Issue. 14

Week-in-law

31.01.2026 Saturday

TULASAREDDI @ MUDAKAPPA & ANR. VERSUS THE STATE OF KARNATAKA & ORS.

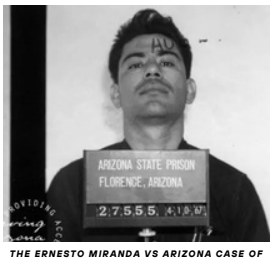
No conviction solely on disclosure statements unless chain of evidence is complete : SC

Engraved by Jan Luyken, 1685.
Confessio est regina probationum (Confession is the queen of evidence) was used to justify the formalisation of forced confession in the European legal system. In effect, it ended up legalising torture for confessions, as the method used for extracting confessions was not taken into consideration.

With respect to Section 27 of the Indian Evidence Act, the Supreme Court of India overturned a murder conviction, overruling the Karnataka High Court decision, emphasizing that a person cannot be found guilty solely based on a confession made to the police or the discovery of evidence linked to that confession. The Court ruled that in cases based on circumstantial evidence, the prosecution must prove a complete, unbroken chain of events connecting the accused to the crime.

The Supreme Court found the High Court's reasoning flawed for several reasons:
In murder cases where there are no direct eyewitnesses, the "chain of circumstances" must be so complete that it leaves no room for any other explanation except the guilt of the accused. Secondly, Statements made to the police (under Section 27 of the Evidence Act) are often called "disclosures." The Court noted that these alone are not enough for a conviction if the rest of the evidence is weak or the discovery of the body is not properly proved. Thirdly, the Court found the "last seen" witness (the person who supposedly saw the accused with the victim) to be unreliable. Lastly, the Court reiterated that if a Trial Court's decision to acquit is "reasonable," a higher court should not overturn it just because they have a different opinion.

The Supreme Court restored the acquittal, emphasising that "suspicion" is not "proof." For a conviction to stand, the prosecution must be able to create an unbroken link of events.



THE ERNESTO MIRANDA VS ARIZONA CASE OF 1966 LAID DOWN THAT THE LAW ENFORCEMENT MUST WARN A PERSON OF THEIR CONSTITUTIONAL RIGHTS BEFORE INTERROGATING THEM AND TAKING THEM INTO CUSTODY.

CONFESSIONS IN THE US

In the US, confessions to police are admissible if Miranda rights are voluntarily waived. Unlike India's strict ban on police confessions to prevent coercion, US courts rely on procedural warnings and voluntariness. In India, confessions need to be made infront of Magistrates. In the US, entire statements to the police can be used as evidence against the undertrial. Confessions rarely bring leniency, often leading to harsh sentences. Since incarceneration rates and sentences in US are longer than other parts of the world, the remedy for false, involuntary, or unreliable confessions lies in better police training, closer judicial scrutiny of police interrogation methods.

Week-in-law

SHREYA PANDEY VS. STATE OF U.P. AND 2 OTHERS 2026 LIVELAW (AB) 26 CASE NUMBER: CRL A(MD)NO.17 OF 2018)

Right To Appear In Exams Akin To Right To Life : Allahabad High Court

Eleanor Roosevelt holding up a poster of the Universal Declaration of Human Rights in English.
The UDHR in 1946 for the first time globally declared education to be a human right with emphasis on free and compulsory education. (Article 26)

The Allahabad High Court, presided over by Justice Vivek Saran, has established a significant precedent by ruling that the right to participate in an examination is a fundamental component of the Right to Life and Human Dignity (Article 21). The Court intervened in the case a B.Sc. student, directing the University to conduct a special examination after she was unfairly denied an admit card due to technical glitches.

The petitioner had fulfilled all academic and financial obligations, including the payment of fees in July 2025. However, she was excluded from the examination schedule because her records on the University's "Samarth Portal" remained in "draft" status. Despite the college notifying the University that 30 students were affected by this technical lapse, the University failed to update the petitioner's records, resulting in the denial of her admit card.

