CHAPTER I

INTRODUCTION

Human beings, by virtue of their being human possess certain basic and inalienable rights which are commonly known as human rights. Human rights is a 20th century name for what has been traditionally known as natural rights or, in a more exhilarating phrase, the rights of man. It may be termed as moral right which every human being, everywhere, at all times, ought to have simply because of the fact that he is rational and moral. They are derived from the inherent dignity and worth of human being.

These rights are essential for all the individuals as they are consonant with their freedom and dignity and are conducive to physical, moral, social and spiritual welfare. Because of their immense significance to human beings, human rights are also sometimes referred to as fundamental rights, basic rights, inherent rights, natural rights and birth rights. In the absence of these rights men would be enslaved and subjected to torture at the hands of the State. The democracy envisages concept of human rights as one of the basic tenets for individuals’ growth in the society.

The concept of human rights was originally evolved in England when religious and organized church exercised considerable influence on the evolution of human rights in the days of the Magna Carta which King John accepted stating that the grant was made “through the inspiration of God for the honour of God and the exaltation of the Holy Church.” The overreaching theme of Magna Carta was protection against arbitrary action by the King. The Magna Carta also introduced
the concept of jury trial in Clause 39, which protects against arbitrary arrest and imprisonment.\textsuperscript{7} The \textit{Magna Carta} was followed by the Petition of Rights (1627) and the Bill of Rights (1689).\textsuperscript{8} In the American continent the Charters of New Plymouth of 1620 expressed the principles of Human Rights.\textsuperscript{9} The State of Virginia proclaimed the first declaration of rights in 1776 followed by other States. The declaration of independence of America contains the affirmation of some essential rights. Then we have the famous declaration of the rights of man and the citizen of France in 1789 which had much impact on the rest of the world. This was followed by the Bill of Rights in America and the incorporation of the French declaration in the Constitution, both in the year 1791.\textsuperscript{10}

The roots for the protection of the rights of man may be traced as far back as in the \textit{Babylonian} laws, \textit{Assyrian} laws, \textit{Hittiti} laws and in the \textit{Dharma} of the \textit{Vedic} period in India.\textsuperscript{11} The World’s all major religions have a humanist perspective that supports human rights despite the differences in the contents. Human rights are also rooted in ancient thought and in the philosophical concepts of ‘natural law’ and ‘natural rights.’\textsuperscript{12} The origins of the concept of human rights are usually agreed to be found in the \textit{Greco-Roman} natural law doctrines of \textit{Stoicism} (the school of philosophy funded by Zeno and Citium) which held that a universal force pervades all creation and that human conduct should therefore be judged according to the law of nature.\textsuperscript{13}

The concept of Human Rights is not entirely western in origin nor is it so very modern. It is a crystallization of values that are the common heritage of mankind.\textsuperscript{14} In India, references occur as early as in the \textit{Rig Vega} to the three civil liberties of \textit{Tana} (body), \textit{Skridhi} (dwelling house) and \textit{Jibasi} (life). Ancient Indian society was a highly structured and well-organized affair with the fundamental rights and duties not only of individuals but also of classes, communities and
castes clearly laid down. The concept of Dharma was precisely that of rule of law - the supreme law. Long before the second century B.C., we find mention of the law of nature, which even kings had to obey on pain of deposition. Also kings were required to take a pledge never to be arbitrary and always to act according to "whatever law there is and whatever is dictated by ethics and not opposed to politics." Kautilya, the author of the celebrated political treatise Arthashastra, not only affirmed and elaborated the civil and legal rights first formulated by Manu but also added a number of economic rights. The Arthasastra in Book IV relating to suppression of criminals prescribes, of course, harsh measures. But there is side-by-side insistence on human considerations, concern for man, for weaker sections, and care for fair play and due process.

It is also worth referring to an important ethical work in Tamil language, known as Thirukkural, which appeared in the far south of the country, and which has been translated in many languages both Indian and foreign. That work which dates back to the second century AD is universal in conception. In this book, stress was laid on the importance of due process in the administration of justice as it would appear from the following couplet:

"Who punishes, investigation made in due degree, so as to stay advance of crime, a king is he."18

There was, however, a downfall of human rights jurisprudence in post-Vedic age. But with the rise of Buddhism and Jainism there was revival of human rights jurisprudence. Torture and inhuman treatment of prisoners were prohibited under Ashoka's administration. The study of Mudra Rakshas (Mudra Rakshas was written by Vaisaka Dutta who was contemporary of Chandra Gupta) shows that dispensation of justice was considered as one of the important duties of the
rulers. The right of an accused to be released on bail did exist during Mughal rule in India.

