Polity & Governance · GS - II

Examine the constitutional safeguards available against arbitrary detention in India. Discuss the role of High Courts in protecting personal liberty in urgent cases.

EXAM YEAR	PAPER	SUBJECT
DAILY PRACTICE 20/10/2026	GS - II	Polity & Governance

MARKS	WORD LIMIT
10	~150 words

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Answer Hint

Article 21, Article 22, Article 226, due process, legal representation, judicial review, urgent hearings, accountability of authorities.

Model Answer

Introduction

Personal liberty is a fundamental constitutional guarantee. The power to arrest or detain individuals must be exercised according to law and constitutional safeguards.

Constitutional Safeguards

- **Article 21:** Protects life and personal liberty. Any deprivation must follow a procedure that is just, fair and reasonable.
- **Article 22:** Provides safeguards against arrest and detention, including the right to consult and be defended by a lawyer and, subject to constitutional exceptions, production before a magistrate within 24 hours.
- **Judicial remedies:** Article 32 enables individuals to approach the Supreme Court, while Article 226 empowers High Courts to issue appropriate writs, including habeas corpus.

Role of High Courts

High Courts can examine the legality of detention, review compliance with procedural requirements and grant appropriate relief where detention is unlawful. Urgent or out-of-hours hearings may be considered in exceptional circumstances under applicable judicial procedures.

Way Forward

Authorities must maintain accurate custody records, ensure timely access to legal counsel and comply with judicial directions. Courts should balance procedural fairness with the need for effective administration of justice.

Conclusion

Judicial oversight and timely remedies are essential to prevent arbitrary detention and uphold the rule of law.

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