

## Judicial Activism and the Protection of Minorities

**Dr. Razia,**

Ph.D from the Deptt. of Political Science,  
Jamia Millia Islamia, New Delhi-110025.

Mobile - 91+8750889567, Email ID - [dr.raziajimi@gmail.com](mailto:dr.raziajimi@gmail.com)

---

*Abstract: This article will highlight the importance of judicial activism in the protection of minorities in India. How the Indian court has over the years expanded and extended the role in interpreting various laws and provisions of the constitution and maintain rule of law in favor of minority communities. The judiciary played an important role in interpreting and brings new laws into existence with change in need of the society. More over as an activist it has over the years become the custodian and guarantor of rights of the minorities a marginalized section, poor and underprivileged sections of the society and made them access to justice by issuing various writs.*

---

### Meaning of Judicial Activism

Judicial activism describes judicial rulings suspected of being base on personal or political considerations rather than on existing law. The question of judicial activism is closely related to constitutional interpretation, statutory construction and separation of powers.<sup>i</sup>

The term 'judicial activism' has not been defined anywhere in the Constitution of India nor it has been defined in any Indian statute. It is the power by which the judiciary examines or determines the unconstitutionality of the legislative and executive orders. In other words judicial activism also means re-interpreting the existing laws or any constitutional provisions to meet the current requirement and to keep both executive and legislature under control, by preventing it from under exercising or over exercising of power. According to Justice Markendey Katju "Judicial activism is based on the theory of Jurisprudence called Sociological Jurisprudence, which arms the judiciary with wide legislative and executive powers. The judicial activism is use of judicial power to articulate and enforce what is beneficial for the society in general and people at large."<sup>ii</sup>

Black's Law Dictionary defines judicial activism as a "philosophy of judicial decision-making where by judges allow their personal views about public policy, among others factors to guide their decisions." Judicial activism means active role played by the judiciary in promoting justice. Judicial Activism to define broadly, is the assumption of an active role on the part of the judiciary.<sup>iii</sup>

### Historical Background of Judicial Activism

In a modern democratic set up, judicial activism should be looked upon as a mechanism to curb legislative adventurism and executive control by enforcing Constitutional limits. That is, it is only when the Legislature and the Executive fail in their responsibility or try to avoid it, that judicial activism has a role to play. In other words, judicial activism is to be viewed as a "damage control" exercise, in which sense, it is only a temporary phase. Recent times have seen judiciary play a interfering roles in the areas of constitutionally reserved for the other branches of

governments. Issues in judicial activism arise, when governance is apparently done by Mandamus.<sup>iv</sup>

Judicial activism has recently become a source of heated debate, especially in the light of hyper activity witnessed in the judicial branch of government throughout the states with federal structures. Over the past six decades, the term judicial activism has also become an immensely popular tool for criticizing judge's behaviour. Moreover, through various controversial decisions, judges of the Supreme Court and the High Courts of India, Justices of the United States as well as other countries having federal set-up, have once again triggered off the debate on judicial activism that has always generated a lot of heat. Since a very long time, there has been a lively debate on the role of judiciary in the governance of states. Judicial activism has emerged as the most acceptable term to denote judicial intervention beyond its boundaries around which such debates revolve. Despite the term's prominence, due to one reason or the other, the controversy about its definition has not been resolved and its universally acceptable meaning still remains elusive. Some politicians would like to call it as 'Judicial Anarchy', 'Judicial Over-activism' and 'Judicial Despotism'.<sup>v</sup> This chapter is an attempt to bring out the various connotations of judicial activism and to find out its effects on today's changing society.

The term 'judicial activism' is generally used by scholars of social sciences to describe a tendency by judges to consider outcomes, attitudinal preferences, and other public policy issues in interpreting applicable existing laws. One of the meanings of judicial activism is that the function of the court is not merely to interpret the law but to make it by imaginatively sharing the passion of the constitution for social justice. Therefore, judicial activism is formally considered the opposite of judicial restraint, but it is also used pejoratively to describe activist judges who endorse a particular agenda. Although, alleged activism may occur in many ways, the most debated cases involve courts exercising judicial review to strike down statutes as unconstitutional. Views about constitutional interpretation abound, ranging from strict constructionism to the living constitution, and therefore, in practice, any controversial decision striking down a statute may be labelled by the decision's critics as judicial activism.<sup>vi</sup>

