



MEDIA TRIAL: AN OVERVIEW IN THE CONTEXT OF INDIAN MEDIA, SOCIETY AND JUDICIARY

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ABSTRACT

No doubt media is a fourth pillar of a democracy. Media trial is a popular phrase in the late 20th century and early 21st century to describe the impact of Television (electronic media) and newspaper (print media) coverage and now new media including social media on a person's reputation by creating a widespread perception of guilt or innocence before, or after, a verdict in a court of law. After a flood of media in India, media spread a sensation through news mostly in the cases of crimes, scams, illegal functions and other political conflicts where media involves itself to illuminate such incidents at their level of perception or investigation but sometimes such media reporting is not authentic as results it influences the cases before giving judgement or justice to the victim and sometimes innocents do not get justice as media reporting weaken the truth behind the incident. But there is also a cardinal role of media to aware public if some cases or incidents are being liquidated under political pressure or other unknown pressure. Media can conduct only media trial but cannot do justice as do justice is the concern of law of court so media trial must be fair media trial not for attaining Television rating point for news channels and sensation or click-bait headlines in newspapers or social media. In recent times there have been myriad instances in which media has conducted the media trial of an accused and has passed the verdict even before the court of law passes its judgment. The Supreme Court of India restated that the media and the judiciary are institutions inhabiting separate areas and their functions do not imbricate. So both cannot and must not use the other for discharge of its functions. It was observed that media should only engage in acts of media or journalism and not act as a special agency for the court of law. The unacceptable or illegitimate of freedom of speech and expression coming to interference with the administration of justice or court of law due to the prejudicial nature of certain media coverage is highlighted through present research paper.

Keywords: Media trial, fourth pillar, freedom of speech & expression, Media & Judiciary sphere, click-bait journalism, Fair media-trial, miscarriage of justice

INTRODUCTION

In democratic set up, media is respected as the fourth pillar of democracy, after legislature, executive and judiciary. The word 'Media as Fourth Pillar' was coined by Thomas Caryle. A responsible Press/Media is the voice of the public and servant of effective judicial administration for the interest of the public. The Press/ Media does not simply publish or broadcast informations, disseminate news and views about cases and trials but subjects the entire hierarchy of the administration of justice, police, prosecutors, lawyers, judges, courts, as well as the judicial processes, to public scrutiny. Free and fair media reporting, criticism and debate, discussion contributes to public understanding and public opinion of the rule of law, government, and administration and to a better grasp of the entire justice system. Media also bolsters improve the quality of that system of administration, police, law, governmental administration by subjecting it to the purging effect of exposure and public accountability. The judiciary has its separate role and rules of law to do justice in the cases being produced in front of court of law, while media trials are generally found in Indian media to highlight any crime, murder case or any scam or political crime or high-profile case or murder mystery, etc. Under Article 19 (1) (a) of the Indian Constitution, media has freedom of speech and expression through any way of mass media whatever it is a news or any other media program but this freedom is limited under Article 19 (2) also if media violates the laws of the land and rules of judiciary. Media trial is one of such freedom of speech and expression but media has its area fixed under law that is explained by judiciary or rules of law of the Indian Constitution what media should do and what not should do. Here it means that media should conduct fair and square reporting to serve the public and make a healthy opinion to help all agencies of justice whatever it court of law, administration police or government administration. One side of media is to influence the judiciary system to draw its attention towards the human rights violation, genocide, injustices, etc, but the same media begins to play the role of judge and court of law by spreading sensation of unfair reporting, exposing the incidents, cases without out authentic facts of reporting in order to publicity and Television Rating Point, then on the part of media it is wrong and impact the proceeding of the judiciary to do justice for the victim and punish the culprit under law. In the beginning, the media trials become more powerful to impact public perception and society even prejudicing but in the court of law media trials' claims stand baseless and fact less.

RESEARCH PROBLEM:

There is a bigger confusion over to the media trial and its impacts which may be positive or negative in the view of public and mass media. However, to provide justice is the function of court of law where media trials are not counted but only truth based and facts based evidences. While media has also right under Article (19) (a) of the Indian Constitution to express its views, agenda setting, making public opinion and highlight any issue before public, government and administration as well. Media is also divided into different ideologies and different functioning of reporting to show the reality or unreality. In such position, researcher feels problem with media reporting on the truth, while court of laws also do not believe on media trials but pay heed to such cases highlighted by media.

