CHAPTER –IV

COMPARATIVE STUDY OF RIGHT TO LIFE AND PERSONAL LIBERTY

1. Constitutional Law:

Under the Constitution the right to life and personal Liberty eighteenth century, originated with the rise of the modern state, which is a concept. The French Revolution of 1789 and the revolution that followed the declaration of the rights of the original imposition. Liberty of the right to life and personal liberty and dignity against his best to save the people of the state are growing in a rotted. When tested against the growth of the Indian Constitution is one of the research is relevant. Comparative approach to life and personal liberty, life, and assaults on individual freedom and personal liberty, and the range can be extended with the definition of the concept of the framework will throw light on the problems involved.

United States

The following provisions of the Constitution of the United States that are available, such as the right to life and personal liberty has a bearing;

The Constitution of the United States.

We are the United States, to form a more perfect Union, establish Justice, insure domestic Tranquility, provide common defense, promote the general Welfare, and secure the blessings of liberty to ourselves and our posterity to ordain and establish this Constitution for the United States.

Fourth Amendment (1791)
Against unreasonable searches and seizures of their persons, houses, papers, and effects, it is safe to human rights, shall not be violated, and no warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched and the persons or things seized will.

Amendment V (1791)

Any person who, as a capital, or otherwise infamous crime shall be held to answer for, except in situations arising in the land or naval forces, or militia, on a presentment or indictment of a grand jury until the time of war or public danger, actual service, or any person in the in jeopardy of life or limb shall be subject for the same offense, to be a witness against himself, nor shall be compelled in any criminal case, or life, to be deprived of liberty, or property, without due process of law, or private property without just compensation, public use shall be accepted for.

Amendment VI (1791)

Wherein the crime shall have been committed all the crimes of the state and district by an impartial jury, the accused shall enjoy the right to speedy and public trial, by law, which the district shall have been previously ascertained to be aware of the nature and cause of the complaint; compulsory process for obtaining witnesses in his favor, and to have In support of his patron witness against her will in the face.

Amendment VIII (1791)

Require excessive bail, nor excessive fines imposed, nor cruel and unusual punishments shall not be inflicted.
Fourteenth Amendment (1868)

All persons born or Naturalized in the United States and subject to its jurisdiction or to citizens of the United States and of the State wherein they reside. That no person in his or deny, or immunities abridge the right of any citizen of the United States shall, or enforce any law which shall, in any state without due process of law, life, liberty, or property of any person shall not be deprived of jurisdiction the equal protection of the law.

The difference between Art. 21 and the due process clause is American.

The judge learned the difference between the American Constitution and the clause identifies four specific points. In India, it has been limited to personal liberty, the Constitution of the United States of the Indian Constitution 21 (1), the word is used Simpliciter Liberty. In India, the basic property rights and the arts are included when (2) the protection of the U.S. Constitution, the property is offered. 31 (2). (3) the word 'because' Art.21 is omitted altogether, and the expression "due process of law '(4)' established 'is the word we use Art.21 and' method 'is used deliberately limited. The whole argument of the applicant and the Supreme Court of the United States of America and their powers and jurisdiction of the Supreme Court, that it is unnecessary to embark on a discussion of the word 'law' is the word 'law' is used in the art, because the expression "due process of law 'A' The 'influence. 21.

According to the judges of the view that the law is reasonable
B. England.

One of the earliest of these rights and freedoms of the people in England to find out where the Magna Carta was drawn from. It proclaimed:

No Freeman shall be taken, imprisoned, disseized, out, lawed banished, or in any way destroyed, not the judgment of his peers, and without a valid, legal proceedings or prosecute him, except in the case of the law of the land.

It declared that the guarantee was not available for all individuals:

The one we sell, we will have to deny or delay, right or justice. Great was forced to sign the Magna carta King John 1215, which was a charter of demands by. This was the sovereign. It's self-protection against the oppressive tyranny of monarchs as a weapon forged by the people. So, as the life and freedom of self-protection against the oppressive tyranny of monarchs born outside of class revolt. The demand for the right to freedom from imprisonment and detention in 1628 was reiterated, and then apply these principles to the practice of what is known as the rule of law established in England. ’s Record of human rights and freedoms, the Bill of Rights, 1689, of the right to petition the King. It says:

This is the case, subject to the rights and all the promise and the punishment for such petitioning are illegal.

The right to procedural fairness in the criminal justice bill also provides for bail and was banned too. It requires that the excessive bail and excessive fines imposed, nor cruel and unusual punishments inflicted ought to be made. The statute of the 14th
century, used the phrase due process of law, even though it is England 'law', it is the American Constitution and the laws of the land that had a different meaning, the meaning of the law as declared by the Parliament, and not the act of an abstract.

Aforesaid constitutional history of England on the one hand in a matter of conflict between the Crown and the subject is the focus of the debate on the issues of life and the freedom of information, human rights and the rights of the Executive to imprison a person arrested and the other, freedom from arrest and detention without trial. According to the law, and that the offense is guilty of an offense alleged to be immune from detention without being subject to the rights, was established. Law 'and' the legal system 'law' has and by the people, ie, for a violation of a specific crime to be punished for trying to be the absence of any means of arbitrary power.

This right has been more clearly defined as Blachstone money;

By the time of the imprisonment without restraint, the situation changes or whatever to keep me from turning the kinetic energy of a moving person.

Its definition, the life and liberty of freedom of movement is limited. The right to life and personal liberty Dicey defined as follows:

England, as well as the understanding of the substance of the right to life and personal liberty of a person's right to legal reasoning and any method that does not admit of imprisonment, arrest, or other physical coercion should not be subjected to.

Dicey's means of life and personal liberty 'is a term used to expand the conjoined' other physical coercion in any manner.
According to the Privy Council:

Any member of the Executive Council in accordance with the jurisprudence of a court of justice in his life and he can not support the validity of the action without the condition that can interfere with personal liberty or property of a British subject. And the judge in the face of such a decision should not shrink from the British tradition of justice.

So the person's personal life and threatens to undermine the power of the executive. It is only when the person is authorized by the statute to be arrested. The subject provides protection only against the executive and the legislature was not. The court at the time of the First World War Realm Act, 1915, authorized by the regulations made under the Defence of the person detained without trail upheld. Liversidge V. Anderson, at Lords, by a majority, even if it is not authorized by statute to detain the executive discretion to refuse the test. Lord Atkin delivered the opinion of an officer of the rule and to limit the perceived need to check the executive. Lord Atkin was considered more appropriate than that of the majority view. It's his life, or the court of justice or due process of the person deprived of liberty includes a law on the ground that it is not open to the Court to cancel. Right of the Lord represented as:

And not least of all in this House, they are upholding the freedom of the violence. But the common law or statute is libery, limited and controlled by the law is a freedom. Thus, the protection of life and liberty of the common law, and the law specifically by Parliament guess it has been taken away, unless it remains in operation, that is. Modified or supplemented by the common law and the protection of the constitutional guarantee of any individual, it means that the common law and the common law, is safeguarded by.
Writ of habeas corpus, and damages for unlawful arrest and detention of the case: the protection of life and personal liberty are two fold.

So, England life and personal liberty of the unlawful arrest or detention by any other means freedom from physical coercion. In light of the limited scope of the personal freedom of the press and the demands of the present law, the Bill of Rights was to protect the citizen's freedom is a feeling that can not. But there are two reasons, shall enjoy the right to a written bill. The first, which was repealed by an Act of the Parliament may pass. Second, the judicial control of Parliament for enforcing human rights in the Bill of Rights was a good forum.