The idea of judicial activism has been around far longer than the term itself. Before the twentieth century, legal scholars squared off over the concept of judicial legislation, that is, judges making positive law. Where Blackstone favoured judicial legislation as the strongest characteristic of the common law, 145 Bentham regarded this as a usurpation of the legislative function and a charade or 'miserable sophistry.' Bentham, in turn, taught John Austin, who rejected Bentham's view and defended a form of judicial legislation in his famous lectures on jurisprudence. However, in the first half of the twentieth century, a flood of scholarship discussed the merits of judicial legislation, and prominent scholars took positions on either side of the debate. 21 Thus, the seeds of judicial activism were sown by English concepts like 'equity' and 'natural rights' and on the American soil, it blossomed into the concept of 'judicial review.'<sup>vii</sup>

The concept of judicial activism which is another name for innovative interpretation was not of the recent past; it was born in 1804 when Chief Justice Marshall, the greatest Judge of the English-speaking world, decided *Marbury v. Madison*<sup>1</sup>. Marbury was appointed Judge under the Judiciary Act of 1789 by the U.S. Federal Government. Though the warrant of appointment was signed it could not be delivered. Marbury brought an action for issue of a writ of mandamus. By then, Marshall became the Chief Justice of the Supreme Court having been appointed by the outgoing President, who lost the election. Justice Marshall faced the imminent prospect of the Government not obeying the judicial fiat if the claim of Marbury was to be upheld. In a rare display of judicial statesmanship asserting the power of the Court to review the actions of the Congress and the Executive, Chief Justice Marshall declined the relief on the ground that Section 13 of the Judiciary Act of 1789, which was the foundation for the claim made by Marbury, was unconstitutional since it conferred in violation of the American Constitution, original jurisdiction on the Supreme Court to issue writs of mandamus. He observed that the Constitution was the fundamental and paramount law of the nation and "it is for the court to say what the law is". He concluded that the particular phraseology of the Constitution of the United States confirms and strengthens the principle supposed to be essential to all written Constitutions. That a law repugnant to the Constitution is void and that the courts as well as other departments are bound by that instrument. If there was conflict between a law made by the Congress and the provisions in the Constitution, it was the duty of the court to enforce the Constitution and ignore the law. The twin concepts of judicial review and judicial activism were thus born.<sup>viii</sup>

Thus it can say judicial activism is not a monolithic concept. Rather, it can represent a number of distinct jurisprudential ideas that are worthy of further investigation. For example, when scholars suggest that striking down arguably constitutional actions of other branches is judicial activism, they invite debate over the age-old questions of how one can best interpret the Constitution, and what should be the proper scope of judicial review in our tripartite system of government. Similarly, a charge of judicial activism as disregarding precedent raises complex issues about the nature of a judicial holding, and the amount of deference owed to different types of precedent. Indeed, each of the definitions discussed in Part II invites subsidiary questions that are as important as they are difficult to resolve.

### **Definition of Judicial Activism**

Black's Law Dictionary defines the term 'judicial activism' in the following words: "A philosophy of judicial law-making whereby judges allow their personal views about public policy among other factors to guide their decisions; usually with the suggestion that adherents of this philosophy tend to find constitutional violations and are willing to ignore precedent."<sup>ix</sup>

According to Merriam -Webster's Dictionary of Law: "Judicial activism is the practice in the judiciary of protecting or expanding individual rights through decisions that depart from the established precedent or are independent of or in opposition to supposed constitutional or legislative intent."<sup>x</sup>

Agarwal's legal dictionary defines judicial activism or judicial creativity as: "Apparent power of the judges to modify the scope and pattern of existing offences and to create new offences resulting in judge-made law."<sup>xi</sup>

The phenomenon of judicial activism has been observed both under the Constitution of India and under different Indian statutes. In the absence of a constitutional definition and a statutory definition, different Indian jurists have made an attempt to define the term 'judicial activism'.

In the words of Justice J.S. Verma: "Judicial activism must necessarily mean the active process of implementation of the rule of law essential for the preservation of a functional democracy."<sup>xii</sup> In *S. P. Gupta vs. Union of India*, it was held that:

"He [the judge] has to inject flesh and blood in the dry skeleton provided by the legislature and by a process of dynamic interpretation, invest it with a meaning which will harmonize the law with the prevailing concepts and values and make it an effective, instrument for delivery of justice."