The Court took a "grim view" of the University's administrative inertia, noting that the authorities had explicit knowledge of the error but failed to act. The bench relied on two key legal benchmarks, *Rahul Pandey vs. Union of India (2025)* which affirmed that appearing in examinations is a fundamental right. *Master Prabhnoor Singh Virdi vs. Indian School (2023)* emphasised that blocking a student from exams infringes upon the right to life. The Court argued that "technical lapses" or "administrative inertia" cannot be permitted to jeopardize a student's future.

The High Court issued a mandatory interim direction that required the University must hold a special B.Sc. (Biology) 1st Semester exam for the petitioner within two weeks, her results must be released within a reasonable timeframe to allow the student to continue her studies. Not only that, the University is ordered to fix the portal records immediately to secure her future. The University was also ordered to file an affidavit explaining the standard procedure (or lack thereof) for addressing web portal failures.

The matter is scheduled for further hearing on February 10.

No Vakil. No Daleel. No Appeal.

Are preventive detention laws necessary in a liberal democratic state?

• SUSAN MARIA MATHEW

The Rowlatt Act, 1919, a colonial precursor to modern preventive detention laws, had triggered nationwide protests, including non-violent civil disobedience movements led by Mahatma Gandhi. The Jallianwallah Bagh Massacre was a brutal response to a peaceful protest against this Act.

No Vakeel, No Daleel, No Appeal
No Advocate, No Arguments, No Appeal

In 1919, this slogan echoed the streets of India- a response to The Anarchical and Revolutionary Crimes Act of 1919, also known as the Rowlatt Act. The slogan captures the distinctive characterstics of preventive detention laws, that grants the ruling regime the power to detain or taken into custody, without trial, any person who may pose a threat to public order or national security. Despite being heavily criticized for its arbitrary nature, the law found a place in the post- independent India, and has survived the test of constitutionality in the democracy. This essay seeks to examine whether the provisions of the prevailing preventive detention law in India, mainly the National Security Act, 1980 (NSA), meet the threshold of a democratic system. The essay focuses on three aspects- (i) Arbitrary and vague provisions, (ii) Lack of judicial review, and (iii) Misuse by the ruling regimes. Finally, it concludes by highlighting the need to revisit the existing provision governing preventive detention in India.

I. INTRODUCTION

The National Security Act, 1980 was enacted by the Parliament of India considering the complexity and nature of the problems faced by the country, such as, communal disharmony, extremist activities, industrial unrest and increasing tendency on the part of various interested parties to engineer agitation on different issues. The objective behind any preventive detention law is founded on the utilitarian argument that maintaining the defence, security, and public order of the nation at large is paramount. The Hon'ble Supreme Court of India in Union of India v Paul Maickam, clarified this reasoning, and stated as follows :

"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 ordersometimes merit the curtailment of the individual liberty."

Therefore, any reasonable anticipation of threat can result in initiation of the draconian measure of preventive detention. This extreme mechanism is sanctioned by Article 22(3)(b) of the Constitution of India. Article 22 also provides certain norms to be adhered to while effecting preventive detention, and lays down conditions and modalities while enacting laws relating to preventive detention.

On the other hand, preventive detentions laws have met with criticism since its inception. Critics have pointed out that the exception to fundamental right under Article 22(3),which legalises preventive detention, ironically sits between Article 21 which guarantees the protection of life and liberty and Article 23 which gives the citizens the right against exploitation. The utilitarians are reminded that public good is in nothing more essentially interested than in the protection of every individual's private rights as modeled by the municipal law. Any law, that denies a detenue the fundamental right of legal representation and permits detention without trial, is an extraordinary measure. However, the official records reveal otherwise. Around 2018 - 2023, notably peacetime, 3449 persons have been arrested under the NSA across India. Therefore, it is necessary to analyse whether preventive detention is a mechanism to safeguard public order, or a weapon to suppress dissent.

II. ARBITRARY AND AMBIGUOUS PROVISIONS

The NSA provides the detaining authority the power to arrest a person on attaining "satisfaction" that it is "necessary" to do so, to prevent an act prejudicial to the defence, security, maintenance of public order, or the foreign relation of the country. The Act, however, neither clarifies the extent of satisfaction, or the nature of acts that necessitates the exercise of such power. The Detaining authority is, thus, granted unbridled discretion to subjectively presume whether an act qualifies as a "possible threat".

