

ANALYSIS OF LEADING CASE LAWS ON NATIONAL SECURITY, PUBLIC ORDER AND RULE OF LAW

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Flow of Presentation

- ❖ The Context- Recent Developments on National Security, Public Order and Rule of Law
- ❖ Distinction Between ‘Law And Order’ ‘Public Order’ and ‘Public Disorder affecting the security of the State’ and Rule of Law
- ❖ Insights-Supreme Court Judgements Analysis
- ❖ Homogenous Findings
- ❖ Insights-Supreme Court-Judge Analytics
- ❖ Scope for Further Research

Learning objectives and Learning outcomes

- ❖ To analyze the leading cases on National Security, Public Order and Rule of Law
- ❖ To analyse related Legislations and Reports.
- ❖ To determining scope for further research

Scientific Methodology- Boolean Search (Natural Language Processing)

A Boolean Search was conducted in SCC and Manupatra database and 247 Supreme Court Judgements (1950-2022) as on 15th July 2022 were analyzed.

To interpret the term “Leading Case Laws” three parameters are considered-

1. Per Case Citation (3654+ to 185+) and quorum of the Supreme Court Bench- **41 JUDGEMENTS ARE ANALYZED**
2. Last 3 Years cases (2017 to 2021-22)- **21 JUDGEMENTS ARE ANALYZED**
3. Supreme Court Judgments on Habeas Corpus (2000-2021)- **63 JUDGEMENTS ARE ANALYZED**

THE STUDY ANALYZES A TOTAL OF 125 SUPREME COURT JUDGEMENTS

THE CONTEXT

The Ministry of Home Affairs (MHA) has constituted an advisory board comprising three judges of the Delhi High Court to review the cases registered under National Security Act (NSA) which allows the detention of a person up to a year without any charge.

Justice Yogesh Khanna will be the chairman of the advisory board while Justices Chandra Dhari Singh and Rajnish Bhatnagar will be members of the high-powered body.

23 July 2021	Manipur high court orders release of journalist detained under NSA over Facebook post on cow dung cure for covid
26 July 2021	chief minister's social media posts not equal to administrative order/instruction: Madhya Pradesh High Court while upholding the detention of a man, accused of black marketing of remdesivir injections amid the covid-19 pandemic, the Madhya Pradesh high court observed that the social media posts of a chief minister can't be equated with an administrative order/instruction.
27 July 2021	“Heinous crime”: Allahabad high court affirms detention of 3 under NSA who allegedly burnt a young girl to death the bench of justice Ramesh Sinha and justice Narendra Kumar Johari observed that on account of this heinous crime, public order was disturbed
3 Sept 2021	plea on compensation for wrongful detention of Manipur activist under NSA: supreme court adjourns to September 17 leichombam erendro was arrested based on a Facebook post that was meant as a criticism of the acts of government during covid-19.
7 Sept 2021	illegally detained Manipur activist's father withdraws contempt petition; compensation plea to continue the supreme court on Tuesday disposed of a contempt petition filed alleging that detention of Manipur based political activist leichobam erendro under NSA over a Facebook post that cow dung or cow urine will not cure covid was in contempt of SC's order of no clampdown on information on social media or harassment of individuals delivering help on social media
17 Sept 2021	plea on compensation for wrongful detention of Manipur activist: petitioner accuses Manipur govt. of dragging the matter, terms it as 'unfair' the state of Manipur's suggestion that the plea by father of activist leichombam erendro seeking compensation for his son's wrongful detention under the national security act for a Facebook post criticising use of cow dung as covid cure be listed after 3 weeks was met with an objection on behalf of the petitioner

16 Oct 2021	Allahabad HC upholds NSA detention order passed against man accused of murdering hindu samaj party's Kamlesh Tiwari Sparsh Upadhyay
30 October 2021	National Security Act: failure to communicate rejection of detenu's representation in time bound manner will vitiate detention order: Supreme Court
20 Nov 2021	only those who are responsible for public order maintenance must judge what national security, public order or security of state needs: J&K&L HC
4 Dec 2021	Allahabad high court quashes NSA detention order of 6 CAA-NRC protestors
23 Dec 2021	preventive detention powers shouldn't be exercised sans possibility of person being released from custody: Allahabad HC quashes NSA detention
20 Feb 2022	Double Murder Case: Allahabad HC Sets Aside NSA Detention Order against former UP Minister Kamlesh Pathak
19 Mar 2022	Centre Constitutes Advisory Board of Three Delhi High Court Judges to Review Cases Registered Under National Security Act

THE PARADIGM SHIFT

PREVENTIVE DETENTION IS AN ASPECT TO UPHOLD NATIONAL SECURITY, PUBLIC ORDER AND RULE OF LAW.