The transformation of the position of the individuals after the Second World War has been one of the most remarkable developments in contemporary International Law. With the outbreak of the World War II came the conviction of the urgent need to safeguard the political and civil rights of individuals everywhere, and to provide for economic and social security and determination to safeguard such rights. On January 1, 1948 the World Community declared its common objectives to defend life, liberty, independence and religious freedom and preservation of human rights and justice in their own land as well as in other’s land. And on December 10, 1948, the Universal Declaration of Human Rights was proclaimed by the General Assembly as a first step in the formulation of an International Bill of Human Rights. The covenants require countries ratifying them to recognize and protect a wide range of human rights.

The affirmation of human rights and fundamental freedoms in the Charter of the United Nations was a solemn protest against the brutal oppression, torture and assassination associated with the Nazi-Fascist method of government.

The Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights lay down standards of general application to all human beings which are applicable at all times and in all circumstances setting the standards for advancement of human rights. The Declaration did not have the force of law at the time of its adoption, but since then it had a powerful influence on the development of contemporary international law.

The Universal Declaration which was adopted just before the Indian Constitution widely provided the model for the latter’s human rights guarantees.
The founders of the Constitution, it appears, were conscious about the contents of the Declaration and therefore they gave due recognition to its provisions. The Constitution of India in Part III and IV dealing with the Fundamental Rights and Directive Principles covers almost the entire field of the Universal Declaration of Human Rights.

Although the Supreme Court has stated that the Declaration "cannot create a binding set of rules" and that even international treaties may at best inform judicial institutions and inspire legislative action, Constitutional interpretation in India has been strongly influenced by the Declaration. In *Kesavananda Bharati v. State of Kerala* the Supreme Court observed that "The (Universal) Declaration (of Human Rights) may not be a legally binding instrument but it shows how India understood the nature of Human Rights' at the time the Constitution was adopted. In *Chairman, Railway Board and others v. Mrs. Chandrima Das*, the Supreme Court observed that the Declaration has the international recognition as the "Moral Code of conduct" having been adopted by the General Assembly of the United Nations, the applicability of the Universal Declaration of Human Rights and principles thereof may have to be read, if need be, into the domestic jurisprudence. In a number of cases the declaration has been referred to in the decisions of the Supreme Court and the High Courts.

Our Constitutional makers, having incorporated a long list of fundamental rights, have also provided effective remedies for the enforcement of these rights. Articles 32 and 226 have adequate provisions for the enforcement of fundamental as well as other legal rights of the individuals through judicial means. A number of rights which, though are not specified in Part III of the Constitution by name as fundamental rights have been regarded as fundamental by the Supreme Court by enlarging the meaning and scope of the named fundamental rights. Thus, many
rights enshrined in the Covenant have been regarded as already covered under some or other specified fundamental rights.\textsuperscript{40} In ADM Jabalpur v. S. Shukla\textsuperscript{41} the Supreme Court held by a majority of 4 to 1 that the Constitution of India did not recognize any natural or common law rights other than that expressly conferred in the Constitution. This trend has changed especially after 1978 with the decision in Maneka Gandhi's case.\textsuperscript{42}

\textit{Maneka Gandhi} is a landmark case of the post-emergency period which according to many jurists marks a watershed in the history of the Constitutional jurisprudence. This case shows how liberal tendencies have influenced the Supreme Court in the matter of interpreting Fundamental Rights, particularly Article 21.\textsuperscript{43} The most important human rights in criminal jurisprudence are to be found enshrined in Article 21 of the Constitution. This article was for long a lifeless incantation of the right to life and personal liberty which had very little positive content. The Supreme Court had for almost twenty-seven years after the enactment of the Constitution taken the view that this article merely embodied a facet of the Diecyian concept of the rule of law that no one can be deprived of his life and personal liberty by executive action unsupported by law. It was a protection against executive action, which had no authority of law.\textsuperscript{44} If there was a law, which provided some sort of procedure, it was enough to deprive a person of his life and personal liberty. Justice S.R. Das in A.K. Gopalan v. State of Madras\textsuperscript{45} gave an illustration that if a law provided that the cook of the Bishop of Rochester be boiled in oil, it would be valid under Article 21.

