

Case Comment Adm Jabalpur V Shivkant Shukla

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Indian Legal History 2006 Lulu Press, Inc

Dr. P.K. Agrawal is firstclass first in law and a gold medalist from University of Allahabad in 1973. He started his career as a lecturer in law. He did LL.M. from Calcutta University when he was the District Magistrate in IAS cadre of West Bengal in 1987. He was awarded D.Phil in Law from Allahabad University in 1992 for review of land laws of Uttar Pradesh. Dr. Agrawal worked as Joint Secretary, Department of Justice, Ministry of Law and Justice, Govt. of India from 1997 to 2002, where he tried to implement judicial reforms. He was also a member of threemen drafting committee of the I.T. Act. Dr. Pramod Kumar Agrawal is a prolific writer of Hindi and English and has sixty books to his credit. He worked as an Advocate and partner after retirement with Khaitan & Company, a leading law firm. At present, Dr. Agrawal is the Managing Partner, VAS GLOBAL, a New Delhi based law firm. Empirically Studied BRILL

The second edition of Comparative Constitutional Law updates the first edition by including material on important recent developments. The second edition expands the treatment "dialogic" forms of judicial review, presenting material on the British Human Rights Act, and recent scholarly analyses of these forms of review. It incorporates a substantial discussion of the treatment of emergencies in the world's constitutional systems, focusing on the extent to which constitutions regulate government operations in emergencies by requiring executives to obtain authorization from legislatures or, in contrast, do so through direct judicial supervision of executive action. The old chapter on courts and constitutionalism has been reorganized and expanded, with new material on the political roles of constitutional courts and on proportionality analysis in constitutional law. The first edition's discussion of social and economic rights is expanded to include the decisions of the South African C

On Citizenship Oxford University Press

Martial law is not a body of substantive law, but rather summary powers employed by the military commanders when the ordinary rule of law is suspended. Under the British rule, martial law was proclaimed on many occasions in different territories in India, wherein excessively harsh provisions were used to humiliate Indians. The framers of the Indian Constitution did not make any express provision about martial law under the Constitution. However, an implied reference to the possibility of imposing martial rule in India has indicated in Article 34 wherein it provides that an Act of Indemnity may be passed by the Parliament in respect of acts done under martial law. This book covers the historical perspective of martial law in India and compares it with a few other countries. The possibility of arrest and detention of an offender during martial law, the rights to the habeas corpus in such circumstances, and the power of constitutional courts to issue such a writ has been analyzed. The book examines the powers of the military commander under the Armed Forces Special Powers Act and critically evaluates whether it amounts to the de facto proclamation of martial law. The Book also analyses whether the proclamation of martial law is feasible in India in the future. This book is intended for not only those who are involved in promoting, protecting, and enforcing human rights, but also for those engaged in the security of the country. It will of relevance to parliamentarians, government officials, military authorities, judges, lawyers, and members of the civil society who have a stake in the armed forces. **Examining Faith** Rupa Publications India Pvt Limited

Brilliant, Flamboyant And Controversial Lawyer-Politician Ram Jethmalani Is All This And Much More. In The Past Few Decades, He Has Been Consistently In The Limelight For Various Reasons, Both Personal And Professional. His Defence Of The Smuggler Haji Mastan First Earned Him The Sobriquet Smugglers Lawyer ; His Defence Of Kehar Singh In The Indira Gandhi Assassination Case Made Front

Page News; His Political Choices, Including His Bid For The Office Of The President, Earned Him Praise As Well As Derision; And The Investigative Zeal He Exhibited In The Bofors Case Ensured That The Issue Stayed Alive In Public Memory. In This Authorized Biography, Nalini Gera Attempts To Capture The Essential Jethmalani And Acquaint Readers With The Man Behind The Public Persona. The Book Dwells On All The Different Phases And Aspects Of Jethmalani'S Eventful Life: His Idyllic Childhood In The 1920S And 1930S In Shikarpur In Undivided Sind, His Early Years As A Lawyer, The Difficult Post-Partition Days, His Envable Legal Career, His Roller-Coaster Political Ride. And, Yes, The Women In His Life. Associated As Jethmalani Is With The Good Life And Glamour, It Will Come As A Surprise To Almost Everyone That There Is A Deeply Philosophical And Spiritual Side To Him. The Gregarious Exterior Hides An Extremely Private Person, So Much So That Even His Closest Friends Have Not Been Privy To Some Of The Most Momentous Decisions In His Life. Gera S Narrative Is Enriched By Her Personal Acquaintance With Jethmalani, And Interviews With His Family And Friends And With Jethmalani Himself, Who Opens Up With A Candour That Is Almost Unknown Among People In Public Life. Meticulously Researched And Illuminated By Moments Of Rare Insight, This Book Explores The Mind And Career Of India S Most Famous Political Maverick, And In The Process Throws Light On The Major Political And Legal Events That Shaped Post-Independence India.

