



Judicial response to the protection of life and personal liberty

Gunjan Agarwal

LLB. (IV Semester), Jaipur National University, Jaipur, Rajasthan, India

Abstract

No man is above law and no man is below it, nor do we ask any man's permission when we ask him to obey it.

The Judiciary is an independent body which ought to protect the violation of rights provided to its citizen under the Indian Constitution. Judicial activism is also a part of judiciary which derives from underlying weakness and failure on the part of the other machineries of the state to perform their duties. Right to life and personal liberty is the most cherished and pivotal fundamental human rights around which other rights of the individual revolve and, therefore, the judiciary has a responsibility to protect it and take a firm stand. Thus, the study assumes great significance; Supreme Court acting as guardian of fundamental human rights.

Keywords: judiciary, life, liberty, judicial activism, guardian

Introduction

Judiciary in every country has an obligation and a Constitutional role to protect Human Rights of citizens. As per the mandate of the Constitution of India, this function is assigned to the superior judiciary namely the Supreme Court of India and High courts. The Supreme Court of India is perhaps one of the most active courts when it comes into the matter of protection of Human Rights. It has great reputation of independence and credibility. The judiciary must therefore adopt a creative and purposive approach in the interpretation of Fundamental Rights and Directive Principles of State Policy embodied in the Constitution with a view to advancing Human Rights jurisprudence. The major contributions of the judiciary to the Human Rights jurisprudence have been twofold:

- the substantive expansion of the concept of Human Rights under Article 21 of the Constitution, and
- the procedural innovation of Public Interest Litigation. The Supreme Court enhanced the scope of Article 21, Right to life and liberty by interpreting it to Right to safe environment and Right to health.

Right to life and personal liberty is the most cherished and pivotal fundamental human rights around which other rights of the individual revolve and, therefore, the study assumes great significance. The study of right to life is indeed a study of the Supreme Court as a guardian of fundamental human rights.

Right to Life & Personal Liberty

According to the Constitution, Parliament and the state legislatures in India have the power to make laws within their respective jurisdictions. This power is not absolute in nature. The Constitution vests in the judiciary, the power to adjudicate upon the constitutional validity of all laws. If a law made by Parliament or the state legislatures violates any provision of the Constitution, the Supreme Court has the power to declare such a law invalid or ultra-virus.

The judicial interpretation of Article 21 of the Indian Constitution and judicial activism on the part of the

Supreme Court of India examines the reasons for judicial creativity and justifies the role played by the Supreme Court of the India in protection the fundamental rights of the citizens, when the legislative and executive failed in performing their duties.

Article 21- *No person shall be deprived of his life or personal liberty except according to procedure established by law.*

Though the phraseology of Article 21 starts with negative word but the word 'No' has been used in relation to the word deprived. The object of the fundamental right under Article 21 is to prevent encroachment upon personal liberty and deprivation of life except according to procedure established by law. It clearly means that this fundamental right has been provided against state only. If an act of private individual amounts to encroachment upon the personal liberty or deprivation of life of other person, such violation would not fall under the parameters set for the Article 21.

In such a case the remedy for aggrieved person would be either under Article 226 of the constitution or under general law. But, where an act of private individual supported by the state infringes the personal liberty or life of another person, the act will certainly come under the ambit of Article 21 of the Constitution of life of a 'person'. The term person does include citizens as well as non-citizens.

Historical Background

The true test of a democracy is how its laws stand with regard to the life and liberty of its people. In England, charters of liberties are set out in the Magna Carta of 1215 in the same vein.

The development of the Fundamental Rights in India was inspired by England's Bill of rights (1689), the United States Bill of Rights (1791), France's Declaration of Rights of Man (1789). Under Rowlett Act, 1919 extensive powers were given to the British Government and the police which resulted in arrest and detention of the individuals, warrant less searches and seizures and also restriction on public gatherings.

Eventually this resulted in mass campaigns of non-violent civil disobedience throughout the country. The people of the country demanded civil freedoms and limitations on government powers. These were influenced by the Independence of Ireland. The Constitution of Ireland and the Directive Principles of the State Policy were an inspiration for the people of India for the demand of independent government.

The Nehru Commission in 1928 composing of representatives of Indian political parties proposed constitutional reforms for India. The Constituent Assembly of India composing of elected representatives was given up the task of developing a Constitution for the nation. The Constituent Assembly first met on 1946, which were in large majority appointed persons from diverse political backgrounds for developing the Constitution of India, chairpersons of committees and sub-committees responsible for different subjects. A notable development during that period having significant effect on the Indian constitution took place on 10 December 1948 when the United Nations General Assembly adopted the Universal Declaration of Human Rights.

