Evolution of “Due process of law” under Indian Constitution: A special comparative analysis with the concept under Pakistani constitution

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Abstract: The question comes in our mind could be what is due process? We can say that due process is the promise from the sovereign of legality and fair procedure. However, the concept of the due process clause is awfully general, the fact that it doesn’t appears even once in our constitution creates some doubts in our minds. A commitment to legality is at the heart of all advanced legal systems, and the Due Process Clause often thought to embody that commitment. Due process ensures the balance between the power of the law of the land and the major interests of individuals. The concept of due process is closely associated with the idea of natural justice and therefore the idea of rule of law. It is very difficult though to define the concept of due process as when it comes to application, judges interpret it differently and unexpectedly on the bases of each and every facts or stacks involved. However due process can be explained as the mixture of procedure established by law as well as that procedure established must be just, fair and reasonable in nature. The above explanation is correct with reference to the Indian context only. Under Article 21, the person’s life and liberty may be deprived by following a due process of law. Therefore the courts have interpreted it in Maneka Gandhi case, which was similar to the idea of due process of law. In India, the concept of due process in toto is available even though these words don’t appear in the constitution. These protections are provided through Article 13, 14, 19, 20 and 21 majorly. However the other articles also explain and deals with the concept but these are the key clauses which ensure the maintainability of the rights of the people. In this paper, I will be explaining this concept in the light of above mentioned Articles and position under Pakistani constitution.

1. Introduction

India and Pakistan became independent together. Both the countries had similar problems and also were at the pretty similar stand on the world map, though the present day reality is different. Many people would say that it is because I am an Indian, I am saying such kind of things, and that is completely true. In order to prove my contention, I will have to set down a few parameters in order to compare both the countries and then decide as to which one is better. I will be comparing both the legal systems, which will be very strictly limited to the concept of “due process”, because due process is very important aspect of any legal system and it leads to the nearer meaning of the concept of “justice”. It is also a very important part of the concept of natural justice.

The word “Due process” may include fair treatment through the normal judicial system, especially a citizen's entitlement to notice of a charge and a hearing before an impartial judge. Due process can also be defined as Fair treatment through the normal judicial system, especially a citizen's entitlement to notice of a charge and a hearing before an impartial judge.1

Due process of law is very necessary concept to understand and guarantee the rights conferred by the constitution. Without this rule, the freedoms cannot be guaranteed since it would be meaningless. It is a superior concept in compare to the concept of “procedure established by law”. Before Statutes of realm (1357), there was only procedure established by law. After that, the due process of law came into existence. Due process is the measurement for the process established by law.

In India, in the very beginning of our constitution, although our makers have shaped our constitution very artistically, the concept in our legal system was very vague. Without due process of law, the rights of the people cannot be guaranteed. Due process of law is the check and balance on the government authorities. Due process itself is a remedy to the possibility of the breach of the rights guaranteed by our constitution. One can say that it also completes the concept of ubi jus ibi remedium, which simply means that there cannot be a right without a remedy.

The existence of fundamental rights is drafted even more beautifully under Afghan constitution than our constitution. Then also those rights are not soundly protected than to our system. We can say that from the human rights violation being done in last 2-3 years where we came to know about the...
hanging of people who were mere guilty of petty crime like theft. However, the result is known to us and we know their environment. However, it would be unfair for our system to compare this concept with any of our neighbouring countries. We are dreaming about becoming the great nation on the earth and for the same, we will have to look towards the sky. Hence, we shall be comparing the concept of due process in India and that of the major democracies of the world. Based on this comparison and our existing situation only, we will be able to come about our existing situation since only by knowing the better or the worst, we can know about our existing stand.

So far as the question regarding the comparison of Pakistan is concerned, Pakistan is considered to be a very backward nation in comparison to India, even though India and Pakistan gained independence together only. Pakistan also drafted some important sections directly by influencing some of the majorly popular democracies yet has got bad reviews. The concept of due process would lead to the measurement of existing system of rule of law in the country since it is the part and partial of it. Moreover the concept also helps in establishing and maintaining constitutionalism by ensuring the rights and duties of its people.

Hence in this paper, I will be evaluating the legal systems of India and Pakistan with comparison to that concept of due process existing in US legal system, since the concept of US system is model and has some kind of impact on these two neighbouring countries.