In India, Public Interest Litigation (PIL) or Social Action Litigation (SAL) are the main strategies for developing 'Judicial activism'. According to K.L.

Bhatia: "Judicial activism in India is a movement from personal injury to public concern by relaxing, expanding and broadening the concept of locus standi. Judicial activism in India, is a progressive movement from "personal injury standing" to "public concern standing" by allowing access to justice to pro bono public that is public spirited individuals and organizations on behalf of "lowly and lost" or "underprivileged" or "underdogs" or "little men" who on account of constraints of money, ignorance, illiteracy has been bearing the pains of excesses without access to justice."

According to Prof. Sathe in India, judicial activism is classified into two types. Judicial activism can be positive as well as negative. In positive sense, court engaged in altering the power relations to make them more equitable is said to be positively activist and in negative sense a court using its ingenuity to maintain the status quo in power relations is said to be negatively activist.<sup>xiii</sup>

According to Prof. Upendra Baxi Indian judicial activism is either as reactionary judicial activism or as progressive judicial activism. He cites the Nehruvian era activism on issues of land reform and right to property and the pro-emergency as a manifestation of reactionary judicial activism. On the other hand, he describes *Golak Nath* and *Kesavananda* as the beginning of progressive judicial activism. Baxi further says that 'Progressive judicial activism' extends the frontiers of that which is judicially doable in time and place, both in terms of political and social transformation. "But there can be no form of reactionary judicial activism."<sup>xiv</sup>

*A Non activist judge is subject to the powers of the other two organs – the executive and the legislature. Secondly, he neither indulges in policy-making nor in policy-execution. Thirdly, he does not believe in revolution of the present social order. In contrast, to this an Activist judge regards himself as holding judicial power in fiduciary capacity for civil and democratic rights of all people, especially the disadvantaged, the dispossessed and the deprived." Secondly, unlike a non-activist judge, an activist does not subject himself to the powers of the other two organs – the executive and the legislature. She does indulge in policy-making and policy-execution.*

*Thirdly, an activist judge through the exercise of her powers tries to cope with the present social and political problems of the society. In brief, she promotes 'change' over stability.<sup>xv</sup>*

A non-activist judge prefers to exercise its power as an agent of the Government whereas an activist judge exercises its power as an agent of the people. As an agent of the people, an 'activist' judge has the ability not only to determine the legal relations of the Government with its people but also the ability to determine its own relation with the other two organs of the Government. Thus, a non-activist court stands for the 'legal' and 'political sovereign' whereas an activist court stands for the 'popular sovereign'.

### **Judicial Activism in India**

The Indian Constitution, promulgated in 1950, largely borrowed its principles from Western models – parliamentary democracy and an independent judiciary from England, the Fundamental Rights from the Bill of Rights, and federalism from the federal structure in the U.S. Constitution, and the Directive Principles from the Irish Constitution. These modern principles and institutions were borrowed from the West and then imposed from above on a semi-feudal, semi-backward society in India. Whereas in Western countries such as England, the modern democratic principles and institutions were a product of historical struggles from the 16th to 19th Centuries in those countries.

In India, on the other hand, these modern principles and institutions were not a product of our own struggles. They were imported from the West and then transplanted from above on a relatively backward, feudal society, the aim being that they will pull India forward into the modern age. The Indian judiciary, being a wing of the State, has thus played a more activist role than its U.S. counterpart in seeking to transform Indian society into a modern one, by enforcing the modern principles and ideas in the Constitution through Court verdicts.

In the early period of its creation the Indian Supreme Court was largely conservative and not activist. In that period, which can broadly be said to be up to the time Justice Gajendragadkar became Chief Justice of India in 1964, the Indian Supreme Court followed the traditional British approach of Judges being passive and not activist. There was very few law creating judgments in that period. Justice Gajendragadkar, who became Chief Justice in 1964, was known to be very pro-labor. Much of the Labor Law which he developed was judge made law e.g. that if a worker in an industry was sought to be dismissed for a misconduct there must be an enquiry held in which he must be given an opportunity to defend himself.<sup>xvi</sup>

