Polity & Governance · GS - II

“Preventive powers are necessary to maintain public order, but their exercise must not become a substitute for criminal prosecution or an instrument to suppress peaceful dissent.” Discuss with reference to the constitutional right to protest in India.

EXAM YEAR	PAPER	SUBJECT
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MARKS	WORD LIMIT
10	~150 words

Answer Hint

Explain preventive action, peace bonds and public order. Link Articles 19, 21 and 22 with legality, necessity, proportionality, procedural safeguards, judicial review and protection of peaceful dissent.

Model Answer

Preventive powers enable authorities to avert an anticipated breach of peace before violence or disorder occurs. Peace bonds may require individuals to maintain good behaviour or refrain from conduct likely to disturb public order, subject to applicable law.

However, such powers affect personal liberty and must be exercised cautiously. Article 19 protects freedom of speech and peaceful assembly, subject to reasonable restrictions, while Article 21 safeguards life and personal liberty. Article 22 provides important safeguards concerning arrest and detention, although its application varies according to the nature of detention.

Authorities must establish a lawful basis for preventive action, follow prescribed procedures and ensure that restrictions are necessary and proportionate. Detention should not be used merely to discourage criticism or peaceful protest. Affected persons must have access to legal remedies and effective judicial scrutiny.

Thus, maintaining public order and protecting democratic dissent are complementary constitutional responsibilities. Transparent procedures, reasoned orders and timely review are essential to prevent misuse of preventive powers.

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