It must be admitted on all hands that the most essential fundamental rights in a democratic society is the right to life and personal liberty. The Constitution of India considered this right as the most fundamental of all human rights guaranteed to the people of this country. But one of the crucial points to be considered in this respect is the fact that the Supreme Court which is the guardian of the rights of the people adopted a restrictive and cautious approach in interpreting the scope of this right by confining it in circumscribed literal boundaries, during the earlier years of its functioning. But as the democracy advanced and took firm roots, constitutional dynamism rose to the surface. The apex court attempted to acquire greater vigour and enthusiasm, and laid down the principle of just, fair and reasonable yardsticks in interpretation of the provisions of the fundamental rights of the constitution.

Article 21 provides that no person shall be deprived of his life or personal liberty except according to the procedure established by law.

It now occupies the position of a brooding omnipresence in the scheme of 'Fundamental Rights' and virtually became a sanctuary for human values.
Another important point which should merit our attention in this context is the fact that political liberty alone, without economic liberty, is not enough. So, economic liberty, and socio-economic planning are essential even though these may, to some extent, restrict individual liberty. In case of conflict between individual liberty and the interest of the society, the latter has to prevail.

For the advancement of human rights jurisprudence India has been exhibiting greater vigour and enthusiasm of late compared with the first few decades of its running since the achievement of independence under the stewardship of the Hon'ble Supreme Court of India.

The State is endowed with the power to impose death penalty upon an accused person in accordance with the procedure established by law. The apex court however, has ruled that death sentence should be imposed in the rarest of the rare cases. Slow-lingering death sentence or hanging in view of the public, however are not permitted. Prior to imposing any punishment upon an accused the later has been guaranteed fair and reasonable opportunity to defend himself.

The most precious right in a civilized human society is the right to life which does not necessarily mean mere physical existence. It
incorporates within its limits right to dignity and all the necessities of life. It is interesting to note that the Hon'ble Supreme Court of India has been giving very wide interpretation to this particular personal liberty.

The right to personal liberty, it may be noted, now includes almost every right which are essential for comfortable living, for example right to Reputation, Right to Travel Abroad, Right to Privacy, Right against Economic Exploitation, Conjugal rights. Rights of surrogate mothers, social and economic rights, right against poverty etc.

Besides, the right to personal liberty is also now available inside the prison walls too. The Hon'ble Supreme Court has added new dimension to prisoner's rights which has in fact given birth to what may be called ‘Prison jurisprudence’.

The flower of human dignity never fades is a part of our cultural heritage. So there is no bar for making this right available to the prison population and accordingly the right to speedy trial, free legal aid, right against torture or cruel, inhuman or degrading treatment etc. accompany a person inside the jail also.

The leading American Doctrine of constitutional jurisprudence that is ‘due process of law’ which was rejected by the Indian Supreme
Court during the initial years of its functioning particularly in a landmark case¹ (Gopalan's case) has been virtually introduced in our constitution by the Hon'ble Supreme Court through Maneka's Case². The apex court has also adopted the doctrine of compensatory jurisprudence thereby awarding compensation in favour of the victims for the infringement of the right to live and personal liberty. Thus day after day, the Hon'ble Supreme Court of India has been giving new dimensions to the most cardinal human rights that is right to life and personal liberty to make it more meaningful and comprehensive.

Because of the virtuous attempts of the Hon'ble Supreme Court of India in giving new dimensions to the rights of life and personal liberty since the days of Maneka's case without any halt or signs of halt in its speed, human rights have now become sacrosant and inviolable and rather with every opportunity it began to touch higher and higher heights- has been considered by this writer to be sufficient justification for this work.

The object of this work is designed to highlight how the Hon'ble Supreme Court of India was awakened from its hibernation from the days of its initial functioning in giving a restrictive and narrow interpretation with regard to the limits of right to life and personal liberty.

¹ A. K. Gopalan -V- State of Madras, AIR 1950 S.C. 22
² Maneka Gandhi -V- Union of India AIR 1978 S.C. 597
liberty and started a liberal benevolent, conscious, and people oriented interpretation of the said right.

The black letter tradition of law of interpretation has been gradually jettisoned by the apex court and new welfare oriented and human right cautious system of interpretation has been gradually adopted by the apex court. Throughout the whole work attempts have been made to highlight and to bring into bold reliefs the achievement of the Hon'ble Supreme Court and other superior courts of India towards the new dimension in personal liberty in relation to the emerging scenario in the field of Human rights in India.

The whole work is divided into six chapters.

Chapter-I is written to introduce the whole matter in a nutshell.

Chapter-II is devoted to bring into focus the historical evolution of human rights/personal liberty - both from National and International perspective.

Chapter-III Attempts to highlight judicial delineation on human rights/personal liberty.

Chapter- IV is Designed to trace procedural human rights vis-a-vis personal liberty - both from National and International perspective and its relationship with the doctrine of natural justice.

Chapter-V Deals with the role of natural justice in remedial action in respect of transgression of personal liberty.
Chapter-VI Puts forward conclusion and suggestion

The Primary objective of this treatise is the obtainment of Ph.D. degree from Calcutta University.

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