Polity & Governance · GS - II

“Judicial scrutiny of remand is essential to protect personal liberty and prevent arbitrary detention.”
Discuss in the context of the Indian Constitution.

EXAM YEAR	PAPER	SUBJECT
DAILY PRACTICE 19/10/2026	GS - II	Polity & Governance

MARKS	WORD LIMIT
10	~150 words

Answer Hint

Article 21, Article 22, personal liberty, judicial application of mind, necessity of custody, procedural safeguards, arbitrary detention, judicial accountability, legal aid.

Model Answer

Introduction

Remand authorises continued custody of an accused during an investigation or judicial proceeding. Since it directly affects personal liberty, it requires careful judicial scrutiny.

Constitutional Significance

1. **Article 21:** Protects life and personal liberty and requires lawful procedure for their deprivation.
2. **Article 22:** Provides safeguards concerning arrest and detention, including production before a magistrate within the prescribed period, subject to constitutional exceptions.
3. **Judicial independence:** Magistrates must assess the grounds for custody and ensure compliance with applicable law.

Why Scrutiny Matters

Mechanical remand orders can lead to unnecessary detention and undermine the presumption of innocence. Courts must examine the necessity and legal basis of custody, consider the grounds presented and ensure that

statutory requirements are met.

Reforms Required

Judicial training, reasoned remand orders, effective legal representation, periodic review of custody and stronger accountability mechanisms can improve compliance with constitutional safeguards.

Conclusion

Effective remand scrutiny balances legitimate investigative needs with individual liberty. A reasoned, lawful and proportionate approach strengthens the rule of law and public confidence in criminal justice.

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