Polity & Governance · GS - II

How can the state balance the maintenance of public order with the protection of individual liberty? Discuss with reference to preventive legal measures in India.

EXAM YEAR	PAPER	SUBJECT
DAILY PRACTICE 19/10/2026	GS - II	Polity & Governance

MARKS	WORD LIMIT
10	~150 words

BECOME IAS
AI POWERED UPSC PREP

Answer Hint

Public order, individual liberty, Article 21, Article 19, preventive action, peace bonds, due process, natural justice, judicial review, proportionality, police accountability.

Model Answer

Introduction

Maintaining public order is an essential responsibility of the state, but it must not come at the cost of individual liberty. The Constitution requires authorities to exercise their powers within legal limits and respect fundamental rights.

Main Body

Need to maintain public order

Public order protects life, property and social peace. Preventive measures, including proceedings for security for keeping the peace under the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, can help prevent anticipated disturbances before they occur.

Protection of individual liberty

1. Constitutional safeguards: Article 21 protects life and personal liberty, while Article 19 guarantees specified freedoms subject to reasonable restrictions.
2. Due process: Preventive action must follow the procedure established by law and comply with applicable legal safeguards.
3. Natural justice: Authorities should provide appropriate notice, an opportunity to respond and reasons for action, as required by law.
4. Judicial review: Courts can examine whether an order is lawful, procedurally fair and constitutionally valid.
5. Proportionality: Restrictions should be necessary and proportionate to the actual threat, rather than arbitrary or excessive.

Conclusion

Public order and individual liberty are complementary, not competing, objectives. Transparent procedures, accountable policing and effective judicial oversight help prevent misuse of preventive powers while preserving peace and constitutional freedoms.

BECOME IAS
AI POWERED UPSC PREP