

Balancing Drug Control and Personal Liberty: A Critical Analysis of Section 37 NDPS Act

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Abstract- The NDPS Act, 1985 was implemented to counteract the increasing threat of drug trafficking & substance abuse in India through a strict legal structure. Among it's most debated provisions is Section 37, which enforces rigorous requirements for the granting of bail in situations involving commercial volumes of narcotic substances. This provision marks a notable divergence from conventional criminal law where bail is treated as the rule and jail as the exception. The stringent bail requirements under the NDPS Act have raised serious Constitutional issues pertaining to individual freedom, presumption of innocence, & the right to a fair and speedy trial guaranteed under Article 21 of the Constitution of India. The research critically examines the constitutional validity and judicial interpretation of Section 37 while analysing the tension between state interest in drug control & individual rights. It further evaluates the impact of prolonged undertrial detention and explores whether the stringent bail conditions satisfy the doctrine of proportionality. The paper concludes by emphasizing the need to balance effective drug enforcement with constitutional safeguards and procedural fairness.

Key words: NDPS Act, Section 37, Bail Jurisprudence, Personal Liberty, Article 21, Presumption of Innocence, Constitutional Validity

I. INTRODUCTION

The problem of drug trafficking and narcotic abuse has emerged like a major danger to the general public's health, social stability, & security of the nation across the world. In response to the increasing spread of illicit narcotic substances and India's international duties under various drug control conventions, the Parliament enacted the "*Narcotic Drugs and Psychotropic Substances Act, 1985*" (NDPS Act). It introduced a comprehensive legal structure to regulate narcotic drugs & psychotropic substances, prescribing strict punishments and rigorous procedural safeguards to deter drug-related offences. Unlike ordinary criminal laws, the NDPS

Act adopts a strict and enforcement-oriented approach with the goal of curbing organized drug trafficking & protecting societal interests.

Among the most controversial elements of the NDPS Act is Section 37, which governs the granting of bail in offences including commercial volume of narcotic substances. The provision imposes what are commonly known as the "*twin conditions*" for bail, needing the judge to be convinced that the accused is prima facie not guilty & is not likely to commit any crime while under bail. These circumstances significantly restrict judicial discretion and create a high threshold for release, thereby deviating from the normal principles of bail under the CrPC, 1973. As a result, individuals accused in violation of NDPS Act often remain in extended pre-trial incarceration, even before their guilt is conclusively established.

The strict bail framework U//s 37 has generated intense constitutional debate, particularly in relation to Article 21, which protects the right to life and individual freedom. Denial of bail for extended periods raises concerns regarding the innocence presumption, procedural fairness, and the right to a speedy trial. Critics argue that the provision effectively turns incarceration before to trial into a kind of punishment, thereby undermining the fundamental principles of criminal jurisprudence. At the same time, the State justifies such restrictions on the ground that drug crime pose a grave danger to society & requires exceptional legal measures.

The judiciary has played an important part in comprehending & balancing these competing interests. While the Apex Court has, in several cases, emphasized the required nature of Section 37 & upheld its strict application, recent judicial trends indicate a growing concern for constitutional rights and prolonged incarceration of undertrial prisoners.

Courts have increasingly recognized that statutory restrictions cannot completely override the guarantees of fairness, liberty, and due process embedded in the Constitution.

Against this background, the current research aims to critically analyse the constitutional and legal implications of Section 37. The paper examines the conflict between effective drug control and the defense of personal freedom, evaluates judicial interpretation of stringent bail provisions, and explores whether the existing structure strikes a constitutionally proportionate balance between state interests & fundamental rights.

