CHAPTER I

INTRODUCTION
INTRODUCTION

1.1. General

"Justice must reach all" is one of the most debating concepts now-a-days. To ensure that no person is denied justice, efforts were made by the framers of Indian Constitution with great care, vision and laid foundation under various Parts and categories of Chapters with various objectives in the Constitution.

Constitution is a sacred document meant for every citizen and is the Supreme Law of the Land. It provided a vision and direction in building a new social order and is based on the social, political and economic conditions prevailed at that time and it reflects the thinking, ethos, faith and will of that generation taking future into consideration.

Justice – not in general but justice of social, economic and political; Liberty - not in general but liberty of thought and expression, belief faith and worship; - Equality of status and of opportunity are the objectives enshrined in the Preamble. One can find achieving of these ideology, objectives and vision in the judgments of Padma Vibhushan Hon’ble Justice Shri P.N. Bhagwati.

After adaptation of Indian constitution, the judiciary is making relentless efforts to see that no citizen is deprived or denied of justice keeping in view the philosophy, ideology, objectives and vision of the constitution framers.

---

Every constitution has a cultural philosophy of its own, the purpose and reason for incorporating the provisions of Fundamental Rights and Directive Principles of State Policy is to be found in the socio-economic conditions of the people at the time when the Constitution was framed.

Fundamental Rights are described as the Magna Carta of India. Justice is the genus; social justice is one of its species. Social Justice is a dynamic concept and it is a devise to mitigate the sufferings of the poor, weak, down trodden people disadvantaged with helplessness, and deprived sections of the society and so as to elevate them to the level of equality to live a life with dignity of person.

Justice is the foundation of all democratic governments and the survival of every democracy and the rule of law depends on the effective access to justice, which was the well known principle all over the world.

Justice without power is inefficient; power without justice is tyranny. For human rights to flourish, judges must be with power, not judicial helplessness robed in pomp.

The rule of law, with an equal eye and even hand, is a categorical imperative and inviolable feature of our Constitutional Order. The State has heavy social and economic obligations and the Court must invigilate and enforce these duties. The judges themselves must be free from pressure and prejudice and be sensitized to act, be the violator ever so high in office or ever so powerful in any other way.

The executive, the legislature and the Judiciary act under the powers given to them in the Constitution and if there is any violation of constitutional limitations by the executive or by the legislature, it is the function of the judiciary to point out the correct path and if in the process they have to strike down the action of the legislature or the executive which is contrary to the constitutional mandate.

1. www.legal.service.india.com
This has been effectively followed and implemented by Justice P.N. Bhagwati, with creative judicial interpretations, humanistic approaches and merely an exceptional tool i.e., an intellectual exercise. His creative interpretations paved way for new jurisprudence of 'social justice for all', Bonded labour Jurisprudence, Criminal Justice Jurisprudence and Human rights jurisprudence.

He says¹ that “his greatest contribution to the constitution is he had not departed from the constitution, but he read the words, construed them as suitable for the need of the masses and gave effect to the social purpose and economic mission of the constitution or the law”.

India is a welfare State and performs a large number of welfare activities. These welfare activities are done not only bureaucratically through its officers but also through public sector corporations.

However, the fundamental rights enshrined under Part III of the Constitution are enforceable against the State only as per the old concept. But when the State acts through a public sector undertaking Corporation like International Airport Authority, Life Insurance Corporation, the question arises when for the sake of convenience the state machinery, the state sets up public sector corporations then why should fundamental rights not be enforceable against the corporations too is the issue.

Where the longer the arm of fundamental rights, the larger would be its wings, the greater the area they would shade, the more would be its effective protectiveness, then a public sector corporation acts in exercise of its functions, it must also be subject to the discipline of fundamental rights.

Hence Justice P.N. Bhagwati through his adjudication in the case of R.D.Shetty Vs International Airport Authority,\(^1\) expanded the ambit and scope of the term 'State' under Article 12 of the Constitution which brought various institutions under the purview of the definition of state by imposing duties on the state and its officials.

The concept of Justice must reach all had been reiterated by Justice P.N. Bhagwati in early seventies in his judgments. During his tenure Justice Bhagwati contributed in many ways to the Constitutional developments in India.