2. Development and history/ Issues and challenges

Due process is a well settled doctrine of our Indian legal system. However one would ask as to what is this concept of due process of law. In the case of Solesbee v. Balkcom (US Case) the court observed that,” Due process is that which comports with the deepest notions of what is fair and right and just.” At the first instance, the idea of due process seems to be very moral. However it is closely related to the concept of morality and before the Magna Carta came into existence it was a moral concept, however in the present time it is not the case. It is a binding moral, that is to say it is a law.

The history of the concept of due process can be said to have roots based on the known historical facts, in Magna Carta. Magna Carta was not a statute but was merely a personal treaty between King John and the enraged upper classes. Under English jurisprudence, Magna Carta is said to the very important document for the fundamental rights and freedoms of public, also for almost all the existing governments as well. Magna Carta is the first written document where the king bound himself by surrendering his rights to its public. Due process developed from chapter 39 of the Magna Carta in England. Chapter 39 states, "No free man shall be taken or imprisoned or disseized or exiled or in any way destroyed, nor will we go upon him nor send upon him, except by the lawful judgment of his peers or by the law of the land."

However, charter 39 of the original Magna Carta seems very basic in compare to what we know of about the concept. Though, it was a big step for King John, which was later developed by King Henry III and his successors. Due process of law excludes the arbitrariness from the judgement or the proceedings and applies the principles from Natural Law theory where even the king is equal to the subjects. Due process asks for a good reason for depriving the person from enjoying his rights and freedoms.

The major growth in this concept can be seen later in the year 1351, where similar as to chapter 39 of Magna Carta was used. King Edward III confirmed the Magna Carta on two occasions which involved the concept of due process of law. In the year 1351, where he emphasized fair procedure- namely, judgement according to the standing law and established rules of judicial procedure. The actual phrase goes like

“From Henceforth none shall be taken by petition or suggestion made to our lord the king or to his council, unless it be by indictment or presentment of his good and lawful people of the same neighbourhood, where such deeds be done, in due process made by writ original at the common law, not that none be ousted of his franchises, nor of his Freehold, unless he be duly brought to answer and forejudged of the same by the course of the law.”

Here, King Edward III tried to establish a system which is just and fair. He did not only bring himself under this concept but also to the various instrumentalities functioning under him as well. It also formed the part of the concept of rule of law.

Later in the year 1354, again Henry III, in the Statute of Westminster of the liberties of London, gave the right to the owner and tenants of properties, whereby he said that no tenant shall be removed from his rightful property or land without giving him a fair chance to present him. It also sounds like the part of the principle of natural justice as well. The phrase “due process of law” first appeared in a statutory version of Magna Carta in the year 1354 during the reign of Edward III of England, as
follows: "No man of what state or condition he be, shall be put out of his lands or tenements nor taken, nor disinherit, nor put to death, without he be brought to answer by due process of law."

Even though the history of Due process is rooted in Magna Carta, it also was developed through 5th and 14th Amendments in USA constitution. Shortly after the independence of USA in the year 1776, Virginia drew up a Bill of Rights and became the first colony in USA. In the eighth Article of the celebrated Virginia Declaration of Rights contained the “law of the land” provision, in the abridged form to safeguard the criminal proceedings8.

Then after, the long Declaration of rights of Maryland and New York then constitutions became model form to be followed by the other systems. Subsequently, towards the end of the 18th century, Fifth Amendment was passed by the USA, which also used the wordings “due process of law”. It provided that, “No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand jury, except in cases arising in the land or naval forces, or in the militia......”10 This seems to have created basic constitutional limits on police procedure. However on this instance also, the makers derived their source of inspiration from Magna Carta only.

The 14th Amendment states; “No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” The US Supreme Court has interpreted the 14th Amendment as having created a constitutional natural law that would be available as a protection against the states and not just the federal government.13

This 14th amendment and 5th amendment created a model framework for many of the constitutions around the world. However, when India became independent in the year 1947, India kind of chose to ignore the concept of due process of law. After independence, India set up the constitutional assembly, which was given a task to think over the issues and need of the changes in Indian constitution by making Government of India Act, 1935 as a base law. The assembly adopted the majority of the part from this act, which was introduced by British and then built over it. The motion regarding the use of words ‘due process of law’ instead of ‘procedure established by law’ was moved by Kazi Syed Karimuddin on Monday, the 6th December 1948 in the draft article 15 which later became Article 21 in the present constitution.12 However this motion was turned down by the assembly and the assembly remained to the use of ‘procedure established by law’.