In Gopalan, the Apex Court held that the law relating to preventive detention is to be found in Article 22 of the Constitution and that Article 22 is a self contained code in that behalf. It was also observed that the law contemplated by Article 21 need not answer the test of reasonableness in Article 19 since both
the Articles (21 and 19) constitute two different streams.

However, in *Maneka Gandhi*, the observations in *Gopalan* with respect to Articles 21 and 19 constituting two different streams were held to be either *obiter dicta* or wrong, as the case may be. It is pointed out that over the years the Supreme Court has accepted the view that the Constitution – and in particular the several fundamental rights guaranteed by Part III – should be read as an integral whole, with possible over-lapping of the subject-matter of what is sought to be protected by its various provisions. For the first time, the court took the view that Article 21 affords protection not only against executive action but also against legislation and no law can deprive a person of his life or personal liberty unless it prescribes a procedure which is reasonable, fair and just and it would be for the court to determine whether the procedure is reasonable, fair and just and if it is not, the court will strike down the law as invalid. This interpretation has been exerting multidimensional impact. Article 21 has assumed a “highly activist magnitude.” According to Bhagwati J., Article 21 “embodies a constitutional value of supreme importance in a democratic society.” Krishna Iyer J., has characterized Article 21 as “the procedural *Magna Carta* protective of life and liberty.”

The expression ‘life’ and ‘personal liberty’ in Article 21 have been interpreted by the Supreme Court rather liberally. The court has often quoted the observation of Field J., in *Munn v. Illinois*, an American case, to the effect that the term ‘life’ means something more than mere animal existence and includes a right to the possession of each of his organs, his arms and legs etc. Thus, the inhibition against deprivation of ‘life’ would extend to all those faculties by which life is enjoyed. Similarly, the expression ‘personal liberty’ would not mean merely the liberty of the body; i.e., freedom from physical restraint or freedom from
confinement within the bounds of a prison; in other words, it means not only freedom from arrest and detention, from false imprisonment or wrongful confinement, but means more than that. The term is not used in a narrow sense but has been used in Article 21 as a compendious term to include within it all those variety of rights of a person which go to make up the personal liberty of a man. Thus Article 21 assumed a new dimension and the Supreme Court introduced procedural due process in the Constitutional law of India through creative interpretation inspired by judicial activism.52

The expansive jurisprudence springing around Article 21 in the post Maneka53 era is generally considered to be the starting point for expanding horizons of the courts’ activist intervention for championing the cause of the down trodden and weaker sections including prisoners.54 Actually it was the dissenting opinion of that Prophet with Honour55 Chief Justice Subba Rao in Kharak Singh v. State of UP56 that laid the genial seeds of the liberation of Article 21 from the narrow confines of A.K. Gopalan.57 In Kharak Singh’s case Justice Subba Rao observed “The expression ‘life’ in Article 21 cannot be confined only to the prohibition against taking away of life.. It is also extended to all of those limbs and faculties by which life is enjoyed. So with the word ‘liberty’ also in Article 21. The right to personal liberty is not only a right to be free from restriction placed on citizen’s movements...it encompasses also freedom from encroachment on his private life.”

This great transformation in the judicial attitude towards the protection of personal liberty is a result of the traumatic experiences of the emergency during 1975-77 when personal liberty had reached its nadir.58 Since then the Supreme Court has shown great sensitivity to the protection of personal liberty. The court has re-interpreted Article 21 and practically overruled Gopalan’s view which had
held the field for nearly three decades. Since Maneka, the Supreme Court has again and again underlined the theme that Articles 14, 19 and 21 are not mutually exclusive, but they “sustain, strengthen and nourish each other.” For long personal liberty occupied a back seat in India as accent was placed on property rights, but this has changed now. Maneka has brought the fundamental right of personal liberty into prominence which, as it should be, in a democratic society. This new interpretation of Article 21, apparently innocuous, became the harbinger of a most dramatic development of constitutional law, particularly in the field of criminal jurisprudence. Quite a few of the human rights in the area of criminal jurisprudence owe their origin to Article 21 of the Constitution. The Supreme Court, in a number of cases, has expounded several propositions humanizing the administration of criminal justice in all its aspects.

