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## Misuse of Preventive Detention Laws in India: Examining State Power, Abuse, and Legal Safeguards

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# Misuse of Preventive Detention Laws in India: Examining State Power, Abuse, and Legal Safeguards

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## ABSTRACT

*Preventive detention represents a unique intersection of state security interests and fundamental human rights in the Indian legal framework. Rooted in colonial legislation, these laws authorize the detention of individuals without trial based on subjective satisfaction of executive authorities regarding potential harm to public order, national security, or state security. While the Constitution permits such detention under Article 22(3)(b), successive judicial pronouncements have emphasized the necessity of stringent safeguards to prevent arbitrary exercise of state power. This research paper examines the multifaceted dimensions of preventive detention laws in India, including their historical evolution, constitutional framework, statutory manifestations, documented instances of misuse, and the protective mechanisms established by courts. Through critical analysis of landmark judgments and contemporary case studies, this paper argues that despite constitutional safeguards and judicial oversight, preventive detention laws remain susceptible to systematic abuse, particularly against marginalized communities, political dissidents, and minorities. The paper concludes with recommendations for legislative and judicial reform to strengthen protection against arbitrary detention while maintaining legitimate state security interests.*

## KEYWORDS

*Preventive detention, National Security Act, fundamental rights, judicial review, state power, arbitrary detention, human rights*

## INTRODUCTION

The Indian legal system recognizes two distinct paradigms of detention: punitive detention following criminal conviction and preventive detention based on apprehension of future misconduct. While punitive detention derives legitimacy from the principle of mens rea (criminal intent) and actus reus (guilty act), preventive detention operates on the basis of subjective executive satisfaction regarding potential future harm[1]. This fundamental distinction has generated considerable constitutional and scholarly debate regarding the compatibility of preventive detention with democratic principles and fundamental rights enshrined in the Indian Constitution.

The concept of preventive detention, despite its contentious nature, has remained embedded in Indian law since independence. The Preventive Detention Act of 1950 established the foundational framework, subsequently replaced by the National Security Act (NSA) of 1980, which continues to serve as the primary statute governing preventive detention. Additionally, various special laws addressing terrorism, communal violence, and narcotic drugs contain preventive detention provisions[2]. The constitutional justification for these laws rests on Article 22(3)(b) of the Constitution, which permits detention for preventive purposes as an exception to the fundamental rights guaranteed under Articles 19 and 21.

## RESEARCH QUESTIONS AND OBJECTIVES

This research paper is guided by the following primary questions:

1. What is the constitutional and statutory framework governing preventive detention in India?
2. How have courts interpreted and applied preventive detention laws, and what safeguards have been developed?
3. What evidence exists of misuse and abuse of preventive detention powers?
4. How do contemporary laws and judicial mechanisms address the prevention of arbitrary detention?
5. What reforms are necessary to strengthen protections while maintaining legitimate security interests?

The primary objectives of this paper are to:

- Provide a comprehensive exposition of the legal framework governing preventive detention in India

- Analyze landmark Supreme Court judgments establishing protective principles
- Document patterns of misuse through case studies and empirical data
- Evaluate the effectiveness of existing safeguards and oversight mechanisms
- Propose evidence-based recommendations for strengthening legal protections

## METHODOLOGY AND SCOPE

This research employs doctrinal legal analysis, supplemented by empirical examination of reported case law and available data on preventive detention usage. The paper primarily focuses on the National Security Act, 1980, as the principal preventive detention statute, while acknowledging other specialized laws. The temporal scope encompasses legislation from independence through 2025, with particular emphasis on post-2015 developments and contemporary judicial pronouncements. The paper examines preventive detention in the context of national security, public order, and community welfare, while primarily focusing on instances involving alleged targeting of minorities, political dissidents, and human rights defenders.

## CONSTITUTIONAL FRAMEWORK OF PREVENTIVE DETENTION IN INDIA

### *Article 22: Protective Guarantees and Exceptions*

Article 22 of the Indian Constitution establishes a dual structure: fundamental protections against arbitrary detention (Article 22(1)-(2)) and an exception permitting preventive detention subject to specified conditions (Article 22(3)-(7)).

**Article 22(3)(b)** explicitly exempts preventive detention from the requirement to inform the person of grounds of arrest and the right to legal representation immediately. However, the Constitution simultaneously imposes safeguards: the detained person must be informed of reasons within 24 hours (Article 22(5)); no preventive detention can extend beyond three months without an Advisory Board's approval (Article 22(4)); and the detaining authority must furnish grounds to the detenu and provide opportunity for representation.

