Substantive Versus Procedural law

Procedural law

A set of rules

- the court follows when hearing a case
- that controls the behavior of the parties in

  court room
  - how to plead Art 80,223,224,234, 327 etc
  - when to bring evidence, Art 137,256
  - when and how to appeal 320 ff. etc
- Concerned with the due process rights of litigants

Substantive law

- Governs the relations between citizens
- Defines the rights, duties, powers, privileges and liberties of people eg
  - How to make a valid will
  - The power of the testator,
  - the right of the beneficiary etc
- In companies
  - Kinds of Cos,
  - The privileges and liabilities of founders
  - the duty of the managers,
  - the right of shareholders,

In general

- It is the actual claims or defences one may have as protected in the basic law the validity of which is to be tested in court room
- It has an independent power of existence

comparison

- Sub.la has its source in the substantive law while proced. law has its source in the procedural law (but not always true)
- Sub.law tries to avoid disputes b/n indles in their ordinary course of life while procedural law tries to control behavior in the court room
- The goals of statute of limitation to be applied in procedural laws is different from substantive laws

Issue

- Procedure is an adjective law means
  - No independent existence?
  - Less important in the sense that it should be guided by the end of substantive law?
- Is procedure actually a means or an end? Justify