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FROM EMPATHY TO APATHY: DIGITAL DESENSITIZATION AND THE EROSION OF THE PRESUMPTION OF INNOCENCE

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Abstract

This paper examines the structural shift in public engagement with criminal proceedings in the modern digital era, tracing the transition from a traditional model of periodic, highly mediated information dissemination to one of continuous, algorithmically optimized consumption. It explores how rapid exposure to crime-related data triggers the psychological phenomenon of "psychophysical numbing," reducing severe real-world violence and systemic injustices to decentralized units of digital content or tools for gendered and ideological warfare. By analyzing key Indian legal case matrices—specifically *State v. Sarvjeet Singh* (2019), *Rhea Chakraborty v. Union of India* (2020), and the ongoing *sub judice* proceedings concerning Siya Goyal (2026), this article evaluates how the rise of public "digital tribunals" and extrajudicial internet trials actively subverts the constitutional architecture of India.

The analysis demonstrates that these parallel online trials directly infringe upon fundamental guarantees established under the Constitution of India, 1950, creating an institutional crisis with the Right to Equality (Article 14), the Right to Freedom of Expression through the silencing of the accused (Article 19), and the Right to Life and Personal Liberty, which inherently encompasses the right to a fair trial and the right to live with basic human dignity (Article 21). Furthermore, the paper examines the systemic impact of unerasable online records on the modern criminal law doctrine of post-sentence rehabilitation.

Drawing upon pioneering judicial principles laid down by the Supreme Court of India in *Sahara India Real*

Estate Corp. Ltd. v. SEBI (2012), *Manu Sharma v. State (NCT of Delhi)* (2010), and *Zahira Habibullah Sheikh v. State of Gujarat* (2006), the author presents a comprehensive constitutional critique of online extrajudicial actions. The article concludes by presenting a multi-pronged legislative reform framework, advocating for the expansion of intermediary liabilities under the Information Technology Rules, 2021, the strict statutory codification of the "Right to be Forgotten" (RTBF) to check permanent digital stigma, and the mandate of strict algorithmic neutrality during active criminal investigations to protect the objective administration of justice.

Keywords: Trial by Media, Presumption of Innocence, Article 21, Digital Tribunals, Right to be Forgotten, Intermediary Liability, Constitutional Jurisprudence.

1. Introduction: The Evolution of Crime Consumption

Historically, public engagement with criminal proceedings was a highly mediated, periodic process. In the print media era, information dissemination was constrained by publication cycles, appealing primarily to "habitual readers" whose cognitive processing of news was inherently structured by temporal intervals. The transition to broadcast journalism in the late 20th century preserved this structural barrier via fixed program schedules.

The advent of modern algorithmic architectures has fundamentally dismantled this paradigm. Contemporary media networks operate via decentralized global nodes where consumer engagement—rather than professional editorial oversight—dictates information flow. Modern recommendation engines dynamically optimize for user retention by selectively amplifying sensationalized, violent, or highly polarizing content. This continuous influx of distress stimuli strips information of factual accuracy and contextual nuance in favor of immediate virality. Consequently, public



discourse surrounds complex legal matters with deep-seated ideological, gendered, or partisan biases, shifting the focus away from evidence-based observation. Over time, the continuous intake of criminal narratives flattens public responsiveness, reducing severe systemic issues into standardized digital units of consumption.

2. The Psychology of Digital Desensitization

2.1 The Velocity of Consumption and the Loss of Cognitive Sensitivity

The digital economy operates on a structural preference for velocity over verification. The rapid dissemination of unverified primary accounts causes cognitive over-saturation within the public sphere. When grave human rights violations or violent offenses are positioned inside digital interfaces alongside benign lifestyle or comedic media, the human brain suffers a form of contextual compression. It categorizes severe human suffering under the broader rubric of "content," diminishing the perceived gravity of the offense.

This digital desensitization erodes the baseline socio-legal construct of the presumption of innocence. Trained by digital rewards to favor immediate collective outrage over evidentiary verification, the public collective exhibits diminished cognitive capacity for legal due process. The resulting drive for immediate moral validation bypasses established legal standards, creating permanent reputational and social damage to individuals prior to formal judicial determination..