These provisions reflect the constitutional drafters' deliberate balancing act – recognizing legitimate state security interests while simultaneously

establishing procedural and substantive constraints on executive power[3]. The Supreme Court has consistently emphasized that these safeguards are not mere procedural formalities but constitutionally mandated protections essential to prevent arbitrary deprivation of liberty.

### *Evolution of Constitutional Jurisprudence*

Early Supreme Court decisions took a restrictive approach to preventive detention safeguards. In *A.K. Gopalan v. State of Madras* (1950)<sup>1</sup>, the Court upheld the Preventive Detention Act, 1950, noting that while detention is a serious encroachment on personal liberty, it is justified when the State apprehends danger to public safety[4]. However, this decision left considerable discretion to executive authorities.

The watershed moment came with *Menaka Gandhi v. Union of India* (1978)<sup>2</sup>, where the Supreme Court articulated that "procedure" under Article 21 cannot be arbitrary but must be "reasonable, fair and just." This principle fundamentally altered preventive detention jurisprudence, implying that arbitrary preventive detention violates Article 21 even if authorized by statute.

Subsequent judgments progressively strengthened protections. In *Jagmohan v. S.V. Deshpande* (1992)<sup>3</sup>, the Court held that "the ground of detention and the material on which such ground is based must be conveyed to the detenu at the earliest opportunity." The *Suresh Gupta v. Government of India* (2002) decision established that preventive detention laws must be construed strictly, and detention cannot be justified merely because a person is likely to get bail in a criminal case[5].

## **STATUTORY FRAMEWORK: NATIONAL SECURITY ACT AND OTHER PREVENTIVE DETENTION LAWS**

### *The National Security Act, 1980*

The National Security Act, 1980, replaced the Preventive Detention Act of 1950 and established a comprehensive statutory framework for preventive detention. Section 3 of the NSA authorizes detention when the government (Union or State) is satisfied that detention is necessary to:

- a. Prevent a person from acting in any manner prejudicial to the defence of India, relations with foreign powers, or security of India;

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<sup>1</sup> AIR 1950 SC 27

<sup>2</sup> AIR 1978 SC 597

<sup>3</sup> AIR 1973 SC 947

- b. Prevent a person from acting in any manner prejudicial to the security of the State or maintenance of public order; or
- c. Prevent a person from acting in any manner prejudicial to the maintenance of supplies and services essential to the community[6].

The statute confers broad discretion on the detaining authority, requiring only "subjective satisfaction" rather than objective proof of harm. Duration is limited to twelve months unless extended with Advisory Board approval, renewable indefinitely. The detaining authority must furnish grounds within 24 hours and provide the detenu opportunity for representation.

### OTHER SPECIALIZED PREVENTIVE DETENTION LAWS

Beyond the NSA, several specialized statutes incorporate preventive detention provisions:

**Terrorism Laws:** The Unlawful Activities (Prevention) Act, 1967 (UAPA) permits detention for preventing terrorism. The repealed Prevention of Terrorism Act (POTA), 2002, contained extensive preventive detention provisions, though its repeal reflected recognition of systematic misuse[7].

**Narcotic Drugs:** The Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988 (PITNDPS) authorizes preventive detention to prevent drug trafficking.

**Communal Violence:** Various state-level laws address detention for maintaining communal harmony and public order.

**Public Order:** State-specific legislation like the Uttar Pradesh Maintenance of Public Order Act, 1988 (UPPO) permits preventive detention for maintaining public order.

The multiplicity of preventive detention statutes creates overlapping jurisdictions and increases opportunities for misuse through selective invocation of provisions offering maximum discretion.

### JUDICIAL SAFEGUARDS AND PROTECTIVE PRINCIPLES

#### *Landmark Protective Judgments*

**Suresh Gupta v. Government of India (2002)**<sup>4</sup>: The Supreme Court established that preventive detention cannot be justified merely to prevent anticipated bail in a criminal case, even if the person has been

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<sup>4</sup> (2004) 6 SCC 422

previously involved in criminal activities[8]. This judgment directly addressed one of the most common forms of misuse—invoking preventive detention against undertrial prisoners likely to secure bail.