The Preamble of National Security Act-

“An Act to provide for preventive detention in certain cases and for matters connected therewith”

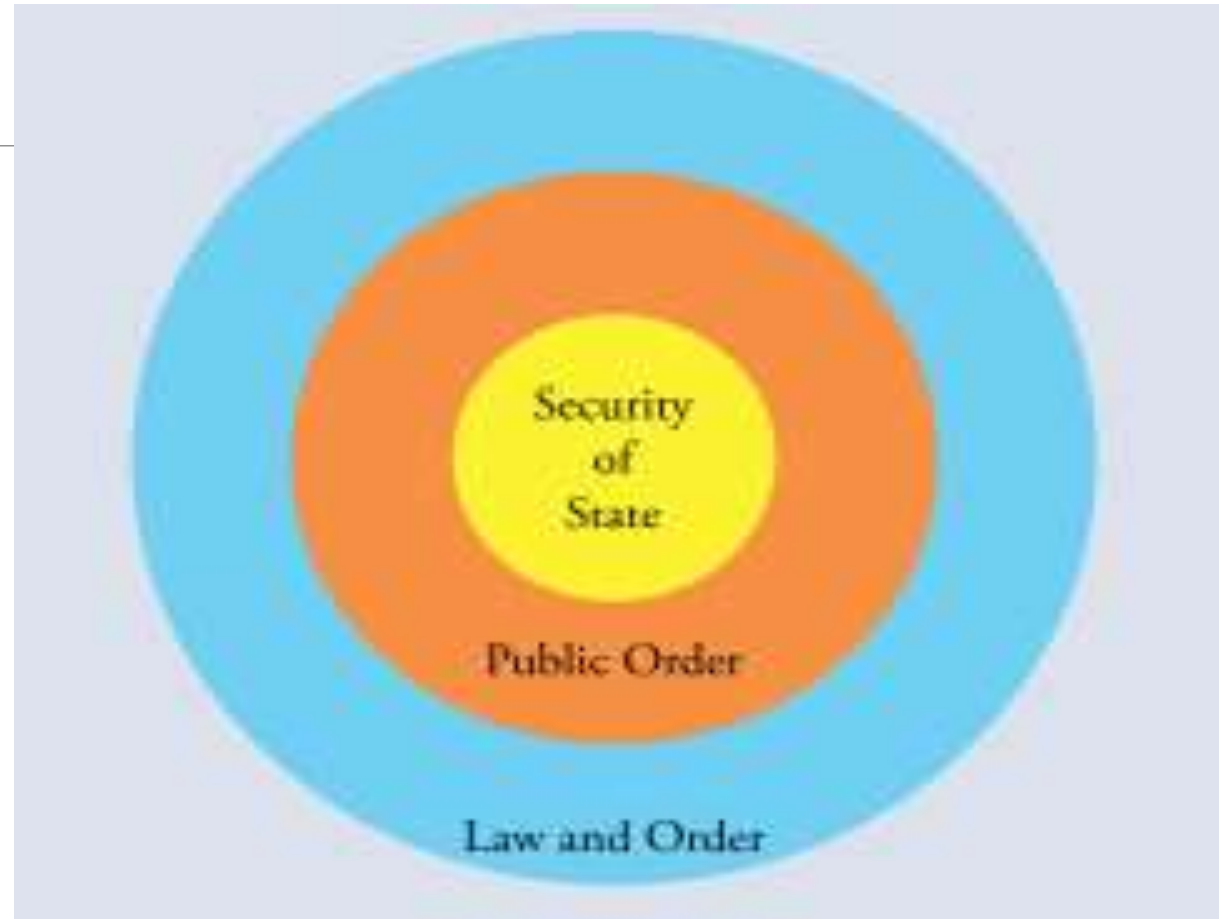
The study concludes with Homogenous Findings and the case-analysis were conducted through Boolean Search (Natural Language Processing) in Manupatra and SCC Online Database

