



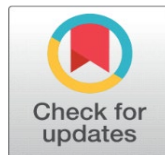
# IN INDIA, THE RIGHT TO A FAIR TRIAL IS A CRUCIAL ELEMENT OF THE INDIAN LEGAL SYSTEM – AN ANALYSIS

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## DOI

[10.29121/shodhkosh.v5.i6.2024.1790](https://doi.org/10.29121/shodhkosh.v5.i6.2024.1790)

**Funding:** This research received no specific grant from any funding agency in the public, commercial, or not-for-profit sectors.

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## ABSTRACT

Fair trial is a legal right that ensures that all individuals are treated equally under the law, irrespective of their race, gender, social status, or any other characteristics. A fair trial is a fundamental right that is enshrined in the constitutions of many democratic countries, and it is essential to protect the rights of individuals and ensure that justice is served. Fair trial is a cornerstone of any justice delivery system. In India, the right to a fair trial is an essential component of the Indian legal system. In Judicial proceedings, a fair trial is considered a fundamental human right of all individuals charged with any punishable offences. The fair trial has been recognized both at national and international levels.

**Keywords:** Fair Trial, Human Right, Liberty and Security

## 1. INTRODUCTION

Fair trial is a legal right that ensures that all individuals are treated equally under the law, irrespective of their race, gender, social status, or any other characteristics. A fair trial is a fundamental right that is enshrined in the constitutions of many democratic countries, and it is essential to protect the rights of individuals and ensure that justice is served. Fair trial is a cornerstone of any justice delivery system. In India, the right to a fair trial is an essential component of the Indian legal system. In Judicial proceedings, a fair trial is considered a

fundamental human right of all individuals charged with any punishable offences. The fair trial has been recognized both at national and international levels.

The concept of a right to a fair trial means that every person is entitled to a trial conducted under established legal procedures i.e., fair and impartial. Such rights include certain basic procedures to be adopted, which in addition to information of the charges against, the right to be represented by legal counsel, the right to call witnesses and present evidence, and the right to a public hearing before an independent and impartial tribunal. The right to a fair trial is a fundamental human right that is universally recognized and found in many international human rights instruments, including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. The concept of a fair trial is based on the basic ideology that the State and its agencies have to bring the offenders before a court of law. The purpose of the right to a fair trial is a fundamental safeguard to ensure that individuals are protected from unlawful and/or arbitrary deprivation of human rights and freedoms on persons and importantly of their right to liberty and security. A fair trial ensures that judges are not influenced by external factors and are free to make decisions based on the facts and evidence presented before them.

## **2. METHODOLOGY**

### **2.1. OBJECTIVE OF THE STUDY**

- To analyze the concept of the right to a fair trial in India.
- To Study the law relating to the right to a fair trial in India.
- To Study the right to a fair trial in the international scenario.
- To analyze the right to a fair trial in the Criminal Justice Administration in India.
- To analyze the relation between the media trial and fair trial.

### **2.2. HYPOTHESIS**

The right to a fair trial is essential for the proper administration of the criminal justice system in India.

### **2.3. RESEARCH METHODOLOGY AND SOURCES OF DATA**

The doctrinal method of legal research is adopted in this study. The Secondary Sources such as books, journals, and online materials were referred. To Study the Legal framework relating to fair trial the Constitution of India and other statutory laws was referred. Several Case laws were referred to through online websites.

### **2.4. REVIEW OF LITERATURE**

Law of Freedom of Press and Media in India Contemporary Issues, Dr. Gopal Sharma, Dattsons Publisher (2018)

Media have a greater responsibility also to see that the news they present is accurate and serves the interest of the people. If the media convey false news, that may harm the reputation of a person or a section of society, it may do great damage since reputation is a valuable asset for a person.

### 3. RIGHT TO FAIR TRIAL

The right to a fair trial is a crucial aspect of the rule of law and the protection of individual rights. In trials, one of the most important aspects of the right to a fair trial is the presumption of innocence on the part of the accused. This basic assumption means that a person is considered innocent until guilt is proved and further the burden of proof rests with the prosecution. This means that a person accused of a crime cannot be convicted based solely on suspicion or hearsay, but must be proven guilty beyond a reasonable doubt by the Courts and unbiased trial. Therefore, by upholding the right to a fair trial, one can ensure that justice is served for all, and that the rights and freedoms of individuals are protected.