2.2 Psychophysical Numbing

The human cognitive apparatus is structurally unequipped to process rapid, continuous global trauma streams. In their foundational study on human risk perception, Fetherstonhaugh, Slovic, Johnson,

and Friedrich (1997)¹ observed that human moral evaluation follows a psychological pattern analogous to physical sensory adaptation. Just as physical senses lose sensitivity as a stimulus grows stronger, psychological sensitivity to human tragedy exhibits a non-linear decline as the volume of tragic data increases.

In the digital landscape, this coping mechanism operates continuously. The sudden compression of structural injustices and violent crimes into rapid feeds creates severe contextual cognitive dissonance. To mitigate emotional burnout, the human mind flattens incoming data, transforming identifiable individuals into what Slovic termed "human beings with the tears dried off."²

This psychological numbing directly impacts the operational framework of criminal justice. When an accused individual enters the digital space, the public strips away their status as a rights-bearing citizen protected by constitutional due process. Instead, the individual is reduced to a narrative instrument within a high-velocity digital discourse. Because the vast scale of online consumption removes perceived accountability for individual clicks, public actors engage in immediate collective condemnation without experiencing moral or ethical friction. Public rush to judgment is therefore not an expression of civic engagement, but rather a manifestation of collapsed empathetic capacity, seeking immediate validation through collective condemnation rather than engaging with the demanding process of factual discovery.

3. "Trial by Social Media" and the Death of Due Process

3.1 The Digital Tribunal and Extra-legal Sanctions

The primary institutional byproduct of digital desensitization is the formation of digital tribunals. Social media platforms function as decentralized,

¹ D. Fetherstonhaugh, P. Slovic, S.M. Johnson, & J. Friedrich, *Insensitivity to the Value of Human Life: A*

Study of Psychophysical Numbing, 14(3) *Journal of Risk and Uncertainty* 283 (1997)

² *Ibid.*



unregulated forums where public majorities perform investigatory, adjudicative, and executionary roles outside established statutory frameworks. Utilizing unverified information fragments under algorithmic pressures, these groups strip away long-standing legal protections like the benefit of the doubt.

A core weapon within this extrajudicial environment is "doxxing"—the intentional gathering and public dissemination of an individual's private, identifying data (such as residential addresses, personal contacts, or employment details) without their consent.³ Within digital tribunals, doxxing operates as a tool for systemic intimidation.

The systemic effects of these digital verdicts extend far beyond digital harassment or character defamation. The psychological detachment cultivated by online environments systematically transfers into the physical world. By weaponizing private data, digital tribunals actively instigate targeted real-world harassment, resulting in immediate loss of livelihood, severe family endangerment, and physical violence. Consequently, digital vigilantism fundamentally undermines the legal presumption of innocence, actively translating algorithmic outrage into real-world physical and socioeconomic harm.

3.2 The Presumption of Innocence in Indian Constitutional Jurisprudence

The operation of digital tribunals stands in direct violation of the constitutional framework established under the Indian legal system. The presumption of innocence is not merely a rule of evidence; it is a foundational component of the Right to a Fair Trial, protected under Article 21 of the Constitution of India, 1950.⁴

The Supreme Court of India has repeatedly protected the sanctity of judicial processes from external media pressures. In *Sahara India Real Estate Corp. Ltd. v. SEBI*,⁵ the Constitution Bench recognized the real danger that prejudicial publicity poses to the administration of justice. The Court established that real risk of systemic prejudice occurs when media reporting creates a highly charged public atmosphere that compromises the institutional capacity of a court to ensure an impartial trial.

This principle was further expanded in *Manu Sharma v. State (NCT of Delhi)*,⁶ where the Apex Court explicitly condemned the phenomenon of "Trial by Media." The Court observed that media networks must not confuse the right to free expression with an entitlement to conduct independent investigative trials that shape public opinion against an accused person prior to a judicial verdict. Such actions directly subvert the protection of law guaranteed to the accused.