DISTINCTION BETWEEN 'LAW AND ORDER' 'PUBLIC ORDER' AND 'PUBLIC DISORDER AFFECTING THE SECURITY OF THE STATE'

Justice Hidayatullah observed:

“Just as public order apprehends disorders of less gravity than those affecting the security of state, law and order also apprehends disorders of less gravity than those affecting public order. One has to imagine three concentric circles. Law and order represents the largest circle within which it is the next circle representing public order and the smallest circle represents the security of state. It is then easy to see that an act may affect law and order but not public order, just as an act may affect public order but not the security of state.”

[Ram Manohar Lohia v. State of Bihar, 1 SCR 7009(746), 1966].



*Source-2nd Administrative Report Commission Report 2007

RULE OF LAW

A V Dicey on Rule of Law:

“the absolute supremacy and predominance of regular law as opposed to the influence of arbitrary power, and excludes the existence of arbitrariness, of prerogative or even wide discretionary authority on the part of government”.

Harold Laski opines that we have sought to avoid not merely the obvious dangers of unfettered executive discretion in administration, we have sought also to ensure that the citizen shall have his rights decided by a body of men whose security of tenure is safeguarded against the shifting currents of public opinion.”

Locke put it succinctly:

*Source-2nd Administrative Report Commission Report 2007

“wherever law ends, tyranny begins”.

Anuradha Bhasin vs Union of India

Writ Petition (Civil) No. 1031 of 2019

Writ Petition (Civil) No. 1164 of 2019

Bench: N.V. Ramana, V. Ramasubramanian

Whether the Government can claim exemption from producing all the orders passed under Section 144, CrPC and other orders under the Suspension Rules?

The court held that state had to produce the order placing restrictions before the court. It had cited difficulty in determining the legality of restriction imposed when the state refused to produce the order before the court.

On the obligation of the state to disclose information, especially in writ petition, the court cited the judgement passed in Ram Jethmalani v. Union of India, that in order to be Article 32 meaningful, the petitioners should be provided with all the relevant information necessary which is needed to articulate the case, and especially when the state has been in possession of information. Article 19 can be interpreted in such a way where right to information is one of the important facets of freedom of speech and expression. Court added that “a democracy, which is sworn to transparency and accountability, necessarily mandates the production of orders as it is the right of an individual to know.” This obliges the state to protect the fundamental rights and does not away them in a cavalier manner.

Whether the Government's action of prohibiting internet access is valid?

Hon'ble Supreme Court turned its attention to the procedural aspect of law and said procedural justice cannot be sacrificed on the altar of substantive justice.

The Hon'ble Court observed that the procedural mechanism laid for restrictions on the internet is two-fold: contractual and statutory. In the present case, the latter part is dealt with because it is more relevant to the case at hand. As the name suggests, statutory restrictions imply restrictions under The IT Act, 2000; CrPC, 1973, Telegraph Act. In *Hukam Chand Shyam Lal v. Union of India*, the SC interpreted Section 5 of the Telegraph Act. Same interpretation was followed in *PUCL v. Union of India*. The Court laid that for a suspension order to be passed, there should be “public emergency” or for it to be “in the interest of public safety”. The meaning of the phrase “public emergency” can be inferred from its usage in conjunction with the phrase “in the interest of public safety” following it.

JUDGEMENT ANALYSIS
ON
NATIONAL SECURITY,
PUBLIC ORDER AND RULE OF
LAW

<p>A.K. Roy and Ors. vs. Union of India (UOI) and Ors. (28.12.1981 - SC)</p>	<p>(622+) 5 judge bench</p>	<p>The Supreme Court held that NSA Act was neither vague or arbitrary in its provisions providing for detention of persons on certain grounds, as acting in a manner prejudicial to the 'defence of India', 'security of the India', and to 'relations with foreign power' and issued guidelines for to safeguard interest of detenu.</p>
<p>Khudiram Das vs. The State of West Bengal and Ors. (26.11.1974 - SC)</p>	<p>(520+) 4 judge bench</p>	<p>The detaining authority's satisfaction is not a subjective one based on the detaining authority's emotions, beliefs or prejudices. The Court does not, of course, go into the adequacy or sufficiency of the grounds on which the order of detention is based but merely examines whether, on the grounds given to the detenu, a reasonable person could have come to the conclusion to which the detaining authority did. Here the dividing line between subjective satisfaction and objective determination becomes somewhat blurred, but the line is still there.</p>