In *E.P.Royappa vs. State of Tamil Nadu\(^2\)*, the traditional concept of equality which was based on reasonable classification was challenged and he came with the Dynamic Concept of Equality that, Equality is a Dynamic concept with many aspects and dimensions and it can't be cribbed, cabined and confined with in the traditional doctrinaire limits. This prevailed over the old doctrine of equality existing in *A.K Gopalan Vs Union of India\(^3\)'s* case. This was reiterated in *Maneka Gandhi v. Union of India\(^4\)* case that 'Equality can't be imprisoned with in Doctrinaire limits, Right to live not merely confined to physical existence but it includes the right to live with human dignity. The procedure must satisfy the requirement of natural justice, which means, it must be just, fair and reasonable'.

A process of intellectual creative judicial interpretation of Article 21, adopting an activist's approach of this eminent member of the Indian Judiciary which paved way to accrued enormous opportunities to read various human needs as fundamental rights embodied in the provisions of

\[1\] AIR 1979 SC 1628
\[2\] AIR 1974 SC 555
\[3\] AIR 1950 SC 597
\[4\] AIR 1978 SC 597
Article 21 for the benefit of the citizens for the protection of whom the constitution was enacted and accordingly he enhanced the scope and ambit of fundamental rights with the decision of Maneka Gandhi. In the case of Hussainara Khatoon v. State of Bihar, in his inimitable style, Justice Bhagwati declared ‘speedy and expeditious trial is an integral and essential part of the fundamental right to life and liberty enshrined under Article 21’.

The linkage between Article 21 and the right to free legal aid was forged in the decision in Hussainara Khatoon v. State of Bihar, where the court was appalled at the plight of thousands of under trial prisoners languishing in the jails in Bihar for years without their trial and even not being represented by a lawyer. The court declared that “there can be no doubt that speedy trial, speedy trial we mean reasonably expeditious trial, is an integral and essential part of the fundamental right to life and liberty enshrined in Article 21.”

Further, he pointed out that “Article 39-A, emphasised that free legal service was an inalienable element of ‘reasonable, fair and just’ procedure and that the right to free legal services was implicit in the guarantee of Article 21”. Free Legal Aid for the poor has been extensively promoted by Justice P.N. Bhagwati. Today free legal aid is a Fundamental Right guaranteed under Article 21 of the Indian Constitution.

He asserted that right to life and healthy environment is a fundamental right guaranteed under Article 21, while dealing with M. C. Mehta’s case. The significant feature of the litigation in Oleum Gas Leak Case is that P.N. Bhagwati Chief Justice of India (as he then was),

1. AIR 1979 SC 1369
2. AIR 1979 SC 1369
3. M. C. Mehta V. Union of India (also known as Oleum Gas Leak Case) AIR 1987 at P.171.
stressed on the need to develop a law recognising the rule of strict and absolute liability in cases of hazardous or dangerous industries operating at the cost of environment and the human life. The Court decided the important issues of liability and quantum of compensation\(^1\).

The Fundamental Duties are defined as the moral obligations of all citizens. According to Article 51A (g) of the Constitution protection of environment and keeping the ecological balance unaffected is a task which not only governments but also every citizen has responsibility to undertake. The problem of ecological imbalance is peculiar to Bio rich diverse nation, India. Industrial progress of a society is the hall mark of progress, but its continuous threat to the environment became a sharp conflict in Rural Litigation Entitlement Kendra V. State of Uttar Pradesh\(^2\). Which is the first case of its kind involving the issue relating to environment and ecological balance.

In the above case where the issue raised between the importance of Environment protection and Industrial Development the court took proper care by appointing various committees to give equal importance to both the issues, to protect forests, people and industrial development i.e., for continuation of lime stone quarries.

It is the remedy which makes the Right real. If there is no remedy there is no right at all, the remedy itself is a right. Hence, the Constitution framers have described Article 32 as the very soul of the constitution and the very heart of it, without which the Constitution would be a nullity\(^3\).

\(^1\) http://envis.nic.in/- Dr. Suresh Mane
\(^2\) 1985 SCC (2)431
\(^3\) Ambedkar,B.R., Drafting Committee Chairman of the Indian Constitution in the 'Constituent Assembly' – CAD. VOL., VII ,p, 953
The same was quoted and effectively implemented by Justice Bhagwati in various judgments\(^1\). When he realised that justice was not reaching the poor people; as poverty, ignorance and illiteracy had deprived them of all access to justice, he felt the need for, what he called, common law jurisprudence and he developed the strategy of Public Interest Litigation to make justice to reach the masses.