The issue for the very first time came in the year 1950, not far from the date of enforcement date of constitution. In this case, the court observed that the drafting committee of the constitution has deliberately rejected the intrusion of ‘due process of law’ in article 21.13 Different members rejected the idea of using ‘due process of law’ by stating different reasons. One said that the procedure could only be interpreted as law enacted by legislature, preventing the possibility of appeal under natural justice; while other contented that it would throw the residuum power into the hands of judges, instead of elected representatives of people. However, the main reason behind this deliberate use was to limit its scope till the extent to procedure and not to the substantive aspects.

This brings us to the two types of due process of law, procedural due process and substantive due process. Fifth and Fourteenth amendments in US constitution provides that neither USA nor States shall deprive any person “of life, liberty, or property without due process of law.” It covers both procedural as well as substantive aspects. Procedural as we know means that the state must follow it before depriving any person any right conferred by it, whereas substantive means the fairness of the law must also be judged.14 In India, the case is different and the usage of words ‘procedure established by law’ not only excludes procedural but substantive aspect of due process as well. However the courts under the liberty provided by the Constitution has interpreted that even though the words ‘procedure established by law’ are used, it also covers the procedural aspect of due process as well. It was decided in the case of Maneka Gandhi v. UOI. Hence the courts are not obliged to look into the procedural aspect of due process only in the cases.

Power of substantive interpretation has been already given to the courts under the power of judicial review. However the criteria for judging this substantive justness has also been prescribed under the constitution only, where the courts are also bound to interpret within the ambit of the particular right. If the words ‘due process’ were used under article 21, then the courts would have got the liberty to judge the reasonableness, justness and fairness without any proper guidelines provided to it, as rightly prescribed by one of the members of the constituent assembly.15

So far as the enforcement of due process with regard to substantive laws are concerned, the
constitution has provided it under Article 13, which provides that any law which is inconsistent with the provisions of the Part 3 shall be declared *ultra vires*. Hence it creates the scope of judicial review as we know it presently, where any person can approach the courts with regard to the genuineness on the parameters of Part III of the constitution. If we look at Article 13 and Article 21, judicial interpretation provides the procedural due process aspect under Article 21 and substantive due process aspect under Article 13 unlike USA Constitution. If the question is regarding checking the justness of a statute is concerned, then the courts will have to look into the fact as to which particular right or provision of Part III is in violation. After identifying that, the courts are obliged to check the justness, reasonableness and fairness of that particular finding in the light of the parameters set by those areas only. However there are exceptions to this rule based on the judicial interpretation done by higher judiciary.

For example, if the question regarding the right of parents to custody of their children arises, then Indian courts are only supposed to dig into the fact as to whether the just and fair procedure has been followed or not before depriving the parents their right. However if the words were used “due process”, then the Indian courts would have obliged to look into the justness and reasonableness of this law which deprives the children their right to be with their parents; and then the court could have liberty to act in the contrary to the provisions of that particular law. Whereas according to the present situation, the courts are obliged to look into the question if a separate claim for judicial review is done and there also is obliged to judge the fairness and reasonableness on the bases of the explanation provided under that particular Part III provision which is in question.

3. Case Law(s)

3.1. India

Under Indian legal system, it is understood that the rights mentioned under the Part III are inalienable. However, these rights can be snatched away on the grounds mentioned under the respective rights only. The courts though have understood that these rights cannot only be snatched away on the ground mentioned under those rights, but also by following a procedure which is just. The determination of the nature of the procedure can be on the principles of natural justice.

Under Indian constitution, the due process of law is available under Article 14, 19, 21 and 22. Article 14 provides for the right to equality which covers equality before law and equal protection of law. Article 19 provides six freedoms and the events in which these freedoms can be made restricted. Article 21 has the smallest length and says that no person shall be deprived of life or personal liberty except in accordance with the procedure established by law.

For the very first time, the question of due process came in the case of AK Gopalan v. State of Madras. Court refused to take account of Article 21 of the constitution where it specifically provides for the procedure established by law and also denied the possibility of inclusion of an ingredient of American meaning of “reasonableness” or “due process” under these articles. In the present case, the petitioner was detained under the Preventive Detention Act, under which, the police can detain any persons who has committed crime or who has potential of committing crime in the future. However the court refused to take account of Article 21 by interpreting its literal meaning.