<p>Prakash Chandra Mehta vs. Commissioner and Secretary, Government of Kerala and Ors. (12.04.1985 - SC)</p>	<p>(197+) 3 judge bench</p>	<p>We are not concerned with the sufficiency of the grounds. We are concerned whether there are relevant materials on which a reasonable belief or conviction could have been entertained by the detaining authority on the grounds mentioned in section 3(1) of the said Act. Whether other grounds should have been taken into consideration or not is not relevant at the stage of the passing of the detention order. This contention, therefore, cannot be accepted. If that is the position then in view of S. 5A of the Act there was sufficient material to sustain this ground of detention</p>
<p>Sophia Gulam Mohd. Bham vs. State of Maharashtra and Ors. (13.08.1999 - SC)</p>	<p>(284+) Full judge bench</p>	<p>The Detaining Authority in his affidavit could not legally say that the diaries were not considered by him and only the 'Panchnama', which was placed before him, was considered. The affidavit, instead of supporting the grounds of detention, contradicts the recitals and, therefore, on this ground alone, the High Court should have rejected the affidavit.</p>

<p>Mohd. Hanif Quareshi and Ors. vs. The State of Bihar (23.04.1958 - SC)</p>	<p>(323+) 5 Judge bench</p>	<p>Merely because it may cause “inconvenience” or some “dislocation” to the butchers, restriction imposed by the impugned enactment does not cease to be in the interest of the general public.</p>
<p>Dharmendra Suganchand Chelawat and Ors. vs. Union of India (UOI) and Ors. (09.02.1990 - SC)</p>	<p>(310+) Single judge bench</p>	<p>The mere reason that the detenu will be released on bail is no ground that he should be detained. Objective satisfaction of detaining authority needs to be taken into consideration.</p>
<p>Deepak Bajaj vs. State of Maharashtra and Ors. (12.11.2008 - SC)</p>	<p>(299+) Full judge bench</p>	<p>It cannot be construed to mean that the grounds mentioned therein for quashing the detention order at the pre execution stage are exhaustive. And, in consequence, Court reasoned it further and said that <u>if a person against whom a preventive detention order has been passed comes to Court at the pre execution stage and satisfies the Court that the detention order is clearly illegal, there is no reason why the Court should stay its hands and compel the petitioner to go to jail even though he is bound to be released subsequently</u></p>

Vijay Narain Singh (296+)
vs. State of Bihar
and Ors. (12.04.1984
- SC)
Full
judge
bench

Preventive Detention for social protection of the community is a hard law but, it is a necessary evil in the modern society and must be pragmatically construed, so that it works. **The executive authority is not the sole judge of what is required for national security or public order.** But, the court cannot substitute its decision if the executive authority or the appropriate authority acts on proper materials and reasonably and rationally comes to that conclusion even though a conclusion with which the court might not be in agreement. While adequacy or sufficiency is no ground of a challenge, relevancy or proximity are grounds of challenge and proximity would be relevant in order to determine whether an order of detention was arrived at irrationally or unreasonably.

Binod Singh vs . District Magistrate , Dhanbad , Bihar and Ors . (26 . 09 . 1986 - SC)	(278+) Full judge bench	If there were cogent materials for thinking that the detenu might be released then these should have been made apparent. Eternal vigilance on the part of the authority charged with both law and order and public order is the price which the democracy in this country extracts from the public officials in order to protect the fundamental freedoms of our citizens. In the affidavits on behalf of the detaining authority though there are indications that transfer of the detenu from one prison to another was considered but the need to serve the detention order while he was in custody was not properly considered by the detaining authority in the light of the relevant factors.
Union of India (UOI) vs. Paul Manickam and Ors. (13.10.2003 - SC)	(276+) Full judge bench	The compulsions of the primordial need to maintain order in society, without which enjoyment of all rights, including the right of personal liberty would lose all their meanings, are the true justifications for the laws of preventive detention. This jurisdiction has been described as a " jurisdiction of suspicion ", and the compulsions to preserve the values of freedom of a democratic society and social order sometimes merit the curtailment of the individual liberty.
The State of West Bengal vs. Subodh Gopal Bose and Ors. (17.12.1953 - SC)	(269+) 5 judge bench	The public good is in nothing more essentially interested than in the protection of every individual's private rights as modelled by the municipal law
M. Ahamedkutty vs. Union of India (UOI) and Ors. (31.01.1990 - SC)	(262+) Single judge bench	It is also imperative that if the detenu was already in jail the grounds of detention are to show the awareness of that fact on the part of the detaining authority, otherwise there would be non-application of mind and detention order vitiated thereby. In the instant case though the order of detention ex-facie did not mention of the detenu having been in jail