There are certain presumptions in fair trial and they are that (1) It is a fundamental right that ensures that every person has the opportunity to be heard and to defend themselves in court (*Audi alteram partem* or hear other side before decide). Thus, a fair trial is critical in protecting individual rights, maintaining public trust in the justice system, and also upholding the rule of law in society. (2) Presumption of Innocence which is one of the core principles of a fair trial. According to this presumption, a person is considered innocent until proven guilty beyond a reasonable doubt by the courts. Generally, this principle places the burden of proof on the prosecution, and it is up to them to present sufficient evidence to convince a jury or judge of the defendant's guilt. However, there are certain exceptions to this rule under certain specific enactments. (3) Right to Counsel is another crucial component of a fair trial according to which an accused has the right to counsel. Thus, the accused person has the right to be represented by a lawyer who can provide legal advice and represent them in court. (4) Impartial Judge and independent Jury. A fair trial requires an impartial and independent judge and jury. This principle ensures that a case is decided based on the facts and the law, rather than personal bias or external factors. (5) Due Process of Law or Procedure established by Law. In the United States the concept of 'Due process' is a legal requirement that ensures that individuals are treated fairly throughout the criminal justice process.

In the Indian context, the procedure established by law provides that no person shall be deprived of his life or personal liberty except according to the procedure established by law. This means that an applicable law that is duly enacted by the legislature or the concerned body is valid if it has followed the correct procedure. The major difference between these two concepts is that in the former concept due process of law and procedure is established by law where the citizen's rights are protected, making it fair and just, while in the latter concept, there is a narrow scope and does not see if the citizen's rights are protected. In this concept procedure established by law is a law that is valid only when it complies with the prescribed procedure. (6) The other essential feature of a fair trial is the right to an impartial tribunal where the judge or judges who preside over the trial must be neutral and unbiased.

In Constitutional democracies, fair trial refers to a legal proceeding that is conducted in a manner that upholds the principles of justice, fairness, and due process. A fair trial is a fundamental right that is enshrined in the Constitutions of many democratic countries, and it is essential to protect the rights of individuals and ensure that justice is served. A fair trial includes (1) Impartiality, (2) Access to legal representation, (3) Right to a speedy trial, (4) Public trial, (5) The concept of presumption of innocence, (6) Right to cross-examine witnesses. (7) Protection against self-incrimination and (8) Right to appeal.

#### **4. LAW RELATING TO THE RIGHT TO FAIR TRIAL IN INDIA**

In India, the right to a fair trial is an essential component of the Indian legal system. It flows from Article 21 of the Constitution of India. Fair trial is a basic human right recognized by many international human rights treaties and national constitutions around the world. In the Indian context, the right to a fair trial is a fundamental right guaranteed to every citizen under the Constitution. The Constitution of India provides for several provisions that protect the right to a fair trial under various provisions of the Constitution such as (1) Article 21, (2) Article 14, Article 20, The Indian Evidence Act, 1872, The Code of Criminal Procedure, 1973 and further, the Indian Constitution also provides for the independence of the judiciary.

According to Article 21 which provides for the right to life and liberty, wherein the right to a fair trial is part of the right to life and personal liberty. Furthermore, as observed above, fair trial is also recognized as one of the human rights. In addition, several provisions under the Indian Constitution secure the right to a fair trial. Article 20(2) protects from Double jeopardy, Article 22(1) provides the right to knowledge of grounds of arrest, etc. is enriched in the Constitution which are the essential features of a Fair Trial. An accused has a right to defend himself as a part of his human as also a fundamental right as enshrined under the Constitution of India, more particularly under Article 21.

From the investigation to the trial stage, Article 21 of the Constitution is relevant, where Article 21 as a fundamental right declares that 'No person shall be deprived of his life or personal liberty except according to procedure established by law.' Therefore, to ensure a fair trial, in judicial proceedings, judicial officers are expected to follow every procedural safeguard and protect every assurance provided by the law under various provisions of various enactments to all parties. It is obvious that the principal objective of criminal law is to protect society from criminal offenders is a person who commits illegal and punishable acts under the law of the land. It is obvious that in the justice delivery system in criminal trials, there is every need for fair and speedy. The underlying principle is that no one should be punished until he is tried impartially by a competent court of law in the land. Fair trial is also recognized internationally as a fundamental human right. In India, fair trial is an integral part of Article 21 of the Indian Constitution and also rests on the basic principle of presumption of innocence. Over the years, the Indian judiciary has also developed a body of law to ensure that the right to a fair trial is upheld in practice.

