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A procedure established by law means that the law is properly adopted by a legislature or an interested body only if the letter has followed the correct procedure. This concept is enshrined in article 21 of the Indian Constitution, which states that no person shall be deprived of his life or personal liberty, except in the procedure established by law The Due process of law is a doctrine that not only checks whether there is a law on the deprivation of a person's life and personal freedom, but also guarantees that the law is fair and fair. Both are important concepts in the Indian segment of the statehood of the ISU exam. Therefore, it is important to know how the two differ from each other, which this article will aim to highlight. Applicants may find more differences between articles by visiting the related page of the Difference between the Procedure established by law and the Due process of law are shown in the table below The differences between the procedure established by law and the due process of law established by the Due Process Act, which means that the law that is duly adopted by the legislature or the body in question is valid if the procedure for establishing it has been properly followed, the law in question is fair rather than arbitrary Judicial will assess whether the legislature is competent to frame the law and whether it has complied with the procedure set out in the law, and will not assess the intent of the act if the Supreme Court of India makes any law not fair, it will declare it invalid. This doctrine provides for fairer treatment of individual rights than due process, it is narrow in scope, as it is not in doubt that the law runs counter to the principles of justice and equality The Due process empowers the Supreme Court to provide protection for the rights of its citizens. The Supreme Court, in determining the constitutionality of the law, considers only the substantive question, i.e. whether the law is within the powers of a public body or not. The Supreme Court may declare laws that violate fundamental rights and revoke them not only on the merits but also on procedural grounds of unreasonableness. A harsh and inflexible follow-up to the procedure established by law could lead to the risk of compromise on the lives and personal freedom of individuals due to unfair laws passed by law enforcement agencies. Thus, the procedure established by the law protects a person from arbitrariness only by the executive branch. In accordance with due process, it is a legal requirement that the state must respect all legal rights that person and the laws that states adopt must comply with The land laws of the concept of procedure, established by law and due process of law, are covered in detail within the Polity segment of the UPSC exams. The following links will help in preparing for this segment: The difference between the procedure established by law and the proper process of the law-download PDF Here candidates can find a common model of UPSC exams by visiting the UPSC Syllabus page. For more articles and materials on exam preparation, refer to the links in the table below: Related Links Research Article 4 Issue 3 Department of Law, Lucknow University, India Correspondence: Punch Rishi Dev Sharma, Associate Professor of Law, Lucknow University, New Campus, Sitapur Road, Jankipuram, Lucknow, Uttar Pradesh, 226016, India, Tel 91 8107525411 Received: 01 March 2017 Published: 23.03.2017 Source: NG-Sport Interpretation of the procedure established by law with the rule of law: comparative view of the Irish, Japanese and Indian Constitution. Forensic examination res Criminol Int J. 2017;4(3):79-82. DOI: 10.15406/frcij.2017.04.00113 Download PDF Introduction Of the Rule of Law is the highest manifestation of human civilization and culture. It is the eternal value of constitutionalism and an inalienable attribute of democracy and good governance. The rule of law has become an integral part of global moral thought, with E.P. Thompson describing the Rule of Law as an unconditional human good and a cultural achievement of universal importance, loyalty to the Rule of Law guaranteeing freedom, equality of opportunity, justice and a well-functioning society in the face of those who, through the ambitions of power or wealth, will seek to impose their freedom less powerful. It is faith and commitment to the rule of law that determine the growth and development of any democratic civilized society. As if belief in the rule of law diminishes the social, political and economic fabric of society, it has a negative impact. We recall that Jawaharlal Nehru, speaking at the International Congress of Jurists1 on January 5, 1959, said, The rule of law seems synonymous with maintaining a civilized existence. The rule of law means a way of life and a commitment to certain principles and values. Aptly describing the notion of the rule of law former Attorney General of India, Soli J.Sorbajee2 says. This is an invaluable legacy of our civilization In his words, The rule of law symbolizes the efforts of an enlightened civilized society and the desire to combine the joy of freedom, without which the law is a tyranny, with the degree of law without which freedom becomes a license. Democracy can be described as a system of people, people and people; it is a right that makes democracy for the people and people in that sense. 