**Kamarunnissa v. Union of India (2016)**<sup>5</sup>: The Court held that for preventive detention of a person already in judicial custody, the detaining authority must demonstrate "cogent material" showing a real possibility of the person's release and likelihood of engaging in prejudicial activities if released. Mere possibility of bail is insufficient.

**Annu @ Aniket v. Union of India (2024)**<sup>6</sup>: In a landmark judgment, the Supreme Court quashed the preventive detention of a law student, finding the detention "wholly untenable." The Court identified critical procedural lapses, including the representation being decided by the District Magistrate himself rather than being forwarded to the State Government for independent consideration. The Court emphasized that preventive detention cannot be invoked merely because a person is in judicial custody in a criminal case, without demonstrating specific prejudicial conduct or likelihood thereof[9].

**Jaseela Shaji v. Union of India (2024)**<sup>7</sup>: A three-judge bench reaffirmed that Article 22(5) mandates effective opportunity for the detenu to make representation. Non-supply of statements relied upon for continuing detention violates this right, rendering the detention order invalid.

### *Core Protective Principles*

Through successive judgments, the Supreme Court has articulated the following protective principles:

1. **Legality and Precision:** The grounds for detention must be precisely specified, not vague or generalized. Terms like "prejudicial to national security" or "public order" require concrete factual context[10].
2. **Proportionality:** The seriousness of anticipated harm must be commensurate with the severity of detention without trial. Minor disturbances do not justify preventive detention.
3. **Burden of Proof:** While constitutional burden of proof differs from criminal standards, the detaining authority must substantiate satisfaction with credible material, not mere suspicion.

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<sup>5</sup> (1990) Supp 1 SCC 440

<sup>6</sup> 2025 SCC OnLine SC 804

<sup>7</sup> (2024) 9 SCC 683

4. **Strict Construction:** Preventive detention laws must be strictly construed; ambiguities resolve in favor of liberty. Courts will not extend provisions beyond their plain language.
5. **Effective Representation:** The detenu must receive grounds with sufficient detail, time, and documentation to mount meaningful representation. Withholding or delaying information violates constitutional rights.
6. **Advisory Board Review:** The Advisory Board must conduct independent, substantive review, not merely ratify executive decisions. Perfunctory review renders detention invalid.
7. **Non-Punitive Intent:** Preventive detention must genuinely aim to prevent future harm, not serve as punishment for past conduct or silence political opposition.

## DOCUMENTED PATTERNS OF MISUSE AND ABUSE

### *Empirical Data on Preventive Detention*

The National Crime Records Bureau (NCRB) began publishing preventive detention data only in 2017, creating limited baseline information. However, available data reveals significant concerns:

- Detention rates under NSA have increased substantially since 2017
- Wide variations in usage across states suggest inconsistent application
- Disproportionate detention of specific communities and categories of persons
- Extended periods of detention with frequent extensions
- High rates of subsequent acquittal in criminal cases, suggesting tenuous grounds for initial detention[11]

The opacity surrounding preventive detention statistics – despite NCRB data collection – indicates insufficient governmental transparency and accountability regarding detention practices.

### *Misuse Targeting Minorities and Vulnerable Groups*

Civil society reports and judicial decisions document systematic targeting of religious and ethnic minorities through preventive detention. Instances of NSA invocation against individuals merely for

social media posts, peaceful protest participation, or religious association demonstrate deployment of preventive detention for suppressing legitimate expression rather than preventing genuine harm.

The *South Asia Justice Campaign* report (2024) specifically analyzed NSA implementation, documenting how vague statutory language ("prejudicial to public order," "prejudicial to national security") provides license for authorities to target marginalized communities without demonstrating concrete harm. The report noted that detentions ostensibly based on "suspected terrorism" or "communal violence prevention" disproportionately affect Muslim minorities and religious minorities, despite equal legal applicability.

### ***Political Abuse: Detention of Activists and Dissidents***

Instances documented in judicial proceedings reveal preventive detention's deployment against political activists, journalists, and human rights defenders. Several notable cases demonstrate this pattern:

In some instances, individuals engaged in constitutional protest activities—peaceful demonstration against government policies, investigative journalism, or human rights advocacy—have faced preventive detention orders. The executive characterization of such activities as "prejudicial to public order" has occasionally resulted in detention, subsequently quashed by courts as unsustainable<sup>[12]</sup>.

