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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provide dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

HOW FAR ARE THE SECURITY LAWS IN INDIA COMPATIBLE WITH THE PROVISIONS OF INDIAN CONSTITUTION?

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Theme of the paper – The paper critically studies the relation between the National Security Laws guided by Constitution of India and the relation between International Human Rights Norms. The paper also makes few references that can be adopted to have a balance between these two parameters.

Introduction

After gaining its freedom in 1947, the Indian government passed particular security laws to handle issues beyond normal criminal activity including terrorism, organized crime, separatism, and public disturbance. These specialized laws differ from traditional criminal law in that the belief that basic criminal statutes are unable to handle such serious and ongoing dangers. The states of India create independent laws to control threats similar to those addressed by national security policies. The security laws provide executive authorities additional powers than ordinary criminal laws, therefore enabling a stronger reaction to found hazards. Through electoral democracy, parliamentary control, judicial review, and constitutional rights, the Indian Constitution limits executive power; but, under security legislation, these protections have generally failed to stop executive acts. Neglecting to create sufficient regulatory systems, the legislature and court have mostly backed the increase of executive authority, thereby creating an environment in which constitutional limits, particularly about civil rights, have been reduced. The paper evaluates many strategies to restore executive accountability that might help offset its one-sided control. This thesis covers post-colonial countries outside of India since these governments deal with comparable problems as those in India. As mandated by S.C. Res. 1373 from the United Nations, which demands a balance between security needs and human rights norms, the creation of counter-terrorism law calls for careful thought.

Background Study

During the parliamentary debate on the National Investigation Agency (Amendment) Bill 2019, the union home minister said that political vote bank considerations more than POTA's usage shaped the 2004 repeal of POTA. POTA was widely used, according to empirical data, which led to a general agreement for its abolition to protect civil liberties in counter-terrorism campaigns. By assigning political reasons to the repeal process, the present government seems to restore the 2004 stance, therefore reducing the chances of closely examining Indian security policies. India's security system consists of several laws mostly aimed at rebellious minority groups throughout the country. Police authorities were given unlimited discretionary authority in their first attempts to fight terrorism, allowing them to stop legal processes and violate citizen trial rights. By requiring those under investigation to prove their innocence beyond a reasonable doubt, security regulations violate natural justice. Such rules exist just to pre-emptively arrest people since they make attitudes and ideas prone to criminal activity, therefore violating ethical norms. Maintaining its persistence from the colonial era, several Indian political parties support the system of legal tyranny.

Since it unfairly affects particular persons and groups, activist leaders Arun Ferreira and Vernon Gonsalves have supported a broad public campaign to challenge the basic architecture of Indian security legislation for many years. Along with lawyers and laborers, activists have been unlawfully imprisoned because the Unlawful Activities Prevention Act (UAPA) was misapplied during the Bhima Koregaon incident of 2018. Security laws are applied constantly even with public announcements since many detainees spend years without formal charges. Proposed changes to the National Investigation Agency (NIA) Act coupled with the UAPA make a coherent opposition to these laws increasingly important. In 1950, the Indian government passed the Preventive Detention Act (PDA), a temporary solution to control the turbulent fallout from the violent breakdown of India during the Partition. This law gives the government power to imprison people without charges for up to twelve months. Although the legislation had many renewals over almost two decades until it expired in 1969, the initial aim was transitory status. Originally in Nagaland and then extended to Punjab and Jammu & Kashmir, the Indian government passed the Armed Forces Special Powers Act (AFSPA) in 1958 allowing military forces to work with police in "disturbed areas." AFSPA gives military personnel legal immunity to commit violations of human rights, so enabling often attacks on civilian targets.