In addition to the constitutional provisions, the Criminal Procedure Code, 1973 (Cr. P.C) lays down the procedure for the trial of Criminal Cases in India. This Code provides for several safeguards which include the right of the accused to be informed of the charges against them, the right to cross-examine witnesses, and the right to produce evidence in their defense. In deserving cases, the Criminal Procedure Code also provides for the appointment of legal aid lawyers for those who cannot afford legal representation. In addition to both Constitutional and Criminal law provisions, the Judiciary in India has also developed several guidelines and principles to ensure a fair trial. However, despite these provisions and safeguards in Indian law, there have been instances of violations of the right to a fair trial. The fact of delays in the trial process, inadequate legal aid, and sporadic instances of judicial bias are few.

The right to a fair trial is seen as essential to ensuring justice and the rule of law and is a cornerstone of democratic societies. Such right includes the right to be

informed of the charges against the accused, the right to be represented by legal counsel, the right to call witnesses and present evidence, and also the right to a public hearing before an independent and impartial tribunal. In prosecution, one of the most important aspects of the right to a fair trial is the presumption of innocence. The concept of assumption of innocence denotes that a person accused is considered innocent until guilty is proven and that the burden of proof rests with the prosecution. Additionally, the adjudicating judicial offices or tribunals should be impartial and independent i.e., the judges and other tribunal members must be free from bias or influence, further their decisions are unbiased and solely on the evidence presented before them.

#### **4.1. RIGHT TO FAIR TRIAL – INTERNATIONAL PERSPECTIVE**

The concept of a fair trial in judicial proceedings is an open trial by an impartial judge where all parties are treated equally such right to a fair trial is one of the fundamental guarantees of human rights and further the rule of law is aimed at ensuring the administration of justice. On the right to a fair trial, various rights associated are explicitly proclaimed in Article 10 of the Universal Declaration of Human Rights, the Sixth Amendment to the United States Constitution, and Article 6 of the European Convention on Human Rights, as well as numerous other constitutions and declarations throughout the world. There is no binding international law that defines what is not a fair trial; for example, the right to a jury trial and other important procedures may vary from nation to nation.

The Universal Declaration of Human Rights (UDHR) recognizes universally the concept of a fair trial as part of human rights. Article 10 of the Universal Declaration of Human Rights (UDHR) provides that “Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.” Further, Article 11 (1) protects the “right to be presumed innocent until proven guilty according to the law in a public trial at which he has had all the guarantees necessary for his defense”. Again, according to the United Nations Economic and Social Council on the right to a fair trial is assured under international law.

The concept of “Fair trial” concerns both criminal and civil proceedings as well. Each category of proceeding has its character. However, certain principles can be applied in any kind of judicial office and where those principles are not observed under a modern concept of justice, the trial cannot be fair. In a fair trial, the concepts of independence, impartiality, objectivity, and fairness of a trial are interrelated. Further, the International Covenant on Civil and Political Rights (ICCPR) in Article 14(1) provides that all persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent, and impartial tribunal established by law. That everyone charged with a criminal offense shall have the right to be presumed innocent until proven guilty according to law.

#### **5. RIGHT TO FAIR TRIAL IN THE INDIAN CRIMINAL JUSTICE ADMINISTRATION:**

In Judicial proceedings, a fair trial is considered a fundamental human right of all individuals charged with any punishable offences. The fair trial has been recognized both at national and international levels. The Supreme Court of India held that “Each one has an inbuilt right to be dealt with fairly in a criminal trial.

Denial of a fair trial is as much injustice to the accused as it is to the victim and society. A fair trial obviously would mean a trial before an impartial judge, a fair prosecutor, and an atmosphere of judicial calm. Fair trial means a trial in which bias or prejudice for or against the accused, the witness or the cause which is being tried, is eliminated.”

The right to fair trial is an inalienable right and the same is available in proceedings both in pre-trial and post-trial. In the trial, the quick and prompt trial of criminal offenses is the need of the hour to repose the faith of the people in the judiciary. There is another maxim, “Audi alteram partem” which says that no one should be condemned unheard. The right to a fair trial can be understood as that the people can be sure that the process will be fair and certain. Further, such a trial prevents the Government from abusing its powers. The right to a fair trial is recognized as a fundamental human right internationally and countries are required to respect this right of fair trial in their domestic laws.