To implement this public interest litigation system justice, he saw an opportunity, the beacon light, in Article 32, through which he implemented the Public Interest Litigation strategy\(^2\).

While dealing with the case of S.P.Gupta & Ors Vs. President of India & Ors\(^3\) Justice Bhagwati held that “where a legal wrong or legal injury is caused to a person or to a determinate class of persons is by reason of poverty, helplessness of disability or socially or economically disadvantaged position, unable to approach the court for relief, any member of the public having sufficient interest can maintain an application for an appropriate direction or writ in the High Courts under Article 226, or in case of breach of any fundamental right, to the Supreme Court under Article 32. Further he stated that the Supreme Court will readily respond even to a letter addressed to any Judge of this Court”.

Thus Justice Bhagwati had formulated and gave currency to the strategy of PUBLIC INTEREST LITIGATION\(^4\). Hence Justice P.N. Bhagwati has been called as the father of PIL, which became the gateway of social justice and because of this PIL system the doors of the highest court which is the Temple of Justice opened for the poor in India.

---

1. For example while dealing with Minerva Mills case Justice Bhagwati quoted Dr. Ambedkar words - p.381, SCI(1) 1981
3. AIR 1982 SC149 (this case is also known as Judges' Transfer case),
4. Though Justice Krishna Iyer had declared in ABSK Sangh (Rly.) Vs Union of India (AIR1981SC 298) case, that: representative proceedings and Public Interest Litigation are the Present Constitutional Jurisprudence.
For the criticism of PIL Justice Bhagwati had firmly replied while dealing with *People's Union for Democratic Rights Vs Union of India* that 'No state had the right to tell its citizens because a large number of cases of the rich are pending in our courts we will not help the poor come to the courts for seeking justice until the staggering loads of these cases disposed off'.

However the misuse of PIL is being done through frivolous cases the judiciary is taking stem actions in such cases by imposing penalty, which is a good sign of effective use of PIL.

Recently the Supreme Court has said that 'in these PIL cases the individual moves the court for judicial redress must be acting bonafide, with a view to vindicating the cause of justice and not for any personal gain or private profit'.

But "Public Interest Litigation is the incarnation of judicial activism in its people – oriented limitative dimension and environmental preservation. Justice becomes a living reality only if PIL becomes a pragmatic facility for the common people". Moreover, it is true that PIL is a functional dimension of Social Justice.

Justice Bhagwati's notion on humanizing principle of law of bail, right to speedy trial as a fundamental right, right to be defended by a lawyer is that "A court of law is a temple of justice where people go with the hope and belief that justice will be done to them. As justice delayed is justice denied, justice must be done with in a reasonable time. Due to various technicalities and complexities of the procedure, delay in trial is an inherent defect of the criminal justice system. This resulted in a large number of cases pending before the court and great sufferings and

1. AIR 1983 SC 339
2. The Hindu, March -2008
harassment to the accused and due to this prolonged trial the poor accused in India were in fact denied justice". That's why he felt for immense need to implement the principle of natural justice which requires fair and just procedure of trial with the assistance of legal service.

One can understand the need and importance of social development from the President's address in Pravasi Bharatiya Divas¹ in which she stated that - 'Social Development is important for Stability in the economic development of a nation'.

Twentieth century witnesses the transformation from Police State to welfare state. The ideals of a welfare state are to secure to its citizen social, economic and political justice. The Directive Principles laid down certain social, economic and political principles suitable to peculiar conditions prevailing in India towards establishing a modern democratic state.

Though these directive principles are not justifiable, the working of the constitution during the last few years has demonstrated the utility of the directives in the courts. For example, in People's Union for Democratic Rights V. Union of India² and Sheela Barse V. State of Maharashtra³ cases, because of the references made by the Apex Court through Justice P.N.Bhagwati and some other Judges to the Directives, the provisions enshrined under directive principles are becoming or converted into Fundamental Rights. For example, Article 45 directs the state to provide free and compulsory education for children below the age of 14 years, now the right to education is a fundamental right guaranteed under Article 21 of the constitution⁴.

¹ Pravasi Bharatiya Divas held on 9-1-2008 at New Delhi
² AIR 1982 SC 1473
³ 1986 (3) SCC 596
⁴ Not only as inclusive right to education upto 14 years of age, but explicitly made as
Fundamental rights, when breached, the High Courts and the Supreme Court will come to rescue the victim and The judges themselves must be free from pressure and prejudice and be sensitized to act, be the violator ever so high in office or ever so powerful in any other way.

