Polity & Governance · GS - II

Examine the constitutional balance between national security and personal liberty in cases involving prolonged pre-trial detention under anti-terrorism laws.

EXAM YEAR	PAPER	SUBJECT
DAILY PRACTICE 01/11/2026	GS - II	Polity & Governance

MARKS	WORD LIMIT
10	~150 words

Answer Hint

Article 21; presumption of innocence; speedy trial; national security; judicial review; proportionality

Model Answer

Introduction

India faces genuine security threats from terrorism, requiring effective investigation and prosecution. However, national security measures must operate within constitutional limits.

Constitutional and Legal Framework

1. Protection of Personal Liberty

Article 21 protects life and personal liberty. The Supreme Court has recognised speedy trial as an important component of this protection. Excessively prolonged detention can raise constitutional concerns, particularly when trial progress is slow.

2. Legitimate Security Concerns

Anti-terrorism investigations may involve complex evidence, organised networks and risks of witness intimidation or absconding. Courts must assess these concerns while applying the relevant statutory bail provisions.

3. Role of the Judiciary

Judicial review ensures that detention is legally justified and not arbitrary. Courts may consider custody duration, trial delays, evidence, statutory restrictions and risks associated with release. Bail does not amount to acquittal.

Way Forward

Investigative agencies should complete investigations efficiently, prosecutors should minimise avoidable delays, and courts should prioritise trials involving prolonged custody. Bail conditions and monitoring may help balance individual liberty with legitimate security requirements.

Conclusion

Effective counter-terrorism requires both security and constitutional accountability. Protecting personal liberty strengthens the rule of law and public confidence in the justice system.

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