1Mani, Rama (2009). 'Exploring the Rule' law in theory and practice, Civil War and the rule of law. PP 21-45. Sugar, Rajinder (2008). Indian Democracy and the Rule of Law. civil rights and the rule of law: challenges and perspectives, essays in memory of justice J C Shah. PP 111-120 2See, Lecture by Soli J. Sorabji at Brandeis University, Massachusetts, April 14, 2010. 20of9%20law%20full%20text.pdf the term Rule of Law comes from the French phrase la principe de legalite, meaning the principle of legality and a government regulating the principle of law and justice, not the arbitrariness of the ruler. It has its traces at all stages of human development. In India, Raj-Dharma Upanishad, Dharma Chakra Ashoka or Akbar Din-e-Elahi or Plato or Aristotle in Egypt or the religious text of the Holy Bible, Gita or Koran in one way or another reflect the Rule of Law. The formal beginning of the concept of Rules of Law dates back to November 3, 1608 in the West Hall of the Minister. That winter morning, sir Edward Cox and James I were having a heated debate. King James I was inclined to establish his absolute power by chaining the divine right of the king. Parliament and the Royal Courts stood in his way. James I argued that since the judges were, but his delegates, he could take any case he chooses, remove it from the jurisdiction of the courts and decide it in his royal persona. Chief Justice Cox replied: In the presence and with the clear consent of all judges, that the King of his only cannot rule on any case.....But that it must be determined and rendered in the same court, in accordance with the law and customs of England. To which the king replied: What he thought was that the law was based on causes, and that he and other causes as well as judges. This followed the stirring and courageous response of Coca-Cola, which sends awe of pride to every lawyer and even judge even after so many years. He said: It was God who endowed his majesty with the superiority of science and the great endowments of nature; but His Majesty has not been studied in the laws of his field in England and the reasons that relate to the life or inheritance or goods or fate of his subjects should not be decided by natural causes, but by artificial reason and the judgment of the law, which the law is an act that requires long study and experience. This Brockton said that the king should not be under any man, but should be under God and the law. These words lead to the great evolution of the Rule of Law in the UK. To some extent, these bold words lead to the Glorious Revolution and the Law to a settlement (1701), which ensured the rule of law in and out of England and inspired the world. Professor Albert Venn Dicey later developed this concept during his lectures at the University of Oxford. Dicey was he wrote about the concept of the rule of law in 1885 in his book The Law of the Constitution. This doctrine will promulgate notions of the rule of law that have certain limits to the political and socio-economic era of the time. The notion of the rule of law Dicey still forms the main components of the rule of law to date. He attributed the three meanings to this doctrine. The first principle (The Supremacy of the Law) recognizes the cardinal rule of democracy, according to which every government is subject to the law and the law is not subject to the government. It rightly opposes the arbitrary and unrestricted discretion of public bodies that tend to interfere with the rights of citizens. Dicey's first principle is that there is no broad discretion in the hands of government officials. The second principle (equality before the law) is no less important in the system, conducted in connection with the democratic state. It is based on the well-known: No matter how high you may be, the Law is above you, and everyone is equal before the law. Dicey states that there must be equality before the law and equal, provided that all classes are subject to the country's customary law governed by ordinary courts. He added that in England all persons were subject to the same law and there were no emergency tribunals or special courts for government and other authorities. That is why he criticized the French legal system Droit Administer, if there is a separate administrative tribunal to deal with cases between a public official and citizens. According to him, the release of civil servants