The central role of the Judiciary in arresting absolutism of the Executive and Legislative organs is obvious. One may witness this in the minority judgment delivered by justice P.N.Bhagwati in the case of Union of India V Sankal Chand¹ observed that Justice can become fearless and free only if institutional immunity and autonomy are granted. And in his majority judgment in S.P.Gupta V. Union of India's case, he suggested for Judicial Committee to avert adverse affect on the independence of Judiciary for recommending names of persons to the President for appointment as judge of the High Courts and Supreme Court.

In Minerva Mills V. Union of India's² case Justice P.N.Bhagwati observed that, judicial review is a basic and essential feature of the Constitution and no law passed by Parliament in exercise of its constituent power can abrogate it or take it away. If the power of judicial review is abrogated or taken away the Constitution will cease to be what it is. It is a fundamental principle of the constitutional scheme that every organ of the State, every authority under the Constitution, derives its power from the Constitution and has to act within the limits of such power. It is a limited Government which we have under the Constitution and both the executive and the legislature have to act within the limits of the power conferred upon them under the Constitution.

Justice P.N.Bhagwati has used his authority as a Judge to venture into judicial activism going far beyond the traditional view that courts should only interpret the law and not make new law. His Judgments on right to

¹ AIR 1977 SC 2328
² AIR 1980 SC 1789
livelihood, right to live with human dignity, right to speedy trial, right to human treatment to the accused in the prison, right of the accused to get for compensation for torture in custody, right to free legal aid, right of the bonded labourers to be released and properly rehabilitated, public interest litigation and his acceptance of epistles, protection of the environment and protection against arbitrary action of State can be viewed more as judicial legislation and not as mere interpretation of the law. This indicates that judiciary has to play its role when it needed so.

Today one can find that law is being increasingly used as a device of organised social action for the purpose of bringing about socio-economic change. The task of national reconstruction upon which the people of India are engaged has brought about enormous increase in developmental activities and law is being utilised for the purpose of social and economic development. It is creating more and more a new category of rights in favour of large sections of people and imposing a new category of duties on the State and the public officials with a view to reaching social justice to the common man. Individual rights and duties are giving place to meta individual, collective, social rights and duties of classes or groups of persons.

This is not to say that individual rights have ceased to have a vital place in Indian society but it is recognised that these rights are irrelevant and exclusive in today's setting unless accompanied by the social rights necessary to make them effective and really accessible to all. The new social and economic rights which are sought to be created in pursuance of the Directive Principles of State Policy essentially require active intervention of the State and other public authorities. Amongst these social and economic rights are freedom from indigence, ignorance and discrimination, as well as the right to a healthy environment, to social security and to protection from financial, commercial, corporate or even governmental oppression.
SIGNIFICANCE OF THE PROBLEM

The significance of this study is, the scope and ambit of rights, principles and duties; the implementation and development of the concept of social justice system in India, where Justice is the very first objective in the Preamble of the Constitution. In independent India with the framing of Indian Constitution and establishment of the Supreme Court of India, some of the eminent members of the Indian Judiciary has strived hard to dispense justice to the people with humanistic values, especially Hon’ble Justice P.N. Bhagwati and also his contemporary jurists like Hon’ble Justice V.R. Krishna Iyer under the aegis of Constitution of India.

Padma Vibhushan Justice Sri P.N. Bhagwati is one of the most remarkable and pioneering judge with humanistic notions. He had formulated and gave currency to the strategy of PUBLIC INTEREST LITIGATION in India. Justice Bhagwati extended the long arm of justice to the under trial prisoners in many cases. Because of his judicial intellectualism, judicial activism apart from some other rights personal liberty, right to speedy trial, free legal services, and right to bail became fundamental rights.

The study also aims at to evaluate his approach towards the protection of rights of Bonded Labourers and Child Labourers, his concern for Educational Rights, right to free and fresh environment, his views on death penalty and the development of public interest litigation strategy in India.

Though the PIL has worked as a weapon in the hands of people, there are some pros and cons in this system, in the positive aspect there are number of issues came before the Supreme Court through PIL, mainly corruption on the part of Governments, government servants, misuse and mismanagement of public owned enterprises. But in the negative way there are some frivolous cases misusing the PIL.
Fundamental rights, when breached, the High Courts and Supreme Court will rise to defend the victim. But the new social and economic rights which are sought to be created in pursuance of the Directive Principles of State Policy essentially require active intervention of the State and other public authorities. The underlying objectives of these directive principles can better be understood from the speech of D.R.Ambedkar in the Constituent Assembly. Here, in this area, apart from the fundamental rights, Justice Bhagwati had shown great interest and took activist approach.

