

ABSTRACT

HISTORICAL PERSPECTIVE OF ROLE OF HABEAS CORPUS IN PREVENTIVE DENTENTION

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The prerogative writ of *habeas corpus ad subjicendum* is the most renowned contribution of the English Common Law to the protection of human liberty. The writ of habeas corpus is one of the most ancient writs known to the Common Law of England. It is a writ of immemorial antiquity and the first threads of its origin are woven deeply within the “seamless web of history and they are concealed and perhaps untraceable among countless incidents that constituted the total historical pattern. Earlier during the twelfth and thirteen centuries the writ of habeas corpus was used as a command by the Court to someone to bring before itself the body of a person whose presence was required for the purpose of a judicial proceedings. Pursuant to the writ, parties were brought before the Court, whether the parties were free or in detention.

There can be doubt that personal liberty is a precious right. The liberty of an individual has to be subordinated within reasonable bounds to the good of the people. The Founding Fathers of the Constitution were conscious of the practical need of preventive detention with a view to striking a just and delicate balance between need and necessity to preserve individual liberty and personal freedom on the one hand and security and safety of the country and interest of the society on the other hand.

Security of State, maintenance of public order and services essential to the community and also demands effective safeguards in the larger interests of sustenance of peaceful democratic way of life. With this background this paper has made an attempt to focus on the Role of Habeas Corpus with respect to Preventive Detention and also about the protection of rights of those who are detained under the Law.

Key Words: Habeas Corpus, Preventive Detention. Liberty , Prerogative, Security, Public Order.