The Verdict That Led to the Emergency Vij Books India Pvt Ltd The essays in On Citizenship provide the reader with clear, informed, compelling insights into the vexed issue of citizenship in India today. The four writers featured in this book-Romila Thapar, N. Ram, Gautam Bhatia, and Gautam Patel-are all experts in their fields. It breaks down the history of citizenship, how it evolved during the Constituent Assembly debates, the nationwide CAA-NRC protests and makes a compelling case against the ruling dispensation. *Constitutional Development in India* Sikh Students Federation Indian Legal History 2006Lulu Press, Inc

Indira Gandhi and Democracy's Turning Point Eastern Book Company The executive, the legislature and the judiciary are the three branches of government, both state and central, in India. Of these, it is the judiciary's task to uphold constitutional values and ensure justice for all. The interpretation and application of constitutional values by the judicial system has had far-reaching impact, often even altering provisions of the Constitution itself. Although our legal system was originally based on the broad principles of the English common law, over the years it has been adapted to Indian traditions and been changed, for the better, by certain landmark verdicts. In Landmark Judgments that Changed India, former Supreme Court judge and eminent jurist Asok Kumar Ganguly analyses certain cases that led to the formation of new laws and changes to the legal system. Discussed in this book are judgments in cases such as Kesavananda Bharati v. State of Kerala that curtailed the power of Parliament to amend the Constitution; Maneka Gandhi v. Union of India and Others that defined personal liberty; and Golaknath v. State of Punjab, where it was ruled that amendments which infringe upon fundamental rights cannot be passed. Of special significance for law students and practitioners, this book is also an ideal guide for anyone interested in the changes made to Indian laws down the years, and the evolution of the judicial system to what it is today.

Evolution of a Legal Regime PENA HIJRAH RESOURCES

La 4e de couverture indique : "India is credited with having one of the finest democratic constitutions in the world. And rightly so. For, even though the Indian Constitution has undergone many amendments and has been subjected to a lot of criticism, it has stood the test of time and has emerged as the beacon of hope, ensuring liberty, equality and justice to the citizens. It is in this context this comprehensive and systemically organized book on Fundamental Rights and Their Enforcement, written by Prof. Udai Raj Rai, an eminent academic with great legal acumen, becomes so significant. The book is a study on the fundamental rights guaranteed under Part III of the Constitution. Divided into 15 chapters aEUR" each

chapter is again divided into parts aEUR" the book discusses in detail Liberty-based rights such as right to freedom of expression and other article 19 rights; life and personal liberty; preventive detention, capital punishment and prisoneraEUR s rights; and freedom of religion. Then it goes on to give an in-depth analysis of Equality-based rights aEUR" equality before law; non-discrimination and equal opportunity; social reservation; Liberty and Equality-based-rights aEUR" social equality and right to education as well as minority rights to establish and administer educational institutions. The book concludes with a comprehensive coverage on reach of fundamental rights; its violation; enforcement of the rights; Directive Principles of State Policy; and the fundamental duties of citizens. The book being a juridical study, the emphasis throughout is on analytical and critical study of important Supreme Court judgments. So, such major judgments as A.K. Gopalan and Maneka are highlighted. The distinction between pre-Maneka and post-Maneka jurisprudence is also clearly brought out. Besides, there is an elaborate discussion on the right to information, special problems regarding media freedom, and the Law of Contempt of Court which, the author feels, needs amendment. This well-balanced and well-researched book is intended as a text for postgraduate students of law (LL.M.) and as a reference for undergraduate students of law (LL.B., BA LL.B.). It should also serve as a valuable reference to lawyers, judges, and the teaching community. KEY FEATURES : Gives an analytical and critical study of Supreme Court judgments in relation to fundamental rights. Highlights the need for testing the laws on the touchstone of Secularism. Shows the need for balancing the StateaEUR s regulatory power and educational rights of the minorities. Gives recent Supreme Court decisions in the Addenda at the end of the book"

Freedom of Press PHI Learning Pvt. Ltd.