OBJECTIVES OF STUDY:

The objectives of the present research study are following:

- (a) To study the impact of media trials on judiciary and role of media in democracy.
- (b) To study media trials' reality to towards the justice to the victim in the court of law.
- (c) Media trials have no role to provide justice in the court of law but impacts the proceedings of truth but court of law is independent agency where media trials have no role as do justice is the function of judiciary.
- (d) To endeavor to strike a balance between the two conflicting rights, that is the right to privacy & fair trial right of the accused versus the right of freedom of the Press/Media.

HYPOTHESIS:

1. Media trials interfere with the administration of justice & rights of the accused.
2. There is a requirement for reforms in the current regulatory mechanism to reduce media intervention in criminal trials.

REVIEW OF LITERATURE:

The author M.P. Jain in his books 'Indian Constitutional Law, he discussed the freedom of speech and expression under the Constitution of India. M.P. Jain illustrated that the freedom of the Press, which flows from the freedom of speech and expression. He says that this freedom in one side restricts something on the freedom of the Press also for the public interest and fair justice. The author Prerna Priyanshu, in her article entitled 'Media Trial: Freedom of Speech v. Fair Trial', describes that influence/impact of media on the opinion of the public or society and the misuse of freedom of speech by the Indian media is a major concern. She also described the impact of media trials on the accused and subconscious of judges and examined the justifications put forward by the mass media reporting. Furthermore, the authors Kausar Hussain and Srishti Sing, in their article entitled 'Trial by Media: A Threat to the Administration of Justice,' illuminated that the importance of Press freedom and how it behaves like the fourth pillar of a democracy set up. They described the role of Press in the democratic society; however these authors also tried to explain the impact of media impact on judicial proceedings and, for this objective media do not conduct fair media reporting and such reporting curbs the media freedom also under law. These authors focused on the idea to make media more careful and cautious of its conducting media reporting or media trial. M. Neelamalar in her study entitled 'Media Laws and Ethics', described about the history of law pertaining to the media in India and she explains the specific provisions in the constitution of India which are inevitable for a media personnel or journalist to know. She also threw light on the concept of the freedom of the Press, defamation, women and children's rights and intellectual property rights. Juhi P. Pathak in her study entitled 'Introduction to Media Laws and Ethics' discussed on the history of press laws in India and also referred the U.S.A. and U.K. laws in this context of media laws and media ethics. However the author stressed on the development of freedom of the Press but at the same time she criticized the Press or media trial for affecting the right to a fair trial including judiciary proceeding, right to privacy, and defamation.

In India there was regulation for Press until the British East India Company started ruling small area of India in 1757 mostly after the Battle of Plassey, and then the enactment of the Press and Registration of Books Act, 1867 was a very crucial event in the field of laws governing Press/Media. This Act, 1867 is still in force and the same was enacted to regulate the printing Press along with periodicals which contained news, further the aim of this Act was to preserve copies of books and for the registration of Books.

Next, in 1869-70, when Press/ Media played a giant role during the Wahabi Conspiracy, Sedition Act was roped or subsumed as an offence as Section 124-A in the Indian Penal Code (IPC), 1870 wherein exciting or even attempting to excite/instigate any feeling of disaffection/feeling of enmity to the Government was labeled as an offence which as of today in India, is punishable with imprisonment of life to which fine maybe added. In accord to the above Act, the Dramatics Performances Act, 1876 was brought into force so as keep a check or restraint on public dramatic performances which had the possibility of agitating public against the Government. When the then British Government sensed the Press becoming bold by use of their Indian Language, so as to ascertain and achieve "better control" of the language Press, the Vernacular Press Act, 1878 was enacted and brought into force.

In 1851, the telegraph was introduced, in accordance with which the Indian Telegraph Act was enforced in 1885. Consequently, the then British Government in 1908 passed the Newspaper (Incitement to Offences) Act which empowered the local authorities to take an action against Editor of any

newspaper wherein it was suspected or observed that the articles contained or published in the newspaper, had the tendency or opinion to provoke rebellion. Moreover, the Press Act, 1910 was enforced wherein the British Government was authorized and empowered to claim an amount under the garb of security from any newspaper. Late in free India in this context, the aforementioned Act, the Government of India enacted or passed the Copyright Act, 1957 and the Cinematograph Act in 1952.