Adopted in 1967, the UAPA let the government target its members and name groups as “unlawful”. The ambiguous language in this law allows authorities to use its clauses in several interpretation ways. The UAPA does not have a regular review, hence its clauses remain permanently after enactment.¹ Although the UAPA severely complicates bail processes, murderers can get bail in rather short durations. Enacted after the Preventive Detention Act (PDA) was repealed in 1969, the Maintenance of Internal Security Act (MISA) became well-known during the Emergency era from 1975 to 1977 for selectively targeting political enemies, trade unions, and civil society organizations under government control. Enacted in 1980, the National Security Act (NSA) approved prolonged detention without trial and inadequate regular inspections, therefore enabling illegal application. Through its abuse, the TADA (Terrorist and Disruptive Activities) Act severely defined disruptive activities in the 1980s, so endangering marginalized people and activist organizations. Because of the implementation of jail torture techniques, the TADA gave police the ability to accept confessions from convicts using these admissions as proof.² The Prevention of Terrorism Act (POTA) was passed by the government in 2002 to restore basic TADA principles including increased police authority and lowered rights for defendants using specialized courts. Under POTA, the ambiguous description of terrorist behavior lets authorities target Muslim populations selectively, therefore enabling selective execution. Established in 2001 to look at national-level terrorism-related crimes following the United States' terrorist strikes that year, the National Investigation Agency (NIA) Though there are no inherent clauses for such courts, the UAPA conforms with the present laws provided by the special court. The NIA comes under fire because of its jurisdiction over private witness testimony, which compromises trial fairness and impedes court review procedures.

After POTA was eliminated in 2004 under public condemnation for its abuse, the authorities inserted some POTA clauses into the UAPA changes. According to official posture following 2004, POTA's abrogation led to the merger of its basic components into the new UAPA structure. The 2008 Mumbai terrorist attacks caused authorities to increase indefinite imprisonment under the UAPA while simultaneously restricting bail availability and

¹ N Manoharan, 'Trojan Horses: Counter-Terror Laws and Security in India', *ECONOMIC AND POLITICAL WEEKLY* 20 [2009].

² Vinay Kaura, 'India's Counter-Terrorism Policy against Jihadist Terror: Challenges and Prospects', *16 CONNECTIONS* 51 [2017].

compromising defenses for the accused.³ Beginning with the 1818 Bengal Regulation, which allowed law enforcement to arrest people without sufficient evidence or due process rights, the preventative detention laws in India date from colonial British policies. Two colonial laws—the Defence of India Act 1919 and the Rowlatt Act—along with the Bengal Regulation of 1818—have created the preventive detention powers vested in independent India. Colonial laws were mostly intended to stifle nationalist activity and control opposition; the same legal procedures still apply in modern security laws, most famously UAPA and AFSPA.

Human rights groups regularly claim that Indian security practices contradict both the national constitution along international human rights norms. India maintains the International Covenant on Civil and Political Rights (ICCPR) using its membership; yet, these laws restrict fundamental liberties including fair trial access, speech freedom and association, and movement freedom depending on prohibition grounds that human rights organizations find too harsh and beyond reason. Among all the divisive clauses in these laws is the Armed Forces (Special Powers) Act (AFSPA), which lets military forces apply lethal action against “*disturbed areas*.” These groups say that this phenomenon causes too much strain on the right to life. Under these laws, the executive branch has great discretionary authority to the degree that it supports regular cases of abused authority. Journalists accompanying activists and human rights organizations have recorded significant violations of human rights by government personnel using their given security law power over several years. The staff in AFSPA-run areas recorded the sporadic practice of extrajudicial killings since soldiers used disproportionate force in unstable areas while victims had bypassed courts with forced confessions and suffered extensive torture. According to the tribunal, between 1979 and the present, North-eastern state security officials carried out almost 1500 illegal executions. Though most cases have been verified in areas surrounding AFSPA-surrounded areas, women across many states like Jharkhand and Chhattisgarh have suffered state-sponsored sexual abuse.