For instance, in Famine Relief Work case, he ruled that 'state cannot pay less than minimum wage to a person and cannot take their helpless economic conditions as an advantage. In Minerva Mills case, in his minority opinion, giving supremacy to the Constitution while concurring with the majority on the issue of basic structure of the constitution vis-à-vis he emphasized the need to implement directive principles.

There are good numbers of research works on Fundamental Rights, Directive Principles and on PIL. But there are hardly research works on Judgments delivered by Judges. More so Judges of activism. Hence the researcher has selected this important and vital problem with great interest and enthusiasm to study, analyse and evaluate the judgments delivered by Justice P.N. Bhagwati who is a socialist, humanist, activist and who strived hard for implementation of social justice, on several areas of the Constitution which are helpful in 'the Constitutional Developments in India'.

1. Dr. Ambedkar said 'our object in framing the constitution is two fold ; (1) is to lay down the form of political democracy and (2) to lay down that our ideal is economic democracy and also to prescribe that every Government whatever is in power ,shall strive to bring about economic democracy.(CAD.VOL.III,494-495).

OBJECTIVES OF THE STUDY

The study emphasizes on various dimensions of the problem on hand. In civilized society justice, liberty and equality have been the pursuit of man. The supremacy of the Constitution is a matter of primacy stressed by Justice P.N. Bhagwati in various cases.

Hence the researcher has selected this topic with great enthusiasm to evaluate the 'contribution of Justice P.N. Bhagwati to the constitutional developments in India'. While selecting the problem the researcher has kept the following objectives in mind.

- To analyse and evaluate the contribution of Justice Bhagwati in the interpretation of right to personal liberty as a Fundamental Right.
- To study the role of Justice P.N.Bhagwati in the initiation of Free Legal Aid services to the Poor Litigants.
- To evaluate the role of Justice P.N.Bhagwati in the development of the strategy of Public Interest Litigation in India.
- To comprehensively analyse and assess the contribution of Justice P.N. Bhagwati in the implementation of Reservations in Educational Institutions in India.
- To elaborately analyse and assess the contribution of Justice P.N. Bhagwati in the relationship between fundamental rights and directive principles, and implementation of Directive Principles.
- To evaluate and study the role of Bhagwati in interpreting the provisions of Union Judiciary and the Supreme Court.
- To analyse and evaluate the role of Justice Bhagwati in adjudicating the provisions of Amendment to the Constitution.
**METHODOLOGY**

The problem is selected with great interest keeping in mind the significance of Justice P.N.Bhagwati's innovative and landmark judgments which contributed in the interpretation of the provisions of Constitution of India and also its impelling need to explore, evaluate the importance of Social justice system and socio economic and political conditions in the present day context prevailed in India.

As the present research problem is socio-legal in nature, it is not possible to study it by purely experimental method. Hypothetic-deductive method is the most suitable method in the legal research. Hence, doctrinaire and analytical method has followed by the Researcher.

The relevant data is collected from the primary and secondary sources. Material and information is collected from vertical sources i.e., Law Books, Law Journals, including e-Books and e-Journals using internet, periodicals, Constitutional Assembly Debates, articles published in news papers.

The original judgments delivered by Justice Bhagwati on Cases which came before him while he was a judge of the Supreme Court and Chief Justice of the Supreme Court of India were collected from All India Reports, Supreme Court Cases, Supreme Court Journal Reports, articles (including articles written by Justice P.N.Bhagwati) and Reports\(^1\) published in various journals and newspapers which are relevant to the research work.

Further, the researcher has been directly interacting with Justice P.N.Bhagwati through e-mails and telephone. Justice Bhagwati extended a warm and affectionate appointment to the researcher for research discussion. Also the

---

researcher discussed about latest cases based on the judgments of Justice P.N. Bhagwati. The researcher had a personal interview and discussion with Justice P.N. Bhagwati.

The collected information and cases were analysed, processed, placed in appropriate Chapters and arranged in a systematic manner. The source derived in either case is duly acknowledged under Footnotes and Bibliography.