The framers of Indian constitution were deeply influenced by the international document i.e. Universal Declaration of Human Right (UDHR) 1948 which had a great impact on the drafting of Indian constitution. The Article 9 of UDHR provides for 'protection of life and personal liberty' of every person. As India was signatory to the declaration, the constituent Assembly adopted the similar provision as a fundamental right therein.

The Hon'ble Supreme Court observed that the UDHR may not be a legally binding instrument but it show how Indian understood the nature of Human Rights at the time when Constitution was adopted. Article 21 is the celebrity provision of the Indian Constitution and occupies a unique place as a fundamental right ^[1].

Constituent Assembly Debate Summary

Draft Article 15 was introduced and debated in the Constituent Assembly on the 6th and 13th of December 1948. There were conflicts in the Assembly regarding the term '*procedure established by law*'. Members argued that this term was insufficient ^[2] as the legislature of the day could potentially pass a law establishing a procedure which might significantly erode civil liberties. In such a situation, the judiciary can only check if an established procedure has been followed and cannot review the law itself for adherence to fundamental rights.

The inclusion of the 'due process' term into the provision, would allow the judiciary to investigate if the law itself is consistent with provisions of fundamental rights and would be in a position to protect civil liberties. Members defending 'procedure established by law' argued that allowing for judges, who are not immune to prejudices and biases, to sit in judgment of laws passed by the legislature would be undermining the authority of the legislature and hence, undemocratic.

When the Article was put to vote, the assembly passed the Draft article with the term 'procedure established by law' intact.

Meaning of Right to Life

'Everyone has the right to life, liberty and the security of person.' The right to life is undoubtedly the most fundamental of all rights. All other rights add quality to the life in question and depend on the pre-existence of life itself for their operation. As human rights can only attach to living beings, one might expect the right to life itself to be in some sense primary, since none of the other rights would have any value or utility without it. There would have been no Fundamental Rights worth mentioning if Article 21 had been interpreted in its original sense.

The notion that certain rights are inalienable was embodied in the American Declaration of Independence (1776) in the following terms:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights that among these are life, liberty and the pursuit of happiness.

In the case of *Munn v. State of Illinois* ^[3], the US Court referred to the observation of Justice Field, wherein he stated that by the term 'life' as here used something more is meant than a mere animal existence. Thus, it embraces within itself not only the physical existence but also the quality of life. It was the first case on the definition of word 'LIFE'.

Meaning of Personal Liberty

Liberty of the person is one of the oldest concepts to be protected by national courts. As long as 1215, the English Magna Carta provided that, no freeman shall be taken or imprisoned but by the law of the land.

The right to personal liberty as understood means in substance a person's right not to be subjected to imprisonment, arrest, or other physical coercion in any manner that does not admit of legal justification.

This Constitution guarantees to every citizen of India full freedom and liberty from any sort of harassment, repression or exploitation from any government or any authority of the government and hence this constitution assures to every citizen of India free, fearless and happy life with dignity of every person ^[4].

Even our preamble of the constitution has a special significance for Liberty which assures every citizen of India the freedom of speech and expression, religious independence and choice of going by one's own belief. The fundamental rights of life and personal liberty have many attributes and some of them are found in Art. 19. In other words, 'personal liberty' means freedom from physical restraint and coercion which is not authorized by law. The smallest Article of eighteen words has the greatest significance for those who cherish the ideals of liberty. What can be more important than liberty? In India the concept of 'liberty' has received a far more expansive interpretation.

Concept of Right to Life and Personal Liberty & Its Changing Dimensions

The Traditional Approach of the Supreme Court, it is hard to appreciate fully the extent of development of right to life without an overview of the traditional approach. Article 21 lays down that no person shall be deprived of his life and

¹ International Journal of Law - ISSN: 2455-2194, RJIF 5.12 A Volume 3; Issue 3; May 2017; Page No. 98-100

² Constituent Assembly Debates <http://cadindia.clpr.org.in/>

³ *Munn v. State of Illinois*, 94 U.S. 113 (1876)

⁴ *A.K. Gopalan v. State of Madras*, AIR 1950 SC 27

personal liberty except according to the procedure established by law.

