

ABSTRACT

A CRITICAL STUDY ON PREVENTIVE DETENTION IN INDIA: A BLIND SPOT OF DEMOCRACY?

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Preventive Detention laws in India are unsteadily dangling between efforts to avert crimes and causing blatant human rights violation, making it a "necessary evil" in the country. With the concept being brought during the colonial rule, the idea has not evolved much over the times. Despite having unfathomable importance in the Constitution of India, the Code of Criminal Procedure of India and other integral Central and State laws, there still seems to be an air of dilemma. This paper will draw attention towards the Preventive Detention laws in existence in the Indian legal scenario, their efficiency and loopholes by understanding the definition of Prevention Detention through the evolution of British and Indian laws. The research shall explore the ambit of Article 22 as a constitutional provision for Preventive Detention and its constitutional validity. Understanding the importance of Preventive Detention in the light of criminal law in India, under the provisions of the Criminal Procedure Code, 1973 and other existing statutes is imperative in carrying this research forward. In addition to this, the study shall also elucidate the nexus between Preventive Detention and violation of Human Rights. The paper shall also pose plausible recommendations and suggestions which might help with the contradictions this law puts forward

Keywords: Detention, Human Rights, Constitution, Laws

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