Pertinently, unlike criminal law, a detenue under NSA is not entitled to the the fundamental right to be produced before a magistrate or to be informed about the grounds at the time of arrest. Section 8[9] of the NSA provides the detaining authority an upper limit of ten days to communicate the grounds of detention so as to afford the detenue the earliest opportunity of making a representation to the appropriate Government. It also states that the detaining authority has no obligation to disclose facts of detention that it considers to be against the 'public interest'. This is in clear violation of Article 9(2) of the International Convention of Civil and Political Rights (ICCPR), which provides an arrested person's right to be immediately informed of the grounds of the arrest, even in the case of preventive detentions, as stated by the UN Human Rights Committee.

Further, the NSA explicity disentitles a detenue to be represented by a legal practitioner. Thus, a detenue is practically left with the singular remedy to write a representation to an Advisory Board constituted under the Act. The Advisory Board, based on the information placed by the Detaining authority sends its opinion on " whether there is sufficient cause for detention", to the appropriate Government. The Appropriate Government "may confirm the detention order" and "continue the detention for such period as it thinks fit". The NSA explcitly empowers the government to detain a suspect in jail for 12 months without any charge, which can be further extended.

The provisions of the NSA, as discussed above, are inherently incompatible with the foundational principles of a democratic system. First, the denial of legal representation constitutes a direct violation of the principle of audi alteram partem, a cardinal tenet of democratic governance and natural justice. Although the Act provides for representation before the Advisory Board, this safeguard is largely illusory. The statute itself circumscribes the Advisory Board's role by requiring only a minimal threshold of "sufficient cause" to justify continued detention.

Further, the opinion of the Advisory Board is subject to confirmation by the Appropriate Government, upon whom the Act imposes no meaningful obligation to apply independent or reasoned scrutiny. This confers wide and virtually unchecked discretion on the executive to authorise detention for prolonged periods. Infact the Supreme Court of India, in a catena of judgments, has further diluted accountability by characterising the satisfaction necessary for preventive detention, for detaining a person for an indefinite period of time, without legal representation, as purely subjective.

Therefore, a bare perusal of the statutory framework reveals that the entire preventive detention mechanism remains under the pervasive control of the executive, with a conspicuous absence of institutional checks and balances, undermining the core values of constitutional democracy.

III. LACK OF JUDICIAL REVIEW

The second most distinct feature of the NSA is the manner in which the Act reduces the judiciary, the watchdog of the Constitution, to a mere observer. TheApex Court has categorically laid down that subjective satisfaction of the detaining auhority under NSA is not justiciable. It is well -settled that neither can the reasonableness of Advisory Board's satisfaction be questioned in a court of law, nor can the adequacy of the material forming grounds of detention can be scrutinised. This leaves the detenue with only a narrow scope to challenge detention, despite the violation of the paramount right to life and personal liberty.

It is necessary here to examine the current stand and extent of judicial review as laid down in Pebam Ningol Mikoi Devi v. State of Manipur:

"..it is not open for the courts to substitute their opinion by interfering with "subjective satisfaction of the detaining authority". However, it does not mean that the court cannot look into the material on which detention is based. The expression "subjective satisfaction" means the satisfaction of a reasonable man that can be arrived at on the basis of some material which satisfies a rational man. It does not refer to whim or caprice of the authority concerned. While assessing "subjective satisfaction of the detaining authority" the Court examining a petition seeking a writ of habeas corpus has to look into the record to examine whether the subjective satisfaction is acceptable to a reasonable wisdom and that satisfies rationality of normal thinking and analyzing process."

What is notable in the stand taken above is that while the Apex Court has clearly identified the threat NSA poses to an individual's liberty, it refuses to take its reasoning to the extent of interrogating why a law operating in a democratic country should be insulated from meaningful judicial review.