Administration of criminal justice is a State matter. Fortunately, by reinterpreting Article 21 in Maneka Gandhi, the Supreme Court has found a potent tool to seek to improve matters, and to fill in the vacuum arising from governmental inaction to undertake reform, in the area of criminal justice. The key to this judicial activism is the ruling in Maneka Gandhi that the phrase, ‘procedure established by law’ in Article 21 does not mean ‘any procedure’ laid down in a statute but ‘just, fair and reasonable’ procedure, and that the term ‘law’ in Article 21 envisages not any law but a law which is “right, just and fair, and not arbitrary, fanciful or oppressive.” Since Maneka, the Supreme Court has in a number of cases tested various aspects of criminal justice and prison administration on this touchstone. The protection of Article 21 extends to all persons—persons accused of offences, under-trial prisoners, prisoners undergoing jail sentences etc., and thus all aspects of criminal justice fall under the umbrella of Article 14, 19 and 21.
The administration of criminal justice and the conditions prevailing in prisons have long been extremely deplorable. Every day one hears news of police brutality, prison mal-administration and inordinately long delay in trial of criminal cases resulting in gross miscarriage of justice. In spite of the accent on socio-economic justice in the Constitution precious little has been done so far to improve matters in the area of criminal justice. Even after 55 years of the adoption of Constitution, we find crores of cases rotting in courts in India, some of which are pending for several years/decades. With explosion of population, expanding business activities, sagging moral values, culture of demanding only rights and tardy disposal of cases by our courts, the arrears in courts are mounting up day by day, and thousands of under-trials languish and die in jails without conviction. A legal and judicial system which allows incarceration of men and women for long periods of time without trial must be deemed to be denying human rights to such under-trials.

The extent to which human rights are respected and protected within the context of its criminal proceedings is an important measure of society's civilization. But, it is one of those statements which leave a number of other questions unanswered. What are the human rights which it is important to protect within our criminal procedure? And more important again perhaps, to what extent should the human rights of the suspect and the accused be protected when other important interests of society are under attack and in possible conflict with the interest of the accused? These are difficult questions to answer, because there is a perpetual conflict between the interest of the accused and the fundamental interest of the society. Over-emphasis on the protection of one interest is bound to have an adverse impact on the other and, therefore an even balance has to be struck between the two interests. The problem has been focused sharply by Lewis Mayers: "To strike the balance between the law enforcement on the one hand and
the protection of the citizen from oppression and injustice at the hands of the law enforcement machinery on the other is a perennial problem of statecraft."

Now, can it be said that a law which does not provide for a reasonably prompt investigation, trial and conclusion of a criminal case is fair, just, and reasonable? Unlike the U.S. Constitution which provides for speedy trial under 6th amendment, the Indian constitution does not provide for speedy trial in express terms. Probably this accounted for absence of any litigation by under-trial prisoners in spite of there being a large number of them languishing in different jails. Right to speedy trial is not enumerated as one of the fundamental rights. This omission and the holding in *A.K.Gopalan v. State of Madras*\(^69\) probably explains why this right was not claimed or recognized as a fundamental right flowing from Article 21 so long as *Gopalan* held the field. Once *Gopalan* was overruled in *R.C.Cooper*\(^70\) and its principle extended to Article 21 in *Maneka Gandhi*,\(^71\) Article 21 got unshackled from the restrictive meaning placed upon it in *Gopalan*. It came to acquire a force and vitality hitherto unimagined. The innovative approach in *Maneka Gandhi’s case* which provided that the procedure prescribed by law under Article 21 to deprive a person of his life or liberty should be just, fair and reasonable, considerably influenced the criminal justice system. A burst of creative decisions of the Apex Court fast on the heels of *Maneka Gandhi* gave a new meaning to the Article and expanded its content and connotation. The unmasking of horrendous situation in Bihar jails where a few hundreds of under-trial prisoners were awaiting trial for the periods longer than the terms which they would have been sentenced, if convicted, has made the Indian Supreme Court read the right of speedy trial in Article 21 of the Constitution. The Supreme Court in *Hussainara Khatoon* cases decided in the year 1979, declared that ‘the right to speedy trial is implicit in Article 21 and thus constitutes a fundamental right of every person accused of a crime.’ Thus, the right to speedy trial for the first time
found its articulation in *Hussainara Khatoon v. State of Bihar*\(^{72}\) wherein it was held that “the right to speedy trial is implicit in the broad sweep of Article 21.”