Who was Shah Bano and why was her alimony pertinent to India's Secularism? Does the fundamental right to life include the right to livelihood and shelter? Where there is the right to live, is there also the right to die? How did Bhanwari Devi's Rape help define sexual harassment at the workplace? Here are the Supreme Court's ten pivotal judgements that have transformed Indian democracy and redefined our daily, lives. Exploring vital themes such as custodial deaths, reservations and environmental jurisprudence, this book contextualizes the judgements, explains key concepts and maps their impacts. Written by one of India's most respected lawyers, Ten Judgements That Changed India is an authoritative yet accessible read for anyone keen to understand India's legal system and the foundations of our democracy.

Landmark Judgments of Supreme Court, 1950-2007 Vij Books India Pvt Ltd

The book comprehensively covers the subject of Court Martial, expanding the concept of the decision-making process of court-martial, for the reasons contextually explained, to include not only the decisions of court-martial proper on various issues before it, but also the pre and the post- trial matters, including investigation of the reported offence and review of the trial proceedings. Some of the specific questions designed to cover the subject relate to highly debatable and sensitive issues, such as the desirability of extending the court-martial jurisdiction to all civilian offenders in terrorism-struck areas like J&K. Similarly, much controversial Service issues, like command influence, human right violations by armed forces personnel, advisibility of continuing with summary court-martial in the Army, the court-martial verdict being a foregone conclusion and the trial procedure mere formality, the requirement of providing for

bail and plea bargaining in the court- martial procedure et al, have been included in the book.

The Authorized Biography Cambridge University Press

The Book Examines 12 Significant Political Trials In Indian History From The Early Colonial Era To The Birth Of Free India-Maharaja Nanda Kumar, Zafar, Tilak, Aurobindo, Shankaracharya, Ali Brothers, Gandhi, Sheikh Abdullah To Judicial Decisions That Became Turning Points In India's Past.

Ram Jethmalani Penguin UK

Every human rights lawyer, at some point or other, comes across an issue of conflicting human rights. Yet there is surprisingly little literature on this issue; especially if one wants to examine the matter at a general level, above specific conflicts such as those between freedom of expression and the right to non-discrimination, or between religious freedom and women's rights. The international conference on conflicts between fundamental rights, which took place in Ghent (Belgium) in December 2006, brought together a diverse group of human rights scholars who reflected on this issue from different angles. The papers in this volume are selected from among those that were presented at the conference. The issue of conflicting rights is examined in both domestic and international human rights law, and deals with many different types of human rights, including economic and social rights. Some are empirical, describing and analyzing how courts and legislators deal with these issues. Others adopt a normative approach, establishing criteria that may guide future judges and lawmakers confronted with conflicts between fundamental rights.

Supreme Court on Children Socio Legal Information Cent

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, is a key piece of forest legislation passed in India on 18 December 2006. It has also been called the Forest Rights Act, the Tribal Rights Act, the Tribal Bill, and the Tribal Land Act. The law concerns the rights of forest-dwelling communities to land and other resources, denied to them over decades as a result of the continuance of colonial forest laws in India.

Public Law in India Viking Adult

India is heralded as the world's largest democracy. Yet, there is now growing alarm about its democratic health. To Kill a Democracy gets to the heart of the matter. Combining poignant life stories with sharp scholarly insight, it rejects the belief that India was once a beacon of democracy but is now being ruined by the destructive forces of Modi-style populism. The book details the much deeper historical roots of the present-day assaults on civil liberties and democratic institutions. Democracy, the authors also argue, is much more than elections and the separation of powers. It is a whole way of life lived in dignity, and that is why they pay special attention to the decaying social foundations of Indian democracy. In compelling fashion, the book describes daily struggles for survival and explains how lived social injustices and unfreedoms rob Indian elections of their meaning, while at the same time feeding the decadence and iron-fisted rule of its governing institutions. Much more than a book about India, To Kill A Democracy argues that what is happening in the country is globally important, and not just because every third person living in a democracy is an Indian. It shows that when democracies rack and ruin their social foundations, they don't just kill off the spirit and substance of democracy. They lay the foundations for despotism.

Indian Political Trials, 1775-1947 Indian Legal History 2006

This book analyses the contribution of the IMO International Convention for the Safe and Environmentally Sound Recycling of Ships to sustainable ship recycling against the backdrop of present practices and third world approaches to sustainable development.