In 1967 the Supreme Court in *Golakh Nath v. State of Punjab*, AIR 1967 SC 1643 held that the fundamental rights in Part III of the Indian Constitution could not be amended, even though there was no such restriction in Article 368 which only required a resolution of two third majorities in both Houses of Parliament. Subsequently, in *Keshavanand Bharti v. State of Kerala*, AIR 1973 SC 1461 a 13 Judge Bench of the Supreme Court overruled the Golakh Nath decision but held that the basic structure of the Constitution could not be amended. As to what precisely is meant

by 'basic structure' is still not clear, though some later verdicts have tried to explain it. The point to note, however, is that Article 368 nowhere mentions that the basic structure could not be amended. The decision has therefore practically amended Article 368. <sup>xvii</sup>

In *A.K. Gopalan v. State of Madras*, AIR 1950 SC 27 the Indian Supreme Court rejected the argument that to deprive a person of his life or liberty not only the procedure prescribed by law for doing so must be followed but also that such procedure must be fair, reasonable and just. To hold otherwise would be to introduce the due process clause in Article 21 which had been deliberately omitted when the Indian Constitution was being framed. <sup>xviii</sup>

However, subsequently in *Maneka Gandhi v. Union of India*, AIR 1978 SC 597 this requirement of substantive due process was introduced into Article 21 by judicial interpretation. Thus, the due process clause, which was consciously and deliberately avoided by the Constitution makers, was introduced by judicial activism of the Indian Supreme Court. Another great arena of judicial activism was begun by the Indian Supreme Court when it interpreted the word 'life' in Article 21 to mean not mere survival but a life of dignity as a human being. Thus the Supreme Court in *Francis Coralie vs. Union Territory of Delhi* held that the right to live is not restricted to mere animal existence. It means something more than just physical survival. The Court held that:

"... the right to life includes the right to live with human dignity and all that goes along with it, namely, the bare necessities of life such as adequate nutrition, clothing and shelter and facilities for reading, writing and expressing one-self in diverse forms, freely moving about and mixing and comingling with fellow human beings."

The 'right to privacy' which is a new right was read into Article 21 in *R. Rajagopal Vs. State of Tamil Nadu*. The Court held that a citizen has a right to safeguard the privacy of his own, his family, marriage, procreation, motherhood, child bearing and education, among other matters. <sup>xix</sup>

The right to sleep was held to be part of Article 21 vide *In re Ramlila Maidan (2012) S.C.I.1*. In *Ajay Bansal vs Union of India*, Writ Petition 18351/2013 vide order dated 20.6.2013 the Supreme Court directed that helicopters be provided for stranded persons in Uttarakhand.

In a subsequent decision, *Bhagwan Dass Vs. State (NCT) of Delhi*, 2011(5) Scale 498, again authored by the writer, the Supreme Court mandated death sentence for 'honour killing' i.e. killing of young men and women who married outside their caste or religion, or in their same village, thereby 'dishonouring' the parents or their caste.

### **Judicial Activism and Marginalized Sections (Minorities and Dalits)**

Even so the judiciary is an independent and powerful organ in the country who provides protection to each class and the community. But despite of this many shortcomings in the judicial system has influenced and suffered to the oppressed sections of society particularly on minorities. The judiciary provided special power

of judicial activism in India which used in special circumstances by the judiciary. But the judiciary is unable to provide the benefit to minority, dalits and other oppressed sections of society, which shows that the marginalised sections and oppressed sections are discriminated by the judiciary due to lack of their real existence in the society. Due to their weak economic situation of these classes are also easily framed in false cases and the punishment is too harsh in, because they have some sort of force and would not exist. *Indian jails are full of the millions who have to fight your case to the attorney does not have the money, to people who would not have either never heard and there is also the law of the hearing in the absence of information or a good lawyer can not address because they can not stand for themselves and they are sentenced.*

*India's legal system and complex system is one of the world's most expensive, where the entire legal system in English is still in court, where 70% of the country people are unable to understand the English language or legal | This a legal Aamir arranged for those who are just educated | poor and less educated people today know about India's justice system is too far |*

*Protection of minorities is the hallmark of a civilization. According to Gandhiji, the claim of a country to civilization depends on the treatment it extends to the minorities. Lord Acton added another dimension: the most certain test by which we judge whether a country is really free is the amount of security enjoyed by minorities. Rights of minorities figured prominently in the Constituent Assembly. Our founding fathers were deeply concerned to ensure full meaningful protection to the members of the minority communities individually and collectively. The minorities particularly Muslims, Christians, Sikhs were apprehensive that their civil and political rights may be ridden rough shod by the majority community despite the secular pretensions of independent India.*

