PREFACE

For the last two decades Preventive Detention cases were in the news throughout India. It acquired alarming proposition and dimension in the State of Punjab in the last decade. Every alternate day Preventive Detention cases were heard or read in the newspapers that so and so person had been detained on the grounds that he was delivering a provocative speech, or were acting prejudicial to the security of State, the maintenance of Public order, maintenance of supplies of commodities essential to the community, and conservation or augmentation of foreign exchange or smuggling and abet smuggling etc. It then started striking my mind that as what Preventive Detention could mean to a person detained and to his near and dear ones having rural and urban backgrounds. As I became more concerned I came to know that constitutional provision on the subject have many guiding principles and offshoots in the form of several central and state legislations and there is every possibility of its abuse. Naturally many questions started disturbing my mind. The most important among them was that why the so called democratic country in the world had to be burdened with the draconian preventive detention laws at peace time? Why the country who had been fighting throughout against the Black law, of the Britishers could not pass a single day without such legislations once it became free etc.

All those questions and many more together with the growing wings of Preventive Detention legislations fascinated me to undertake the present study.

The Primary object of the study is to enlighten the innocent sufferers regarding the guiding principles on the subject and regarding their views and rights & privileges. The study is also to convince the policy makers and the Executive regarding its minimum use and that too only in abnormal periods. It is to caution the legislature and Executive that the arbitrary use of such powers would not provide the lasting peace and would start recoiling on them once the restraints are removed. The sources from which I
This thesis has been written under the experienced and scholarly guidance of Dr V.K. Bansal, Professor and Chairman, Department of Law, and Dean, Alumni, Punjab University, Chandigarh. I owe my heartiest and deepest debt of gratitude to Dr V.K. Bansal, who despite his multifarious engagements and intellectual pre-occupations, took unfailing interest, gave continuous inspiration and encouragement both at the stage of planning and arrangement of the scheme of the work as well as at the stage of its final presentation. It gave me an opportunity to learn from him a great deal about research from his constructive suggestions and approach.

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Dated: PARAM JEET SINGH
Reader-in-Law
Department of Laws
Punjabi University,
Patiala - 147 002