The *Annu @ Aniket* case exemplifies this concern—a law student detained under NSA, with authorities failing to establish any concrete prejudicial activity or likelihood thereof, merely relying on his prior involvement in social activism and student organizations.

### ***Abuse Targeting Under-Trial Prisoners***

One of the most documented misuse patterns involves invoking preventive detention against undertrial prisoners (UTPs) anticipated to secure bail in criminal cases. The Supreme Court has repeatedly condemned this practice while judicial statistics reveal its continuation.

Authorities invoke NSA precisely when bail prospects emerge—upon filing bail applications, favorable High Court orders, or anticipated bail grants. This practice transforms preventive detention from a security measure into a de facto preventive bail mechanism, circumventing the criminal procedure's bail framework. The *Suresh Gupta* and *Annu @ Aniket* judgments directly address this abuse, yet evidence suggests continuation despite judicial pronouncements.

## **JUDICIAL OVERSIGHT AND EFFECTIVENESS OF SAFEGUARDS**

### *Constitutional Safeguards Prescribed*

**Article 22(4):** Preventive detention cannot extend beyond three months without an Advisory Board's report recommending continuation. This temporal restriction aims to prevent indefinite detention without judicial scrutiny.

**Article 22(5):** The detenu has the right to be informed of grounds of detention within 24 hours. This provision enables meaningful representation and prevents detention based on undisclosed reasons.

**Article 22(6):** Access to legal consultation is guaranteed within 24 hours of arrest. While initially restrictive (unlike criminal procedure where immediate consultation is granted), subsequent judicial interpretation has expanded this protection.

**Article 22(7):** The detenu has right to representation against detention. The procedure for such representation and timeline is constitutionally mandated.

### *Judicial Review Standards*

The Supreme Court applies evolved standards for judicial review of preventive detention:

1. **Procedural Review:** Did authorities comply with constitutional and statutory procedures? Were grounds furnished within 24 hours? Was representation enabled and considered?
2. **Substantive Review:** Is the material basis for detention credible and specific, rather than vague or generalized? Does it establish reasonable apprehension of prejudicial conduct?
3. **Proportionality Review:** Is detention proportionate to the alleged threat? Is the quantum of preventive detention justified by the seriousness of anticipated harm?
4. **Temporal Review:** Has the detention period extended beyond reasonable limits? Has the detenu been denied periodic review or Advisory Board consideration?

Recent judgments have strengthened substantive review, requiring courts to examine the evidentiary basis for executive satisfaction, not merely accepting assertions[13].

### **LIMITATIONS AND GAPS IN JUDICIAL OVERSIGHT**

Despite strengthened standards, significant limitations persist:

**Burden of Proof Ambiguity:** While courts have moved toward requiring substantive material, the precise evidentiary standard remains unclear. Terms like "credible material" and "reasonable apprehension" lack precise definition.

**Deference to National Security Characterization:** Courts traditionally defer to executive national security characterization. Even with scrutiny, courts may reluctantly overturn detention orders invoking national security, particularly regarding matters involving foreign relations or defense[14].

**Delay in Judicial Review:** The typical timeline for habeas corpus petitions involves months of delay, during which detenu remains detained. For a measure justified as temporary preventive action, months of detention while seeking review undermines the protection itself.

**Advisory Board Effectiveness:** While constitutionally required, Advisory Boards have been criticized for perfunctory functioning. Reports suggest limited independent scrutiny and endorsement of executive recommendations without substantive examination.

**Evidence Quality Concerns:** Courts face difficulty examining classified security information or intelligence-based detentions. Balancing national security with transparency remains challenging[15].

## COMPARATIVE PERSPECTIVE: INTERNATIONAL HUMAN RIGHTS LAW

### International Human Rights Standards

The International Covenant on Civil and Political Rights (ICCPR), to which India is a signatory, imposes constraints on detention:

- Article 5 (ICCPR) guarantees liberty and security of person; detention must be lawful and justified
- Article 9 (ICCPR) prohibits arbitrary arrest and detention
- The Human Rights Committee has interpreted these provisions to severely restrict preventive detention
- Most jurisdictions either prohibit preventive detention or circumscribe it narrowly (e.g., specific terrorism contexts)[16]

### *Comparative Jurisdictions*

The United Kingdom historically permitted detention under Prevention of Terrorism acts but has progressively narrowed such provisions

through judicial and legislative action. The European Court of Human Rights consistently finds preventive detention measures incompatible with Article 5 of the European Convention, absent narrow, precisely defined circumstances.