Thus, when an order of preventive detention is challenged, the detaining authority does not have to prove an offence or formulate a charge. The justification for an order of detention at best can be established on the basis of suspicion and reasonability. Judicial review under the Act is explicitly limited to assessing whether the detaining authority arrived at its decision on the basis of relevant material. While the Court has stated that it may examine the relevancy of such material, it has simultaneously held that it cannot question the subjective satisfaction formed upon that material. In adopting this approach, the Supreme Court effectively distances itself from substantive scrutiny, leaving the personal liberty of a citizen vulnerable to curtailment at the discretion of the detaining authority, and effectively the ruling government.

IV.POSSIBILITY OF MISUSE

There has been no period in Indian history during which a preventive detention law has not been in force. Once crushed under British boots, today pushed into solitary confinement, these laws have been consistently employed as instruments to criminalise free speech, dissent, and peaceful protest directed against the regime in power. This trajectory of misuse was never alien to a nation emerging from decades of colonial governance. The is evident from the excerpts from Constituent Assembly Debates on Article 15A. The concerns expressed by Mr. Mahavir Tyagi remain particularly notable:

"When freedom is being guaranteed, why does the Drafting Committee think it fit to introduce provisions for detaining people and curbing the freedom? This is an article which will enable the future Government to detain people and deprive them of their liberty rather than guarantee it."

These apprehensions have materialised with unsettling clarity in the years that followed, till date. For example, during the nationwide protests against the Citizenship (Amendment) Act in 2019–2020, the country witnessed an unprecedented increase in the invocation of the NSA against individuals perceived by the State as threats to "national security." From Dr. Kafeel Khan, who was detained under the NSA for delivering a speech opposing the Citizenship Amendment Act in 2020, to Mr. Sonam Wangchuk, a climate activist presently detained for questioning governmental policies in Ladakh, the Act has been repeatedly deployed to suppress democratic dissent.The irony of this trend was poignantly captured by political sociologist Dipankar Gupta, who observed:

"Just as nobody had wondered then as to why there were suddenly so many witches, so also nobody asks the question now as to why there are suddenly so many terrorists."

Pertinently, the latest National Crime Records Bureau (NCRB) report reveals that a total of 32,912 persons were arrested under various preventive detention laws across India. Out of which, 791 persons were detained under the NSA. By the end of the year, 16,312 persons remained in custody under preventive detention laws, of whom 569 continued to be detained under the NSA.The data further reveals that over 70 percent of detained individuals remained incarcerated for periods exceeding six months, raising grave concerns regarding the true object of such detentions.

The statistics, when read alongside the lived realities of political detention, point towards a troubling normalisation of preventive detention. The NSA is no longer perceived merely as a law prone to misuse; rather, in use for systematic suppression of dissent

V. CONCLUSION

A law that warrants preventive detention and ignores the core constitutional principles of due process, personal rights, and rigorous judicial review of the State power, is a institution 'authorised by the Constitution itself', argues Mr Upendra Baxi, a noted legal scholar. Preventive Detention was incorporated in the constitution anticipating the worst and not the best from the citizens of the country. Dr B.R. Ambedkar, while proposing and defending the preventive detention, noted the necessity of retaining the concept of preventive detention "in the present circumstances of the country" to ensure that "exigency of liberty of the individual [is not] placed above the interests of the State" in all cases.

However, seventy-five years after independence, the continued relevance of preventive detention in its existing form warrants serious introspection. While the objective of pre-emptive threat control may be justified in truly exceptional circumstances, the question that remains paramount is whether a democracy can sustain a law that authorises the deprivation of the most basic fundamental rights without meaningful procedural safeguards.

Preventive detention laws, therefore, require urgent reform to realign them with democratic principles. At a minimum, such reform must ensure three essential safeguards: the right to legal representation, the right to appeal before an independent judicial body, and the right to be heard. To conclude, the continued legitimacy of preventive detention laws must be tested against the constitutional promise of democracy, remembering, as Benjamin Franklin cautioned, "Any country that would give up a little liberty to gain a little security will deserve neither and lose both."

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Views are personal.