The present work is an attempt to identify the need for speedy trial of offences and the efforts and activism of the judiciary to improve matters in this direction. Though precious little has been done by the legislature in this direction, the judiciary really made some laudable efforts to break the path but could not make much headway because of the restrictions and restraints in view of absence of any legislation guaranteeing speedy trial.

**ISSUES IN THE PRESENT STUDY**

1. Even after 55 years of the adoption of Constitution, we find crores of cases rotting in courts in India, some of which are pending for several years/decades. Whatever little was provided in the constitution was taken away by the law’s delays, which Shakespeare has placed among the chief ills of human life. It harms the poor most than the rich as the inordinate delays of law kill justice and frustrate the common man completely.

2. Inordinate delay in disposal of cases by courts is causing untold miseries to poor accused in India, with the result people have little faith in these institutions of justice. Unless justice meted out, served and satisfied is speedy, society will be threatened with dangers of violence and lawlessness.

3. An accused person is presumed to be innocent till he is proved guilty in a fair trial. Pre-trial detention is done in order to secure prompt attendance of the accused at the trial and long pre-trial confinement of an accused in prison jeopardizes his personal liberty.
4. The courts ignore the differential capacity of the rich and the poor and treat them equally in matters of bail. Thus, the law of bails creates a discrimination between haves and have-nots. While haves are able to secure their freedom furnishing monetary security, in a similar situation, the have-nots are not able to furnish security on account of their poverty and are put in disdain. Many poor accused are forced to remain in jails because the bail procedure is beyond their meager means and trials do not commence, and even if they do, they never conclude.

5. There is every chance of the under-trial prisoners rubbing shoulders with hardened criminals in the prisons because there is no classification of prisoners in the prison. These under-trial prisoners would be seething with anger and resentment against the system which does not provide them a trial and keeps them behind the bars indefinitely. As a result the society will be contaminated as the number of hardened criminals would increase.

6. Even when an accused is at bail, trial should be expeditious because protracted and delayed investigation and trial negate the very concept of justice and fair play and it is in the interest of both the accused and the society that a criminal trial is concluded soon.

OBJECTIVES

1. To bring into light the plight of under-trials who are forced into the ‘long cellular servitude’ for periods longer than the terms which they would have been sentenced in case of a conviction.

2. To stress the need to liberalize the law relating to bails which operates rather harshly against the poor who are either unable to furnish the monetary bail
because of their poverty or ignorance and also stress the need for effective implementation of Legal Aid to the indigent accused to give them equality of opportunity.

3. To highlight the necessity of expeditious trial even when an accused is granted bail since accusation *per se* is cause for concern and an accused may lose his social status, his job and all that he cherishes because of pendency of criminal proceedings against him.

4. To appreciate the role of the judiciary as the *sentinel on the qui vive* with regard to safeguarding the right of the accused to speedy trial in spite of the constraints on the judiciary because of the absence of any legislation in this regard.

5. To impress upon the powers that be that it is high time that a legislation is made which guarantees speedy trial of offences because delay in disposal of cases hampers the cause of justice.

**SCOPE OF THE STUDY**

The scope of the present work is confined to the Indian scenario only. However, since the Apex Court and various High Courts, while laying down several propositions, have time and again referred to and followed the precedents set forth by the US Supreme Court, the cases arising under the US Constitution with regard to the right of the accused to speedy trial have been referred to wherever necessary. This is intended to better understand the concept and content of the liberty of the subject involved. Otherwise, the study is confined to the cases arising under the Indian Law.
METHODOLOGY ADOPTED FOR THIS WORK

The methodology adopted in this study is doctrinaire with emphasis on the case law. The judgments of various High Courts and the Apex Court of India with regard to speedy trial of criminal offences have been analyzed to better understand and appreciate the need for speedy trial. Empirical study with regard to a topic of this nature is not feasible as access to the material at different courts and prisons is rather difficult.

PLAN OF THE WORK

The present work is organized into five chapters including the present chapter.

In Chapter II the origin of right to speedy trial is briefly studied while stressing the need for speedy trial. Though the Constitution of India and the Criminal law do not provide for speedy trial in express terms, there are certain provisions which aid in expeditious disposal of criminal cases. A brief reference is made to these provisions besides examining the trial procedure and the rights of the accused at the trial. Various factors contributing for delay in criminal justice system are also enumerated briefly in this chapter.