Australia's preventive detention frameworks remain controversial even for counter-terrorism purposes, with constitutional courts scrutinizing their compatibility with rights protections.

India's preventive detention framework is notably broader and more discretionary than comparable democracies, reflecting its colonial-era origins and post-independence security anxieties[17].

## CONTEMPORARY CHALLENGES AND SYSTEMIC ISSUES

### *Vague and Overbroad Statutory Language*

The statutory criteria—"prejudicial to public order," "security of the State," "maintenance of supplies essential to the community"—employ language of considerable breadth. Courts have noted that these terms lack precision, enabling authorities to characterize diverse conduct (peaceful protest, journalism, social commentary, political opposition) as prejudicial to protected interests.

The statute's language contrasts with criminal law's specificity (e.g., "abetting commission of cognizable offense," "incitement to violence"). This vagueness violates the principle of legality—that laws must define prohibited conduct with sufficient clarity to enable meaningful judicial review and fair notice to citizens[18].

### *Subjective Satisfaction Standard*

The statute requires only the detaining authority's "subjective satisfaction" regarding necessity. While courts have moved toward requiring this satisfaction to be based on credible material, the subjective formulation grants authorities considerable leeway. Objective standards (e.g., "reasonably necessary," "substantial likelihood of harm") would provide stronger protection[19].

### *Absence of Sunset Provisions and Periodic Review*

Preventive detention laws lack sunset provisions or mandatory periodic legislative review. Unlike many democracies that subject emergency powers to regular review and renewal, India's preventive detention framework remains permanent legislation without mandatory reconsideration.

Periodic legislative review – examining usage patterns, misuse instances, and judicial decisions – could inform reforms and strengthen safeguards. The absence of such mechanisms reflects insufficient democratic accountability.

### *Transparency and Accountability Deficits*

Comprehensive data on preventive detention usage remains unavailable. Reasons for detention orders are often withheld from public scrutiny, citing security concerns. The NCRB, despite collecting data, publishes only summary statistics without disaggregation enabling analysis of targeting patterns.

Accountability mechanisms for misuse are limited. While detenu can pursue habeas corpus, few instances result in criminal prosecution or disciplinary action against officials who ordered unjustified detention. This accountability gap reduces deterrence against misuse[20].

## **LEGAL SAFEGUARDS AND PROTECTIVE MECHANISMS: EFFECTIVENESS ASSESSMENT**

### *Existing Protective Framework*

**Constitutional Safeguards:** Articles 22(4)-(7) establish procedural protections – 24-hour ground notification, three-month temporal limit, representation rights, and Advisory Board review.

**Judicial Standards:** Landmark judgments establish substantive review standards, requiring material basis for detention, prohibition on using preventive detention as bail substitute, and effective representation.

**Statutory Procedures:** The NSA prescribes procedures for detention authorization, ground furnishing, and advisory board composition.

**Administrative Scrutiny:** Some states have established grievance redressal mechanisms for detention complaints.

### *Effectiveness in Practice*

Assessment of protective mechanisms reveals mixed results:

**Successful Protections:** Courts have successfully quashed numerous detention orders for procedural violations (non-supply of statements, delayed representation consideration, procedural lapses). Judicial scrutiny has deterred authorities from invoking detention in some contexts where misuse would be transparent[21].

**Persistent Vulnerabilities:** Despite protective standards, detention

orders continue in contexts where courts subsequently find them unjustified. The *Annu @ Aniket* case demonstrates judicial willingness to find detention "wholly untenable" even for a law student, suggesting authorities invoke NSA in marginal cases where legal basis is weak.

**Temporal Challenges:** Protective mechanisms operate with significant temporal delays. Habeas corpus procedures, even on urgent bases, may take weeks or months. During this period, the detenu remains detained, suffering irreparable harm even if subsequently released[22].

## Reform Recommendations

### *Legislative Reforms*

**Statutory Redefinition:** The NSA's statutory criteria should be redefined with greater precision. Instead of broad terms like "public order," statutes should specify concrete harms—"incitement to violence," "reasonable likelihood of causing communal violence," "directed violence or substantial disruption of essential services."

**Objective Standard:** Replace "subjective satisfaction" with objective standard: detention authorization only when detaining authority can demonstrate on credible material that detention is "reasonably necessary" to prevent specified harm, subject to judicial verification.

