Polity & Governance · GS - II

Examine the importance of constitutional safeguards and judicial review in ensuring accountability during investigations by enforcement agencies.

EXAM YEAR	PAPER	SUBJECT
DAILY PRACTICE 02/11/2026	GS - II	Polity & Governance

MARKS	WORD LIMIT
10	~150 words

Answer Hint

Fundamental rights; Article 21; Article 22; statutory investigation powers; due process; judicial review; accountability of enforcement agencies

Model Answer

Introduction

Enforcement agencies play an important role in investigating economic offences, including money laundering. However, their powers must be exercised within the framework of the Constitution and applicable laws.

Constitutional and Legal Safeguards

1. Protection of Fundamental Rights

Article 21 protects life and personal liberty, requiring deprivation of liberty to follow a procedure established by law that meets constitutional standards. Article 22 provides safeguards relating to arrest and detention, subject to specified exceptions.

2. Legality of Investigative Action

Agencies such as the Enforcement Directorate exercise powers under statutes including the Prevention of Money Laundering Act, 2002. Their actions must comply with statutory requirements and applicable judicial interpretations.

3. Role of Judicial Review

Courts can examine whether detention, arrest or investigative procedures comply with the law. Judicial scrutiny helps prevent arbitrary action while preserving legitimate investigative powers.

Challenges and Way Forward

Prolonged proceedings, procedural disputes and concerns about coercive action can undermine public confidence. Clear documentation, reasoned decisions, independent oversight and timely judicial remedies can strengthen accountability.

Conclusion

Effective enforcement and protection of individual liberty are complementary constitutional objectives. Transparent procedures and meaningful judicial review help maintain the rule of law.

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