from the jurisdiction of the ordinary court and the granting of special tribunals to them is a denial of equality. Dicey fears that simply proclaiming such rights in any statute would be futile if they could not be secured. He further added that the Constitution was not a source but a consequence of individual rights, so Dicey stressed that the law would be more appropriate if they were enforced in court than simply a declaration of those rights in the document, since in a later case they could be ignored, reduced or flouted. Dicey's thesis Rule of Law proved to be an effective tool in empowering administrative bodies within their limits. As stated by Matthew J.3 if it is contrary to the rule of law that discretion should be given to government departments or government employees, than there is no rule of law. Moderation of Dicey in the present context; Prof. Wade4 includes, in accordance with the rule of law, effective control and proper publicity of delegated legislation, especially when imposes fines that should be How feasible this is; every person should be held accountable, ordinary laws, whether the individual are public civil servants, the private rights of men must be determined by impartial and independent tribunals and basic private rights are guarantees of the ordinary laws of England. Consent managed is a value that is fundamental to our understanding of wood and democratic society. However, democracy cannot exist in any real sense without the rule of law. This is a law that creates a framework within which the Sovereign Will must be established and implemented. They must ensure that people are involved and accountable through the public intuition created by the consultations. However, the system of government cannot survive only because of compliance with the law. John Finnis5 says that by the rule of law means a system in which its rules are promising, Possible to comply, made public, clearly aligned with each other, fairly stable, the adoption of decrees and orders in accordance with the rules

that themselves are made public, clearly stable and relatively common, Those who govern the rules are responsible for their compliance with the rules relating to their activities and who comply with them consistently and in accordance with the law. The rule of law is the dominant legitimate slogan in the modern world. It is perhaps the only universally shared well in today's world in which the most obvious lesson is how culturally and politically divided we are. The Supreme Court of India in the case of Sri Ram Krishna Dalmia v. Sri Justice S. R. Tendolkar Case<sup>6</sup> said: First, the rule of law stipulates that the law is superior over the actions of both public and private individuals. Secondly, we have explained that the Rule of Law requires the establishment and maintenance of the actual order of affirmative laws, which preserves and embodies a more general principle of the normative order. The third aspect of the rule of law is that the exercise of state power must find its final source in a legal note. The principle of constitutionalism bears a significant resemblance to the rule of law, although it is not identical. Simply put, the principle of constitutionalism requires that all government actions comply with the constitution. The principle of the rule of law requires that all government actions comply with the law, including the Constitution. 3k. Matthew Sukhdev vs. Bhagatram AIRD 1975 SC133 (paragraph 23). 4Professor E.C.S.Wade, Constitutional and Administrative Act (2006), Prentice Hall (UK). 5John Finnis, natural right and natural right, Authority of Law in the predicament of modern social theory, (1984), 1 Notre Dame J. Ethics and Public Policy, page 115, 136. 6AIR 1958 SC 538. The rule of law has always been explained by the concepts of equality. In the case of Indira Gandhi v. Raj Narain<sup>7</sup> Narain<sup>7</sup> it was argued that article 14 - The Right to Equality itself is not the basic structure (Chandrachud J)<sup>8</sup>, but it was strongly rejected (Mathew J. and Beg J)<sup>9</sup> Article 14 itself presupposes the principle of equality in both known themes - equality before the law and equal protection of laws, where the former is British in origin and negative in nature, while later has its routes from the American constitutional system at a time. Both are the shell and core, the skin and the core of the principle and practice of equality. The inter-legal link between the rule of law and the principle of equality defines democracy and constitutionalism. Keshwanand Bharti v. Kerala<sup>10</sup> unanimously rejected the idea of fundamental rights as a restriction on changing the powers of Parliament, but a court capable of reaffirming its faith in the basic structure of the constitution must in any way be destroyed by the so-called force of amendments. As noted by renowned Indian lawyer Durga Das