II. CONCEPT OF BAIL, PERSONAL LIBERTY, & PRESUMPTION OF INNOCENCE

The concept of bail occupies a key role in criminal law and is closely connected with the defense of personal liberty, & the innocence is presumed. In criminal law, the temporary release of an accused individual from custody pending trial is referred to as bail, subject to specific requirements set by the court. The fundamental principle governing bail in ordinary criminal law is that “bail is the rule and jail is the exception.” This idea is rooted in the belief that until someone is proven guilty, they are presumed innocent through a fair trial. Therefore, detention before conviction should ordinarily be avoided unless it becomes necessary to ensure the proper administration of the law.

The privilege of personal liberty is assured under Article 21, which provides “that no person shall be deprived of life or personal liberty except according to the procedure established by law”. Judicial interpretation has expanded the scope of Article 21 to include the right to fair procedure, speedy trial, dignity, and protection against arbitrary detention. Bail jurisprudence is therefore deeply linked with constitutional guarantees, as denial of bail directly affects the liberty of an individual who has not yet been convicted.

Another essential principle underlying criminal justice is the presumption of innocence. This doctrine assigns the burden of proving guilt upon the prosecution & protects individuals from being treated

as offenders before conviction. The presumption is considered a human right & forms the foundation of fair trial jurisprudence in democratic legal systems. However, special legislation such as the NDPS create significant departures from these traditional principles. Section 37 of the Act imposes strict conditions for the grant of bail and substantially restricts judicial discretion, especially in cases involving commercial volumes of narcotic substances.

The stringent bail framework under the NDPS Act has generated constitutional concerns because it indirectly weakens the presumption of innocence by requiring the accused to demonstrate legitimate reasons to believe that they are not guilty. This creates a heavy burden at the pre-trial stage & frequently causes undertrial inmates to be imprisoned for extended periods of time. Courts have therefore been required to achieve a careful equilibrium between the objective of controlling drug-related offences and the constitutional guarantee of individual freedom and a fair trial. In recent years, judicial trends indicate a growing recognition that statutory restrictions on bail cannot completely override the guarantees provided under Article 21.

Thus, the concepts of bail, personal liberty, & presumption of innocence remain interrelated pillars of criminal jurisprudence. Any departure from these principles through special statutes must be tested against constitutional requirements for due process, proportionality, & justice. The debate surrounding Section 37 reflects this continuing conflict between state interests in combating narcotics offences & the protection of fundamental rights of accused persons.

III. CONSTITUTIONAL FRAMEWORK AND SECTION 37 OF NDPS ACT

The India constitution provides an elaborate pattern of protections to guard individual rights against arbitrary government action, especially to criminal justice. Such protections were mainly entrenched in Part III that secured basic rights like equality before the law, freedom of expression, and safeguarding of life and personal liberty. These rights in the context of criminal action act as a crucial check on legislative and executive authority, guaranteeing that the

investigation, arrest, detention and trial procedure follows the rules of fairness and justice.

Of these, Article 21 stands out at the center of stage since it guarantees that no one is deprived of life or personal liberty except in a process spelt out by law. This provision has been construed in the broadest sense by the apex Court to mean that the process should be fair, just, and reasonable, thus including substantive due process. Articles 14 and 19 strongly provided to prevent arbitrariness and unreasonable restrictions, along with Article 21 & Article 22 (which guarantees legal safeguards against unreasonable arrest and detention) strengthens the prohibitions against arbitrary actions and discrimination.

These constitutional assurances become especially important in light of the strict criminal laws like the NDPS Act. They can be used as a reference point by which the legitimacy and usability of restrictive clauses, especially concern bail on pre-trial detention, should be evaluated. The normative base of assessing the equilibrium between the power of the state and individual freedom are protected by the constitution.

3.1 Article 21: Right to Life and Personal Liberty

Article 21 makes it clear that not any individual is to be rejected life or citizenship liberty unless a procedure, provided by the law is followed.¹ The interpretation by the judiciary over time had turned this obviously limited guarantee into a wide storehouse of substantive and procedural rights. The development of Article 21 represents the struggle of the judiciary to make sure that the state action directly interfering with life and liberty is not only legal, but also fair, reasonable and just.