Lately, the Right to Information Act was introduced in 2005 and the implementation of the same has stretched out the freedom of Press/Media which made India a liberal country or liberal law, when it comes to freedom of Press. There are myriad of laws that control and regulate the performance of the Press/Media in India. The Constitution of India, 1950 has not laid down any specific provision for the freedom of Press separately but the same can be derived from Article 19(1) (a) of the Constitution of India, 1950, which guarantees freedom of speech and expression to the nationals of India under Article 19(1) (a) of the Constitution of India. 'Trial by media' is a phrase popular in the late 20th century and early 21st century to describe the impact of Television (electronic media) and newspaper coverage (Print media) on a person's reputation by creating a widespread perception of guilt or innocence before, or after, a verdict in a court of law. In recent times, there have been countless examples in which Press/media has conducted the trial of an accused like of actor Shaharukh Khan's son's drug abuse case and has passed the verdict even before the court passes its judgment. Some famous criminal cases that would have gone unpunished but for the intervention of media, are *Priyadarshini Mattoo case*, *Jessica Lal case*, *Nitish Katara murder case* and *Bijal Joshi rape case*, etc.

The Supreme Court of India in the many cases has ruled or defined that freedom of Press/Media is a fundamental right covered by the right to freedom of speech and expression. In the case of *Brij Bhushan v. State of Delhi*, held that in India under Article 19(1) (a) freedom of speech and expression authoritatively incorporates the freedom of Press- print and electronic media and affecting the right of freedom of speech and expression, and in the case of *Romesh Thapar v. State of Madras*, Supreme Court of India held that freedom of speech or freedom of press lays the foundation of all the democratic organizations without political discussion, no public education is possible which is inevitable for proper functioning of popular government. In the case of *India Express Newspaper Ltd. v. Union of India*, Justice Venkatrana of Supreme Court of India stated that the freedom of Press is an essential for the proper functioning of the democracy.

Furthermore, in *LIC v. Manubhai Shah*, Supreme Court of India reiterated that the freedom of speech and expression must be broadly construed to include the freedom to circulate one's views, opinion by word of mouth, or in writing, or through audio visual media. This also includes the right to propagate one's views, ideas through the print or other media. The Apex Court observed: "Freedom to air one's view is the lifeline of any democratic institution and any attempt to stifle, or suffocate, or gag this right would sound a death knell to democracy and would hold usher in autocracy or dictatorship."

In other case of *Printers (Mysore) Ltd. v. Assistant Commercial Trade Officer*, the Supreme Court of India held that though freedom of Press is not under Fundamental Right, but it is an implicit in the freedom of speech and expression. In *R. Rajagopal v. State of Tamil Nadu*, the Supreme Court of India held that neither the Government nor the officials had any authority to impose a prior restraint upon publication of a material on the ground that such material was likely to be defamatory of them. Furthermore, in *Re: Vijay Kumar*, the Supreme Court of India recognized the scope of freedom of Press as an essential demand of a democratic form of government and regarded it as the mother of all other liberties in democratic society or democratic set up.

In other case of *Sahara India Real Estate Corps. Ltd. v. SEBI*, the Supreme Court of India discussed postponement orders i.e., judicial orders restraining the media/Press on reporting regarding matters. This was done with the objective of ensuring proper administration of justice and fairness of trial. But another crucial aspect highlighted was that even in matters where fair and accurate reporting takes place there is also a real and substantial risk of serious prejudice to connected media trials. Also, postponement orders are also a means to avoid contempt if media do not follow the instructions of the court of law because it is for the protection of media lest it commit contempt in its exuberance to pursue a news story. These orders of court of law are also a useful tools to balance conflicting public interests in terms of both safeguarding the sanctity of the judicial process and the right of freedom of speech and expression being exercised by the media. The such decree was held by the Supreme Court had another word of caution in the matter of *Satish bhushan Bariyar v. State of Maharashtra* that if media trial is a possibility, sentencing by media cannot be ruled out.

It is also observed that paid news which is given by any political party or any other big powerful organization easily aberrant the media from the real objective and the media being the mirror to the world or being an eye opener becomes a puppet in the hand of powerful people or political organization. So in such position media becomes of the powerful organization sponsored not for the interest of the people, and under such position these issues give birth to the media trials generally in India as results the truth does not come in front which also creates a problem to punish the guilty in the court of law.