Basu,<sup>11</sup>.....this will lead to a wild goose chase for heavyweight parties, a bar, and a bench, for each judge to be free to hold what he thinks to be the core of a particular provision. Thus, the wild goose chase formula to define the basic structure of the Indian Constitution was a remarkable challenge for scholars of constitutional law. The question is often asked of the extent to which equality and the rule of law are the basic structure of the Indian Constitution. Differences in judicial opinion, the statehood of the country and right-wing legal movements play an important role in expanding or tightening the basic structure of the constitution, which may be something that the founders of the Constitution never intended. The judicial system changes its role simultaneously in ultra-liberal interpretations, which is ideally reflected in the change of opinion from A.K. Gopalan (1950) to the maneki Gandhi case (1975). Previously, The Indian courts had been very passive and timid in matters outside the usual judicial oversight, strictly adhering to the lines of statutory construction and often ignoring the organic nature and necessity of the Constitution; that it's a progressive interpretation. In the era of the state of emergency, the Supreme Court of India has turned its aforementioned views into a courageously courageous judicial system. Prior to that, the Supreme Court's approach was to interpret the Constitution as a Statute approved under article 367 (1), which states that if a context different requires, the General Terms Act of 1897 should be subject to any adaptation and changes that may be made to it under article 372, applied to the interpretation of the Constitution, as it is applied to the interpretation of the Constitution, as it is applied to the interpretation of the Constitution, as it is applied to interpret the Constitution as this relates to the interpretation of the legislature's act under the mandate of article 367 (1), the judiciary assumed responsibility for clarifying the intentions of the legislature and, in the case of the Constitution, the intentions of the Constituent Assembly of India. Thus, in the case of any ambiguity of the meaning of words in status or constitution, the intention of its artisans is of paramount importance. By examining this intention, the judge examines the meaning and discussion of the use of a particular term in the statute. At least when a specific alternative is specifically rejected by the Constituent Assembly, this fact will be vital to the interpretation of the provision that was eventually adopted after the rejection of the alternative.<sup>12</sup> With regard to the interpretation of the above-mentioned article 21 approach, it played a very important role, at least in the pre-emergency period. The early interpretation of article 21 in A.K. Gopalan v. State of Madras<sup>13</sup> reflects the preservation and literal interpretation of the procedure established by law. In the case of Gopalan, the view expressed by Kania C.J. was that since the Constituent Assembly had been widely debated and deliberately renounced the expression of due process of law and instead adopted the expression of the procedure established by law under article 21, the concept of due process could not be imported into article.<sup>14</sup> The members of the Indian Constitution were subject to the Constitution of Aire, 1937, Article 40(4) and: No citizen shall be deprived of a personal liberty. Except for the law. Ireland's judicial system has always interpreted the term in accordance with a law with limited and literal meaning. In the case of article 26.15, the Irish judicial system confirmed the literal meaning of the term and resorted to the question that it would not include fair play in action or natural justice. The European Court of Human Rights (ECHR) on 10 September 2010, in MacFarlane v. Ireland 16, questioned Ireland's complaint against the violation of Article 40 (4) of the Irish Constitution and Article 34 of the Convention on Human Rights and Fundamental Rights. The Irish national, Mr. Brendan MacFarlane, complained of human rights violations and lack of natural justice and unreasonableness against the Irish constitutional system, which applies a liberal interpretation of article 40 (4) only with due process and, in particular, the exclusion of procedural proceedings. The ECHR considered several decisions, such as MacFarlane v. State.