"PREVENTIVE DETENTION AND COUNTERMEASURES IN ADMINISTRATIVE HEARING PROCEDURES FOR PUBLIC SECURITY: A COMPARATIVE ANALYSIS BETWEEN INDIA AND OTHER COUNTRIES"

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Abstract

This article examines the thorny subject of preventative detention, going into theoretical debates over fundamental legal concepts such as the presumption of innocence and individual liberty. Through a meticulous analysis of each challenge posed to preventive detention's reasonableness, the article establishes its theoretical validity. Drawing on examples from various national jurisdictions, the prevalence of preventive detention within criminal justice systems is demonstrated, shedding light on its nuanced complexities. By contrasting different countries' approaches to preventive detention, the article deepens our understanding of this practice, distinguishing it as a unique form of custody often perceived to encroach upon the legal rights of suspects awaiting trial. Through a comparative lens, the article navigates the intricacies of preventive detention, enriching the discourse surrounding its justification and implications within the realm of criminal justice.

This paper offers an in-depth examination of both the theoretical framework and empirical realities surrounding the preventive detention system. It elucidates the regulatory framework governing preventive detention, highlighting its pivotal role in safeguarding against potential abuses in the decision-making process. Central to this framework it is the imperative of procedural safeguards, prominently featuring the crucial mechanism of the hearing system.

The scope of the system encompasses a myriad of essential aspects, ranging from the categorization of offenses warranting preventive detention to the intricate decision-making procedures involved. It delineates the prescribed time constraints, the requisite standard of proof, and the utilization of rules of evidence pivotal in the adjudication process. Moreover, it meticulously delineates the multifaceted considerations guiding detention decisions, while

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also underscoring the formal requisites inherent in such determinations. Crucially, the paper delves into the procedural rights afforded to detainees within the decision-making process, notably emphasizing the availability of remedies to redress any potential grievances. By meticulously analyzing these elements, the research aims to offer a comprehensive grasp of the preventive detention system, encompassing both its theoretical underpinnings and real-world applications. Ultimately, this endeavor seeks to enrich the ongoing discourse surrounding the effectiveness and legitimacy of this practice within the legal sphere.

Introduction:

According to Finley, “Preventive Detention is not punitive, but a precautionary measure." According to English dictionary the word ‘Preventive’ means a branch of law that endeavours to minimize the risk of litigation and ‘Detention refers to the act or action of detaining or keeping back, particularly in custody (in law). Preventive detention laws arrest and detain individuals based on the potential for future damage. The Indian Constitution explicitly empowers Parliament to enact legislation pertaining to preventive detention concerning the preservation of public order, state security, or the sustenance of vital community supplies and services. Furthermore, these laws are not subject to the fundamental procedural rights provisions found in the Constitution." Executive orders imposed as a preventive measure due to suspected criminal behaviour are referred to as "preventive detention." The criminal justice system investigates crimes and ensures a fair trial for accused individuals. Punishment is only inflicted once a fair legal system is used to show the offender's guilt. The Supreme Court of India has decreed that preventative detention legislation based on colonial norms give the state undue jurisdiction. Furthermore, such rules were found to represent a considerable risk to an individual's basic right to personal liberty, as guaranteed by Article 21 of the Indian Constitution.

In the landmark case of A.K. Gopalan v. State of Madras[3], Chief Justice Kania elucidated that preventive detention serves as a precautionary measure rather than a punitive action. This assertion finds resonance in the observations made by Lord Finlay in R vs. Halliday, where the term "preventive" is contrasted with "punitive.[4]” Notably, Lord Finlay emphasized that preventive detention does not entail proving an offense or formulating charges; rather, it

[3] Tripti Paliwal, Rudra Pradeep Sachdeva, ”Evolution of Preventive Detention: Legislative and Judicial Trends in India” Vol. 44 No. 6 (2023)
[4] https://blog.ipleaders.in/preventive-detention-laws-india/

hinges upon suspicion or reasonable probability, eschewing the necessity for criminal conviction based on legal evidence. Similarly, in Liversidge v. Anderson, Lord Macmillan echoed similar sentiments, stressing that the objective of preventive detention is not punitive in nature but rather aimed at intercepting and preventing future actions. He clarified that the justification for preventive detention lies in preventing potential harm rather than punishing past transgressions. In Haradhan Shah v. State of West Bengal, Chief Justice Ray expanded on these ideas by introducing the concept of "reasonable probability," which refers to an estimate of an individual's future conduct based on their previous behavior and surrounding circumstances. The update emphasizes the comprehensive approach to determining the necessity of preventive detention, which balances individual rights with society security considerations within the legal framework[5].