Furthermore, in *Zahira Habibullah Sheikh (5) v. State of Gujarat*,⁷ the Supreme Court detailed the institutional parameters of a fair trial, noting that a failure to accord a fair trial to the accused, or running a trial that is systematically distorted by outside prejudice, is a direct denial of human rights and a fundamental breakdown of the rule of law. When digital tribunals condemn an individual based on viral content, they strip away these protections, replacing the evidence-based legal standard required by the judiciary with arbitrary public sentiment.

4. Empirical Case Analyses

4.1 Case Study: Sarvjeet Singh (2015–2019)

The proceedings involving Sarvjeet Singh and Jasleen Kaur illustrate the severe impact of viral public trials

³ Doxing, Encyclopedia Britannica (2026), <https://www.britannica.com/topic/doxing>.

⁴ The Constitution of India, 1950, art. 21.

⁵ *Sahara India Real Estate Corp. Ltd. v. SEBI*, (2012) 10 SCC 603.

⁶ *Manu Sharma v. State (NCT of Delhi)*, (2010) 6 SCC 1.

⁷ *Zahira Habibullah Sheikh (5) v. State of Gujarat*, (2006) 3 SCC 374.



on ordinary citizens. In August 2015, an unverified social media post accused Singh of street harassment at a public intersection in Delhi. The post went viral, and the public immediately engaged in institutional condemnation. Prior to formal police verification, mainstream media networks and public actors branded Singh a "national pervert" (Delhi Ka Darinda), effectively deciding his guilt within twenty-four hours.

The real-world consequences of this digital verdict were immediate: Singh faced criminal arrest, termination of employment, and total social ostracization. Over the next four years, his personal and professional development was suspended as he navigated the formal legal system through multiple court appearances while enduring sustained public infamy. In *State v. Sarvjeet Singh*,⁸ the Metropolitan Magistrate Court (Tis Hazari, Delhi) completely acquitted Singh, explicitly finding the complainant's testimony contradictory and legally untrustworthy.

However, this case highlights a critical vulnerability in the digital age: a formal legal acquittal lacks the structural capacity to expunge an uncoded digital record. Despite his complete legal clearance, the digital stigma remains deeply embedded in Singh's online identity. Any standard search engine query continues to display the unverified, sensationalist reporting from 2015, imposing a permanent social cost. Digital tribunals offer no mechanism for rectifying error, ensuring that the socio-economic impact of their verdict remains long after formal courts have cleared the individual's name.

4.2 Case Study: The Rhea Chakraborty Phenomenon (2020–2024)

While the Singh case shows the impact of digital vigilantism on private citizens, the 2020 proceedings involving Rhea Chakraborty demonstrate media trials

on an institutional, corporate scale. Following the death of actor Sushant Singh Rajput, digital platform algorithms combined with television media networks to create a highly visible, commercialized tribunal. Prior to the filing of formal charges by state investigatory agencies, Chakraborty faced widespread public condemnation. Mainstream networks, utilizing unverified personal communication leaks and speculative narratives, launched a highly coordinated vilification campaign that completely bypassed the presumption of innocence.

The formal judicial system eventually intervened against this extrajudicial pressure. In *Rhea Chakraborty v. Union of India*,⁹ the Bombay High Court granted bail, explicitly noting that the material presented did not support the prosecution's claim that she was part of a commercial drug syndicate. The Court re-emphasized that public accusation does not diminish an individual's core statutory protections.

This judicial pushback continued in *Rhea Chakraborty v. Union of India & Ors.*,¹⁰ where the Bombay High Court quashed the indefinite Look Out Circulars (LOCs) issued against her.

The High Court ruled that the state cannot use arbitrary, prolonged restrictions on an individual's fundamental Right to Travel under Article 21 simply to manage public pressure or accommodate an uncompleted investigation. Yet, the long-term reality aligns closely with the Singh case: the systemic damage to the individual's professional standing and psychological well-being occurred independently of the formal legal determinations. Digital tribunals operate outside judicial timelines, turning the media process itself into a severe form of extrajudicial punishment.

⁸ *State v. Sarvjeet Singh*, Case No. 297745/2016, decided by the Metropolitan Magistrate, West District, Tis Hazari Courts, Delhi (Unreported, 2019).

⁹ *Rhea Chakraborty v. Union of India*, 2020 SCC OnLine Bom 993.