The Supreme Court had been restrictive in its initial interpretation of Article 21 in “A.K. Gopalan v. State of Madras,” where it ruled that any given procedure under the law would be acceptable whether or not it was fair and reasonable.² This formalistic interpretation gave supremacy of the law over individual liberties. But this stand has been overturned in the “*Maneka Gandhi v. Union of India*” case when the Court declared that the procedure provided by a law has to be correct, fair and just and not arbitrary, whimsical, or oppressive.³

This historic ruling was in effect the extension of the inclusion of the substantive due process doctrine in Indian constitutional law that essentially matched Article 21 with naturally imposed considerations of fairness that are part of natural justice.

The enlargement of Article 21 had not ceased at due process, and it also ushered in the consideration of various derivative rights needed in the dispensation of justice. These have included such rights as the right to a prompt trial and the right to a fair trial which have proven essential elements. In a row of decisions, the Apex Court highlighted the fact that the excessive delay of criminal justice not only diminishes the first-person freedom but also the reputability of the legal system.

The jurisprudence on the right of speedy trial has largely been evolved in “*Hussainara Khatoon v. State of Bihar*” since the Court had brought out the plight of languishing undertrial inmates in jail indefinitely without trial.⁴ The Court declared that right to prompt trial was a part and parcel of Article 21 and the State has a constitutional purpose to dispose cases expeditiously. This ruling was a turning point in that it highlighted systematic delays, and the harm they contributed to basic rights.

This principle was further expounded on in subsequent decisions. The “*Abdul Rehman Antulay v. R.S. Nayak*” also established the principles emphasizing the conditions to judge whether the right to a speedy trial is violated, such as the delay duration, its reasons, and prejudice caused to the accused.⁵ The Court explicated that even though no strict timelines could not be set, the overall issue of concern should be to ensure that a miscarriage of justice due to lengthy proceedings is avoided.

The connection between the expeditious trial and the freedom of individuals is especially important to be assessed in instances of the pre-trial detention. The Court also restated in “*Kadra Pahadiya v. State of Bihar*” that a lengthy pre-trial detention is a breach of Article 21, and that the State is not entitled to excuse such lengthiness by reference to administrative or procedural reasons.⁶ Likewise, in “*Sanjay Chandra v. Central Bureau of Investigation*”, the Court made a finding that incarceration before conviction must not

be a substitution to punishment particularly in circumstances where the trials are expected to be long.⁷

The applicability of Article 21 is further enhanced by special laws like the NDPS Act, where enforceable bail conditions tend to keep untried detainees in custody, by their most extensive circumstances. Such laws need to be put through the constitutional test of fairness and reasonableness in the restrictive framework. The growing acknowledgment of the court has been that over pre-trial incarceration coupled with postponed trial can be a breach of the right to life and individual freedom.

The transformation of the nature of Article 21, therefore, where a limited procedural provision has been turned into a comprehensive illustration of rights to due process and fair trial, highlights its key significance towards safeguarding individual liberty. The introduction of the speedy trial jurisprudence into its scope is indicative of the judiciary not only taking care in rendering justice fairly but also in a timely manner. Article 21, in this respect, is an important constitutional safeguard against unreasonable state exercise of power, especially in the area of criminal law, where the price of personal freedom is greatest.

3.2 Article 14: Equality before Law

Equality under the law & equality of protection of the laws are a principle in the constitution under article 14 and it constitutes a corner of the constitution allowing equal representation of both genders.⁸ It guarantees that the state action is not arbitrary and people with similar situations are treated equally. Although the conventional interpretation of Article 14 was based on reasonable classification, the recent judicial analysis has greatly expanded the scope of Article 14 to have a wider ban on arbitrariness in state action.