a. Background and significance of the research topic

Preventive detention in India stretches back to the colonial era, when the British Raj enacted the Defence of India Act of 1915. The Indian Constitution's forebears recognized the possibility for misuse and incorporated measures for preventive detention under Article 22. Strict safeguards against abuse were also implemented. The inception of the Preventive Detention law in 1950 marked a pivotal moment in legal history, offering provisions for the apprehension and confinement of individuals whose liberty posed a potential threat to national security, diplomatic relations, public welfare, or was otherwise deemed essential for the nation's integrity. In response to vehement dissent voiced by democratic factions, the legislation was duly rescinded in December 1969. Subsequently, in 1971, the esteemed central government enacted the Maintenance of Internal Security Act, 1971 (MISA), as a nuanced successor to the aforementioned law. Regrettably, MISA faced a similar fate, being repealed by the Janata Government upon ascending to power in 1977. Nevertheless, the framework for Preventive Detention endures within the fabric of the Indian Constitution, serving as a steadfast reminder of the delicate balance between civil liberties and national exigencies[6]. The judiciary has successfully balanced governmental interests and individual freedoms in several major rulings. Courts have established criteria for preventative detention, ensuring procedural justice, justification, and proportionality. The current legal system

[5]Tripti Paliwal, Rudra Pradeep Sachdeva, *Evolution of Preventive Detention: Legislative and Judicial Trends in India,* Vol. 44 No. 6 Propulsion Technology, 1-2 (2023)
[6]Dr. Gopal Krishan, *Preventive Detention in India: A Legal Perspective,* A&V Publications (16.06.2019), https://anvpublication.org/Journals/HTML_Papers/International%20Journal%20of%20Reviews%20and%20Research%20in%20Social%20Sciences__PID__2019-7-2-29.html

prioritizes individual rights, emphasizing the need of stringent court scrutiny, adhering to procedural norms, and limiting administrative authority in preventative detention.

b. Objectives:

Preventive detention refers to the detention of an individual without a trial or conviction by a court. Its primary objective is to forestall prospective criminal actions rather than penalize past transgressions. Governments enact laws concerning preventive detention with the aim of safeguarding public welfare and maintaining societal harmony. The main objective of this research is:

- To explore the historical evolution of preventive detention, tracing its origins, development, and changes over time.
- To conduct a comparative analysis of preventive detention practices across different countries or regions, considering variations in legal frameworks, procedural safeguards, and human rights implications.
- To explore the legal frameworks surrounding preventive detention in different jurisdictions, including international human rights standards and domestic laws(India)
- To explore and identity specific case studies or historical examples of preventive detention, analysing the circumstances, outcomes, and broader implications for human rights and the rule of law.

c. Methodology:

The research paper was created utilizing secondary data sourced from previously published research papers and books. The study is qualitative in nature, examining data from many sources in a flexible and open-ended manner. Additionally, personal interpretations of the collected data have been incorporated. The approach utilized for this legal investigation is doctrinal, focusing on the analysis of preventive detention laws within the contexts of social, political, and legal considerations. A number of preventative detention laws have been looked at, and their applicability in modern democracies has been investigated through analytical investigation.

The concept of Preventive Detention:

Preventive detention, the practice of incarcerating accused individuals before trial on the assumption that their release would not be in the best interest of society—specifically,

that they would be likely to commit additional crimes if they were released.[7] Preventive detention is also employed when the release of the accused is believed to jeopardize the state's capacity to conduct its investigation. In several nations, the practice has been criticized for violating the accused's fundamental rights.

Who has the authority to enact laws governing preventive detention?

The Parliament has the exclusive authority to enact legislation for preventative detention for grounds related to India's defense, foreign relations, or security. Both the Parliament and the State Legislature have the authority to enact legislation governing preventative detention in order to maintain public order or the provision of critical products or services to the public.

What are the laws that allow for preventive detention:

Preventive detention is permitted under many Indian laws, including the Armed Forces (Special Powers) Act (AFSPA), National Security Act (NSA) of 1980, the Unlawful Activities (Prevention) Act (UAPA) of 1967, and state-specific legislation such as the Maintenance of Internal Security Act (MISA) and the Public Safety Acts (PSA) in certain states.