¹⁰ *Rhea Chakraborty v. Union of India & Ors.*, 2024 SCC OnLine Bom 589.



4.3 Media Violations and Rehabilitation Challenges: The Siya Goyal Case

The ongoing 2026 legal proceedings involving twenty-year-old Siya Goyal—currently in judicial custody regarding allegations of conspiracy at Lohagad Fort, Pune—demonstrate how digital trials can directly compromise active sub judice matters and threaten long-term rehabilitation.

While formal investigators gather forensic data and the judiciary assesses the highly complex psychological, situational, and systemic factors required for legal determination, the digital sphere operates instantly. Immediately following her arrest, personal photographs were extracted, manipulated, and circulated to create degrading memes and viral public commentary. This swift transformation of an ongoing criminal case into a form of digital entertainment reduces an accused citizen to a public caricature before formal evidence can be evaluated in a court of law.

From a legal perspective, this public handling creates two severe structural problems. First, it triggers a profound violation of the sub judice doctrine. By publishing highly prejudicial and degrading material while an investigation is active, digital platforms complicate the objective administration of justice. Second, it causes the eradication of rehabilitation. Modern criminal jurisprudence views rehabilitation as a primary goal of sentencing, asserting that individuals who have served their legal sentences should have a pathway to reform and safely reintegrate into society.

However, the permanent nature of online content leaves an unerasable digital record that severely undermines this principle. Long after formal legal processes conclude, these digital assets remain easily accessible via search engines, creating permanent barriers to future employment, housing, and social

safety. Turning active criminal investigations into viral digital content effectively replaces the legal potential for reform with a permanent, extrajudicial social disadvantage.

4.4 Empirical Evidence of Harm and Constitutional Infringement

The severe impact of these viral digital trials can extend to fatal outcomes. A tragic instance occurred in Kerala, where a young man ended his life after unverified allegations of sexual harassment were widely circulated across social media platforms. The viral accusation spread through his social and professional circles before formal law enforcement could investigate the claims, resulting in profound social isolation before he had any opportunity to present a legal defense.

This case demonstrates how digital tribunals can completely bypass the protections of Article 21 of the Constitution of India. The Supreme Court has consistently held in *Francis Coralie Mullin v. Administrator, Union Territory of Delhi*¹¹ that the right to life encompasses the right to live with basic human dignity. By imposing immediate, devastating social judgments without formal hearings or evidentiary standards, digital platforms strip individuals of their dignity overnight. Trapped in an environment of continuous character defamation and cut off from standard legal protections, the accused experiences extreme psychological isolation. The lack of procedural safeguards in digital spaces means that when public platforms treat justice as a form of mass entertainment, the consequences can be tragic and irreversible.

¹¹ *Francis Coralie Mullin v. Administrator, Union Territory of Delhi*, (1981) 1 SCC 608.



5. The Structural Dehumanization of Crime

5.1 Gendered and Ideological Weaponization

A significant development in digital desensitization is the systematic reduction of criminal offenses into instruments for broader gendered or political warfare. Within contemporary digital networks, a violent crime is rarely evaluated as an isolated tragedy requiring systemic reform, psychiatric assessment, or objective statutory enforcement. Instead, major criminal events are quickly claimed by ideological actors to fuel pre-existing online cultural and political conflicts. The victim and the accused are stripped of their individual realities and turned into symbolic instruments for digital proxy disputes.

This dynamic relies heavily on confirmation bias and intergroup conflict models. When a high-profile crime occurs, digital actors frequently look for details that validate their specific tribal or political narratives rather than objective facts. If the accused belongs to a particular demographic or political group, opposing factions use the offense to assert collective guilt over the entire demographic. Concurrently, the aligned faction often engages in defensive deflection or minimization to protect their group's digital standing.

The primary casualty of this ideological shift is basic human empathy. When severe human suffering is instrumentalized to score political points across digital networks, the actual tragedy is minimized. The victim's trauma is used as narrative leverage, and the accused's right to an objective, non-prejudicial trial is compromised. Public attention shifts from the gravity of the act to the victory of an ideological position, demonstrating that modern digital systems can actively redirect human moral evaluation into partisan conflict.