In the matter of *State of Maharashtra v. Rajendra Jawanmal Gandhi*, the Supreme Court of India while considering the issue of sentencing observed that a trial by Press, electronic media or public agitation is the very negative of the rule of law. This may very well lead to failure of justice and so in such position; a Judge should guard himself against any such pressure and should strictly be guided by the rules of law. On the other side, parties have a constitutional right to have a fair trial in the court of law, by an impartial tribunal, uninfluenced by newspaper, sensation news, media channels dictation or popular glamour.

In 2012, in the Sheena Bohra Murder Case, the eyes of Indian media have accessed the personal life of the main accused Indirani Mukherjee which was fully accused by the Indian media and every aspect of her personal life/privacy and character was in the public lens of examination via media. There have been myriads of instances in which Indian media has conducted media trials of an accused and they had been verdict even before the judgement passed by the judiciary.

Another case, in 20th century a famous celebrity Fatty Arbuckle was proved guilty by the media trial but he was proved not guilty by the court of law but owing to the media trial his entire career and his reputation was against him due to all the wrong media coverage or media reporting. In the same case of Arushi Talwar Murder Case the Indian media has verdict that the murder has been done by her parents Rajesh Talwar and Nupur Talwar, he was not guilty but the media proved him guilty.

The Law Commission in its 200th report, Trial by Media: Free Speech versus Fair Trial under Criminal Procedure (Amendment to the Contempt of Courts Act, 1971), has recommended a law to proscribe/ debar media from media reporting/media coverage anything prejudicial to the rights of the accused from time to arrest to investigation and trial in criminal proceedings.

On November, 2006, the former Chief Justice of India Y K Sabharwal expressed his views on media trials as:

According to law an accused is presumed to be innocent till proven guilty in the court of law, and is entitled to be a fair trial. So, it is legitimate to demand that nobody can be allowed to prejudge or prejudice one's case? Why should judges be swayed by public opinion?

The Supreme Court of India reiterated that the media and the judiciary are institutions inhabiting separate spheres and their functions do not counter or overlap so one cannot and must not use the other for discharge of its functions. It was observed that media should only engage in acts of journalism or media pursuits and not act as a special agency for the court of law. The excess permission of freedom of speech and expression amounting to interference with the administration of justice due to the prejudicial nature of certain media coverage was also highlighted.

Attorney General of India, K.K.Venugopal, while appearing in his personal capacity in the 2009 contempt of court case against lawyer Prashant Bhushan, interpreted that the manner in which court news is being reported by media has serious implications has been held to quote *"Today electronic and print media are freely commenting on pending cases in an attempt to influence judges and public perception. This is doing great damage to the institution,"*. No doubt, freedom of Press has always been a cherished right in all democratic countries and the Press has rightly been described as the 'Fourth Pillar of Democracy'. But media can be regarded as the fourth pillar of democracy until and unless the transparency will be there and in this era the media and information technology is considered as the daily necessity of all sections of masses including government, administration, judges and common people of the society as all are also media consumers in direct or indirect way because the day starts with the media and ends with the same whether its social media/new media or print media or electronic media. Next, upon a collective assessment of the judgments of the Supreme Court of India on the aspect of media trial it is clear that the risk that they pose is real. So viewing this counter position to damage justice, the State and the Fourth Estate/Fourth Pillar of democracy have also a responsibility to defer to each other's respective domains. While the State should be alert regarding any censorship or penal action against the media, at the same time the media should refrain from any unwarranted transgressions. Media trials entail the possibility of damaging administration of justice right from the stage of investigation, trial and finally sentencing. In today's age of click-bait journalism or digital journalism aimed at satisfying the increasingly short attention span of viewers, listeners but law also exists a profound by clearly defined line which should not be crossed. Only factual narration in itself is safe, however done with a pre-disposed view towards guilt or innocence without any official indictment is clear case of over passing by the media.

RESEARCH METHODOLOGY:

The research methodology applied in the present research study is the doctrinal method of research including primary data sources and various secondary data sources such as books, journals, newspapers' articles, online sources, research articles, statutes, conventions, etc, which are available pertaining to the present research study. And, various statutory laws and the Law Commission Report of India about the present research topic have been roped in the study.