India took the concept of due process of law of American constitution under Article 21. However the court refused to take into consider the fact that in addition of being the procedure in accordance to the law must also be reasonable. Majority of the judges in the Gopalan case held that expression ‘procedure established by law’ means procedure enacted by a law made by the state, by rejecting the argument that the ‘law’ in article 21 is used in the sense of *jus et lex* and that it means the principle of natural justice on the analogy of ‘due process of law’ as interpreted by the American Supreme Court. This interpretation was for a very long time remained in existence, till *Maneka Gandhi* interpretation.

Interpretation of the courts in the case of Gopalan was ‘procedure established by law’ and not ‘due process of law’. In R C Cooper case, the honourable Supreme Court contradicted the contention raised in *Gopalan case*, where it was said that article 14, 19 and 21 are exclusive right and the protection available under each has nothing to do with the protection available under others. Though, the court never overruled the *Gopalan verdict in toto*.

However, the transformation from ‘procedure established by law’ to ‘due process of law’ was made by J. Bhagwati in the landmark decision of *Maneka Gandhi v. Union of India*. The court in case said that the procedure established by law must not be only in accordance to the law, but it must also be fair, right and just. Otherwise it would be an arbitrary power, which is against the spirit of the constitutionalism. In this case, the passport of Maneka Gandhi was detained by the passport office, without giving her the opportunity of representation.
It was contended that it is not only the violation of Article 21, but also the violation of Article 14 as well since the right to travel abroad is also her fundamental right. J. Bhagwati established the missing requirement of reasonableness of procedure in Article 21 through Article 14. J. Chandrachud in this case said that the procedure in Article 21 has to be fair, just and reasonable, not fanciful, oppressive or arbitrary.

The same spirit was carried on in the case of Sunil Batra v. Delhi Administration, where J. Krishna Iyer said that,” true our constitution has no ‘due process’ clause, but after Maneka Gandhi and RC Cooper judgements, the position is the same and the Article 21 is the counterpart of the procedural due process in the USA.

3.2. USA

Due process doctrine has been discussed at many instances. A combine reading of 5th and 14th amendments give protection of the doctrine. Following are some of the landmark cases in which the SC discussed some of the important aspects related to the doctrine of due process of law in depth, which set the trend in USA system.

In Lochner v. New York, Joseph Lochner, who owned Lochner’s Home Bakery, when was charged under the Bakeshop Act, claimed that the Bakeshop Act of 1895 was unconstitutional since the constitution excludes the state from interfering in the contracts between employer and employee. The Bakeshop Act regulated health conditions in bakeries and prohibited employees from working in bakeries for more than ten hours per day or sixty hours per week. The Constitution bared a state from interfering with an employee’s right to contract with an employer. It is the case relating to labour law. Lochner’s bakery violated a New York labour law. Lochner’s main contention was that the fourteenth amendment provides for not only the procedural due process but also substantive due process as well. The court struck down the law, saying that the 14th Amendment’s Due Process Clause barred states from regulating commerce in this manner. It was also held that right to enter into a contract freely was one of the rights given by substantive due process.

The court in Lochner v. New York case referred to Dred Scott v. Sandford, which according to many scholars is the first case of the due process of law. In this case, one slave was brought in USA, which was later sold to the state of Illinois where he was set free. State of Illinois constituted a statute according to which the black men were entitled to their freedom if set free by their owners. Later he moved to another state where he was again made a slave saying that the laws of Illinois are not applicable outside its boundary and then later Scott was treated as article. In this case the court said that for the government to deprive a person of slave property under a statute that exceeds Congress’ lawmaking authority would be a deprivation of property without due process of law. The court further said that the congress had no constitutional authority for depriving Mr. Sandford from depriving his right to slave property. Therefore setting Mr. Scott free would amount to the deprivation of property without following due process of law.

Roe v. Wade, is the case relating to abortion laws and right to privacy. This case was decided in the light of Doe v. Bolton. In this case the SC observed that the right to abortion is extended right to privacy under the Due Process Clause of the 14th Amendment extended to a woman’s decision to have an abortion, but that this right must be balanced against the state’s two legitimate interests in regulating abortions: protecting women’s health and protecting the potentiality of human life.