5.2 Trivialization and Media Formatting: The "Blue Drum" Case

The "Blue Drum Murder" provides a clear example of how modern digital media formats can trivialize severe violence. Following the disclosure of a brutal

domestic homicide—where a Merchant Navy officer, Saurabh Rajput, was killed, dismembered, and concealed in a cement-filled container by his spouse, Muskaan Rastogi, and her accomplice—the public reaction on social media bypassed standard mourning or social shock. Instead, digital content creators transformed a severe crime into viral media, labelling the accused across platforms as "Neeli Drum Wali Muskaan" (The Muskaan with the Blue Drum).

This labelling accelerated digital desensitization across major short-form video platforms like Instagram Reels and YouTube Shorts. The forensic details of a violent death were edited alongside popular audio tracks, dramatic true-crime background elements, and sensationalized infographics. This process stripped the event of its tragic reality, repackaging it as a popular true-crime narrative. Consumers engaged with the updates much like fictional television dramas, demonstrating a clear emotional detachment from the human loss.

By reducing a severe murder into highly shareable, short-form content to drive engagement, digital platforms demonstrate a profound level of desensitization: the complete conversion of homicide into entertainment. The human reality of the victim is obscured by the digital presentation, proving that under modern algorithmic systems, severe real-world violence can easily be minimized into brief units of digital consumption.

5.3 Shift from Universal Empathy to Partisan Alignment

This erosion of basic empathy extends beyond local criminal cases to shape how the public processes major global crises and historical mass trauma. Historically, large-scale human atrocities—such as the historical conflicts of the Mughal era or the industrialized destruction of the Holocaust—evoked a broad humanitarian sympathy that crossed national and ideological borders. The sheer scale of human loss created a shared moral recognition of tragedy.



In the contemporary digital landscape, however, algorithmic engines have fundamentally changed the public's emotional response to mass trauma. Modern geopolitical crises, such as the conflicts in Gaza, Palestine, or Iraq, are viewed almost exclusively through highly polarized political, national, or religious lenses. Shared humanitarian concerns are frequently minimized. The complex, painful reality of civilian harm and displaced populations is quickly processed through algorithmic systems, where it is categorized and used to reinforce pre-existing political arguments.

Online users rarely pause to process the human loss; instead, they immediately take rigid ideological positions designed to satisfy their specific online echo chambers. Because modern digital networks prioritize absolute polarization over nuanced understanding, public sensitivity to actual suffering is diminished. Large-scale human tragedy is no longer processed primarily as a humanitarian crisis, but rather as narrative material to be weaponized against ideological opponents, illustrating how global grief can be re-engineered into political leverage.

6. Technological Risks and Constitutional Emergencies

The deployment of deepfake and generative artificial intelligence (AI) technologies introduces severe risks to the operation of digital vigilantism. In an environment where the public frequently issues rapid judgments based on brief video clips, generative AI complicates the reliability of visual evidence. Highly realistic, synthetic media can now fabricate criminal acts, falsify confessions, and alter contexts within seconds.

When a digital mob launches a coordinated campaign based on deepfake material, the social and professional consequences for the targeted individual are immediate and difficult to reverse. This

combination of synthetic media and rapid public outrage does not merely bypass standard legal processes; it creates a direct crisis for the core fundamental rights guaranteed under the Constitution of India.

- Article 14 (Equality Before Law): The rise of digital tribunals creates an arbitrary environment that denies citizens the equal protection of laws.¹² In digital spaces, legal standards are completely inconsistent; the severity of public condemnation varies based on algorithmic trends, viral popularity, and the demographic identity of the accused, turning public justice into an unpredictable lottery driven by clicks rather than codified, equal statutory standards.
- Article 19 (Freedom of Speech and Expression): While digital mobs often justify their campaigns under the banner of free expression, the actual outcome is the systematic silencing of the accused.¹³ Through coordinated cyber-lynching, doxxing, and continuous harassment, digital tribunals effectively strip the accused of their practical capacity for self-defense, drowning out their explanations and forcing them out of public discourse.
- Article 21 (Protection of Life and Personal Liberty): The Supreme Court of India has established that the right to life inherently includes the right to live with human dignity and the right to a fair trial.¹⁴ Digital tribunals inflict severe damage on a person's reputation, mental health, and livelihood without any formal administrative or judicial hearings. By the time a deepfake is forensically identified and disproven in a court of law, the social sentence has already been executed, demonstrating that when unregulated digital platforms dictate public truth, core constitutional protections face severe institutional challenges.