(a) Research Design:

For present research study design, media coverage, media programmes, editorials, articles of newspapers and magazines, TV, radio news channels of India have been consulted and data of judicial decisions, perceptions of the lawyers have been collected to prove the impact of media trials on judiciary as media trials in fact right or wrong in the context of justice to the victims or damage the proceedings of the judiciary for making right decision on the part of justice to the victim.

(b) Sampling:

For sampling, the perceptions of fifty lawyers, fifty media channels including print and electronic media, twenty five judiciary judgments/decisions and views of twenty five intellectual or common people on media trials to prove the impact of media trials.

(c) Tools and Techniques

TV news and newspaper coverage of different media channels on crimes and scams in which people involved took place in India and then case filled in the court of law and judiciary's decision or decree on such cases are reviewed that the media trials on such incidents right or fact based media investigation or court of law impacted by such media trials or court of law functions its task as per law under its jurisdiction in viewing the facts and evidences against the culprits and justice to the victim.

(d) Primary Research and Secondary Research Data:

Under doctrinal method of research, for Primary research data collection regarding the present research study, the interview method has been conducted and knew the perceptions of the law experts and lawyers, media professionals, journalists, intellectuals, and for Secondary Research data collection, the decisions or judgments of the judiciary have been roped in the study.

(e) Analysis of Data:

After collecting research data, the comparative analysis or review has been inducted to prove the impact of media trials on the judiciary and society as well or not or media trials in fact impact the justice or not.

(f) Testing of Variables:

For testing and analysis or review the research data, independent variables and dependent variables have been tested which prove the impact of media trials on judiciary and society as well for some extent and expose the cases or crimes at public level and draw the attention of the administration, government and judiciary but in the court of law or judiciary, the justice is done as per law, legal investigation, evidences, while here media trials do not stand as media trials cannot do justice as do justice is the function of the judiciary, however media has right of freedom of speech and expression through news, views in electronic way or print way or audio-visual way but media cannot take place of both judge and law as it is not the area of media. So in this context, independent variables, dependent variables and external variables also influence the effect of media trials on judiciary and society.

(g) Validity:

To some extent, media trials influence the judiciary and perceptions of the society but justice remains perennial on the basis of facts, witness and evidences under the law, and media only can reveal the cases but not beyond the boundary of law.

(h) Reliability:

After testing/reviewing the research data and re-test data, it is found that media trials highlight the cases of crimes or scams or other any case or incident in different media channels and newspapers through which it influence the perceptions, ideas of the society even the judiciary to do speedy justice in the court of law but judiciary is independent to hear any case or crime story under its jurisdiction on the basis of facts, investigations, witness and evidences, so here media trials reporting or media investigation does not stand in the way of justice and law. However, media trials give chances to distortion these facts related to the cases before filling in the court of law.

RESULTS OF THE STUDY:

The present research study adopted the qualitative approach and exploring the collected data on media trials and its impacts on judiciary and society as well. The following results attained after analyzing or reviewing the whole collected research data:

- (a) If media trial is a possibility, media trial is only freedom of speech and expression through various modes of media tools- TV channels, newspapers, magazines, radio, social media to expose the cases or incidents but sentencing by media cannot be ruled out as it is the function of judiciary.
- (b) A media trial by electronic media, print media or public agitation is the very negative or counter of the rule of law and it has impact on the perceptions of the people, media consumers.
- (c) However, media trials lead to travail of justice and therefore, but judiciary is independent agency itself against any such media pressure and do justice by the rules of law or media investigation as media's area is separate but reporting should be fair and square not to distort evidences and instigate public agitation.
- (d) The victim parties have a constitutional right to have a fair trial in the court of law, by an impartial tribunal, uninfluenced by media reporting or media sensation.

LIMITATIONS OF THE STUDY:

There are limitations during a research survey which a researcher faces many times according to the research topic and a researcher cannot access to collect data due to legal restrictions or geographical areas or stereotype of people of a particular here from where a researcher expect to collect more research data. So in the present study regarding to media trials and judiciary, different media professionals, journalists keep their own outlook on media trials and its positive and negative effects on justice and distort the proceedings of law administration as results sometimes justice delays or victim party face more problems when facts of the cases are swayed by media trial or media investigation in the support of right to freedom of speech and expression. Here a researcher also cannot claim guilty to media under this right of reporting. While media is also under law to function and judiciary has its sphere to functioning for justice to maintain the criteria of human justice, society and democratic rules as per the constitution.