The procedure established by law that first questioned and interpreted by the Supreme Court of India in the case of *A.K. Gopalan v. State of Madras*^[5] the validity of the Preventive Detention Act, 1950 was challenged. The main question was whether Art. 21 envisaged any procedure laid down by a law enacted by the legislature, or the procedure should be fair and reasonable. On behalf of the Appellant, an attempt was made to persuade the Supreme Court to hold that the courts can adjudicate upon the reasonableness of the Preventive Detention Act, 1950, or for that matter any law depriving a person his personal liberty.

Three arguments were presented from the Appellant side and the arguments were

1. The word law in Art. 21 does not mean merely enacted law but incorporates principle of natural justice so that a law to deprive a person of his life or personal liberty cannot be valid unless it incorporates these principles laid down by it.
2. The reasonableness of the law of preventive detention ought to be judged under Art. 19.
- (3) The expression procedure established by law introduces into India the American concept of procedural due process which enables the Courts to see whether the law fulfils the requisite elements of a reasonable procedure.

This case settled two major in points in relation to Art. 21

- Article 19, 21 and 22 are mutually exclusive and independent of each other.
- A law affecting life or personal liberty of a person could not be declared unconstitutional merely because it lacked natural justice or due process.

The Supreme Court de linked Art. 19 from Art. 21 and 22. This view led to bizarre decision at that time. It was because of this view that in the case of *Ram Singh v. Delhi*^[6], a person was detained under Preventive detention Act for making speeches prejudicial to the maintenance of public order, the court refused to assess the validity of detection order with reference to Art.19(1)(a) read with Art. 19(2) stating that even if right under Art. 19(1)(a) was abridged, the validity of preventive detention order could not be considered with reference to Art.19(2).

Though, in course of time this rigid view came to be softened and the beginning of the new trend was to be found in *R.C. Cooper v. Union of India*^[7], also popularly known as Bank Nationalization case, the Supreme Court applied Art.19(1) (f) to a law enacted under Art.31(2), to view the validity of the law. Before this case these two articles were considered mutually exclusive of each other. This case had such an impact on the view of the Supreme Court regarding the mutually exclusiveness of fundamental rights. That in the case of *Sambhu Nath Sarkar v. State of West Bengal*^[8] Supreme Court recognized the force of this logic that the bench said that the approach of the court in the Bank

Nationalization^[9] case had held majority of *A.K. Gopalan*^[10] case was incorrect, this completely knocked out the Court's earlier argument in *Gopalan*.

Aspect of Personal Liberty

Maneka Gandhi v. UOI^[11] is a landmark case of the post-emergency period. This case shows how liberal tendencies have influenced the Supreme Court in the matter of interpreting Fundamental Rights, particularly Art. 21. A great transformation has come about in the judicial attitude towards the protection of personal liberty after the traumatic experiences of the emergency during 1975-77 when personal liberty had reached its lowest^[12]. The period characterized as the darkest period in the Indian Constitutional history has become clear from the Supreme Court pronouncement in *A.D.M Jabalpur v. Shiva Kant Shukla*^[13] popularly known as *Habeas Corpus Case* and has been severely criticized by scholars in India. This case showed that Article 21 as interpreted in *Gopalan* case could not play any role in proving any protection against any harsh law seeking to deprive a person of his life or personal liberty. After emergency it was realized that power to order preventive detention was misused by the official machinery during the emergency and something should be done so that such a situation might not be repeated in future.

Accordingly, Art.359 of the constitution was amended by 44th Amendment to nullify some amendment made in the 42nd, (Indira Constitution) thus by 44th amendment Art.20 & 21 never to be suspended even during emergency and other fundamental rights won't suspend automatically. It needs separate order by President. In fact this case has acted as an accelerating agent for the transformation of the judicial view on Art.21^[14].

The expression personal liberty in Art. 21 were given an expansive interpretation. The court emphasized that the expression personal liberty is of wide amplitude covering a variety of rights which go to constitute the personal liberty of man. The expression ought not to be read in a narrow and restricted sense so as to exclude those attributes of personal liberty which are specifically dealt with in Art. 19. The attempt of the Court should be to expand the reach and ambit of the fundamental rights rather than attenuate their meaning and content by the process of judicial construction, and hence right to travel abroad falls under Art. 21.

The reincarnation of Art.21 which *Maneka Gandhi* case brought has been exerting a deep impact on contemporary constitutional jurisprudence. *Maneka Gandhi* case completely overrides the *Gopalan's* view which had held the field for nearly three decades. Since *Maneka Gandhi* case, the Supreme Court has again underlined the theme that Arts. 14, 19 and 21 are not mutually exclusive, but they sustain, strengthen and nourish each other. It has brought the Fundamental right of life and personal liberty into prominence which is now regarded as the heart Fundamental Rights.