That is the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality i.e., (a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him and (b) To have adequate time and facilities for the preparation of his defense and to communicate with counsel of his choosing, (c) To be tried without undue delay that is to say speedy trial and many other safeguards as contained in the said Article. The purpose of fair trials is to ensure a transparent trial and also to prevent miscarriages of justice. In Judicial proceedings, a trial is primarily aimed at ascertaining truth that has to be fair to all concerned in such proceedings which includes the accused, the victims, and society at large as well. In such ascertainment, each person has a right to be dealt with fairly in a criminal trial. Therefore, denial of a fair trial can be presumed as a negation of an accused. Both the Constitution of India and various international treaties and conventions address the right to get a fair trial as a basic fundamental right as well as a human right.

The system adopted by the Criminal Procedure Code, of 1973 is the Adversary System based on the Accusatorial Method which involves an accusation by a prosecutor and a verdict reached by an impartial judge. In *Himanshu Singh Sabharwal v. State of Madhya Pradesh and Others*, the Apex Court held that if the court has reasons to believe that the prosecuting agency or prosecutor is not acting by the procedure of fair trial as laid down under the code the court can exercise its power under Section 311 of the Code of Criminal Procedure or Section 165 of the Indian Evidence Act, 1872 to subserve the cause of justice. Every person has a right to a fair trial, which is considered a fundamental right in the eyes of the law, every person has a right to defend himself under Section 243 (2) of the Criminal Procedure Code, 1973 which recognizes the right to defend oneself and to adduce evidence) and the denial of that right means denial of a fair trial. In *Kaliram Vs. State of H.P.* (The Apex Court observed that “it is no doubt that wrongful acquittals are undesirable and shake the confidence of the people in the judicial system, much worse, however, is the wrongful conviction of an innocent person. The consequences of the conviction of an innocent person are far more serious and its reverberations cannot be felt in a civilized society.”

The right to defend oneself and for that purpose to adduce evidence is recognized under Section 243(2) of the Code of Criminal Procedure, 1973. Fair trial is a fundamental human right of every accused person, which means that trials must be conducted by an impartial judge in an impartial environment where all parties are treated equally until guilt is proven. Therefore, a fair trial includes fair and proper opportunities that are to be allowed by law to prove oneself innocent by



adducing evidence in support of the defence's valuable right to the accused. It is accepted principle that in a criminal case, denial of that right amounts to denial of a fair trial. Certain important features of a fair trial include a hearing in an open court, in public view where the accused is defended by a defense lawyer who gets an opportunity to cross-examine all the prosecution witnesses and also to present witnesses in the accuser's defense. In trial proceedings, the Judge remains impartial and till proven beyond reasonable doubt, the judge has to assume that the accused is innocent. In the judicial investigation, a trial conducted impartially by the presiding judge is popularly called a Fair Trial. In Criminal cases, the question of whether a trial is fair or not depends upon the procedure as laid down by the Code of Criminal Procedure, 1973, and also further the prevailing criminal justice dispensation system.

The Supreme Court in *State of Uttar Pradesh v. Naresh and Others* observed that "Every accused is presumed to be innocent unless his guilt is proved". However, the presumption of innocence is a human right subject to statutory exceptions. In *Zahira Habibullah Sheikh and others v. State of Gujarat and Others*, the Supreme Court of India observed "each one has an inbuilt right to be dealt with fairly in a criminal trial and further held that denial of a fair trial is as much injustice to the accused as it is to the victim and society.

In *Hussainara Khatoon v. State of Bihar*, the Apex Court held that a speedy trial is an essential ingredient of fair trial procedure and it is the constitutional obligation of the State to set up a procedure that would ensure the same. In *Sheela Barse & Others vs Union of India* the court held that "the consequence of the violation of the fundamental right to a speedy trial would be that the prosecution itself would be liable to be quashed on the ground that it is in breach of the fundamental right" to fair trial under Article 21. In *State of Maharashtra v. Dr. Praful B. Desai* the Supreme Court has even held that the right to a fair trial includes the right to a fair investigation, and any improper investigation that affects the fairness of the trial may violate this right.

