

PREVENTIVE DETENTIONS ROSE IN 2021

Relevant for: Indian Polity | Topic: Judiciary in India: its Structure, Organization & Functioning, Judges of SC & High Courts, Judgments and related Issues

Preventive detentions in 2021 saw a rise by over 23.7% compared with the year before, with over 1.1 lakh people being placed under preventive detention, according to statistics released by the National Crime Records Bureau (NCRB) last month.

Of these, 483 were detentions under the National Security Act, of which almost half (241) were either in custody or still detained as of 2021-end. Over 24,500 people placed under preventive detention were either in custody or still detained as of 2021-end — the highest since 2017 when the NCRB started recording this data.

In 2017, the NCRB's *Crime in India* report found that 67,084 persons had been detained as a preventive measure that year. Of these, 48,815 were released between one and six months of their detention and 18,269 were either in custody or still in preventive detention as of the end of the year.

The number of persons placed under detention has been increasing since 2017 — to over 98,700 in 2018 and over 1.06 lakh in 2019 — before dipping to 89,405 in 2020. Data pertaining to 2021 showed that 1,10,683 persons were placed under preventive detention last year, of which 24,525 were either in custody or still detained as of the end of the year and the rest were let go within one to six months.

While the number of persons placed under preventive detention has seen an increase in 2021, the NCRB data showed that the number of people arrested in such a manner under the National Security Act had dipped significantly compared with the year before.

Preventive detentions under the NSA increased to 741 in 2020. This number dropped to 483 in 2021.

Use of provision

Among other laws under which the NCRB has recorded data on preventive detentions are the Goonda Act (State and Central) (29,306), Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988 (1,331), and a category classified as "Other Detention Acts", under which most of the detentions were registered (79,514). Since 2017, the highest number of persons to be placed under preventive detention has consistently been under the "Other Detention Acts" category.

Shwetank Sailakwal, advocate-on-record, who has researched preventive detention laws and procedures in India, pointed out that several laws such as the Unlawful Activities (Prevention) Act and Maharashtra Control of Organised Crime Act also provide for making preventive detentions.

According to Section 151 of the Code of Criminal Procedure, the police are empowered to make preventive arrests if they believe they must do so to prevent the commission of "any cognisable offence". This detention can be extended beyond 24 hours if required "under any other provisions of this Code or of any other law".

END

Downloaded from **crackIAS.com**

© **Zuccess App** by crackIAS.com

crackIAS.com