It is the duty of the state to see that the rule of law

⁹ Supra note 7

¹⁰ Supra note 4

¹¹ *Maneka Gandhi v. UOI* 1978 AIR 597

¹² M.P Jain, *Indian Constitutional Law* Vol-1, pp-1615

¹³ *A.D.M Jabalpur v. Shiva Kant Shukla* (1976) 2 SCC 521; AIR 1976 SC 1207

¹⁴ Prof.G.R.Jagadeesh, *Conceptualization of personal liberty by KILPAR*,2014 Pp-127-128

⁵ Supra note 4

⁶ *Ram Singh v. Delhi*, AIR 1951 SC 270

⁷ *R.C. Cooper v. Union of India*, AIR 1970 SC 564

⁸ *Sambhu Nath Sarkar v. State of West Bengal*, AIR 1973 SC 1425

enunciated by the Art.21 is available to the greatest number. In *Olga Tellis case*,^[15] the Supreme Court has again emphasised that the procedure prescribed by the law for the deprivation of rights conferred by Art.21 must be fair, just and reasonable. It must conform to the norms of justice and fair play. Procedure which is unfair or unjust or attracts the vice of unreasonableness, there by vitiating the law which prescribe that procedure and consequently, the action taken under it.

The key to this judicial activism is the phrase procedure established by law in Art.21 which does not mean any procedure laid down in the statute but just, fair and reasonable procedure and that the term law in Art.21 envisages not any law but a law which is right, just, fair, and not arbitrary, fanciful or oppressive. Conducting a fair trial for those who are accused of criminal offences is cornerstone of democracy. It is beneficial for both to the accused and as well as to the society. A conviction resulting from an unfair trial is contrary to our concept of Justice^[16]. The law in its eternal youth grows to meet the demand of the society^[17]. After Maneka Gandhi, we can witness a period by term 'Constitutional Renaissance' in the Indian judiciary that recognized & upheld the various aspects of the right to personal liberty are discussed in the diverse facets of personal liberty that follow:

In *Bandhua Mukti Morcha v. Union of India*^[18] the Supreme Court expanded the horizon of Art. 21 and held that right to life includes right to live with human dignity, free from exploitation and to have equal opportunity. The judicial approach with time thus has led to two very important results, viz:

1. Many Directive Principles which, as such, are not enforceable have been activated and has become enforceable.
2. The Supreme Court has implied a number of fundamental rights from Art. 21.

Judicial Response

Under the Constitution, judicial institutions have a role to play not only for resolving inter se disputes but also to act as a balancing mechanism between the conflicting pulls and pressures operating in a society. Courts of law are the products of the Constitution and the instrumentalities for fulfilling the ideals of the State enshrined therein according to the language of the law. Evolving new juristic principles for the development and growth of law is an accepted role of the judiciary in almost all the countries.

The function of the higher courts in this country has not been limited to exploring what the Constitution-makers meant when they wrote those words but also to develop and adapt the law so as to meet the challenges of contemporary problems of the society and respond to the needs of the society. The Constitution cannot be a living and dynamic instrument if it lives in the past only and does not address the present and the future. This exercise of jurisdiction by the courts in India has been criticised by some as "judicial activism" indulged by non-elected Judges who upset the decisions of the elected representatives of the people. They would like the courts to confine themselves to what the

Constitution-makers literally meant when the Constitution was drafted.

Judicial review is an essential component of the rule of law, which is a basic feature of the Indian Constitution. Every State action has to be tested on the anvil of rule of law and that exercise is performed, when occasion arises by the reason of a doubt raised in that behalf, by the courts. This well-established constitutional principle of the existence of the power of *judicial review* and its need was indicated by Chief Justice Marshall in *Marbury v. Madison*^[19]. He said: "It is emphatically the province and duty of the judicial department to say what the law is." At that time, it appeared to be an *innovation* or an act which is now being termed as "judicial activism". However, no one since then has doubted the correctness of this constitutional imperative in the scheme of separation of powers.