## **6. MEDIA TRIAL AND FAIR TRIAL**

The trial before a Court of law is the process of justice which is the essential component of any judicial system that the accused should receive a fair trial. In so far as criminal law and its applications are concerned, under the general principles of criminal law, an accused must be considered as innocent until proven guilty, but in these media trials, he is now presumed guilty thereby violating his rights. In the recent past, the media in India has reincarnated itself into a 'Public Court' or Janta Adalat and has started interfering in court proceedings as well.

The media trials result in the denial of a fair trial for the accused, as the widespread dissemination of information and opinions through the media can create an atmosphere in which it is difficult to have an impartial trial. Therefore, the impact of media trials on the justice dispensation system and society as a whole is a matter of great concern today. Media trials can lead to a situation where the accused are denied a fair trial and justice is not served. In addition, media trials can also have serious consequences for the families of the accused as well as very often they become the target of public scrutiny and harassment. It is to be ensured that media reporting does not interfere with the right to a fair trial, by not prejudicing public opinion before a case is heard in court.

The Judgment in *Reliance Petrochemicals v. Proprietor of Indian Express* appears that it was accepted by the Supreme Court that Judges are likely to be

“subconsciously” influenced by media publications. The subject matter in this judgment revolves around the freedom of the press in the light of reasonable restrictions. After taking into consideration the entire case, the court finally decided that the fundamental right of press cannot be snatched, merely on the grounds of apprehension of danger. Further, it is opined that now settled in India Judges do get influenced by media publications and it can affect the administration of justice.

In *Nupur Talwar v. State of Uttar Pradesh* and Another popularly known as the Aarushi Talwar murder of 2008 case refers to the high-profile double murder of 14-year-old Aarushi Talwar and the family's domestic help, Hemraj, in Noida. The case gained significant media attention in India and generated widespread public interest due to its sensational nature and the subsequent investigations and trials. It was during the investigation, the media extensively covered the case, with many news channels, newspapers, and online platforms providing regular updates. The case received media houses 24/7 coverage, and various theories and speculations emerged, leading to intense scrutiny and speculation surrounding the family of the victim. As usual, the media coverage often focused on sensationalizing the case, casting aspersions on the parents and speculating about their involvement in the murders. The constant media attention and speculation had a significant impact on public perception and influenced the course of the investigation. Later, the Central Bureau of Investigation (CBI), which took over the case from the local police, faced immense pressure to solve the case due to public and media scrutiny. The CBI conducted multiple investigations, interrogations, and forensic examinations to gather evidence and build a case against the accused. During trial proceedings also received extensive media coverage.

The media reported updates on the court proceedings, witness testimonies, cross-examinations, and the arguments presented by the prosecution and defense daily. The media's portrayal of the case had a polarizing effect, with some sections of the public believing in the innocence of the parents while others suspected their involvement. This case went through several twists and turns, with multiple theories and suspects emerging over time. Finally, it was in 2013, the Trial Court convicted Aarushi's parents, Rajesh and Nupur Talwar, for the murders. However, the Talwars appealed the decision. In an appeal in 2017, the Allahabad High Court acquitted them, stating that the evidence against them was insufficient. However, the role of media in this murder case was widely debated, with criticism directed towards its sensationalism, trial by media, and its potential influence on the investigation and public opinion. The case highlighted the challenges posed by media trials and the importance of responsible reporting in high-profile criminal cases.

In *Manu Sharma v. State (NCT of Delhi)*, (2010) 6 SCC (Jessica Lal Murder Case) - Ms. Jessica Lal, a model-cum-bartender, was killed by shooting by a drunken intruder at a party in New Delhi, India. Many witnesses identified that the drunken person was Mr. Manu Sharma. They witnessed that Mr. Sharma shot Jessica Lal as she refused to serve him alcohol. Mr. Sharma was the son of an Indian National Congress (INC) politician and a relative of Mr. Shankar Dayal Sharma, the former President of India. Immediately after the incident, Mr. Sharma was arrested and subsequently, the proceedings of the trial commenced making him an accused. Astonishingly, during the examination of the witnesses, almost all the witnesses renounced their initial statements provided to the police. As a result, Mr. Sharma was acquitted due to a lack of evidence by the trial Court.