7. Proposed Reforms and Legal Accountability

¹² The Constitution of India, 1950, art. 14.

¹³ The Constitution of India, 1950, art. 19

¹⁴ The Constitution of India, 1950, art. 21.



To address the extrajudicial operations of digital tribunals and protect fundamental constitutional rights, the legal system must transition from voluntary ethical guidelines to binding statutory accountability. Protecting human empathy and legal due process requires a structured reform strategy addressing platform liabilities, statutory privacy frameworks, and algorithmic design transparency.

7.1 Expansion of Platform Liability and Statutory Fact-Checking

Digital intermediaries should no longer be permitted to claim absolute safe-harbor protections under internet regulations while actively profiting from the parallel trials they host, optimize, and monetize. Just as state-backed institutions like the Press Information Bureau (PIB) operate to check public misinformation, digital platforms must be legally required to manage trending content that threatens individual civil liberties.

The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021,¹⁵ must be expanded. The legal framework should mandate that when an individual's identity or an alleged offense trends past specific algorithmic volume thresholds, platforms must automatically deploy verified fact-checking procedures. Furthermore, intermediaries should be legally required to display clear disclaimers regarding the active legal status of the accused, explicitly stating that guilt has not been established by a formal court of law, thereby checking the spread of unverified public narratives.

7.2 Statutory Codification of the Right to be Forgotten (RTBF)

The legislature must move beyond temporary judicial steps and formally codify the Right to be Forgotten (RTBF) as a clear statutory right. Following the legal

principles established in *Jorawer Singh Mundy v. Union of India*,¹⁶ the statutory framework must recognize that the right to live with dignity under Article 21 includes the right to remove outdated, prejudicial records from public digital spaces.

Citizens who have been cleared of public accusations—such as Sarvjeet Singh or Rhea Chakraborty—must possess a clear legal right to demand the immediate de-indexing and removal of viral accusation content, sensationalist media articles, and related search results from search engines once a formal legal acquittal or case dismissal is officially issued. A delayed legal resolution must not be turned into a permanent digital disadvantage.

7.3 Mandating Algorithmic Neutrality in Active Legal Matters

The underlying driver of digital desensitization is the algorithmic optimization of public outrage. Legislative reforms should mandate a strict standard of "Algorithmic Neutrality" for all digital platforms the moment a criminal case becomes an active judicial matter (sub judice).

Technology platforms must be legally prohibited from utilizing recommendation algorithms that amplify true-crime humor, degrading memes, or dehumanizing trends that turn active legal matters into public entertainment. If a case is under active judicial consideration, platform delivery systems must default to a neutral distribution model focused on verified information rather than engagement-driven metrics. Requiring transparency and neutrality in these proprietary systems is essential to prevent technology platforms from complicating the administration of justice for commercial metrics.

¹⁵ Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, Rule 3.

¹⁶ *Jorawer Singh Mundy v. Union of India*, 2021 SCC Online Del 2306



8. Conclusion

The modern transition from a society of "habitual readers" to one of "continuous consumers" has created a significant challenge: the systematic erosion of baseline human empathy. By allowing digital networks to operate as unregulated, engagement-driven courtrooms, society risks undermining long-standing legal protections—from the presumption of innocence to the legal right to rehabilitation—in pursuit of short-term platform engagement.

When violent real-world offenses are turned into digital memes and generative deepfakes can turn unverified video clips into lasting reputational damage, the pursuit of objective justice faces severe difficulties. Moving forward, the formal codification of the Right to be Forgotten, expanded platform liabilities, and mandatory algorithmic neutrality are essential legal steps. There is a critical need to protect the structural boundary between public discussion and formal courtroom adjudication, ensuring that criminal justice remains firmly a matter of constitutional law, not of digital popularity.