The Constitution conferred on the High Courts, the power to issue prerogative orders and writs, the judiciary in India has come to control by judicial review every aspect of governmental and public functions. Every legislation is amenable to judicial review, be it momentous amendments to the Constitution or drawing up of schemes and bye-laws of municipal bodies which affect the life of a citizen. Judicial review extends to every governmental or executive action - from high policy matters like the President's power to issue a proclamation on failure of constitutional machinery in the States like in *Bommai case*^[20], to the highly discretionary exercise of the prerogative of pardon like in *Kehar Singh case*^[21] or the right to go abroad as in *Satwant Singh case*^[22]. *Judicial review* knows no bounds except the restraint of the judges themselves regarding justifiability of an issue in a particular case.

The growth of *judicial review* is the inevitable response of the judiciary to ensure proper check on the exercise of public power. Growing awareness of the rights in the people; the trend of judicial scrutiny of every significant governmental action and the readiness even of the executive to seek judicial determination of debatable or controversial issues, at times, may be, to avoid its accountability for the decision, have all resulted in the increasing significance of the role of the judiciary.

Judicial creativity, as a means of evolving new juristic principles for the development and growth of law, is an accepted and well-recognised role of the judiciary not only in this country but in almost all the common law countries. The law must move with the times and the judiciary has forever to remain alive to this reality. This role of the judiciary is not new either in India or elsewhere. It has been there all along. The current judicial process which has given rise to the debate on *judicial activism*, is merely a continuation of the justice delivery system which has been prevalent in this country all along. The reason for this judicial creativity is not far to seek.

In *Nilabati Behera v. State of Orissa*^[23] the Supreme Court while considering the question of grant of relief in a case of custodial death of the son of the petitioner opined that the old doctrine of only relegating the aggrieved to the remedies available in civil law limits the role of the courts too much as the "protector and guarantor of the indefeasible human

¹⁵ *Olga Tellis v. Bombay Municipal Corp.*, AIR 1986 SC 180

¹⁶ *State of Punjab v. Baldev Singh*, AIR 1999 SC 2378

¹⁷ Professor M.P. Jain, *Indian Constitutional Law*, p. 1225 (Ruma Pal, J. & S. Pal, eds., ed. 6, Gurgaon: LexisNexis, 52012

¹⁸ *Bandhua Mukti Morcha v. Union of India*, AIR 1984 SC 802

¹⁹ *Marbury v. Madison* 2 L Ed 60 : 1 Cranch 137 (1803)

²⁰ *S.R. Bommai v. Union of India*, (1994) 3 SCC 1

²¹ *Kehar Singh v. State (Delhi Admn.)*, (1988) 3 SCC 609

²² *Satwant Singh Sawhney v. D. Ramarathnam*, AIR 1967 SC 1836

²³ *Nilabati Behera v. State of Orissa* (1993) 2 SCC 746

rights of the citizens" and went on to say that the courts have an obligation to satisfy the social aspirations of the citizens because the courts and the law are for the people and expected to respond to their aspirations. The Court explained the purpose of public law and said "that the purpose of public law is not only to civilize public power" but also to assure to the citizen that they live under a legal system which aims to protect and preserve the rule of law. Thus, new "tools" were invented to give redress to the citizen.

The Supreme Court has been consistently expanding the dimensions of Article 21 within the bounds of law by purposeful interpretations. More than fifteen years ago in *Francis Coralie Mullin v. Administrator, Union Territory of Delhi* [24] Justice Bhagwati observed: (SCC pp. 618-19, para 8)

"The right to life includes the right to live with human dignity and all that goes along with it, namely, the bare necessities of life such as adequate nutrition, clothing and shelter and facilities for reading, writing and expressing oneself in diverse forms, freely moving about and mixing and commingling with fellow human beings. The magnitude and content of the components of this right would depend upon the extent of the economic development of the country, but it must, in any view of the matter, include the right to the basic necessities of life and also the right to carry on such functions and activities as constitute the bare minimum expression of the human self."

In *Mohini Jain case* [25] the Court held the right to free education to the children until they complete the age of 14 years also to be a fundamental right by taking note of Article 45 of the Constitution. The concern of the courts for the underprivileged and the poor sections of the society was reflected a decade ago in *Bihar Legal Support Society v. Chief Justice of India* [26] when the Court said: (SCC p. 768, para 2)

"... that the weaker sections of Indian humanity have been deprived of justice for long, long years: they have had no access to justice on account of their poverty, ignorance and illiteracy. They are not aware of the rights and benefits conferred upon them by the Constitution and the law. On account of their socially and economically disadvantaged position they lack the capacity to assert their rights and they do not have the material resources with which to enforce their social and economic entitlements and combat exploitation and injustice."

In *M.H. Hoskot case* [27], the Supreme Court recognised the right of an indigent person to have legal aid.

