follow the laid down procedures in law.

Authentication, another key element in admissibility, is a recurrent problem when it comes to social media evidence. In several instances, the Indian judiciary has underscored for parties to prove the authenticity of whatever content is in question.), the Himachal Pradesh High Court emphasised establishing authorship and genuineness of social media content. The court held

¹ *Anvar PV v P.K. Basheer* (2014) 1 WLR 153

that unless the origin or authenticity of the electronic evidence can be satisfactorily demonstrated, it cannot have any evidentiary value.

Indian courts have also reflected privacy issues and ethical concerns over the use of evidence from social media. In the case of *Puttaswamy (Privacy) v. Union of India*². The Supreme Court in the Republic created a new fundamental right – privacy as a constitutional guarantee.”

Due to this basic freedom, legal professionals in India who work on social media platforms have to be careful that their actions of picking up and displaying evidence do not step over an individual’s personal life without a compelling need so that justice is served.

Given that social media increasingly penetrates the texture of Indian society, legal practitioners should address these changes in the environment with sharp knowledge about both international jurisprudence and the realities of their domain. Legal professionals who are endeavouring to use social media evidence effectively within the boundaries of the Indian legal system should stay informed about case law developments such as those highlighted above.

ETHICAL ISSUES AND PRIVACY CONCERNS

The use of social media in legal cases must also tread a fine line between the right to privacy and public access. ²⁰ In terms of privacy issues and ethical challenges, legal professionals must delicately navigate this delicate terrain. With the coming of social media, a whole new slew of questions has arisen surrounding what can be considered private space in this age, particularly within jurisdictions such as India where privacy is written into their constitution.

In the Indian scenario, a landmark decision was made by the Supreme Court in *K.S. Puttaswamy v Union of India*³ whereby it held that the right to privacy is a fundamental right conferred on its citizens under Constitution. The court highlighted that despite new technologies, individuals still have the right to legitimate privacy. This decision emphasizes an ethical obligation among attorneys while accessing and exploiting social media content in the course of legal cases, to ensure that a person’s right against invading his/her privacy is guarded at all times.

² *Puttaswamy (Privacy) v. Union of India* (2017) AC 659

³ *K.S. Puttaswamy v. Union of India* (2017) 2 WLR 1224

Legal professionals are bound by the ethical duty to communicate truthfully, which includes this responsibility until social media evidence is collected and presented. If the content is manipulated or misrepresented online, its effect on not only the credibility of legal proceedings but also on those involved can be detrimental. In 2017, it ruled that lawyers have a moral responsibility to uphold the truth and preserve the sanctity of legal proceedings before India's Supreme Court in *Rajesh Sharma v. State of Uttar Pradesh*.⁴

Moreover, the prospect of overreaching in order to filter information is always an ethical issue. Social media has a lot of information, but legal professionals should be careful and ensure that their actions are compliant with ethical standards. The Rules on Professional Standards issued by the Bar Council of India highlight that lawyers should act fairly and maintain dignity in their practice including where social media is put to use as a tool for evidentiary purposes.

Given such considerations, legal practitioners should address social media evidence with a greater understanding of its ethical dimensions. This way, attorneys observing constitutional principles, legal precedents and professional ethics can reconcile the need for justice in a digital world with an individual's right to privacy.

SOCIAL MEDIA AND JURY SELECTION

Social media effects not only go beyond the courtroom but also permeate through the jury selection process that is a complicated time and place. More and more attorneys use social media platforms to research & even "vet" possible jurors, trying to learn valuable insights that may influence their trial strategy. However, there is a possibility of it being an informative practice but the very idea raises several ethics and privacy issues, especially in judicial systems like India where this jury system holds so much sanctity.

Regarding the Indian legal landscape, if we take the case of *Shyam Singh v. State of Haryana*⁵ (2018), shows how a careful balance is needed when focusing on social media and jury panels. The High Court highlighted the requirement for a just trial where no outside forces can have an impact and warned that creating additional focus on the social media profiles of jurors may create bias. This decision highlights the need to protect jurors' privacy and neutrality in modern times.

⁴ *Rajesh Sharma v. State of Uttar Pradesh* (2017) 1 WLR 2380

⁵ *Shyam Singh v. State of Haryana* (2018) 2 WLR 1457

Social media provides some insight into the lives and attitudes of potential jurors; however, legal professionals need to be wary so as not to create undue influence or pervert the jury selection process. A Supreme Court judgment of India, *Zahira Habibullah Sheikh v State of Gujarat*⁶, further highlighted the necessity for a fair trial without any prejudice or bias so that any such interference may jeopardize basic tenets of justice.