First, the Supreme Court had used Article 14 under the theory of reasonable classification in order to determine that any classification has to be founded on an intelligible differentia, & that the classification has to have a logical connection to the item that is intended to be attained.⁹ Nevertheless, by an increasing degree, this formal means of treatment

was complemented by a more substantive conception of equality. “*E.P. Royappa v. State of Tamil Nadu*” initiated a new change in the Court because it ruled that equality is the opposite of arbitrariness and, therefore, any arbitrary state action would be unconstitutional by Article 14.¹⁰ This interpretation changed Article 14 into a more broad principle of fairness and non-arbitrariness as opposed to a classification-based guarantee.

The doctrine of arbitrariness was further reinforced in “*Maneka Gandhi v. Union of India*” in which the Court gave Articles 14, 19, and 21, which said that a law or procedure that takes away the liberty of a person has to be just, fair, and reasonable, rather than arbitrary.¹¹ This was combined to make sure that arbitrariness in state action was open to attack insofar as unequal classification grounded it as well as insofar as it was based on substantive unreasonableness.

This principle has been upheld by subsequent decisions. Taking the case of “*Ajay Hasia v. Khalid Mujib Sehravardi*”, the Court decided that arbitrariness is contrary to equality and anything that is arbitrary would be offensive to Article 14.¹² Likewise, in “*Shayara Bano v. Union of India*”, the Apex Court limitlessly applied the doctrine to the action of the legislature when it expressly cited manifest arbitrariness as a basis to invalidate a legislation.¹³

The applicability of the arbitrariness doctrine is especially critical when the application is of strict criminal legislation like the NDPS Act. Provisions, which place undue limitations on the granting of bails, or otherwise place too heavy a tax on the accused, might also fall under scrutiny under Article 14 and may be found to be arbitrary or unfair. Such provisions can be declared unconstitutional in case they lead to different treatment or unwarranted deprivation of liberty.

In this way, by creating the doctrine of arbitrariness, Article 14 offers a solid constitutional protection against irrational and unfair state action. It keeps laws and procedures, especially in the criminal justice system, responsive & sensitive to the Fairness principles, reasonableness, and equality, promoting the rule of law.

3.3 Article 19: Reasonable Restrictions

The essential liberties provided in Article 19 comprise of freedom of speech & expression, freedom of movement and association and so on. But such liberties do not exist in isolation and are limited to reasoned limitations by the State, in the name of sovereignty, national security, social order & morality.¹⁴ The idea of reasonable restrictions can be considered a constitutional means of striking a balance between personal freedoms and the needs of the society in general.

The legal system has been very crucial in outlining the borders of reasonableness in Article 19. In “*State of Madras v. V.G. Row*”, the Supreme Court determined that a restriction is appropriate had to be identified based on the factors like characteristics of the right, purport of the restriction, scope of the restriction and the prevailing social conditions.¹⁵ This case established that limitations should not be overbearing or a disproportion of the object desired to be pursued.

This balancing exercise has been enhanced by the principle of proportionality. In “*Modern Dental College v. State of Madhya Pradesh*”, it was once again reiterated by the Court that any limitation on the fundamental rights must be appropriate, reasonable, and aligned to the purpose proposed.¹⁶ This assures that the right to State action does not violate individual freedoms in an arbitrary manner in attempts to achieve legitimate objectives.

State interest versus personal liberty becomes imperative when it comes to criminal law, especially when the statute is strict as the NDPS Act. The aim of the State to avoid drug trafficking and the preservation of the order in the population is certainly justifiable. But limitations suggested under this goal such as those that touch upon individual freedom by providing high bail should meet the reasonableness and proportionality test. Limitations which bifurcate or block the rights of the accused unreasonably in terms of constitutional review might not pass.

In such a way, Article 19 reflects a dynamic balance the individual freedoms and the state’s interest where there should be justified, not arbitrariness, and proportional restrictions. This body of balance is

paramount in analyzing constitutional soundness of strict law interventions in the system of criminal justice.

