Polity & Governance · GS - II

Examine the balance between national security and personal liberty in the application of stringent anti-terror laws such as the UAPA. Discuss the importance of judicial scrutiny in bail decisions involving foreign nationals.

EXAM YEAR	PAPER	SUBJECT
DAILY PRACTICE 28/10/2026	GS - II	Polity & Governance

MARKS	WORD LIMIT
10	~150 words

Answer Hint

UAPA provisions; national security; Article 21; bail restrictions; due process; foreign nationals' rights; judicial review; proportionality and rule of law

Model Answer

Introduction

The Unlawful Activities (Prevention) Act, 1967, provides a legal framework to address terrorism and certain unlawful activities. Its stringent provisions must operate alongside constitutional protections and the principles of criminal justice.

Balancing security and liberty

1. National security: The UAPA enables the State to investigate and prosecute activities threatening national security. Section 43D(5) imposes specific restrictions on bail in covered cases.

2. Personal liberty: Article 21 protects the life and personal liberty of all persons, including foreign nationals. Restrictions must follow the law and satisfy applicable constitutional requirements.

3. Judicial scrutiny: Courts must examine the statutory conditions, prosecution material and circumstances relevant to bail. Nationality alone should not substitute for the legal tests governing the decision.

4. Entry and immigration status: Unauthorised entry and visa overstay may involve different legal consequences. Courts must distinguish the relevant facts and apply the appropriate statutory provisions.

Way Forward

Investigations should be evidence-based, detention should comply with legal safeguards, and courts should provide reasoned decisions. Effective prosecution and protection against arbitrary deprivation of liberty must remain complementary objectives.

Conclusion

National security and constitutional liberty are not mutually exclusive. Consistent application of law and independent judicial scrutiny strengthen both security enforcement and public confidence in the justice system.

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