Apart from the above mentioned books the other vital source for the research and the researcher has followed and collected are the original judgments delivered by Justice P.N. Bhagwati from All India Reports, Supreme Court Cases from the year 1973 to 1987 and Journals like ILI, Indian Bar Review in which Justice P.N. Bagwati’s articles are published. Also reports submitted to the Government as the chairman of various committees and commissions. The researcher also followed some other journals relevant to the study.

Hence, the researcher has selected this topic with a view to provide a comprehensive and detailed analysis on judgments of Justice Bhagwati which were helped in the application, administration and implementation through governmental policies and programmes intended for the well being of people. In addition, to analyse the rights and duties of people in the light of Justice Bhagwati’s judgments in the present day situations and of changing times. So the researcher in the present work concentrated on Justice P.N. Bhagwati’s Contribution to the Constitutional Developments in India through his judgments.
1.4.1 HYPOTHESES

Some important Hypotheses are formulated to conduct the study.

- The judgments delivered by Justice P.N. Bhagwati reveal his personality as a pioneer of socio-economic justice in India.
- The judicial interpretation of Justice P.N. Bhagwati on Article 21 accrued many opportunities to read various human needs as Fundamental Rights.
- The expanded scope of the definition of ‘State’ through the judgments of Justice P.N. Bhagwati effected in bringing of various institutions under the purview of Article 12 of the Constitution of India.
- Justice P.N. Bhagwati’s liberalised view on ‘locus standi’ principle resulted in providing an opportunity to the poor and indigent people to access the highest Court of India for justice.

1.5. REVIEW OF LITERATURE

Literature in connection with the present problem is reviewed from various studies. There are hardly works on ‘Contribution of Justice P.N. Bhagwati to the Constitutional Developments in India’.

However the following works deal with the Constitutional law of India and provided some judgments and also some portions of judgments of Justice P.N. Bhagwati. Besides, the source material comprehensively covering the whole judgments delivered by Justice P.N. Bhagwati during his judicial tenure in the Supreme Court of India are discussed in detail.

- Seervai H.M. in Constitutional Law of India, a critical commentary (2006) covers all most all the Constitutional provisions with critical analysis but not provides all the judgments of Justice P.N. Bhagwati.
• An Introduction to the Constitution of India by DurgaDas Basu, (18th Edition) is a precise Commentary on Constitutional Provisions with some cases. It provides List I, II & III of the VII Schedule of the Indian Constitution also, but has no detailed case laws discussed in it.


• P.K. Tripathi – in his book "Some Insights in to Fundamental Rights" (1977), which is a book on Mahajan Memorial Lectures provided the discussion on concept of equality guaranteed in the Constitution.

• Poornima Advani: in "Indian Judiciary – A Tribute" (1997) gives a brief personal experiences, feelings, thoughts and opinions (excerpts of direct interactions with Justice Bhagwati and other members by the author) of Eminent Members of the Indian Judiciary during their tenure as the judges of the Supreme Court. It is indeed a nice tribute to the judges with humanistic values. But this book provides the analysis of very few judgments of Justice P.N. Bhagwati in brief.

• Granville Austin in his famous study, the Indian Constitution: Corner stone of Nation (1966), has very effectively explained how an agreement on the need for having fundamental rights for the Indian people was arrived at.

• Dr. J. N. Pandey – in "The constitutional Law of India" (2005), explains the judicial interpretation of rights guaranteed and duties vested upon the citizens as well as the state. This is very helpful to understand the judicial pronouncements on various constitutional provisions.
• B.P. Dwivedi – in the Changing Dimensions of Personal Liberty in India, (1998), dealt with the dimensions of personal liberty in detail, which includes the rights fall under personal liberty and emerged as Neo rights.

• S.L.A. Khan- in Justice Bhagwati on Fundamental Rights and Directive Principles, (1996) it is a fine and detailed work deal with judgments delivered by Justice Bhagwati on Fundamental Rights and Directive Principles only and not provides the entire judgments on Constitutional provisions covered through his adjudications and, lacks some cases on Fundamental Rights and Directive Principles. The researcher felt that earlier studies did not cover all the aspects on this problem in a comprehensive way. In view of this, the researcher has selected this topic to provide a comprehensive and detailed account on Justice P.N. Bhagwati’s judicial interpretations on the provisions of Constitution of India. Hence the researcher in the present work concentrates on the contribution of Justice Bhagwati to the constitutional developments in India.

• M.K. Bakshi – Constitutional Law of India, (Seventh Edition - 2006). This book provides the provisions and case laws on Indian Constitutional Law in a very brief form. This Book also gives a brief statement regarding the judgments.