According to ***Article 22 of Constitution of India*** which deals:

Protection against arrest and detention in certain cases

(1) No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest nor shall he be denied the right to consult, and to be defended by, a legal practitioner of his choice.

(2) Every person who is arrested and detained in custody shall be produced before the nearest magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the court of the magistrate and no such person shall be detained in custody beyond the said period without the authority of a magistrate.

(3) Nothing in clauses (1) and (2) shall apply—

(a)to any person who for the time being is an enemy alien; or

[7] Britannica, https://www.britannica.com/topic/preventive-detention

(b)to any person who is arrested or detained under any law providing for preventive detention.[8]

Originally, Article 22 was viewed as the sole safeguard against legislative encroachment on laws pertaining to the right to life and liberty protected by Article 21.[9] However, following the Maneka Gandhi v. Union of India[10] case, this perception has significantly shifted. Article 21 has evolved into an apparently boundless foundation for legislative constraints. As a result, the relationship between Articles 21 and 22 has undergone a notable reversal. Previously, the interpretation of "the method established by law" for depriving an individual of their life or liberty under Article 21 was influenced by Article 22. Conversely, Article 21 did not contribute to Article 22. Presently, Article 21 supplements Article 22. Matters not addressed by Article 22 are now governed by Article 21. This is especially evident in laws concerning preventive detention, which must adhere to the provisions of Article 21 in addition to those of Article 22, to the extent that such requirements do not conflict with the explicit provisions of Article 22.[11]

Case law analysis:

The **United States** Congress approved preventative detention legislation in 1984, allowing federal courts to hold detainees until trial if the government could show that no release circumstances could assure the safety of individuals and the wider public. The Act was challenged before the United States Supreme Court in United States v. Salerno, a case decided in 1987. The court determined that the preventative detention measure did not violate the Fifth Amendment's due process clause or the Eighth Amendment's restriction on excessive bail. Following Salerno, a number of US states passed preventive detention statutes. The Salerno decision marked a theoretical milestone by introducing the concept of preventive detention, yet its practical impact remained limited. Despite the legal precedent established in 1984, the actual implementation of preventive detention procedures experienced minimal change. Prior to this decision, U.S. courts acknowledged the possibility of denying or limiting bail, especially in cases involving serious offenses or a high risk of flight. In practice, the utilization of preventive detention has been infrequent. Instead, courts

[8] INDIA CONST. art.22 [Read full article in https://indiankanoon.org/doc/581566/#:~:text=Protection%20against%20arrest%20and%20detention,legal%20practitioner%20of%20his%20choice.]
[9] A.K. Gopalan v. State of Madras, AIR 1950 SC 27. In the Constituent Assembly Dr. Ambedkar also claimed Art. 22 as compensation for loss of 'due process' from Art. 21: IX CAD 35
[10] Maneka Gandhi v. Union of India (1978) 1 SCC 248: AIR 1978 SC 597
[11] A.K. Roy v Union of India, (1982) 1 SCC 271: AIR 1982 SC 710,739

have often employed alternative methods to effectively detain individuals, such as setting bail amounts that, while not constitutionally deemed excessive, still render release unattainable. Additionally, bail may be granted under stringent conditions, effectively constraining the freedom of the arrestee.

Overall, while the theoretical framework for preventive detention was established, its practical application has been characterized by a reliance on existing bail practices and alternative measures to achieve similar outcomes.

In **India**, the Supreme Court emphasized that preventive detention entails the confinement of individuals without trial based on allegations against them, with the aim of forestalling potential harm in the future rather than exacting punishment for past transgressions[12]. This principle was underscored in the case of *Ankul Chandra Pradhan v. Union of India*[13], where the court clarified that preventive detention laws are designed to deter individuals from engaging in unlawful conduct rather than serving punitive purposes. In *Ahmed Noor Mohmad Bhatti v. State of Gujarat*[14], the Supreme Court affirmed the constitutionality of Section 151 of the Criminal Procedure Code, 1973, which empowers police to arrest and detain individuals on suspicion without a warrant to prevent them from committing a cognizable offence. Contrastingly, in the case of *Emperor Vs S. Banerjee*[15], the Privy Council deemed a detention order invalid due to its routine issuance without proper consideration. The Home Department of the Bengal Government had been automatically issuing detention orders based solely on police recommendations, without the Home Secretary exercising discretion based on presented evidence. Consequently, the detention was nullified by the court.