*In the initial stages, the minority insisted that a system of separate electorate should be continued as in the past. Nationalists in India opposed this demand because it was based on, and recognized, communal or religious separatism. Separate electorates were incompatible with the goal of secular democracy to which the Indian nation was committed. At the same time, some method had to be found by which the minorities were not ignored or swamped. Popular legislature swayed by passion and prejudice may well trample upon the rights of minorities, especially unpopular minorities.*

It is very difficult to assess the Supreme Court's role in the area of civil liberties. The Court has, however, permitted the extensive curtailment of the individual's rights...Over the years, no consistent and overall policy is discernable. It seems as if the Court acts on an ad hoc basis with a different emphasis on policy in different cases. It is doubtful if a consistent and evolutionary trend of decisions on civil liberties is in the offing." (Rajeev Dhavan, Judges on Trial, 1980). It is very difficult to assess the Supreme Court's role in the area of civil liberties...The Court has, however, permitted the extensive curtailment of the individual's rights. Over the years, no consistent and overall policy is discernable. It seems as if the Court acts on an ad hoc basis with a different emphasis on policy in different cases. It is doubtful if a consistent and evolutionary trend of decisions on civil liberties is in the offing." (Rajeev Dhavan, Judges on Trial, 1980).

Democratic states pride themselves on an impartial rule of law that does not discriminate against minorities. In the fight against terrorism, states face the dilemma of balancing security with liberty. As Waldron (2003) points out, any balance includes the possibility that the liberties of few could be held hostage to the security of the majority, that the invasive power of the state could increase, that the consequent security could be more symbolic rather than real. Terrorism induces higher levels of insecurity and greater willingness on the part of citizens to allow legislatures to enact laws even allowing secret trials, detention without trial, surveillance and even torture. Public fear of terrorist attacks may make majority opinion tilt towards security concerns at the expense of civil liberties, but the judiciary is supposed to be the last bastion when all other institutions succumb to prejudice. Is it? Have the judges balanced the demands of security with obligations of democracy? An assessment of the Indian Supreme Court on anti-terror cases is instructive because it sheds light on the challenges faced by judges in poor and multi-religious democracies. Indian judges have to walk a difficult path between upholding a constitutional mandate of parliamentary (and majoritarian) primacy in emergency laws, and ensuring fair treatment to religious minorities.

### Conclusion

Judicial activism has been criticised by many critics stating that it is violating the principle of separation of power. But as judiciary being protector and guardian of rights and final interpreter of constitution, it has vested with ultimate power to struck down or expand various provisions of the constitution and existing laws. At present judicial activism has been very widely used in India for interpreting various existing laws and constitutional provisions. Judicial activism in India as compared to other countries of the world is very powerful and is recognized by large section of society. At present Article 21 has been interpreted which has included right to live with dignity, right to privacy, right to fair trial, education, right to health, right to food etc. We can say that over the years the role of Indian judiciary in promoting judicial activism is on increase and continuously trying to check and control the arbitrary actions and laws made by executive and legislature and to keep them intact.

### References

1. Justice Bala Krishnan K.G. "JUDICIAL ACTIVISM UNDER THE INDIAN CONSTITUTION", 2009
2. Sandra Fredman, "*Human rights transformed – positive rights and positive duties*" (New Delhi: Oxford University Press, 2008)
3. K.L. Bhatia, "Judicial Review and Judicial Activism - A comparative study of India and Germany from an Indian perspective", (New Delhi: Deep & Deep Publications, 1997)
4. Chief Justice Bhagwati P.N., "Judicial Activism in India"
5. Narang A.S. "Indian Government and Politics", New Delhi: Gitanjali Publishing House, 2000

<sup>i</sup> Wolfe, Christopher, *Judicial Activism 2nd Edition*, Rowman & Littlefield Publishers, USA, 1997.

<sup>ii</sup> Justice Markandey Katju, Separation of Powers, Judicial Review and Judicial Activism, <http://justicekatju.blogspot.in/2013/10/separation-of-powers-judicial-review.html>, 24 october 2013, access on 31 july 2015.

<sup>iii</sup> Mark Franek, *Judicial Activism, Tempest, or a tempest*, the philadelphia lawyer Summer 2014, [http://www.philadelphiabar.org/WebObjects/PBAReadOnly.woa/Contents/WebServerResources/CMSResources/TP\\_L\\_Summer14\\_Teapot.pdf](http://www.philadelphiabar.org/WebObjects/PBAReadOnly.woa/Contents/WebServerResources/CMSResources/TP_L_Summer14_Teapot.pdf), access on 31 july 2015.