A good senior is a good leader- you'll feel ready to follow them without any doubt

ARKODEEP DUTTA, *a budding lawyer and recent graduate from the Faculty of Law, University of Delhi, with work experience in corporate law and commercial firms, gives some practical advice for young law students.*

The Inner Temple, George Walter Thornbury.
One of the 7 Lamps of Advocacy by Edward Abbott Parry is the lamp of fellowship- the feeling of brotherhood and community among fellow members of the Bar. Every advocate must be a torchbearer to guide and inspire their juniors.

How did you find good internships during college?
The idea of an 'internship' in today's world has changed, every organization/institution/employer is looking for someone who is already skilled in their respective field. Suppose, X has a background in Maths or Science or Commerce, for him it is absolutely necessary to highlight these aspects and apply at places wherein his skills are in demand like for example in areas of- Tax, I.P and Commercial Litigation. The idea is to build your C.V through a complimentary process wherein despite the possibility of exploration the total experiences amalgamate as a whole would become necessary. Personally, for me the 1:10:100 ratio worked which is apply to 100 places, expect 10 to actually respond and 1 to actually consider joining.

How to manage attendance with internships?
There is no easy way in Faculty of Law to manage attendance. Whilst I was interning, I planned my semester by giving myself specific timelines for each internship, I would consider taking up or got a call back from. I majorly focused on articles and publications in my first year along with being regular in college to assess the situation and understood the periods wherein there is a good possibility for me to take up internships.

When practising, how do you identify a good senior/mentor?
Every human is flawed, the idea is how much is too much for "you" and your personal tolerance. For me, a good senior is a good leader who you would be ready to follow without a shred of doubt and someone who makes you feel "I want to be as experienced as him". However, anyone who is inconsiderate of their junior's physical or mental health is not a nice mentor or senior in today's world. Primarily, I focused on mentors who accepted me as how I worked and tried to positively impact it.

Did you ever face any form of fraud or exploitation? How did you deal with them?
Bluntly speaking, the root cause of this problem of "exploitation" is the lack of confidence on one's own abilities. Many of the legal graduates suffer as they blindly believe that the profession only involves text book and legal interpretation, but in reality from appropriate applications to the administrative nuances present at every court an ideal candidate is expected to know these by the time he/she graduates. Many graduates are underpaid and are given unrelated work because of these issues which can easily be learned in internships.
I have simply refused to work for less than adequate fees and for work un-related to my field.

How did you find any corporate internships?
Building my CV in a manner which complimented Contracts, CLM and Commercial Transactions along with taking subjects like Business Regulation and Private International law has helped me to pitch myself in the interviews. Moreover, I found LinkedIn and Intern-shala to be really helpful towards getting an exposure to the legal commercial space.

How to prepare resume and for interviews?
I generally google all the laws I have worked on and make sure I recount the areas I was involved in and the current position of law in that aspect along with brushing up my basics.

How was your experience of workplace in the last six months?
The transition from an intern to an associate is major and the last six months has been very eventful for me.

Some do's and don'ts for your juniors?
I don't have any don't as one needs to make mistakes to figure out the problems by himself/herself. But, one important take-away from my limited experience is to "always ask questions" so that you never do anything without knowing the complete purpose for it.

ARKODEEP PRACTISES CRIMINAL LAW AT THE DELHI HIGH COURT

arkod57@gmail.com

Week-in-law

Lawpportunities

- **AISHWARY ADITYA PANDEY**

Associate Job Role

Aasa Chambers
Location: Delhi

Description: Engage in litigation before the Delhi High Court and Supreme Court, handling matters related to Criminal Law, Labour Law, Service Law, and IPR.

Ideal for: Qualified lawyers with at least 1 year of PQE in litigation.

How to apply: Please send in your resume to internships@aasachambers.com.

Verified Link: Associate at Aasa Chambers

Legal Internships

AG Chambers
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Description: Assist in drafting legal documents, filing, and conducting in-depth research in arbitration and commercial litigation matters.

Eligibility: Students in 4th/5th year (5-year course) or 2nd/3rd year (3-year course).

How to apply: Applications must be sent exclusively to office@agchambers.in.