In the annals of the English constitutional history **(United KIngdom)**, the pivotal Darnel's case of 1627[16] stands as a seminal moment, eventually paving the way for a series of habeas corpus acts. This landmark case involved five petitioners before the King's bench, notably Sir Thomas Darnel alongside four other knights. Their arrest, ordered by King Charles I, stemmed from their refusal to comply with coerced debts, prompting a plea for their release. The subsequent Petition of Right in 1628 challenged the King's authority to engage in arbitrary behavior, particularly in matters of detention and state security. This petition, ratified on June 7, 1628, placed constraints on the monarch's power, explicitly prohibiting

[12] State of Tamil Nadu V Senthil kurnar 2022 LiveLaw (SC) 314
[13] AIR 1997 SC 2814
[14] 2005 (3) SCC 647
[15] AIR 1945 P.C. 156
[16] https://www.oxfordreference.com/view/10.1093/oi/authority.20110803095821668 , full text of the case also available at https://www.britannica.com/event/Darnels-case

arbitrary imprisonment without cause. In the context of England, the Preventive Detention Law, colloquially referred to as the Second Magna Carta, was enacted by the Long Parliament in 1640. This legislation granted individuals imprisoned by the King, Privy Council, or Councillor the right to petition for a Habeas Corpus, a fundamental legal safeguard. Subsequent amendments to this law in 1679[17] further fortified the protection of individual liberties against arbitrary detention.

History of The Preventive Detention Law and Position in Other Countries:

POSITION IN INDIA: During the period of British rule before independence, India grappled with preventive detention laws originating from the Bengal Regulation III of 1818[18], known as the Bengal State Prisoners Regulation. This regulation conferred upon the British government the power to detain individuals solely based on suspicion. The Defence of India Act of 1939[19], under Rule 26[20], stated a wartime regulation that allowed for the imprisonment of a person if it was determined that such custody was required to prevent any harmful conduct against the country's defence and security.[21] It is remarkable that the architects of the Indian Constitution, who themselves endured the hardships inflicted by Preventive Detention Laws, chose to enshrine these laws within the Fundamental Rights chapter of the Constitution. This decision, made despite their own experiences, raises questions about the balance between constitutional safeguards and perceived threats to the citizens' liberty. The inception of the Prevention Detention Act in 1950, spearheaded by Sardar Patel, underscores the perceived necessity of such legislation. However, it quickly became apparent that these laws were not merely tools for maintaining public order, but were instead utilized to suppress political dissent. The arrest of prominent political figures like A.K. Gopalan early on exemplified this trend, highlighting the underlying intent to stifle opposition voices. Thus, from its inception, the Preventive Detention Laws in India have been associated with the curbing of political dissent, a legacy that continues to influence their application and interpretation. This paradoxical inclusion within the Fundamental Rights chapter underscores

[17] VIJAY KUMAR VIMAL AND PAWAN KUMAR, *Comparative Analysis of Preventive Detention Laws in Different Legal Systems: A Critical Appraisal*, 3 INT'L JOURNAL OF LAW MANAGEMENT & HUMANITIES 143, 7-9 (2020)

[18] Latest Laws, https://www.latestlaws.com/bare-acts/state-acts-rules/punjab-state-laws/bengal-state-prisoners-regulation-1818/

[19] http://legislative.gov.in/sites/default/files/legislative_references/1939.pdf

[20] https://www.iwm.org.uk/collections/item/object/1500109747

[21] A. Faizur Rahman, "Preventive Detention an Anachronism", The Hindu, Sep 07'2004, New Delhi

the complex interplay between individual freedoms and state authority in the Indian constitutional framework. It's worth noting that no other advanced country, including Britain, which first established Preventive Detention laws in India, felt it essential to enact such laws during times of peace. Even during the turmoil of the previous World War, most European countries and the United States abstained from implementing such policies. During the war, England enacted a Preventive detention Law, which compelled imprisonment based only on the personal opinion of the Home Minister of Great Britain, rather than the decision of a lower-ranking magistrate, as is the case in India. Furthermore, the law only applied to one person at a time.