<sup>iv</sup> Judicial Activism in India: Meaning and Implications, [www.academia.edu/2148025/JUDICIAL\\_ACTIVISM\\_IN\\_INDIA\\_MEANING\\_AND\\_IMPLICATIONS](http://www.academia.edu/2148025/JUDICIAL_ACTIVISM_IN_INDIA_MEANING_AND_IMPLICATIONS), access on 30 july 2015.

<sup>v</sup> Surya Deva, "Who will Judge the Judges: A Critical Purview of Judicial Activism", Delhi University Law Journal, Vol. 1, 1997.

<sup>vi</sup> Sukh Dass v. Union Territory of Arunachal Pradesh (1986) 2 SCC 401; Sheela Barse v. Union of India (1986) 3 SCC 632

<sup>vii</sup> Judicial Activism: Concept and Historical Background, Judicial Review, [http://shodhganga.inflibnet.ac.in:8080/jspui/bitstream/10603/40573/10/13\\_chapter4.pdf](http://shodhganga.inflibnet.ac.in:8080/jspui/bitstream/10603/40573/10/13_chapter4.pdf), access on 29 july 2015.

<sup>viii</sup> Justice M.N. Rao, Judiciary/Courts, Judicial Activism, Cite as: (1997) 8 SCC (Jour) 1, <http://www.ebc-india.com/lawyer/articles/97v8a1.htm>, access on 30 july 2015.

<sup>ix</sup> Paranjapee "Jurisprudence And Legal Theory", p 438 and also Black's Law Dictionary, 7th ed., (St. Paul, Minnesota: West Group, 1999), cited in Introduction To Judicial Activism retrieved from, [http://shodhganga.inflibnet.ac.in:8080/jspui/bitstream/10603/20809/9/09\\_chapter%201.pdf](http://shodhganga.inflibnet.ac.in:8080/jspui/bitstream/10603/20809/9/09_chapter%201.pdf)

<sup>x</sup> Merriam-Webster's Dictionary of Law, (Springfield, Massachusetts: Merriam-Webster, 1999)

<sup>xi</sup> Agarwala's Legal Dictionary, (Agra: Law Book Publishers, 1997)

<sup>xii</sup> Quoted in Manika, "Judicial Activism: A means for Attaining Good Governance", Nyaya Deep, NALSA, Vol. VII, Issue 3, July 2006, pp. 117-132, p. 120

<sup>xiii</sup> S.P. Sathe, *Judicial Activism In India: Transgressing Borders And Enforcing Limits*, 2<sup>nd</sup> ed., (New Delhi: Oxford University Press, 2002)

<sup>xiv</sup> Upendra Baxi, "On the Shame of Not Being an Activist: Thoughts on Judicial Activism", Indian Bar Review (IBR), Vol. 11(3) 1984

<sup>xv</sup> Introduction to Judicial Activism, [http://shodhganga.inflibnet.ac.in:8080/jspui/bitstream/10603/20809/9/09\\_chapter%201.pdf](http://shodhganga.inflibnet.ac.in:8080/jspui/bitstream/10603/20809/9/09_chapter%201.pdf)

<sup>xvi</sup> Jyoti Ramakant Navelkar, Judicial Restrain and Judicial Activism, <http://www.grkarelawlibrary.yolasite.com/resources/FM-Jul14-LT-2-Jyoti.pdf>

<sup>xvii</sup> Y Chandrachud, Minerva Mills Ltd. & Ors vs Union Of India & Ors on 31 July, 1980, Equivalent citations: 1980 AIR 1789, 1981 SCR (1) 206.

<sup>xviii</sup> Y Chandrachud, Minerva Mills Ltd. & Ors vs Union Of India & Ors on 31 July, 1980, Equivalent citations: 1980 AIR 1789, 1981 SCR (1) 206.

<sup>xix</sup> Y Chandrachud, Minerva Mills Ltd. & Ors vs Union Of India & Ors on 31 July, 1980, Equivalent citations: 1980 AIR 1789, 1981 SCR (1) 206.

<sup>xx</sup> M H Beg, Maneka Gandhi vs Union Of India on 25 January, 1978, Equivalent citations: 1978 AIR 597, 1978 SCR (2) 621