Why is it intrinsically secretive to keep and question someone under security standards with more authority? Operations of torture and cruel treatment take place behind closed doors; victims refuse to disclose their mistreatment because of suspected links between local state

³ MATHIEU DUCHÂTEL, 'Terror Overseas: Understanding China's Evolving Counter-Terror Strategy', (2016), <<https://www.jstor.org/stable/resrep21588>> accessed 27 February 2025.

servants and accountable officials in far-off places.⁴ Those who go through sexual abuse may have disturbed emotions that make them reluctant to get help. For many courageous people who choose to act, the road to seeking justice becomes quite difficult. Before getting the required central government approval, public police departments and prosecution offices must show enough conviction of torture allegations. Since 1958, the AFSPA has been implemented in Assam and Manipur for several decades; nonetheless, habeas corpus challenges to arbitrary incarceration were unusual initially but grew common by the 1980s. Many abuse victims lacked enough means to pursue the court system during the first phase of AFSPA's enforcement era. Security policies that provide the government great authority subsequently become prone to deliberate theft due to political and discriminating goals. Originally the Terrorist and Disruptive Activities (Prevention) Act, TADA became operative in 1985 permitting states to use special tribunals for punishing terrorist activity. Although Gujarat had little terrorist action during that time, human rights groups said that it topped any other state by focusing on TADA cases. This law was applied mostly against those who questioned the administration rather than those engaged in violent militant activities.⁵ POTA-approved laws let authorities label some events as criminal crimes even if they were non-violent but deemed to be detrimental to society. Along with North-eastern people, Muslim and Sikh citizens were heavily and unfairly targeted by the POTA using religious profiling and community monitoring strategies. POTA was highly sought after in Jharkhand due to its vast tribal civilization and the presence of left-wing extremist groups even though officials arrested whole tribes instead of focusing on real violent offenders.

Parallel laws the government uses help to stifle political rivals. During the Emergency, Indira Gandhi battled political opposition by using the Maintenance of Internal Security Act (MISA). Serving as a state legislator of Tamil Nadu, the political leader became a target under POTA in the 2000s since he voiced criticism of the Chief Minister's policies. Concerned about how the Chhattisgarh government-supported civilian paramilitary organizations, a civil rights activist was arrested under UAPA. Media coverage revealed legal violations in those incidents, but since direct observation of other like circumstances is not possible, recorded abuse most certainly goes beyond what the public knowledge of the state targets those who have specific

⁴ James A. Green, 'India's Status as a Nuclear Weapons Power under Customary International Law', 24 NATIONAL LAW SCHOOL OF INDIA REVIEW, [2012].

⁵ Afroza Anwar, 'Atrocities against the Rohingya Community of Myanmar', 31 INDIAN JOURNAL OF ASIAN AFFAIRS 91 [2018].

political opinions or alliance connections regardless of evidence or legal requirements using vaguely defined clauses in statutes POTA and UAPA. The development of security policies in India exposes growing executive authority that often falls short of international norms of protection of human rights.⁶ These regulations were created for certain national security needs, but today they mostly help to control political activity in line with ethnic policies. These rules urgently need change since power holders show little responsibility while the policy concentrates too much on underprivileged groups and opposing communities.

Because of both the covert means of implementation and the regular illegal application of counter-terrorism security regulations, many critics in India find them to be problematic. Initial statistics on security laws show that human rights organizations and reporters were justified in their assessment of the aggressive policies of law enforcement. The National Crime Records Bureau does not provide analogous information for POTA and UAPA even though it once released TADA arrest and conviction figures. Government statistics show that there are persons under preventive custody, but they neglect to provide supporting information including breakdowns by state or detention rationale, leading to ambiguous application of these laws. Public records released by the government in the 1990s show unequivocally that TADA was abused. According to October 1993 figures, TADA led to 52,268 individuals being detained from the day it was launched. Only 0.81% of the total persons under TADA were found to have any convictions. Less than 0.5% of the 14,557 TADA inmates from Punjab were found guilty by courts. Under TADA, 67,059 persons were arrested overall in 1994; just 8,000 (less than 12%) faced trial until 725 (less than 1%).⁷ Obtained convictions. According to TADA detention records, those arrested spent irrational lengths either languishing uncategorized or going through protracted, highly expensive trial procedures before being released. When the criminal justice system did not adequately control these abilities, police arrested people based on weak evidence and guesses instead of illegal activity.