Munn v. Illinois, is the case in which the U.S. Supreme Court upheld the power of government to regulate private industries. The case developed as a result of the Illinois legislature’s responding in 1871 to pressure from the National Grange, an association of farmers, by setting maximum rates that private companies could charge for the storage and transport of agricultural products. The Chicago grain warehouse firm of Munn and Scott was subsequently found guilty of violating the law and appealed the conviction on the grounds that the Illinois regulation represented an unconstitutional deprivation of property without due process of law. Supreme Court of Illinois declared in the favour of Munn and Scott, though the Supreme Court heard the appeal in 1877 and reversed it. Chief Justice Morrison Remick Waite spoke for the majority when he said that state power to regulate extends to private industries that affect the public interest. Because grain storage facilities were devoted to public use, their rates were subject to public regulation. Moreover, Waite declared that even though Congress alone is granted control over interstate commerce, a state could take action in the public interest without impairing that federal control. However after the Grager case, court decision curtailed the government’s power to regulate business in the struggle of private and public regulation of enterprise.

In Twinning v. New Jersey, New Jersey passed a law which provided that the jury may be instructed view a criminal defendant’s failure to testify as something negative. Twining challenged the law
under both the Due Process Clause and the Privileges and Immunities Clause of the Fourteenth Amendment of the United States Constitution (Constitution). The issue was whether the 14th amendment of the constitution makes the right against self-incrimination applicable to the states? It was held that provisions of the Bill of Rights may apply to the states if they are part of the Due Process of Law.

3.3. Pakistan

So far as Pakistani constitution is concerned, Article 4 of the constitution of 1973 provides that no person shall be deprived of his life, liberty and property except in accordance with law. However, Article 4 is not the part of the fundamental rights chapter. Article 10-A provides that with regard to criminal charges the person is entitled to fair trial and procedure, which is limited to the scope of criminal charges only. If we interpret Article 4 on the basis of the bare reading, we can find out that Article 4 is very poorly drafted and it doesn’t even come any closer with regard to the similar right drafted under Article 21 of Indian Constitution. Hence the whole burden for interpreting Article 4 for the benefit of the people shifted to the shoulders of Pakistani judiciary.

The issue first came with regard to the applicable scope of doctrine of due process in the case of Begum Shorish Kashmiri’s case. It is the constitutional right of every Pakistani citizen to be tried in accordance with law and only in accordance with law, which is also an inalienable right. Law here is not confined to a statute law but is used in its generic sense. It is believed that law applied is in accordance with not only the law existing but also with judicial principles laid down from time to time by superior courts. The court also held that in this sense, it is as comprehensive as the doctrine of due process as mentioned under 5th and 14th amendment under American Constitution.

However after almost 14 years, the Supreme Court refused to consider the opinion of court made in Kashmiri’s case that the similar doctrine of due process exists in Pakistani constitution. This opinion was made in the landmark case of Fauji Foundation Case. Though, it does not mean that the doctrine of due process of law cannot be found under Pakistani legal system. The fundamental difference between these two judgements is that in Kashmiri’s case, executive action was challenged while in Fauji Foundation case, the legislative instrument that was sought to be challenged. Hence one could still argue that administrative action was unlawful in Kashmiri’s case, and due process doctrine is available for the administrative actions.

In cases relating to debt recovery law, the courts are authorised to reject the right of defendant to defend his suit on the basis of validly filed statements of accounts by a financial institution. Under Indian law, the similar concept has been provided under Order 37 of CPC.

The advocates in Pakistan High courts have argued that Article 10-A creates a new fundamental right to fair trial and due process, which is the reason why such summary procedure is unconstitutional. Whereas the other side argued that debt recovery laws doesn’t prevent the defenders from presenting evidences. Also relied on the Manzoor Elahi case where the detainee, Zahoor Ilahi was arrested in pursuance of a court warrant in Lahore with connection to an offence to be tried in Kohlu, a tribal area in Balochistan. He was taken to Kohlu without being produced before a magistrate within 24 hours of his arrest. The state argued that provisions of the Bill of Rights may apply to the states if they are part of the Due Process of Law.

