

CPC S. 51 – CPC O. 21, R. 37 – Section 51 also declares that if the debtor has no means to pay he cannot be arrested and detained. If he has and still refuses or neglects to honour his obligation or if he commits acts of bad faith, he incurs the liability to imprisonment under section 51 of the code, but this does not violate the mandate of Article 11. However, if he once had the means but now has not or if he has money now on which there are other pressing claims, it is violative of the spirit of Article 11 to arrest and confine him in jail so as to coerce him into payment – International Covenant on Civil and Political Rights, Article 11.

Xavier v. Canara Bank Ltd., 1969 KLT 927.