The courts in India have time and again relied upon and applied the principles laid down by the U.S. Supreme Court and the Privy Council. As such, the way in which other countries like US, UK and Australia respond to delays and the procedure adopted in the common law countries to overcome delay is looked into in the third chapter in addition to the Indian experience in overcoming delay. This chapter also deals with the different stages of trial at which the right to speedy trial is available. Since bail and legal aid are inalienable and integral parts
of the right to speedy trial, the provisions with regard to bail and legal aid are discussed briefly in this chapter.

In the fourth Chapter, the judicial response in India to the right to speedy trial has been discussed. The role of various High Courts and the Highest Court of the land in interpreting the right and giving it new meaning has been analyzed.

In the fifth and concluding chapter, an appraisal of the discussion made in the previous chapters is made and some suggestions are given for effective implementation of the right to speedy trial.
NOTES


6. Z. Chafe, Documents on Fundamental Human Rights, Harward, 1951 p.239

7. In 1216-17, during the reign of John’s son, Henry III, the Magna Carta was confirmed by Parliament, and in 1297 Edward I confirmed it in a modified form

8. The Bill of Rights was officially entitled as an Act for Declaring the Rights and Liberties of the Subject and for setting the succession of the Crown. It was enacted by Charles II on the occasion of the accession of William of Orange and Mary Stuart to the throne of England - Dr. H. O. Agarwal, Human Rights, Central Law Publications, V Edition, 2002, p.8


11. See Laws promulgated in the reigns of Urukagina of Lagash (3260 B.C.), Sargon of Akkad (2300 B.C.) and Hammurabi of Babylon (1750 B.C.) Cited in Inaugural Address of Justice P. N. Bhagwati, Supreme Court of India in the seminar on ‘Human Rights’ organized by International Law Association, Allahabad Centre (1980) at p.7


13. Ibid at p.8


15. Ibid


17. Ibid

19. Sunil Deshta and Lalit Dadwal, Genesis of Human Rights in India, Published in T.S.N. Sastry, India and Human Rights Reflections, 2005 Concept Publishing Company, New Delhi, p.35 at p.38


21. E.J. Rapson, The Cambridge History of India (1921), vol.1, at p.436


26. The three significant instruments are as follows:
   
i) The International Covenant on Economic, Social and Cultural Rights containing 31 Articles,

   ii) The International Covenant on Civil and Political Rights consisting of 53 Articles and

   iii) The Operational Protocol to the latter Covenant comprising of 14 Articles.


33. See Kishore Chand v. State of Himachal Pradesh (1991) 1 SCJ 68 at p.76

34. AIR 1973 SC 1461 at p.1510. Also see Bombay Education Society and Others v. State of Bombay ILR 1954 Bom. 1333; Maneka Gandhi v. Union of India AIR 1978 SC 597

35. 2000 (1) Supreme p.265

36. Ibid at p.277

37. Ibid at p.279


41. AIR 1976 SC 1293

42. Maneka Gandhi v. Union of India AIR 1978 SC 597


45. AIR 1950 SC 27

46. AIR 1978 SC 597

47. Ibid

48. Francis Coralie v. Union Territory of Delhi AIR 1981 SC 746 at p.752

49. *P.S.R. Sadhanantham v. Arunachalam* AIR 1980 SC 856


51. 94 US 113 (1877)

53. AIR 1978 SC 597


55. Adopted from “Prophets With Honour” (Great Dissents and Great Dissenters in the Supreme Court) by Alan Barth as quoted by Dr. R. Venkata Rao, Prisoners' Rights and Judicial Process - A Critique, Thesis submitted to the Andhra University for the award of the Degree of Doctor of Philosophy in Law, 1993 at p.114

56. AIR 1963 SC 1295

57. AIR 1950 SC 27


59. AIR 1978 SC 597

60. T.V. Vatheswaran v. Tamil Nadu AIR 1983 SC 361


63. AIR 1978 SC 597


22
65. Ibid

66. J. C. Seth, Advocate, Supreme Court, New Delhi, Justice In Time Inventing Effective Measures AIR 2004 Jour.289


68. Ibid

69. AIR 1950 SC 27

70. AIR 1970 SC 564

71. AIR 1978 SC 597

72. AIR 1979 SC 1360