4. Conclusion

Due process of law is one of the main aspect for ensuring the enforcement of fundamental rights in any democracy. It is also important to ensure the functioning of the constitutional framework of any country. We are well aware with the fact that the concept of due process was evolved in the form of Magna Carta during the regime of a king and hence it would be wrong to say that it only exists in democratic form of governments only, however in the present time it is only seen in democracy.
Due process of law has become very important behind the enforcement of fundamental rights as well as enforcement of natural law theory. Natural law theory was a theory shaped in the roman period, which would have been impossible to see in the present time if it was not protected by the doctrine of due process of law. We also saw that the present day concept of due process of law in most of the legal system has inspired a bit from the US legal system. 4th and 15th amendment of US constitution has helped in interpreting the concept in its great details.

Then we went through some of the landmark cases, which helped us in understanding the two sides of the coin, those were substantive due process and procedural due process. India and Pakistan became independent in the same year and at the same time. However Pakistan used the words due process of law instead of procedure established by law as used in Indian constitution. Article 10-A of Pakistani constitution and Article 21 of Indian constitution, deals with almost similar kind of concept. However we also saw that Pakistan has relied on Indian case laws and examples while deciding its question of validity regarding summary petitions.

Though from the first instance it seems that India committed a huge mistake by using ‘procedure established by law’ instead of ‘due process of law’, while Pakistan kind of adopted the American model as it is. In constituent assembly debates volume VII, we can find the debates regarding the same. The motions were moved for shifting to the words ‘due process of law’, which was not supported and was rejected deliberately.

Procedure established by law merely means that the procedure must be in accordance to the existing laws. Whereas due process of law says that the procedure must be in accordance to the law as well as it must be just, fair and reasonable at the same time. It is the only way to ensure the constitutionalism in the country by following rule of law, of which due process is an integral part. However the concerns were raised in the constituent assembly regarding the shifting of power in the hands of judiciary instead of the elected representatives.

India then went for procedure established by law, which means that the interpretation was left to the judiciary. However one thing was sure as to that interpretation could not result into substantial interpretation as it was specifically barred by the constituent assembly. Substantive interpretation would mean that judiciary will have to decide the justness, fairness and reasonableness of the statutes. However the power to judge the statutes is given to the courts by Article 13, yet it is way different than substantive interpretation. It means that the judiciary will have power to review only on the basis of the parameters provided under those respective provisions only.

After Gopalan disaster, Supreme Court in Maneka Gandhi case interpreted that the procedure established by law includes due process of law as exist in American system. Hence the court used its powers and interpreted for the benefit of its people. However the Pakistan judiciary failed to do so. In Kashmiri case, the court said that the words used under Article 10-A has the same meaning as that of provided under 4th and 15th amendment in American constitution. Although nearly in a decade, it was also rejected in Fauji case where the court said that it does not have the same meaning as provided under American Constitution. Hence we can say that the position under Pakistani constitution is not that clear as provided under Indian Constitution.

It suggests that the judiciary plays a vital role in the socio-legal system of Pakistan and India, while advancing the remedy to people by interpreting in logical sense. While Pakistan failed even after enacting a clause similar that to the world’s strongest democracy, Indian judiciary successfully interpreted in the benefit of people after deliberately planning the events.

After the comparison, we can say that even though in India the due process concept does not exist as it does in American system; it provides the similar kind of protection which is regulated through provisions, through the other provisions like judicial review. However Pakistan has failed in implementing the concept and that is also thanks to judicial interpretation by its judiciary and its one-dimensional keenness of serving the people.

5. References
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Clause_39 accessed 23 September 2016]
[7] ibid, (Statute of 28 Edward III- sometimes also called statute of Westminster of the liberties of London, chapter III,1 Statutes of realm 345)
[8] Ibid 6, page 63
[9] ibid
[11] This position of the states was not available under the 5th Amendment.
[14] Ibid 6, page 67
[15] Ibid 12
[16] AIR 1950 SC 27
[18] 1978 SC 597, ibid 6 page 80
[21] 60 US 393 (1856)
[22] 410 US 113
[23] 410 US 179
[24] “Abortion Wars: Roe v. Wade and Beyond” (PBS)
[25] 96 US 97 (1877), ibid 6 page 81
[26] “Munn v. Illinois” (Encyclopedia Britannica Online)
[27] 211 US 78 (1908)
[29] PLD 1983 SC 457, ibid 6 page 80
[30] Order XXXVII of CPC provides for the summary suits. These suits are largely provided for the Consumer Protection Act and Negotiable instruments Act.
[31] PLD 1975 SC 66