<sup>17</sup> Ivor Sweetman v. DPP, Minister of Justice, Equality and Law Reforms and Attorney-General<sup>18</sup>, and ensured that the Irish constitutional system also provided a mechanism for natural justice and ensured human rights from all arbitrariness and unreasonableness. Similarly in Ryan vs. Attorney General,<sup>19</sup> Kenny The personal rights of the citizen are unlimited: their exercise can be regulated by Oireacht, as when the common good demands it, which includes a balance between ensuring the rights of citizens; but not allowing these rights to be abused. Expanding the theory of personal freedom within the purview of natural justice, in Northampton Co. Council v. ABF,<sup>20</sup>, the Court noted that the natural law has universal application and applies to all people, both citizens and non-citizens. These rights are recognized by the Constitution and by the courts established under it as preceding and superior to all positive laws. At the international level, the 1946 Japanese Constitution also used the term procedure established by law with respect to the right to life and personal freedom under article 31, which states: No person shall be deprived of his life and personal liberty, nor can any other criminal punishment be imposed, except under the procedure established by law. In A.K. Gopalan v. State of Madras,<sup>21</sup> the decision draws a comparative analysis of the Japanese Constitution- Article 31 and the Constitution of India- Article 21, in shaping its opinion in this case, Mukherjea J<sup>22</sup> concluded that since the constituent parts of the Japanese Constitution were American, they took a cautious approach in incorporating a proper legal process provision within this Japanese constitutional adventure. The Constitution of Japan has restored its belief in the rejection of the nature of justice in interpreting the right to life and personal freedom. The State Act, without any application of natural justice, would apply to life and personal freedom in accordance with the Constitution of Japan. However, the naked reading of the Japanese Constitution and the relevant judgements proposed by the Japanese judicial system from time to time are very different from what article 31 provides. The Japanese judicial system has played an important role in the interpretation of fundamental rights, in particular article 31, which provides for fair play in action and natural justice as an illustration in Nakamuen v. Japan<sup>23</sup> and Yoshida v. Japan<sup>24</sup> the Supreme Court of Japan has used the interpretation of other fundamental rights under the Japanese Constitution to ensure that natural justice is supplemented under article 31, even if the article literally excludes it. Article 32 also guarantees the right to access to the courts; Article 33 and article 34 provide for the right to be charged with criminal proceedings; Article 37 provides for the right to a speedy and public trial by an impartial tribunal and full ability to examine witnesses, and article 38 guarantees the right not to be convicted solely on the accused's own conviction. The cumulative effect of articles 32,33,34,37 and 38 provides a natural rights regime and protects fair play in violation of the right to life and personal freedom guaranteed by Article 31. 31. 31 instructs the procedure established by law as a restriction on the right to life and personal freedom in Japan, which establishes the basic procedure, and for procedural guarantees the courts were guided by the mandate of article 32,33,34,37 and 38 of the Constitution of Japan. However, in drafting the Indian Constitution, the Constituent Assembly of India, albeit under the influence of article 31 of the Japanese Constitution, ignored the existence of the above articles (Article 32,33,34,37 and 38), which completes the protection regime of both material and procedural due process in interpreting the procedure established by law. Perhaps the absence of Japanese case law and comparative study between Indian and Japanese jurisprudence made the Constituent Assembly in the drafting of the Constitution and the Supreme Court of India in A.K. Gopalan when interpreting article 21, believes that the procedure established by law will be sufficient to protect the right to life and personal freedom in India, as does in Japan and Eire in politics. 7AIR 1975 SC 2299 (Para 332). 8Ibid (pair 239). 9Ibid (para 333-336); (para. 477). 10AIR 1973 SC 1461 11Durga Das Basu, Comparative Constitutional Law, 3rd Edition, 2014, Equality and Rule of Law, Page 221, Lexisnexis India 12Wanchoo J., GolakNath v. Punjab State, AIR 1967 SC 1643 (paragraph 92). 13AIR 1950 SCR 88. 14Ibid, paragraph 296. 15 (1942) IR 112. 16Plicment No. 31333/06: September 10, 2010. 17 (2006) IESC 11 18 (2005) IEHC 435 19 (1965) IR 294 20 (1982) ILRM 164 21 (1950) SCR 88 22Ibid, paragraph 58. 23 (1962):Itoje Beer, Constitutional Affairs of Japan, 1961-1970, page 78, et seq. 24 (1967);ibid, page 799. 799. procedure established by law taken from. procedure established by law taken from which country. procedure established by law meaning in hindi. procedure established by law under article 21. procedure established by law is adopted from. procedure established by law pdf. procedure established by law article. procedure established by law meaning in telugu

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