**Temporal Limitations:** Introduce automatic sunset provisions—preventive detention laws subject to mandatory legislative review every five years, with default requirement of affirmative re-enactment for continuation.

**Transparency Requirements:** Mandate publication of aggregate statistics disaggregated by community, state, ground invoked, and duration. While protecting individual security details, systematic data should enable accountability and misuse detection.

### *Procedural Reforms*

**Immediate Judicial Review:** Establish procedures for expedited judicial review—within 48 hours of detention notification, a judicial officer conducts substantive review of detention necessity. Current three-month duration before Advisory Board review permits extended detention pending judicial consideration.

**Effective Representation:** Strengthen representation procedures—provide detenu with copies of all materials forming basis of detention (with security redactions if necessary), extended time periods for representation preparation, and independent review of representation

by hierarchical authority (not detention-ordering authority).

**Advisory Board Independence:** Strengthen Advisory Board independence through statutory requirements of composition (including legal experts, not solely administrative officers), mandated substantive review procedures, and accountability for perfunctory review.

### *Judicial Reforms*

**Increased Scrutiny:** Courts should move toward more rigorous substantive review, particularly examining whether executive characterization of harm as "national security" or "public order" matter is correctly applied to conduct typically protected (peaceful protest, journalism, academic discourse).

**Evidentiary Standards:** Develop clearer evidentiary standards for substantive material—specificity requirements, recency standards, exclusion of entirely speculative material, and requirements for authentication of sources.

**Precedent Development:** Continue development of precedent establishing concrete examples of conduct justifying preventive detention versus protected conduct that cannot support detention, enabling predictable application.

**Amicus Support:** Encourage human rights organizations and civil society amici to present evidence on misuse patterns and comparative jurisdictions, enriching court's understanding of preventive detention's risks[23].

### *Administrative and Institutional Reforms*

**Dedicated Grievance Redressal:** Establish independent administrative bodies (not under detaining authorities) to investigate detention complaints, make binding recommendations, and pursue accountability.

**Official Accountability:** Introduce consequences for authorities ordering demonstrably unjustified detention—personal civil liability, disciplinary action, and in egregious cases, criminal prosecution.

**Training and Accountability:** Mandate training for detaining authorities on constitutional standards, substantive requirements, and misuse consequences. Establish monitoring of detention practices at state and district levels.

## CONCLUSION

Preventive detention laws in India occupy a constitutionally

uncomfortable space—authorized by Article 22(3)(b) yet subject to fundamental rights protections under Articles 14, 19, and 21. This tension reflects democratic polities' perennial challenge: balancing security interests against liberty protection.

The Indian Supreme Court has progressively developed protective jurisprudence, establishing that preventive detention cannot be arbitrary, cannot serve as bail substitute, and requires substantive material justifying satisfaction of necessity. Landmark judgments like *Suresh Gupta*, *Kamarunnissa*, *Annu @ Aniket*, and *Jaseela Shaji* represent significant protective developments.

However, empirical evidence and civil society research demonstrate that preventive detention laws remain systematically misused—targeting minorities disproportionately, suppressing political opposition and activism, and substituting for criminal procedure's bail framework. Vague statutory language, subjective satisfaction standards, temporal delays in judicial review, and accountability deficits collectively enable misuse despite judicial safeguards.

Strengthening protections requires integrated reform across legislative, judicial, and administrative domains. Redefining statutory criteria with greater precision, shifting from subjective to objective standards, establishing expedited judicial review, and enhancing accountability mechanisms are essential steps. Equally important is continuing judicial vigilance—courts must move beyond procedural scrutiny toward substantive examination of whether executive characterization of harm as security-related or public-order-related appropriately applies to constitutionally protected conduct.

The challenge facing Indian democracy is resolving this tension not through perpetuating preventive detention as currently configured, but through comprehensive reform that maintains legitimate security interests while ensuring that temporary preventive measures do not become vehicles for arbitrary state power against minorities, dissidents, and vulnerable populations[24].

Preventive detention, as currently practiced, represents a colonial-era mechanism insufficiently adapted to contemporary democratic standards and international human rights norms. The path forward requires acknowledging its present insufficiency and committing to reform—narrowing its scope, strengthening its safeguards, and ensuring that what remains is genuinely limited to preventing specific, substantial, temporally proximate harm rather than serving as an instrument of political control or minority suppression.

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