POSITION IN USA: In the United States, the reverence for foundational legal principles, notably enshrined in the 5th Amendment of the Constitution, traces its lineage back to the Magna Carta, symbolizing the sanctity of the law of the land. This constitutional safeguard extends to personal liberty, shielded against the encroachment of eminent domain, while the judiciary is entrusted with the crucial task of scrutinizing laws for their justice, fairness, and propriety. The jurisprudence of the United States Supreme Court regarding the doctrine of due process of law has been marked by variability, with differing interpretations often influenced by the individual perspectives of judges in specific cases. Unlike in some other jurisdictions, America's approach to preventive detention has not emerged as a regrettable deviation from the main path of criminal justice detentions. Instead, many of these powers have deep historical roots predating the Bill of Rights, coexisting with it throughout the nation's history. Over time, however, some of these powers have undergone refinement in response to instances of abuse and discrimination, with a growing recognition of the need to limit detention to what is strictly necessary. Yet, the evolution of preventive detention powers is not linear; it is influenced by shifts in public sentiment regarding the appropriate extent of detention required to address societal challenges. For instance, contemporary America exhibits a reduced reliance on measures such as quarantine and involuntary commitment for mental illness, reflecting changing societal norms and values.

POSITION IN UK: The inception of preventive detention laws in the United Kingdom can be traced back to the historic Magna Carta, sealed by King John in 1215, which not only laid the groundwork for civil liberties but also addressed the issue of illegal detention. This legal

evolution culminated in landmark cases such as Darnel's case[22], which challenged the arbitrary exercise of royal power and paved the way for habeas corpus Acts, ensuring the right to liberty. The modern era saw the formal introduction of preventive detention measures, notably with the Prevention from Terrorism Act of 1974 and the Prevention from Violence Act of 1939. These legislative responses, prompted by security concerns such as the Birmingham pub bombings, enabled prolonged detention of individuals suspected of involvement in terrorism. Despite critiques regarding access to legal representation, these laws persisted until their repeal in 2012. In a significant reform, the UK replaced its previous preventive detention scheme with the Extended Determinate Sentence (EDS) under the Criminal Justice Act of 2012. This framework allows for the detention of individuals deemed a threat to public safety for a specified period, subject to review by the Parole Board. The Secretary of State retains authority to prolong detention if necessary for public protection, marking a balance between security imperatives and individual rights. In 1688, King William and Queen Mary of England embraced the concept of the British Bill of Rights, which was subsequently passed into law in 1689 with royal assent. This landmark legislation aimed to delineate fundamental civil liberties and address concerns regarding the succession to the crown. Serving as a check on royal authority, the Bill of Rights sought to curb arbitrary actions and safeguard the rights of individuals against unjust treatment. Notably, it stands as a pivotal moment in history, representing the earliest legislative effort to protect and uphold the absolute rights of citizens in England.

Conclusion

- **Summary of findings**

On June 25, 1975, the President of India proclaimed a state of emergency owing to internal disturbances, claiming constitutional powers under Articles 14, 21, and 22, as well as the Maintenance of Internal Security Act of 1971 (MISA). Article 22 protections were suspended, resulting in the imprisonment of several opposition political figures under MISA, many of whom were uninformed of the grounds for their incarceration. Some inmates petitioned various High Courts for Writs of Habeas Corpus, contesting the legitimacy and constitutionality of their incarceration. During the emergency situation, the MISA provisions

[22]Five Knights' case (1627) 3 How St Tr 1 https://www.oxfordreference.com/view/10.1093/oi/authority.20110803095821668 , full text of the case also available at https://www.britannica.com/event/Darnels-case

were altered to offer sweeping powers for preventative detention, with only the administration knowing the grounds for detention and no judicial review available. This sparked concerns about the level of court control over detention orders granted under MISA. The primary question was whether those detained under MISA might petition the court to review the constitutionality of their imprisonment based on the provisions provided in MISA itself. Some of the persons who are being detained, filed writ petitions before different High Courts in India for challenging their detention orders and various High Courts are found to be in favour of the detained persons.[23]

This research paper dives into the complexities of preventative detention, examining its historical growth and legal frameworks in some countries, with a particular emphasis on India. It emphasizes the theoretical soundness of preventative detention and the difficult balance it strikes between community safety and individual liberty. Some of the recent events highlight the importance of exercising such authorities responsibly, warning against abuse and asking for clear definitions, ethical principles, and sufficient compensation for unjust detentions. This article meticulously investigates the notion of preventative detention, tracing its origins to historical settings and assessing its implementation in current legal systems, notably in India. By providing a comparative study, it illuminates the subtle complexity of preventive detention, highlighting its distinct place within the criminal justice structure. Recent judicial decisions and recommendations emphasize the significance of protecting human rights, guaranteeing fair treatment, and striking a careful balance between security concerns and individual liberties. The findings highlight the changing nature of preventive detention laws and the importance of matching them with ethical principles and legal protections in order to maintain justice and protect civil rights.