Contribution of Justice K. Subba Rao Rupa Publications India

The past few decades have witnessed an explosion of judgments on social rights around the world. However, we know little about whether these rulings have been implemented. Social Rights Judgments and the Politics of Compliance is the first book to engage in a comparative study of compliance of social rights judgments as well as their broader effects. Covering fourteen different domestic and international jurisdictions, and drawing on multiple disciplines, it finds significant variance in outcomes and reveals both spectacular successes and failures in making

social rights a reality on the ground. This variance is strikingly similar to that found in previous studies on civil rights, and the key explanatory factors lie in the political calculus of defendants and the remedial framework. The book also discusses which strategies have enhanced implementation, and focuses on judicial reflexivity, alliance building and social mobilisation.

Synopsis, Comments, Case Law Intersentia Uitgevers N V

The gripping story of an explosive turning point in the history of modern India On the night of June 25, 1975, Indira Gandhi declared a state of emergency in India, suspending constitutional rights and rounding up her political opponents in midnight raids across the country. In the twenty-one harrowing months that followed, her regime unleashed a brutal campaign of coercion and intimidation, arresting and torturing people by the tens of thousands, razing slums, and imposing compulsory sterilization on the poor. Emergency Chronicles provides the first comprehensive account of this understudied episode in India's modern history. Gyan Prakash strips away the comfortable myth that the Emergency was an isolated event brought on solely by Gandhi's desire to cling to power, arguing that it was as much the product of Indian democracy's troubled relationship with popular politics. Drawing on archival records, private papers and letters, published sources, film and literary materials, and interviews with victims and perpetrators, Prakash traces the Emergency's origins to the moment of India's independence in 1947, revealing how the unfulfilled promise of democratic transformation upset the fine balance between state power and civil rights. He vividly depicts the unfolding of a political crisis that culminated in widespread popular unrest, which Gandhi sought to crush by paradoxically using the law to suspend lawful rights. Her failure to preserve the existing political order had lasting and unforeseen repercussions, opening the door for caste politics and Hindu nationalism. Placing the Emergency within the broader global history of democracy, this gripping book offers invaluable lessons for us today as the world once again confronts the dangers of rising authoritarianism and populist nationalism.

The Case that Shook India Oxford University Press

On 12 June 1975, for the first time in independent India's history, the election of a prime minister was set aside by a high court judgment. The watershed case, Indira Gandhi v. Raj Narain, acted as the catalyst for the imposition of the Emergency. Based on detailed notes of the court proceedings, The Case That Shook India is both a significant legal and a historical document. The author, advocate Prashant Bhushan, provides a blow-by-blow account of the goings-on inside the courtroom as well as the manoeuvrings outside it, including threats, bribes and deceit. As the case goes to the Supreme Court, we see how a ruling government can misuse legislative power to save the PM's election. Through his forceful and gripping narrative, Bhushan vividly recreates the legal drama that decisively shaped India's political destiny.

Princeton University Press

Criminal Law and Constitutional Law in Malaysia: A Comparative Approach is a solid, application-oriented text for students taking law subjects. Many new features make this edition a richer and stronger learning resource for students. Several factors motivated the authors to write this book. After having the experience in legal field and teaching for more than 10 years, it became clear that there was a definite need for more detail materials in this area. In addition, there was need for a book which would give full recognition to an easier method and the authors felt it was time for a text which would develop the ideas and methods with this in mind. This book covers a thorough discussion of the development of law in Malaysia; especially criminal and constitutional law matters. A major audience for the book will be students studying the law subjects. The order of topics, however, provides a degree of flexibility, so that the book can be of interest to different readers through basic concepts until the advanced concepts (i.e. the discussion of the cases). The purpose of this book is to take the readers on an introduction to Malaysian Criminal and Constitutional Law by which the meaning of such subject at basic level is better understood. Hopefully,

this book can be benefited by the readers in their journey to success.

Journal of undang-undang Penguin Random House India

Triple talaq, or talaq-e-bidat, is one of the most debated issues in the Muslim world. From antiquity, the Muslim faith has been plagued by the portrayal of Muslim men regularly misusing this perceived "right" to divorce their wives instantly by simply uttering "talaq" thrice. The Supreme Court of India, in the landmark judgment of Shayara Bano v. Union of India, has taken the step to declare this form of talaq unconstitutional and to strike down its practice. In Triple Talaq: Examining Faith, Salman Khurshid, who intervened to offer the court an amicus brief in the "Triple Talaq case", offers a straightforward yet comprehensive overview of this complicated issue. Explaining the reasons behind the court's decision, he dives deep into other aspects of this practice: why it is wrong; why it has thrived; what was the judicial history of this issue; what the Quran and Muslim religious leaders say about it; and what the comparative practices in other countries are. A handy guide to this landmark decision and what it means for Muslims in India, this book is written not just for the theologian, but also for the common reader.