The right to *pollution-free environment* has to be conceived of as a *human right* being a facet of right to life guaranteed by Article 21. The Supreme Court has ruled that right to pollution-free air falls under Article 21 in *Subhash Kumar v. State of Bihar* [28].

In the *Doon Valley case* [29] Article 21 was invoked by the Court to prevent the degradation of Mussoorie Hills due to the mining operations there, which was becoming a health

hazard. The Court held that Article 21 included in its sweep a *right to clean environment* and that the permanent assets of mankind cannot be allowed to be exhausted in our generation. Again, in *M.C. Mehta v. Union of India* [30] the Supreme Court reiterated the fundamental right to a clean environment for healthy living and held that pollution treatment plant is a fore-condition of the existence and continuation of an industry.

In the *Oleum Gas Leak case* [31] the rule of strict liability was applied without exception to a polluting undertaking employing hazardous process of manufacture.

However, once it is conceded that right to life guaranteed by Article 21 includes the right to live decently, the interference by the courts to ensure the same by making attempts to prevent pollution of environment cannot but be considered as a legitimate exercise in discharge of the constitutional obligation by the judiciary.

Conclusion

Judicial review is a weapon to discipline abuse of executive power. Any institution with such vast powers can become a threat if it does not have Judges of the highest integrity, sensitivity to constitutional values and great professional competence.

The criticism that since the judiciary in India is not elected, it should confine itself to its orthodox role, and leave all other matters to the elected representatives, is based on a grave misconception about the source of power of the judiciary and the role assigned to it. To say and believe that judiciary is not accountable to anyone is misleading.

The real source of strength of the judiciary lies in the public confidence in the institution. It is, therefore, imperative that the actions of the Judges are transparent and constitutionally sound and their vast power is used in public interest to uphold the majesty of law and the Constitution - to uphold which they subscribe to the oath when entering upon their office.

Erosion of credibility of the judiciary, in the public mind, for whatever reasons, is the greatest threat to the independence of the judiciary. Eternal vigilance by the Judges to guard against any such latent internal danger is, therefore, necessary, lest we "suffer from self-inflicted mortal wounds".

The courts, must however, not shy away from discharging their constitutional obligations to protect and enforce human rights of the citizens and while acting within the bounds of law must always rise to the occasion as "guardians of the Constitution", criticism of "judicial activism" notwithstanding.

The society has placed Judges on a high pedestal. We must justify that position in the society remembering forever that the Constitution does not give unlimited powers to anyone including the Judges of all levels.

References

1. Durga Das Basu Commentary on the Constitution of India (8th ed), 2007.
2. Hidayatullah M. Constitutional Law of India (1st ed), 1984.
3. Jain MP. Indian Constitutional Law, 6th Edition, LexisNexis Butterworth Wadhwa Nagpur, 2011.

²⁴ Francis Coralie Mullin v. Administrator, Union Territory of Delhi (1981) 1 SCC 608

²⁵ Mohini Jain v. State of Karnataka, (1992) 3 SCC 666

²⁶ Bihar Legal Support Society v. Chief Justice of India (1986) 4 SCC 767

²⁷ M.H. Hoskot v. State of Maharashtra, (1978) 3 SCC 544

²⁸ Subhash Kumar v. State of Bihar, (1991) 1 SCC 598

²⁹ Rural Litigation and Entitlement Kendra v. State of U.P., (1985) 2 SCC 431

³⁰ M.C. Mehta v. Union of India, (1987) 4 SCC 463

³¹ M.C. Mehta v. Union of India, (1987) 1 SCC 395

4. Shukla VN. Constitution of India, 11th edition, Eastern Book Company. 16. Singh Bhavjit, Digest of Land Acquisition & Compensation cases, Edition, 2008.
5. Lexis Nexis Academica, <http://www.lexisnexis.com/academica>.
6. Lexis Nexis Legal, <http://www.lexisnexis.com/in/legal>.
7. Manupatra Online Resources, <http://www.manupatra.com>
8. Oxford Dictionary, <http://www.oxforddictionaries.com>.
9. SCC Online, <http://www.sconline.co.in>.
10. <http://cadindia.clpr.org.in/>
11. Environment Protection Act, 1986.
12. Preventive Detention Act, 1950.
13. The Constitution of India, 1950.
14. International Journal of Law - ISSN: 2455-2194, RJIF 5.12 A, 2017, 3(3).
15. Jagadeesh GR. Conceptualization of personal liberty by KILPAR, 2014.