DATE: 7 NOVEMBER 2026

1 Detention Types (Source: The Indian Express)



Detention

Deprivation of personal liberty by keeping a person in custody without the usual trial process.



Types of Detention

Preventive Detention

- Detention to prevent a person from committing a future offence.
- Based on suspicion and potential threat.
- Authorised by the executive under legislative laws.

Examples

- National Security Act (NSA), 1980
- Unlawful Activities (Prevention) Act (UAPA), 1967
- Conservation of Foreign Exchange & Prevention of Smuggling Activities (COFEPOSA), 1974

Punitive Detention

- Detention as a punishment after a due legal trial.
- Ordered by a court upon conviction.
- Based on established guilt and specific offence.

Examples

- Imprisonment under the Bharatiya Nyaya Sanhita (BNS), 2023
- Custodial sentences awarded by courts.

Constitutional Provisions



Preventive Detention

- **Article 22(3):** Permits preventive detention under a law.
- **Article 22(4):** Detention up to 3 months without advisory board review; beyond that, review is mandatory.
- **Article 22(5):** Right to be informed of grounds and opportunity to make a representation.
- **Article 22(7):** Allows Parliament to prescribe the maximum period of detention.

General Safeguards (Applicable to All Detentions)

- **Article 21:** No deprivation of personal liberty except according to procedure established by law.
- **Article 22(1):** Right to be informed of grounds of arrest.
- **Article 22(2):** Right to consult and be defended by a legal practitioner and to be produced before a magistrate within 24 hours.

Other Related Forms



Arrest

- Taking a person into custody for an offence.
- Usually for investigation and before trial.



Remand

- Authorisation by a court to keep a person in custody during investigation or trial.
- Can be police remand or judicial remand.



House Arrest

- Restricting a person's movement to a specified place, usually home.
- A lighter form of detention, often used in special cases.

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2 Exercise Tiger Triumph 2026 (Source: PIB)