Security laws Since TADA and POTA let state agents eradicate people and organizations without adhering to criminal prosecution criteria of proof, they serve as societal elimination tools instead of weapons for combating terrorism. Ineffective court system handling of major criminal cases resulting from inadequate police training results in performance shortcomings

⁶ Nitya Ramakrishnan, 'Godhra: The Verdict Analysed', *Economic & Political Weekly* [April 09, 2011].

⁷ Uday Ravi, 'Is Political Discordance Leading To India's National Counter Terrorism Center's Fallout?', 4 *COUNTER TERRORIST TRENDS AND ANALYSES* 2 [2012].

of the Indian criminal justice system. By Queen detectors people under broad and vague laws, security laws help states to sidestep institutional flaws thereby simplifying arrests and enabling long detentions before trial needs to start. Using evidence that would not pass normal criminal laws, prosecutors have the power to accuse individuals under security laws and the Indian Penal Code (IPC). Together with preventative detention, anti-terrorism laws enable the government to punish people without enough judicial system control. Security laws' great power has led to massive violations of human rights with ongoing illegal detentions along with physical violence and unauthorized killings. Among their most well-known examples of occupation, the Assam Rifles seized Oinam Hemlata in Manipur in 1987.⁸ During the four-month combing operation in the hamlet, a separatist organization targeted a military installation where the Rifles operated. Since they suffered torture in addition to rape and several deaths, residents were exposed to several abuses of human rights when the area was under occupation. To get intelligence, the military tortured captives upside down and dead burial, then wire electrocution and hanging.⁹ During the wars, soldiers made women undergo sexual assault and forced them to deliver birth in front of their eyes. These incidents show terrible results when security personnel get too much power since they expose security laws that can hurt individuals instead of shielding them from harm.

The temptation was to walk away from the right-centred Constitution that the Assembly began drafting in 1946 and come up with a security-centric rather than rights-centric view of constitutionalizing. The outcome was a Constitution riddled with Fundamental Rights in Part III which bears resemblance to the Universal Declaration of Human Rights (UDHR) and influences of liberal constitutional traditions. Yet, they also included language in the text meant to contour it against potential future national security constraints. An illustrative principle rather, Article 19 preserves rights in terms of freedom speech, assembly & association but allows exceptions for sovereignty, integrity or public order. It says that the right to life and personal liberty [under Article 21] may be deprived but not without procedure established by law, which has provided for some of the things on the basis of preventive detention laws. The Article 22 provides a constitutional basis for preventive detention precautions, the application of which is not to be arbitrary or mala fide and values which can activate legislation such as PDA — Preventive Detention Act, 1950 and later on under NSA — National Security Act, 1980.

⁸ Gautam Navlakha, 'Pota: Freedom To Terrorise', 38 ECONOMIC AND POLITICAL WEEKLY 3038 [2003].

⁹ CARL UNGERER, 'A New Agenda For National Security', [2008] <<https://www.jstor.org/stable/resrep03892>> accessed 17 July, 2025).

Taken together, these elements reflect a dual commitment both to the international standard of human rights and to domestic imperatives for state security and unity.