In the meantime, it had become viral that Mr. Sharmas's family conspired with some police officials and destroyed all the pieces of evidence. Moreover, it was



published in a magazine that the witnesses were bribed by Mr. Sharmas's family. Another news report was broadcast entailing Mr. Sharmas's confession to the police about admitting his guilt of killing Jessica Lal. Again, he was addressed as 'a craven killer' in various news reports by the journalists. The press also started to criticize the trial Court judge for acquitting Mr. Sharma. Eventually, all the news coverage led to an uproar among the people in India and several nationwide campaigns were issued to demand justice for Jessica Lal. To end with, criticizing the trial Court's decision as "positively perverse" the Delhi High Court found Mr. Sharma guilty of the murder of Jessica Lal on appeal. Nonetheless, it was highly estimated that the High Court was accelerated to give such a decision in the wake of the campaign called "Justice for Jessica". However, this decision was upheld by the Supreme Court of India in April, 2010<sup>46</sup>. Even though the accused was found guilty after the trial, this case set an example of a media trial as it was observed that disregarding the right of a fair trial of the accused, the media used to reveal the prejudicial news reports randomly in the entire world.

The Sushant Singh Rajput Case - In 2020, the death of Bollywood actor Sushant Singh Rajput was extensively covered by the media, with some media houses being accused of sensationalizing the case and conducting a media trial before any concrete evidence was produced. The 2020 Sushant Singh Rajput case has garnered massive media attention and highlighted the issue of media trials in India. Sushant Singh Rajput, a popular Bollywood actor, was found dead at his residence in Mumbai on June 14, 2020. The tragic incident led to an outpouring of grief from fans and sparked intense media coverage. The involvement of Indian media in the case quickly escalated, with news channels and social media platforms extensively covering every aspect of the investigation. Speculations, conspiracy theories, and sensationalism became rampant, often leading to the trial-by-media phenomenon. The media played the role of investigator, prosecutor, and judge, passing judgments and influencing public opinion without the due process of law. In this case, one of the major issues with media trials is that they can interfere with the administration of justice; and sensationalized reporting which to some extent has impacted the fairness of the investigation and subsequent legal proceedings.

The media trials created an environment where the accused is presumed guilty before a proper trial takes place, violating the principle of 'innocent until proven guilty.' Various theories, accusations, and allegations were floated in the media, often based on unverified information and anonymous sources. This constant barrage of information created a frenzy and fueled public outrage, putting immense pressure on the authorities involved in the case. The Sushant Singh Rajput case brought to the forefront the issue of media trials in India. The intense media coverage, speculative reporting, and trial-by-media phenomenon highlighted the potential dangers of prejudicing public opinion and interfering with the administration of justice.

## 7. CONCLUSION

Media trials can have a significant impact on the reputation of the accused and the public perception of guilt or innocence. Many times, such media trials can also affect the judicial functioning as media can influence the judges, witnesses, lawyers and jury members as well. Media trials can also breach the privacy and confidentiality of the parties involved in the case. The concept and meaning of the right to a fair trial means that every person is entitled to a trial that is fair, impartial, and conducted by legal procedures which is established in a country. In contemporary times, the concept of a fair trial is recognized as a fundamental human

right in many countries around the world and is further protected by national and international laws and treaties. Media trial should not affect the right to a fair trial guaranteed under Article 21 of the Constitution of India. Preventing media trials and ensuring that the media does not interfere in the judicial process is crucial for upholding the principles of fairness, impartiality, and the right to a fair trial in India. Measures to expedite and speedy trials will ensure public perception and ensure that justice is served without unnecessary delays.

## **8. RELEVANT CASE LAWS**

- Himanshu Singh Sabharwal v. State of Madhya Pradesh and Others AIR 2008 SC 1943
- Hussainara Khatoon v. State of Bihar AIR 1979 SC 1369
- Kaliram Vs. State of H.P. 1973 2 SCC 808
- Nupur Talwar v. State of Uttar Pradesh and Another (1984) 2 SCC 627
- Reliance Petrochemicals v. Proprietor of Indian Express 1989 AIR 190
- Sheela Barse & Others vs Union of India 1986 SCR (3) 443
- State of Maharashtra v. Dr. Praful B. Desai AIR 2003 SC 2053
- State of Uttar Pradesh v. Naresh and Others (2001) 4 SCC 324
- Zahira Habibulla H. Sheikh and Another v. State of Gujarat and Others AIR 2006 SC 1367

## **CONFLICT OF INTERESTS**

None.

## **ACKNOWLEDGMENTS**

None.