



Indian Constitutional Values AND Political Ethos

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Emergence of Due Process of Law in India: A Progressive Approach of Judiciary

Shipra Mishra and Mohd. Sufiyan Khan***

Abstract: Due Process of Law is the law in conformity with due process a concept adopted by the American Constitution. It is a process of Law which hears before it condemns, judiciary can declare a law bad, if it is not in accordance with due process even though legislation may be within the competence of the Legislature concerned. The Constituent Assembly designed the Indian Courts to be relatively weak institution in a system in which the Parliament and the Executive were supreme and most justices of the courts in its early years operated in the British Traditions of Legal Positivism and deference to Parliament. This Chapter highlights discusses the emergence of Due Process of Law in Indian Legal System and how it helps Judiciary towards a progressive society with progressive approach.

Keywords: Due Process, Indian Constitution, Judiciary, Rights of individuals, Progressive.

Introduction

“Whether a man is guilty or innocent, we have to find that out by due process of law.”

—Andy Griffith

Due process is the legal principle that the government must respect the legal right owned by an individual from the supreme law of the land. The state is compliant by the law of the land regarding due process of law. The law established should contain

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