The Domestic Legal framework of International Human Rights Norms and National Security Laws in the Indian Constitution

India's domestic legal framework is an exercise in balancing international human rights norms with national security laws. The Indian Constitution recognises the need to protect national security in addition to guaranteeing fundamental rights, derived from international human rights norms. This dual form underscores India's legal resolve to on one hand protect individual freedom and, on the other, respect state integrity. The Fundamental Rights (Part III) of the Constitution are the human rights norms of India. These include: · Right to Equality (Articles 14 to 18) · Right to Freedom (Articles 19–22) · Right against Exploitation (Articles 23–24) · Right to Freedom of Religion (Articles 25–28) · Cultural and Educational Rights (Article 29,30) Article 32 –right5 regarding constitutional vengeance In these rights there few such as Article 14 being equality before law, Article 19- free speech,, assembly and movement, those provided by the International Covenant on Civil and Political Rights which is in similar terms by Indian it has signed. While the Directive Principles of State Policy (Part IV) are not justifiable by law, they are in spirit relevant to health needs under Article 12 and welfare rights as described in the International Covenant on Economic, Social and Cultural Rights (ICESCR). The judiciary of India has been cited as an example in the world for adhering to international human rights standards. For example, in *Vishaka v. State of Rajasthan* (1997), the Supreme Court used the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) to fill in lacunae in existing Indian law regarding workplace sexual harassment.

Constitutional Provisions for National Security The Constitution includes sections under which the state can curtail certain freedoms in the interest that national security serve: ·

Article 19(2)–(6): Provides a norm to put "reasonable restriction"¹⁰ on freedom for preserving public order, sovereignty and integrity 21: Widening the scope of life and liberty by voiding

¹⁰ Article 19 of the Indian Constitution provides fundamental rights to citizens of India, but since these are neither Absolute nor Unrestricted and can be Restrained on just and reasonable grounds, so they are subjected to Reasonable restrictions. The regulations are to respect the restriction in a manner of different factors like public order, national security and morality, making an equilibrium between personal independence and social necessity imposed by state.

"procedure established by law" from interpretation of both Article 21 and 22 as this was being used to legitimize acts like preventive detention. Article 22: Deals with preventive detention, which allows the State to detain an individual without trial for some specific period. These constitutional clauses validate several national security laws which had been enacted after independence, such as the Preventive Detention Act(1950), National Security Act (1980), and Unlawful Activities (Prevention) Act (1967). Analyzing the Intersection of International Human Rights and National Security Laws in India Under its respective legal framework, what makes modernday India's approach to human rights particularly interesting is that the country follows a dualist form of government which posits that international treaties do not become domestic law unless they are given an expression through national legislation. In this context, the judiciary, particularly after the *Maneka Gandhi v. Union of India* (1978) case, has drawn upon international human rights norms to widen its horizon in understanding constitutional rights. While this is the case, laws such as AFSPA and UAPA have been lambasted for infringing civil liberties prescribed under ICCPR to which India is a signatory including but not limited to the right to a fair trial, freedom from arbitrary arrest or detention and protection from torture.

Judicial Cases on International Human Rights Norms and National Security Laws in the Indian Constitution

The Indian judiciary has played an instrumental role in defining the manner through which international human rights norms inform national security laws within the constitutional matrix. Two significant court decisions — one by the Supreme Court and another by the High Courts — have upheld state authority in security matters while also pointing to the fact that fundamental rights need to be protected. Particularly these cases provide some idea that how Indian courts interpret and strike a balance between the liberty guaranteed under articles 19, 25 to every individual and National integrity.

A.D.M. Jabalpur v. Shivkant Shukla (1976) – The Habeas Corpus Case This infamous case took place during the time of Emergency (1975–77), when fundamental rights were suspended by the government. The majority of the Supreme Court held that life and liberty under Article 21 could be suspended during an emergency, and no habeas corpus petitions were maintainable. But this decision was quickly criticized from all corners for undermining rights of humans. The judgement *ADM Jabalpur* was effectively overturned, by Justice D.Y. Chandrachud, in *K.S.*

Puttaswamy v. Union of India (2017), declaring the former to be wrongly decided Case ADM Jabalpur v. Union of India [1976] 2 SCR 713; referred as the Habeas corpus case, during Indian Emergency period GRESS Media Archive is a World History Blog that makes history... Even in a time of national emergency, the Court acknowledged that, pursuant to non-derogable international human rights standards under the ICCPR, life and liberty were inalienable rights. Maneka Gandhi v. Union of India (1978) — Expansive Reading of Article 21 This case establishes a new horizon as far Personal Liberty is concerned under Article 21pushViewController The court enunciated a due process limitation on preventive detention under which any "procedure" by which life or liberty was deprived must be "just, fair and reasonable," thereby introducing due process of law into Indian jurisprudence. The Court also looked to international conventions, notably the Universal Declaration of Human Rights (UDHR), as a foundation for expanded rights, laying the groundwork for the incorporation of international norms into domestic interpretation.