• Sharma B.R.- in “Socio economic justice under Indian Constitution” (1984 ) explained the importance and the role of Directive Principles in achieving Socio Economic justice to the less privileged people. Further he observed that the Directive principles
if not implemented can be reduced to a dead letter, ineffective and purposeless show pieces in the constitution.

- Upendra Baxi's Law and Poverty - Critical Essays (1988) is a compendium of essays by various authors discussed and explained elaborately by various authors on law and poverty which was edited by Upendra Baxi. The subject Law and Poverty is developed for law school teaching which gives theoretical support to the Legal Aid Clinics.


- S.S. Sharma's Legal Aid to the Poor - The Law and Indian legal system, (Deep & Deep Publications, New Delhi-27, 1993) provides elaborate discussion on legal aid to the poor and various programmes on legal aid in India.

- Constitutional Development through Judicial Process, Edited by Prof.G. Manoher Rao, (Asia Law House, Hyderabad, 2006) is a compendium of articles on Constitutional law of India and its development through judicial process. This book provides elaborate discussions on various aspects and dimensions of the constitution.

1.6. SCHEME OF THE STUDY

In order to achieve the objectives of the study and to test the hypotheses framed, the following plan of study has been adapted by the researcher. The study is divided into six chapters by analysing relevant information and cases.
First Chapter deals with the introduction consisting of significance of the problem including objectives of the study, methodology, literature reviewed and the scheme of the study.

The Second Chapter deals with the Biography of Justice P.N. Bhagwati, covering of his education, profession, his appointment as Judge of Gujarat High Court and his lateral elevation to the Chief Justice of the Gujarat High Court, Judge of Supreme Court and Chief Justice of India. It includes the role of Justice Bhagwati as a Human Rights activist at national and international level, his strategy of Public Interest Litigation, his contribution in the initiation of Free Legal Aid Services to the poor victims are also covered in this Chapter.

The Third chapter extensively covers the areas of the term ‘State’ under Art.12, Equality under Art.14 and provisions of Reservations in the Constitution which fall under the Fundamental Rights. The scope of Fundamental Rights mainly depends on the judicial interpretation of the term ‘state’ under Article 12, which will subsequently extend the nature and scope of part III of the Constitution. This work covers the old doctrine of reasonable classification and new doctrine of classification under article 14 and provisions of reservations made by the government to the admissions in to professional colleges in India.

The Fourth Chapter dealt with personal liberty under Art.21 of the Constitution. The researcher made an attempt to analyse the scope of personal liberty under Article 21 which covers much enlarged scope of the rights such as speedy trial, right to bail, right of prisoners human treatment, right to livelihood right to life and death penalty, educational rights and right to clean environment which is the first decision in its kind in India came before the Supreme Court which was adjudicated by Justice P.N.Bhagwati.
The Fifth Chapter elaborately covers the areas of Bonded Labour and Arrest and Detention. An attempt has been made by the researcher to analyse the constitutional safeguards to protect bonded labourers against the evil practice prevailed in India and minimum wages and, Justice Bhagwati's contribution in interpreting these safeguards. This chapter also covers the rights of the arrested persons and procedural safeguards against the preventive detention.

The Sixth Chapter comprehensively dealt with the Constitutional Remedies provided under Article 32 of the Constitution of India. The researcher made an attempt to evaluate the development of the concept of Public Interest Litigation in India and Justice Bhagwati's contribution for the currency of the PIL and SAL i.e., Social Interest Litigation and the introduction of Epistle Jurisdiction in India in the light of judgments delivered by him.

The Seventh Chapter is completely devoted to the discussions regarding the judgments delivered by Justice P.N. Bhagwati in the area of Directive Principles of State Policy and the importance of social justice in the developing process of India. An attempt has been made to explain the relationship between Directive Principles and Fundamental Rights in the light of the judgments delivered by Justice Bhagwati.

The Eighth Chapter discusses the judgments delivered by Justice P.N. Bhagwati on some other constitutional provisions relating to Union Judiciary and the Supreme Court of India, the Emergency Provisions, Services and Public Service Commission and the Amendment provisions to the Constitution.

The last and the Ninth Chapter bring out the Conclusions regarding Justice P.N. Bhagwati's Contribution to the Constitutional Developments in India through his judicial pronouncements on the provisions enshrined under the Constitution of India.