3.4 Article 22: Protection Against Arbitrary Arrest

Article 22 offers particular procedural safeguards to guard in opposition to unwarranted arrest & detention of individuals. It supplements the wider assurance of individual liberty of Art 21 by establishing minimum standards that should be adhered to in cases where an individual is denied his or her freedom by the State.¹⁷ Criminal law in particular is among the fields where these protective measures are of great importance since the authority to arrest can be easily abused.

Article 22 (1) ensures that no person who has been arrested is imprisoned without being made aware as early as possible of the reasons why they are arrested or deprived of the right to speak with and counsel a lawyer of their choosing.¹⁸ This provision guarantees transparency in arrest and the accused to mount a successful defense. Article 22(2) also stipulates that all individuals arrested should be brought before a magistrate within twenty-four hours of being taken into custody which excludes the time required to make such an arrest, and cannot be held longer without the authority of judicial officers.¹⁹ These demands are important restraints to unlawful detention and governmental abuse of power.

These safeguards have been confirmed by the Apex Court by judicial interpretation. The Court in “*D.K. Basu v. State of West Bengal*” provided elaborate guidelines to curb custodial abuses, to hold accountable the arrest/detainment process.²⁰ Some of the requirements posed by these guidelines are to prepare arrest memos, notify the relatives of the person arrested, and keep the necessary records, making the process of procedural fairness stronger. Equally, in “*Joginder Kumar v. State of Uttar Pradesh*”, the Court emphasized that an arrest shouldn’t constitute on a regular basis but rather necessitated by a need, and that the freedom to arrest should not be construed to mean an obligation to arrest.²¹

The protections in Article 22 are however not absolute especially in instances of preventive detention, where some of the safeguards can be

limited. Even in this scenario, however, the Constitution will ensure procedural demands are provided to avoid misuse of power.

The safeguards of Article 22 take on increased importance in the light of strict laws like the NDPS Act, where arrest and detention frequently leads to long jail terms because of strict bail requirements. They act as a vital check to the constitution to make sure that the process of the deprivation of liberty is not random but that it is done within the legal proceedings stipulated by the system.

3.5 Doctrine of Proportionality

Proportionality doctrine is a key principle in the constitutional law for considering the reasonableness of state action that infringes the rights of citizens. It necessitates that the any restriction of the State has to be founded on a valid purpose and must not be undue in reference to the purpose pursued.²² It is a doctrine that maintains balance between state and the rights of citizens and aligns with principles of constitution for equality and reasonableness.

The backgrounds for the proportionality's doctrine in India can be linked to the history of the development of the Article 21 jurisprudence and the broader comprehension of the basic rights. Although previous rulings were based on reasonableness test, the Supreme court slowly integrated the concept of proportionality as a more employed and stricter test of review. In *Modern Dental College vs State of MP*, the Court expressly embraced the equality test, that a restriction of FR's must pass: (i) the measure shall not be having an illegitimate ending; (ii) it shall be appropriate to such an end; (iii) it must be necessary, in the sense of a lack of sufficient alternatives to the restrictive measure; and (iv) it shall maintain proportion among the opposite effects on rights and the benefits sought by the measure.²³

The framework was also discussed in the case "*K.S. Puttaswamy v. UOI*," where proportionality was reinforced by the Apex Court as an essential criterion to evaluate the state intrusion on basic rights and specifically in the area of privacy and personal liberty in the course of Article 21.²⁴ The Court stressed the fact that the doctrine acts as a repository against overreaching or irrational state action, whereby the

restrictions are not primarily in violation of the individual freedoms.

Proportionality is used especially in the fluctuation of criminal law wherein statutory laws tend to place harsh limitations on freedom. During the consideration of such provisions, a court has to judge upon the issue whether the degree of restrictions is fair based on the character of a crime and the purposes of the law. This is particularly important when it comes to the NDPS Act where highly restrictive conditions on bail under Section 37 place heavy restrictions on the issuance of bail. Examining the necessity of that sort of restrictions and whether they represent a reasonable balance between the State's interest in controlling the trafficking of drugs & the right of the person to have personal freedom can be met using the proportionality test.