It has been observed by Hon'ble Supreme Court of India in its landmark judgment of PUCL v. Union of India¹¹ (1997) that the phone tapping will violate the right to privacy which is also a part of Article 21. Recognizing the need of state in terms of securities, but Court not allow for a forum to misuse. The court instituted a rule to this effect, again in line with Article 17 of the ICCPR, which prohibits arbitrary interference with privacy and a sign that at least some judges are willing to be guided by international obligations.

Nandini Satpathy v. P.L. Dani (1978) — Right Against Self-Incrimination: Case dealing with custodial questioning and upholding the right against self-incrimination under Article 20(3) of the Constitution. The Court highlights that the dignity of accused persons must be upheld and invokes international dignity norms, especially those laid down in the UN Convention Against Torture (UNCAT), to which India is a signatory, though not ratified. 22 Extra Judicial Execution Victim Families Association v. Union of India (2016) – AFSPA and Rule of Law This case dealt with the grant of immunity to armed forces under the Armed Forces (Special Powers) Act (AFSPA), 1958, in Manipur. The Court held that even if out of counter-insurgency operations, use of excessive force needs to be accountable to the judicial review. It reiterated

¹¹ PUCL v. Union of India is the name given to a number of Public Interest Litigations (PILs) filed by the People's Union for Civil Liberties, an NGO and its general focus has been on violations of fundamental rights and civil liberties in India. These cases often are disputes over the validity of actions and policies taken by governments in order to uphold constitutional principles and protect individual rights.

fundamental right to life under Article 21 and observed that the plea of national security cannot be allowed to become a device for overriding them without accountability. The International Covenants and the Indian Constitution (a) India is a democratic Republic: Under the Indian constitutional obligations, national security laws are subject to International Human Rights Norms that also have been enshrined in numerous international conventions. These obligations are to inform its domestic constitutional architecture, particularly in matters related to the reconciliation of the preservation of basic rights and national security imperatives. India although is dualist and mere ratification of international treaties do not turn them in domestic laws, however Judiciary and legislature referred to the norms under International law as an aid to interpretation principles of constitutional law.

India's Commitment to International Human Rights Law India played an active role in the creation of the Universal Declaration of Human Rights (UDHR) in 1948 and has since become a party to many significant international human rights treaties, including: · International Covenant on Civil and Political Rights (ICCPR)- Ratified in 1979 · International Covenant on Economic, Social and Cultural Rights (ICESCR)- Ratified in 1979 · Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) – Ratified in 1993 · Convention on the Rights of the Child (CRC) – Ratified in 1992 The ICCPR is especially relevant from a national security perspective. This allows for derogation from some rights in a public emergency (Article 4), but demands that such measures be proportionate and non-discriminatory with no derogation from other non-derogable rights (e.g. right to life, freedom from torture).

National Reports of India and its Obligations under Treaty

Bodies Being a Signatory

India has to provide reports in intervals to UN treaty bodies for monitoring. For example: · The Human Rights Committee established by the ICCPR has examined India's counterterrorism legislation, such as the Unlawful Activities (Prevention) Act (UAPA), and expressed concerns regarding prolonged periods of detention, insufficient judicial supervision, and restrictions on fundamental rights. · The Committee Against Torture called on India to ratify the UN Convention Against Torture (UNCAT), which India signed in 1997 but has yet to ratify. These judgments underscore tension between India's security legislations and its international human rights commitments.