<p>State of Maharashtra and Ors. vs. Santosh Shankar Acharya (01.08.2000 - SC)</p>	<p>(255+) Full judge bench</p>	<p>Though the Court did not entertain the contention that detaining authority under the provisions of National Security Act has a right to consider the representation on the ground that the order of detention had been approved by the State Government yet it had been observed that constitutionally speaking a duty is cast on the detaining authority to consider the representation which would obviously mean that if such representation is made prior to the approval of the order of detention by the State Government. This being the position, it goes without saying that even under the Maharashtra Act a detenu will have a right to make a representation to the detaining authority so long as the order of detention has not been approved by the State Government and consequently non-communication of the fact to the detenu that he has a right to make representation to the detaining authority would constitute an infraction of the valuable constitutional right guaranteed to the detenu under Article 22(5) of the Constitution and such failure would make the order of detention invalid.</p>
<p>Madhu Limaye and Ors . vs . Sub - Divisional Magistrate , Monghyr and Ors . (28 . 10 . 1970 - SC)</p>	<p>(251+) 7 judge bench</p>	<p>restraining orders are passed against specific persons whose past conduct breeds “sufficient ground” that he is “likely to commit a breach of peace or disturb the public tranquillity or to do any wrongful act that may probably occasion a breach of peace or disturb the public tranquillity</p>
<p>Aslam Babalal Desai vs. State of Maharashtra (15.09.1992 - SC)</p>	<p>(247+) Full judge bench</p>	<p>once an accused is released on bail under section 167(2) he cannot be taken back in custody merely on the filing of a charge-sheet but there must exist special reasons for so doing besides the fact that the charge-sheet reveals the commission of a non-bailable crime. Unless there are strong grounds for cancellation of the bail, the bail once granted cannot be cancelled on mere production of the charge-sheet.</p>

<p>Huidrom Konungjao Singh vs. State of Manipur and Ors. (17.05.2012 - SC)</p>	<p>(242+) Full judge bench</p>	<p>It follows logically that if no bail application is pending, then there is no likelihood of the person in custody being released on bail, and hence the detention order will be illegal. However, there can be an exception to this rule, that is, where a co-accused whose case stands on the same footing had been granted bail. In such cases, the detaining authority can reasonably conclude that there is likelihood of the detenu being released on bail even though no bail application of his is pending, since most courts normally grant bail on this ground.</p>
<p>N. Meera Rani vs. Government of Tamil Nadu and Ors. (22.08.1989 - SC)</p>	<p>(240+) Full judge bench</p>	<p>the detention order read along with its annexure nowhere indicates that the detaining authority apprehended the likelihood of the detenu being released on bail in the dacoity case and, therefore, considered the detention order necessary. the mere possibility of his release on bail and a bald statement that the detenu would repeat his criminal activities was alone not sufficient to sustain the order of preventive detention in the absence of any material on the record to show that if released on bail he was likely to commit activities prejudicial to the maintenance of public order.</p>
<p>Abdul Sathar Ibrahim Manik and Ors. vs. Union of India (UOI) and Ors. (08.10.1991 - SC)</p>	<p>(240+) Single judge bench</p>	<p>if the documents which formed the basis of the order of detention were not served on the detenu along with the grounds of detention, in the eye of law there would be no service of the grounds of detention and that circumstance would vitiate his detention and make it void ab initio</p>

