Polity & Governance · GS - II

Examine the constitutional safeguards against arbitrary arrest and detention in India. Why is judicial oversight important in protecting personal liberty?

EXAM YEAR	PAPER	SUBJECT
DAILY PRACTICE 05/11/2026	GS - II	Polity & Governance

MARKS	WORD LIMIT
10	~150 words

Answer Hint

Article 21, Article 22, 24-hour rule, production before magistrate, arrest procedures, custodial safeguards, judicial oversight, due process, accountability of investigating agencies, rule of law.

Model Answer

Introduction

Protection against arbitrary arrest and detention is essential for safeguarding individual liberty and ensuring the rule of law in a constitutional democracy.

Constitutional Safeguards

Article 21 protects life and personal liberty, while Article 22 provides specific safeguards against arbitrary arrest. Under Article 22(1), an arrested person has the right to be informed of the grounds of arrest and consult a legal practitioner.

Article 22(2) requires the arrested person to be produced before the nearest magistrate within 24 hours, excluding journey time. Further detention requires judicial authorisation.

Importance of Judicial Oversight

Judicial supervision prevents investigating agencies from bypassing constitutional safeguards through procedural delays or artificial distinctions between custody and formal arrest. Courts ensure accountability, examine the legality of detention and protect individuals against unlawful deprivation of liberty.

The Supreme Court's recent ruling on the commencement of the 24-hour period upon actual custody reinforces the importance of these safeguards.

Conclusion

Effective enforcement of constitutional protections, transparent arrest procedures and independent judicial scrutiny are essential to protect personal liberty and strengthen democratic governance.