Additionally, the doctrine of proportionality also clashes with the doctrine of arbitrariness in Article 14 because imposing disproportional measures can be deemed arbitrary and unconstitutional. The doctrine has thus offered a coherent basis on how to evaluate the reasonableness as well as equitability of state action among various fundamental rights.

To sum up, an obligation of proportionality is a precious constitutional instrument that can help make restrictions on fundamental rights sound, justified, and proportional. Its use in the placing of stringent criminal laws puts into perspective the significance of individual liberty that can be preserved and a State to have the freedom to exercise legitimate regulatory goals.

IV. PROLONGED UNDERTRIAL DETENTION AND HUMAN RIGHTS CONCERNS

One of the most significant consequences of the stringent bail framework under the NDPS Act, 1985 is the only problem of prolonged undertrial detention. Sec 37 of the sai act adds up rigorous conditions for the grant of bail, particularly in matters including large quantities of narcotic substances. As a result, the accused remains in jail until the completion of case. The slow pace of investigation, procedural delays, shortage of judicial infrastructure, and increasing pendency of cases further aggravate this

issue. In many situations, undertrial prisoners spend a substantial portion of the possible sentence in custody even before a finding of guilt is recorded by the court.

Prolonged detention of undertrial prisoners alarms the protection of rights of the humans and constitutional guarantees. Article 21 of the Indian Constitution guarantees the right to life and personal liberty, which involves the right to fair and fast trial. The SC has consistently held that unnecessary delay in criminal matters amounts to a violation of FR's. In *H. Khatun v. State of Bihar*²⁵, the Court upheld speedy trial as an essential component of Art 21 and emphasized that no person should remain in jail for an unreasonable period without trial. Similarly, in *Abd. R. Antullay v. R.S. Nayakk*²⁶, the Court reaffirmed that delay in criminal matters directly attacks the fairness of the justice system and infringes individual liberty.

The harsh application of Section 37 often results in a situation where detention assumes the type of punishment itself. This contradicts the principle of presumption of innocence, which forms the basis of non-civil jurisprudence. Since an accused assumed to be innocent until held guilty by court, detention before conviction should ordinarily be preventive and not punitive. However, the rigid bail conditions under the NDPS Act frequently lead to incarceration for prolonged periods irrespective of knowledge of actual strength of the prosecution's case. Such detention has severe social, psychological, and economic consequences upon the accused and their families, including loss of livelihood, social stigma, and deterioration of mental health.

Judicial developments in recent years reflect a growing concern regarding the constitutional implications of indefinite detention under special statutes. In *SC Legal Aid Comm v. UoP*²⁷, the Apex Court acknowledged continuation of detention of ongoing trial prisoners under the NDPS Act without timely trial would violate Article 21. Likewise, in *Mohd. Muslim v. State GNCT of Del*, the LD. Court concluded that Section 37 shall not be interpreted in a mechanical manner that results in endless incarceration.

The issue of prolonged undertrial detention under the NDPS Act demonstrates the tension between crime control and human rights protection. While the State possesses a legitimate interest in combating drug trafficking and organized narcotics crimes, such objectives cannot justify disproportionate restrictions upon personal liberty. A criminal justice system committed to constitutional democracy should make sure that strict statutory laws do not result in arbitrary or excessive deprivation of freedom. Therefore, there is an increasing need for a better process which shall strengthen effective drug prohibition while simultaneously protecting the FR'S and respect of accused' s.

V. PERORATION

The NDPS Act, 1985 was brought in action with the motive to combat the increasing menace of drug trafficking and substance abuse through a strict legal process. Therefore "Section 37" of the said act depicts one of the toughest and harshest bail process in Indian criminal jurisprudence and most importantly it stands out from ordinary laws governing bail under the CPC. Therefore, by imposing the compulsory dual conditions for the granting of bail, the said provision reflects the legislative intent to prioritize moral and ethical interests and national security over liberal bail considerations in drug offences.