The application should include a CV along with a cover letter.

Verified Link: Internship at AG Chambers

Research Intern

unLawc
Role: Legal Tech Content and Research Intern

Location: Mumbai (Hybrid)

Description: Work with a legal-tech startup to research AIdriven workflows, draft/analyze contracts, and create content.

Stipend: ₹5,000 per month.

How to apply: Email resume – unlawc@gmail.com.

Verified Link: Intern at unLawc

Judicial Internship

Office of Hon'ble Mr. Justice Sanjay Karol

Location: New Delhi

Description: Assist in judicial research, legal drafting, case analysis, and document preparation under the guidance of the Hon'ble Judge's office.

Ideal for: Students aiming for exposure to constitutional law and judicial functioning at the Supreme Court level.

Eligibility: Applicants must be in their 3rd–5th year [5-year LLB] or 2nd–3rd year [3-year LLB].

Verified Link: Internship with Justice Sanjay Karol

Assessment Internship

Infinilex Consultancy

Location: Noida, Uttar Pradesh

Description: Work on corporate and commercial laws, startup advisory, VC/M&A transactions, and IP law.

Stipend: ₹10,000 per month.

How to apply: Apply by emailing your CV to falguni@infinilexconsultancy.com. "Subject: Assessment Internship Application – [Your Name]"

Verified Link: Assessment Internship at Infinilex

Paid Legal Internship

SLP Legal

Location: New Delhi (Tilak Marg)

Description: A litigation-heavy role involving drafting Writ Petitions, research on Section 498A/NI Act, and attending proceedings at the Supreme Court and Delhi High Court.

Stipend: Paid (Discussed during interview).

How to apply: Kindly email your CV to pankajtomar.adv@gmail.com

Verified Link: Paid Internship at SLP Legal

Remote Para Legal Internship

Gayatri Law Offices

Location: Remote

Working hours: 7:00 PM to 11:00 PM (IST)

Description: A paralegal role involving support for US-based legal work.

Verified Link: Remote Internship at Gayatri Law Offices

Legal Internship

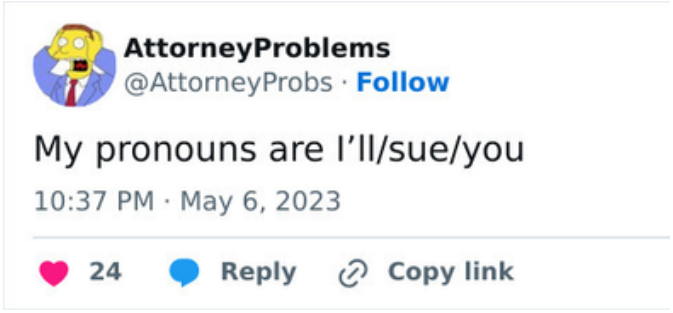
Law Office of Aarzoo Aneja

Location: New Delhi (Offline)

Description: Gain hands-on exposure to real-world legal work, including legal research, drafting, and practical advocacy under professional supervision.

Eligibility: 3rd year and above law students with prior internship experience.

Verified Link: Internship at Law Office of Aarzoo Aneja



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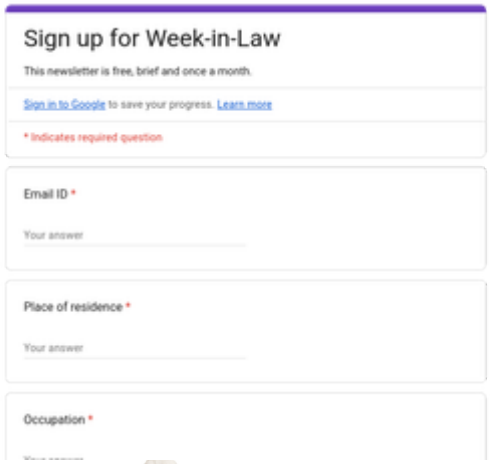

A VISION OF ANCIENT INDIAN COURT LIFE, USING MOTIFS FROM SANCHI (WOOD ENGRAVING, 1878)

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