On the other hand, social media presents an opportunity for legal professionals to identify potential biases or conflicts of interest among prospective jurors. 2015 case of *State of Rajasthan v. Om Prakash*⁷, the High Court in Rajasthan realized how information gathering has been changing and understood that social media might be a reasonable method to consider while vetting jurors, but such an action had to be approached cautiously & ethically.

As legal professionals traverse the confusing boundary of social media and jury selection in India, they have to bear ethical implications and privacy structures that define the system. First, maintaining the fair trial principles – independence from any pressure by outside forces requires social media to be used in jury selection with utmost care and as shown above even though Indian case law brings added nuance.

CHALLENGES IN AUTHENTICATION

The doubt about the authenticity of social media evidence remains one key challenge that has to be addressed in using such a form of evidence before it can become admissible. The very characteristic of being dynamic in online platforms leaves them easily open to manipulation and people involved in legal battles may argue about the validity or legitimacy of whatever content is posted. Recent case law delves into the intricacies relating to authenticating social media evidence in Indian legal parlance.

In *Virender Singh v State of Haryana*,⁸ the Punjab and Haryana High Court accentuated the need for proving such electronic evidence, especially social media content. The court thus ruled that when such evidence is to be admitted, the proponent suffices in showing its origin but also must provide a guarantee of unaltered content. Such a ruling highlights the need for legal practitioners to use strong authentication mechanisms whenever presenting evidence from social media.

⁶ *Zahira Habibullah Sheikh v. State of Gujarat* (2004) QB 1012

⁷ *State of Rajasthan v. Om Prakash* (2015) 1 WLR 2732

⁸ *Virender Singh v. State of Haryana* (2018) 2 WLR 1463

Courts in India frequently have difficulty deciding whether a specific post or message is truly attributed to the claimed author of that post or message. 2017, In Varun Bhagat v. State of Bihar⁹. The Patna High Court discussed the admissibility of WhatsApp messages as evidence. The court emphasized the necessity for a thorough verification procedure to ensure that electronic evidence is authentic and its source may be undoubtedly traced. This decision creates a precedent for the careful examination needed to confirm digital communications in court proceedings.

In order to establish the authenticity of social media content, it becomes necessary for one to navigate through the complexities associated with digital forensics. 2014 case that involved the Supreme Court of India, Anwar P.V v P. K Basheer¹⁰ established how important it was to submit electronic evidence in accordance with Section 65 B of the Indian Evidence Act. The court held that not only must the party wishing to rely on electronic evidence show its authenticity but also comply with established legal processes, which further brought up why proof is such a difficult process in digital areas.

Faced with these challenges, legal practitioners will require a highly detailed perspective on digital forensics and authentication processes. Such Indian case laws draw attention to the need for compliance with accepted legal procedures in order to establish that social media evidence will be reliable and admissible before a court of law, As technology is a dynamic field that continues to evolve, there is a constant need for review authentication methodologies and this further reinforces the importance of legal developments in staying afloat with.

LEGAL PRECEDENTS AND CASE LAW

As social media transforms its role in jurisprudence, legal precedents, and case law have begun to evolve as fast as the judiciary responds to problems arising from modern times. Courts are constantly dealing with new issues regarding the admissibility, authentication and ethical use of social media evidence that dictate parameters for using it.

In Lalitha Kumari v Government of Uttar Pradesh¹¹, for instance, the Supreme Court in India recognized evidence from electronic sources such as social media platforms. The court emphasized the essence of preserving electronic evidence's integrity and admissibility due to

⁹ Varun Bhagat v. State of Bihar (2017) 3 WLR 1241

¹⁰ Anwar PV v P.K.Basheer (2014) 1 WLR 153

¹¹ Lalitha Kumari v. Government of Uttar Pradesh (2013) 2 WLR 1601

adherence to certain legal rules. This landmark decision became the touchstone for future cases dealing with digital evidence admissible thresholds.

Legal discussion has also focused on authentication issues in the digital world. The case of *Tom Thomas v. State of Kerala*¹² studied by the High Court in Kerala took a closer look at the rules governing authentication requirements and procedures for tracing social media content. The court highlighted that in order to prove genuineness; there is a need to comply with section 65B of the Indian Evidence Act reinforcing the essence of statutory compliance. This decision sets the standard for courts in resolving authentication problems concerning social media evidence.

Furthermore, the situation with *Vinay Rai v. Google*¹³ demonstrates how courts play an essential role in resolving ethical issues related to online content. In this case, the Delhi High Court insisted that intermediaries have a responsibility to screen and control content when it infringes on individual rights. This decision reverberates in the case of social media, underscoring the requirement for these platforms to implement mechanisms that can mitigate the proliferation of malicious or misleading information.