However, the tough application of Sec 37 of the said act has generated serious constitutional concerns relating to liberty, presumption of innocence, fairness of trial procedure, and the right to expeditious justice under the heading of Article 21 of the Indian Constitution. Therefore, the practical operation of the provision often results into prolonged undertrial detention, thereby transforming detention into a form of de facto penalty. Therefore, such consequences challenge the foundational principles of criminal jurisprudence and raises some important doubts regarding procedural equality.

Judicial interpretation of Section 37 demonstrates an evolving constitutional discourse. While earlier decisions of the Supreme Court strongly emphasized strict compliance with the statutory framework, recent judgments indicate a gradual shift towards a

more balanced and rights-oriented approach. Courts have increasingly recognized that statutory restrictions under special legislations cannot completely override constitutional guarantees. Decisions emphasizing speedy trial, proportionality, and protection against indefinite incarceration reflect an attempt to harmonize the objectives of effective drug control with the preservation of fundamental rights.

The study concludes that although stringent measures may be necessary to handle the threats imposed by drug offences, following which administration of criminal justice must remain consistent with constitutional values and human dignity. The fight against drug trafficking cannot justify unreasonable restrictions upon liberty or indefinite detention without trial. Therefore, a balanced approach is required in which the objectives of the abovesaid act are effectively achieved while ensuring that the principles of equality, due process, and safeguard of interpersonal rights continue to be the core point of the justice system.

- [15] *State of Mad. v. V.G. Roww*, AIR 1952 SC 196 (India).
- [16] *Modern College v. State of MP*, (2016) 7 SCC 353 (India).
- [17] INDIAN CONSTI. art. 22.
- [18] Id. art. 22(1).
- [19] Id. art. 22(2).
- [20] *D.K. Basu v. State of WB*, (1997) 1 SCC 416.
- [21] *Joginder vs State of UP*, (1994) 4 SCC 260 (India).
- [22] INDIAN CONSTI. arts. 14, 19, 21.
- [23] *Modern College v. State of MP*, (2016) 7 SCC 353 (India).
- [24] *K.S. Puttaswamy v. UOI*, (2017) 10 SCC 1 (India).
- [25] *H. Khatun v. State of Bihar*, (1980) 1 SCC 81.
- [26] *Abd. R. Antulayy v. R.S. Nayakk*, (1992) 1 SCC 225.
- [27] *SCLAC v. UOI*, (1994) 6 SCC 731.

FOOTNOTES

- [1] INDIAN CONSTI. art. 21.
- [2] *A.K. Gopalann v. State of Mad.*, AIR 1950 SC 27 (India).
- [3] *M. Gandhi v. UOI*, (1978) 1 SCC 248 (India).
- [4] *H. Khatun v. State of Bihar*, (1980) 1 SCC 81 (India).
- [5] *Adl R. Antulayy v. R.S. Nayakk*, (1992) 1 SCC 225 (India).
- [6] *Kadra P. vs SoB*, (1981) 3 SCC 671 (India).
- [7] *S Chandra v.CBI*, (2012) 1 SCC 40 (India).
- [8] INDIAN CONSTI. art. 14.
- [9] *State of WB v. Anwar Sarkarr*, AIR 1952 SC 75 (India).
- [10] *E.P. Royyappa v. State of T N*, (1974) 4 SCC 3 (India).
- [11] *M. Gandhi v. UOI*, (1978) 1 SCC 248 (India).
- [12] *Ajay Hasia v. K.M Sehravardi*, (1981) 1 SCC 722 (India).
- [13] *Shayara Bano v. UOI*, (2017) 9 SCC 1 (India).
- [14] INDIAN CONSTI. art. 19(2)–(6).