- **Key challenges and recommendation**

In *Ameena Begum Case, (2023)*: The Supreme Court ruled that preventative detention is an unusual tool intended for emergency situations and should not be utilized on a regular basis. The goal of preventative detention is not to punish, but to prevent anything that threatens the state's security.[24]

[23] UNIT III: Safeguard against Arbitrary and Detention: Module 1: Human Rights under the Preventive Detention Laws Read full text in

[24] https://www.drishtiias.com/daily-updates/daily-news-analysis/preventive-detention-4

In *Ankul Chandra Pradhan's case* (1997): This decision underlined that the objective of preventive detention is to avert harm to the state's security, not to impose punishment.[25]

Recommendations from the National Commission to Review the Working of the Constitution (NCRWC), outlined in their 2002 report, propose significant reforms to preventive detention provisions. Firstly, they suggest limiting the maximum period of detention under Article 22 to six months. Additionally, they recommend restructuring the composition of advisory boards to include a chairman and two serving judges of a High Court. In a major ruling issued in July 2022, the Supreme Court highlighted the unusual character of the State's preventative detention powers. The court emphasized the need of using such authorities wisely and sparingly, citing the enormous impact on individual liberty. It also warned against using preventative detention measures to address normal law and order concerns, highlighting their intended use in extreme circumstances. To eliminate misunderstanding, terrorist activities and terrorists must be clearly defined. It should be construed as restricting. Guidelines for ethical behaviour and standard operating procedures should be consistent with natural justice ideals. Individuals who have been wrongly imprisoned or jailed should get sufficient compensation to offset their losses. Medical attention should be provided to the victim and his family, since being in jail can have a significant impact on their mental health.

There are some other recommendations for the purpose of this which are:

- Clear legislative prohibitions: Administrative detention, particularly preventative detention, should be strictly prohibited in non-emergency situations, according to international standards.
- Judicial review: Preventive detention regulations should be subject to regular and impartial judicial assessment to ensure that they meet human rights norms.
- Transparency and accountability: Preventive detention processes should be open to public observation and follow clear norms and safeguards to prevent misuse.
- Training and awareness: Law enforcement and judiciary authorities should be educated about the human rights consequences of preventative detention.
- International cooperation: Instead of using preventative detention as a first resort, states should work together to investigate and prosecute terrorist actions.

[25] https://www.drishtiias.com/daily-updates/daily-news-analysis/preventive-detention-4

- Respect for human rights: States must respect and preserve human rights, such as the right to a fair trial, the presumption of innocence, and the prohibition of torture and other forms of ill treatment.
- Independent judiciary: The independence of the court should be safeguarded and fostered to guarantee that preventive detention legislation are applied fairly and impartially.

Bibliography

1. https://www.legalserviceindia.com/legal/article-751-preventive-detention.html
2. https://anvpublication.org/Journals/HTML_Papers/International%20Journal%20of%20Reviews%20and%20Research%20in%20Social%20Sciences__PID__2019-7-2-29.html
3. Vijay Kumar Vimal, "Comparative Analysis of Preventive Detention Laws in Different Legal Systems: A Critical Appraisal", Delhi, India Volume III, Issue IV, 2020 https://ijlmh.com/comparative-analysis-of-preventive-detention-laws-in-different-legal-systems-a-critical-appraisal/
4. https://ugcmoocs.inflibnet.ac.in/assets/uploads/1/241/7275/et/u3m1Human%20Rights%20under%20the%20Preventive%20Detention%20Laws200325121203032121.pdf
5. THE COMPANY WE KEEP: COMPARATIVE LAW AND PRACTICE REGARDING THE DETENTION OF TERRORISM SUSPECTS. A Project of the Human Rights Institute, Columbia Law School; International Law and the Constitution Initiative, Fordham Law School; and the National Litigation Project, Yale Law School, Read full in https://www.judiciary.senate.gov/imo/media/doc/09-06-09ClevelandappendixA1.pdf
6. IJLMH. "Comparative Analysis of Preventive Detention Laws in Different Legal Systems: A Critical Appraisal." International Journal of Law Management & Humanities, 23 July 2020, ijlmh.com/comparative-analysis-of-preventive-detention-laws-in-different-legal-systems-a-critical-appraisal/. Accessed 15 Apr. 2024.