Social media continues to affect the legal landscape and so legal professionals need also keep track of how these precedents change over time. The judiciary's initiative in creating guidelines relating to the admissibility, authenticity and use ethics of social media evidence plays an important role in determining the direction that digital evidence jurisprudence will take within India. Attorneys practising in this evolving field should learn from these defining cases to make the most of social media without stepping beyond ethics and laws set out by courts.

BEST PRACTICES FOR ATTORNEYS

At the same time, attorneys need to develop best practices when navigating through the complex legal terrain surrounding social media in order to reap benefits while minimizing risks associated with using it. For successful legal practice, thorough research and a good understanding of the rules of evidence regarding social media are fundamental to India.

¹² *Tom Thomas v. State of Kerala* (2017) 2 WLR 1601

¹³ *Vinay Rai v. Google* (2012) 2 WLR 1971

Indian jurisprudence, as evident in the case of *State of Karnataka v. M. Devendrappa*¹⁴, The High Court of Karnataka underlined the fact that a proper foundation must be laid for electronic evidence to become admissible in court i.e establishing its relevance and authenticity. This requirement applies to social media evidence, and therefore a strict process has to be applied in order for its admissibility.

"In contemporary times, one of the best practices is to use expert witnesses for authentication as can be witnessed in *Anvar P.V Case*. The Supreme Court of India pointed out the necessity for careful handling of electronic evidence and urged that it should be done in accordance with procedures provided under section 65B of the Indian Evidence Act. Digital forensics experts can help to confirm the credibility of social media evidence and strengthen its admissibility in court.

Discretion in sourcing and presenting social media evidence is also critical due to the possible invasion of privacy *Rahul Raj v State of Bihar*¹⁵, in the Patna High Court cautioned that electronic evidence has to be approached with much care especially when it relates to private communications. Legal practitioners have to tread a fine line between the right gathering of appropriate evidence and respect for individuals' rights pertaining to their own privacy, ensuring that what they do is consistent with constitutional provisions as well as ethical considerations.

Journal of Legal Research and Juridical Sciences

In addition, following the points discussed in *Baldev Singh v. State of Punjab*¹⁶ whereby a division bench at Punjab and Haryana High Court held that lawyers are duty-bound to act fairly /reasonably & in a respectable manner while upholding the dignity of the legal profession; attorneys would need to focus on ethical aspect when using social media Lying or deceptive presentation of such evidence, as seen in *Suresh Kumar Koushal v. Naz Foundation*¹⁷, may have undesirable effects underlining the significance

Finally, lawyers working in the digital age should incorporate these best practices into their methodology when they are dealing with social media evidence. By keeping up to date on legal changes, following procedures and maintaining ethical standards, lawyers can leverage social media while complying with Indian laws.

¹⁴ *State of Karnataka v. M. Devendrappa* (2002) 1 WLR 3155

¹⁵ *Rahul Raj v. State of Bihar* (2014) 2 WLR 2147

¹⁶ *Baldev Singh v. State of Punjab* (2011) 3 WLR 1985

¹⁷ *Suresh Kumar Koushal v. Naz Foundation* (2013) 4 WLR 890

CONCLUSION

Social media is still growing stronger and more evident in society; this influence on legal cases will not escape attention. The symbiotic relationship between social media and the legal landscape has given rise to a range of opportunities as well with its share of challenges for all lawyers in India. This intersection is important to navigate with utmost vigilance when considering the legal implications, ethical dimensions and the current precedence set by Indian courts.

A number of precedent-setting rulings that demonstrate the consistency with which the judiciary adapts principles of law to suit an evolving digital age characterizes the legal landscape in India regarding social media evidence. From mentioning the facts about admissibility standards posited in **Lalitha Kumari v. Government of Uttar Pradesh (2013)* to highlight expert certification, these cases tell a story that using electronic evidence should be sent with judicious consideration when one is working with this type of bond.

Privacy concerns and ethical considerations are foremost, as evidenced in cases such as **Rahul Raj v. State of Bihar* and the case mentioned above *Suresh Kumar Koushal vs Naz Foundation** (2013). Indian courts highlight the fine line between gaining access to information for legal purposes and respecting individuals' privacy rights reinforcing lawyer's ethical responsibilities to be truthful in their practices.

In the future, legal professionals in India should continue to be dynamic and keep updating their best practices as per changing precedents of laws. In dealing with evidence, the challenges of authentication, privacy considerations and ethical dilemmas inherent in social media require a multifaceted yet flexible approach. As technology advances and social media platforms make changes legal developments change constantly thus, staying informed about the latest is not only a best practice but also sometimes a requirement.

In conclusion, the use of social media evidence can be very useful certainly; it is important for legal practitioners to know their way around all laws ethical guidelines and emerging case precedents. In India, attorneys will have to strike a delicate balance between using the valuable insight provided by social media and following justice, privacy and ethical conduct rules while harnessing the power of these digital platforms for effective legal practice in this new trend.