SUGGESTATIONS:

Media is one of powerful medium of mass communication which is also called the voice of the masses to express and opine their views on the social, political issues including criticize the government, administration for the welfare of the nation and society, community as and also raise voice against the violation of human rights and draw the attention of human development. So all are consumers of mass media means to put their notions, ideas and share with society, organizations and disseminate the messages to individuals in the society and put the public grievances in front of the administration and government. But there is also a boundary of everyone's rights in the democracy so media should remain within its boundary of law under the rights of freedom of speech and expression for healthy reporting towards the mass justice and not intervene the proceedings of the court of law.

CONCLUSION:

To sum up the whole research study that the media and the judiciary are institutions and have separate spheres of working and their functions do not overlap also. So one cannot and must not use the other for discharge of its functions as counter functioning do not lead to the door of justice to the victim. Media only can report or engage in the acts of mass media/journalism and not act as a special agency for the court of law or judiciary. The So media trials in this context due to prejudicial nature under right of freedom of speech and expression cannot bring sea change in the administration of justice and judicial proceedings of the judiciary. For some time media trials sway public opinion, fair trial but justice cannot be challenged in the court of law through media trial reporting or prejudicing by media.

REFERENCES:

1. Burret (2020). *Press freedom in contemporary Asia*, Aditya Books Pvt. Ltd.
2. Brij Bhushan v. State of Delhi AIR 1950 SC 129
3. Basu, Durga Das, (1994). *Law of the press*, Prentice-Hall of India, New Delhi.
4. Barua, Vidisha (2002). *Press and media law manual*, Universal Law Publishing Co. Delhi.
4. D.S. Chopra and Ram Jethmalani, *Cases and materials on media law*, Thomas Reuters, New Delhi.
5. Dr. Hakemulder R. Jain, Dr. AC Fay (2010). *Media ethics and laws*, Anmol Publications Pvt. Ltd.
6. <https://www.hindustantimes.com/india-new/media-trial-causing-great-damage-to-judiciary-attorney-general-kk-venugopal/story-XXroXLeMrdHYAKP85SjsgL.h>
7. <http://docs.docs.manupatra.in/newslines/articles/articles/Upload/0158AEEE-1A16-473C-C-A41A-DB93A66000EB.Pdf>
8. <http://india.gov.in/govt/tacts.php>
9. India Express Newspaper Ltd. v. Union of India AIR 1986 SC 515
10. Juhi P. Pathak, *Introduction to media laws and ethics*, Shipra Publications, New Delhi.
11. LIC v. Manubhai Shah (1992) 3 SCC 637.
12. M. Neelamalar (2019) *Media law and ethics*, Prentice Hall India Learning Private Limited.
13. M.P. Lohia v. State of W.B.; (2005) 2 SCC 686.
14. Nariman, Fali S. (1995). *Are Impediments to Free Expression in the Interest of Justice?* CIJL Yearbook
15. Prerna Priyanshu (2019). *Media trial: freedom of speech v. fair trial*, Prentice Hall India Learning Private Limited.
16. Parkinson (2020). *Law for advertising broadcasting, journalism, and public relations*, Aditya Books Pvt. Ltd.
17. Printers (Mysore) Ltd. v. Assistant Commercial Trade Officer 1994 SCR (1) 682
18. R.Rajagopal v. State of Tamil Nadu AIR 1995 SC 264
19. R.K. Anand v. Delhi High Court; (2009) 8 SCC 106
20. Romesh Thapar v. State of Madras AIR 1950 SC 124
21. Sahara India Real Estate Corpn. Ltd. v. SEBI; (2012) 10 SCC 603
22. Satish bhushan Bariyar v. State of Maharashtra; (2009) 6 SCC 498
23. State of Maharashtra v. RajendraJawanmal Gandhi; (1997) 8 SCC 386
24. State of Maharashtra v/s Rajendrajawanmal Gandhi., (1997) 8 SCC 386
25. Sharma, Brij Kishore (2009). *Introduction to the constitution of India*, PHI Learning, New Delhi.