<p>Thahira Haris and Ors. vs. Government of Karnataka and Ors. (15.04.2009 - S</p>	<p>(225+) Full judge bench</p>	<p>An opportunity to make a representation against the order of detention necessarily implies that the detenu is to be informed of all that has been taken into account against him in arriving at the decision to detain him by the detaining authority. Thus, the detenu is to be informed not merely of the inferences of fact but of all the factual materials which led to the inferences of fact.</p>
<p>Ramesh Yadav vs . District Magistrate , Etah and Ors . (13 . 09 . 1985 - SC)</p>	<p>(218+) Full judge bench</p>	<p>The order of detention was passed as the detaining authority was apprehensive that in case the detenu was released on bail he would again carry on his criminal activities in the area. If the apprehension of the detaining authority was true, the bail application had to be opposed and in case bail was granted, challenge against that order in the higher forum had to be raised. Merely on the ground that an accused in detention as an under-trial prisoner was likely to get bail an order of detention under the National Security Act should not ordinarily be passed</p>

<p>Sarabjeet Singh Mokha vs . The District Magistrate Jabalpur and Ors . (29 . 10 . 2021 - SC)</p>	<p>(1+)</p>	<p>There was undue delay in considering the Appellant’s Representations by the Central and State Government:</p>
<p>Naser Bin Abu Bakr Yafai vs. The State of Maharashtra and Ors. (20.10.2021 - SC)</p>		<p>Investigation by the officer in-charge of the police station has to continue till the NIA takes up the investigation of the case.</p>
<p>Banka Sneha Sheela vs. The State of Telangana and Ors. (02.08.2021 - SC)</p>	<p>(17+)</p>	<p>Preventive detention, the dreaded power of the state to restrain a person without trial, can be used only to prevent public disorder.</p>
<p>Ajit Mohan and Ors. vs. Legislative Assembly, National Capital Territory of Delhi and Ors. (08.07.2021 - SC)</p>		<p>A ‘law and order’ problem cannot be synonymous with the ‘public order’ problem since contravention of the law always has an impact on order, but before it can be considered to have an impact on public order, it must have an impact on the community or the general public. Thus, merely disrupting law and order and resulting in unrest is not always enough to warrant action. Law and order include public order, public peace, tranquility and any breach of law which may happen. The Supreme Court also stated that the biggest circle represents law and order, with the next circle representing public order and the smallest circle signifying state security.</p>

<p>Hetchin Haokip vs. State of Manipur and Ors. (20.07.2018 - SC)</p>	<p>(23+)</p>	<p>National Security Act,1980-Sec. 3(4)-"Forthwith under Sec. 3(4)-Scope and nature of-Expression "forthwith" under Sec. 3(4) must be interpreted to mean within reasonable time and without any undue delay-Detaining Authority must furnish the report at the earliest possible-District Magistrate submitted the report of State Government on the fifth day, after the date of detention order-Reason for the delay of five days is neither mentioned in the State Governments order confirming the detention order, nor in judgment of High Court-Held, Order of detention set aside.</p>
<p>Lahu Shrirang Gatkal vs. State of Maharashtra, through the Secretary and Ors. (17.07.2017 - SC)</p>	<p>(16+)</p>	<p>Passing a detention order for a period of twelve months at a stretch, without proper review, is deterrent to the rights of the detenu. Hence, the impugned government order directing detention for the maximum period of twelve months straightaway cannot be sustained in law.</p>
<p>Sama Aruna vs. State of Telangana and Ors. (03.05.2017 - SC)</p>	<p>(172+)</p>	<p>The aforesaid detention order was passed on grounds which are stale and which could not have been considered as relevant for arriving at the subjective satisfaction that the detenu must be detained. The detention order must be based on a reasonable prognosis of the future behavior of a person based on his past conduct in light of the surrounding circumstances. The live and proximate link that must exist between the past conduct of a person and the imperative need to detain him must be taken to have been snapped in this case. A detention order which is founded on stale incidents, must be regarded as an order of punishment for a crime, passed without a trial, though purporting to be an order of preventive detention. The essential concept of preventive detention is that the detention of a person is not to punish him for something he has done but to prevent him from doing it</p>

Homogenous Findings from Leading Cases

PRINCIPLE OF ILLEGALITY, IRRATIONALITY AND PROCEDURAL IMPROPRIETY

- ❖ Failure to distinguish between “law and order situation” as “public order situation”
- ❖ Issues with Detention order
- ❖ Issues in Investigation
- ❖ Unexplained delay in considering appellant representation
- ❖ Subjective Satisfaction vs. objective satisfaction of detaining authority
- ❖ Specifying grounds in Restraining Order