In other respects, it has cited international commitments as one more interpretative aid in construing domestic legislation: · In *Vishaka v. State of Rajasthan* (1997) wherein while relying on international conventions (even if not part of the domestic law), the Supreme Court held that when there is no inconsistency, these can be looked for understanding and interpreting equal rights of workingwomen. o In *People's Union for Civil Liberties (PUCL) v. Union of India* (1997), international law and the right to privacy were also taken into account wiretapping on national security considerations. While these judgments underscore the wisdom of a progressive outlook, India's national security laws often fall short of international human rights norms, on issues such as due process, something that is simply not protected adequately against arbitrary detention and torture. India often counters international criticism citing non-interference and national sovereignty as the foundational principles (and rightly so) versus human rights. It has rejected external pressure to scrap or dilute laws such as AFSPA and UAPA, arguing for internal security needs and the federal nature.

Recommendations and Conclusion

International Human Rights Norms and National Security Laws in the Indian Constitution The interplay of international human right norms with national security laws under the Indian constitutional scheme is an intricate and developing challenge. India resumed a list of human rights on its legal system, but national security laws create limbo in the eyes of lawfulness and morality. The recommendations which follow are intended to balance the requirements of national security with India's constitutional and international human rights obligations.

Recommendations

1. **Comprehensive Review of Security Laws and Reforms** India must carry out a comprehensive review of various existing security laws in the country such as the Unlawful Activities (Prevention) Act, National Security Act (NSA) and the Armed Forces (Special Powers) Act in order to ascertain that set national security legislations are consistent with non-derogable rights enshrined under the International Covenant on Civil and Political Rights. Those concrete activities should include: · Establishment of sunset clauses, review mechanisms and parliamentary oversight. Here are the two most pressing, whose definitions should clarify vague and over-general terms before they used to repurpose or misuse them: “unlawful activities” and specifically “terrorist acts”.

- Ensuring that preventative detention without charge is only used as a last resort and remains subject to judicial review
- 2. Improving Procedural Safeguards To respect the principles of constitutional due process and international human rights law: · Ensure that individuals have early access to legal representation, are promptly brought before a judge, and that all detention is subject to regular judicial review. –Order independent probe into allegations of custodial torture, disappearances or extra judicial killings especially under AFSPA and NSA;
- 3. Ratification of Human Rights Conventions on www.amazon.in India should ratify the UN Convention Against Torture and its Optional Protocols to demonstrate its commitment against inhumane treatment and stand tall among other nations. Pending since 2010, domestic anti-torture legislation must be enacted with enforceable standards.
- 4. Law Enforcement training and awareness: The security personnel, police or para military forces must undergo a proper training in the human rights laws, international norms of behavior, proportional use of force. Having human rights cells within the armed forces and police units would make it easier to develop systems of accountability that could simultaneously enhance public trust.
- 5. Empower the Quasi-Judicial Institutions like NHRC, SHRA and the Courts by ensuring their independence and effectiveness in checking the Executive overreach. These recommendations should be made binding in all serious human rights cases in the land involving any security personnel.
- 6. Embrace of International Norms by the Judiciary- The Indian judiciary must continue to take an active interest in heightening the nation to applicable international human rights standards especially where domestic laws are silent or vague. The decision should also be construed in light of international treaties, signed but not yet ratified on specific issues as it would address different aspects of fundamental rights reserved for the citizens as held in Vishaka.

Conclusion

The Indian Constitution attempts to harmonize national security requirements with individual liberties. Although national security laws are usually justified on the grounds of combating terrorism, insurgency or external threats, they cannot be used as tools of oppression or to

undermine democratic values. The letter of the law must be harnessed in the spirit and substance of constitutional morality, which revolts against dignity through liberty and equality. Meeting international obligations and aligning them with the domestic implementation not only implies legal reforms but actually calls for a total change in the political culture as well as the administrative. By raising human rights to the level of a national security core principle, India can protect its sovereignty and lead from the front as the world's largest democracy.