Homogenous Findings from Leading Cases

- ❖ Unreasonable and unexplained delay-vitiate proceedings
- ❖ Material and Vital Facts Not Considered: Vitiate Subjective Satisfaction
- ❖ Detention Based On Non-Existent Relevant Facts: Vitiating Of Subject Satisfaction
- ❖ Where Criminal Prosecution Would Have Been Sufficient-But Not Launched: Subjective Satisfaction Vitiating
- ❖ Unsuccessful Criminal Prosecution Not a Bar to Preventive Detention (Subharati vs. State of W.B 1978)
- ❖ Solitary Criminal Act Enough to Justify Subjective Satisfaction (David Patrick Ward Vs Union of India 1992)

SUPRME COURT ON NATIONAL SECURITY, PUBLIC ORDER AND RULE OF LAW

HABEAS CORPUS JURISDICTION
AN ANALYSIS OF 63 JUDGEMENTS

Total number of cases studied (from 2000 till date) is 63

- **Longest total time taken till final disposal -6040 days** [State of T.N. v. Kethiyan Perumal, (2004) 8 SCC 780]
- **Shortest total time taken till final disposal -63 days** [Rupesh Kantilal Savlav. State of Gujarat, (2000) 9 SCC 201]
- **Average total time taken till final disposal -953 days** [These unusually large numbers should not be taken to imply that the detenu was also in custody for these many days. First, the maximum period of detention is one year under most preventive detention laws, so it should be presumed that the detenu was released after that period. Second, though rarely, some detention orders are challenged at the pre-execution stage without the proposed detenu having surrendered to the authorities.]
- **Median time taken till final disposal -478 days**
- Number of cases where the **total time taken exceeded the maximum period** of detention under the relevant law (6 months or 1 year, as the case maybe)-**40**
- Percentage of cases where the **total time taken exceeded the maximum percent** period of detention under the relevant law (6 months or 1 year, as the case may be)-

- **Most detention time** attributable to Supreme Court -301 days
- **Least detention time** attributable to Supreme Court -20 days
- **Average detention time** attributable to Supreme Court -111 days
- On an average, the **Supreme Court gave its decision after a period** of 953 days calculated from the date of detention order or actual detention (whichever is earlier)
- On an average, the Supreme Court gave its decision after the detenu spent a period of 528 days agitating the habeas corpus petition at the Supreme Court level alone
- On an average, the Supreme Court gave its decision after the detenu spent a period of 344 days in detention, of which 111 were attributable to the Supreme Court.

SUPREME COURT JUDGES ANALYTICS

- TOP FIVE SUPREME COURT JUDGES TO DELIVER JUDGEMENTS ON NATIONAL SECURITY, PUBLIC ORDER AND RULE OF LAW
- BOTTOM FIVE SUPREME COURT JUDGES TO DELIVER JUDGEMENTS ON NATIONAL SECURITY, PUBLIC ORDER AND RULE OF LAW

TOP FIVE

- Arijit Pasayat (19)
- Dipak Misra (9)
- P.N. Bhagwati (10)
- U.U. Lalit (10)
- B.C. Ray (11)
- J.M. Shelat (13)
- Rohinton Fali Nariman (10)
- Y.V. Chandrachud (10)
- D.Y. Chandrachud (9)
- P. Sathasivam (11)
- S.B. Sinha (11)



BOTTOM FIVE

■ Arijit Pasayat (19)
■ J.M. Shelat (13)
■ S.B. Sinha (11)

■ B.C. Ray (11)
■ P. Sathasivam (11)
■ U.U. Lalit (10)

■ D.Y. Chandrachud (9)
■ P.N. Bhagwati (10)

■ Dipak Misra (9)
■ Rohinton Fali Nariman (10)



SCOPE FOR FURTHER RESEARCH

1. Expanding the Homogenous Findings through judgement analysis
2. Respective High Courts and Benches
3. Review of 2nd ARC Report 2007
4. Review of Section 3 of 42nd Constitutional Amendment Act 1976 which reduces the period of preventive detention from 3 months to 2 months.
5. Drafting Guidelines in Preventive Detention relating to national security, public order and rule of law

THANK YOU

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