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EDITORIAL ANALYSIS

Peace with Peace: On Misuse of Preventive Detention

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Peace with Peace: On Misuse of Preventive Detention

 **The Hindu** 16 June 2026 **GS2**

Source: ujyari.com — researched, fact-checked & UPSC-mapped



INTERVIEW ANGLE

"Preventive powers exist to protect public order before harm occurs. How does a magistrate distinguish genuine prevention from pre-emptive punishment?"

Source: [Original editorial](#)  [The Hindu](#)

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WHY THIS MATTERS NOW

Reports of **peace-keeping and good-behaviour bond proceedings** being used to harass parties in ordinary disputes have renewed scrutiny of preventive powers. For an aspirant, this is a clean GS2 study of **Article 22 safeguards, personal liberty and the difference between prevention and punishment**, a theme UPSC returns to repeatedly.

THE CRUX IN 60 WORDS

Provisions meant to **prevent breaches of the peace** have become routine tools of **harassment** in petty quarrels. Magistrates pass mechanical orders, set unaffordable bonds and skip review, turning a safeguard into punishment without trial. The fix is **reasoned, evidence-based orders, judicial accountability, affordable bonds and consequences for misuse**, anchored in Article 22 and the BNSS preventive provisions.

THE ISSUE, DECODED

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ELEMENT	WHAT IT IS	WHY IT MATTERS
Peace bond	Order to keep the peace or be of good behaviour	Acts before any offence is proved
Executive magistrate	Authority passing preventive orders	Reasoning, not mechanical orders, is the safeguard
Article 22	Constitutional procedural protections	Floor against arbitrary detention
Affordable bond	Surety set within the person's means	Prevents detention by economic exclusion

THE ANALYSIS: PREVENTION THAT BECAME PUNISHMENT

- ❶ **Designed narrowly.** Peace and good-behaviour provisions target imminent, specific threats to public order, not private disputes.
- ❷ **Misuse in practice.** Complainants weaponise them in land, money and rivalry quarrels to coerce opponents.
- ❸ **The mechanical-order problem.** Orders that fail to record the satisfying material convert a safeguard into a [punitive](https://ujivari.com/vocab/punitive/) shortcut.
- ❹ **Economic exclusion.** Bonds set beyond a person's means produce detention by poverty, defeating proportionality.

DATA AND INSTITUTIONS VAULT

Article 22 (*protection against arrest and detention; procedural safeguards, with limited application to preventive detention*). **Statute:** **Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023**, which replaced the **CrPC, 1973**, carrying forward preventive and security-for-keeping-the-peace provisions. **Principle:** *prevention not punishment; presumption of innocence; proportionality*. **Liberty anchor:** **Article 21** (*life and personal liberty*), read with the rule that liberty is the norm and restraint the exception.

THE DEBATE

Argument for strong preventive powers: Magistrates must be able to act before violence erupts; without preventive bonds, volatile local situations could spiral into actual harm.

Argument against the status quo: Unreasoned, routine orders and unaffordable bonds turn prevention into pre-emptive punishment, bypassing trial and falling hardest on the poor.

The balanced verdict: Keep the power but discipline it. A narrow, evidence-based, reasoned use protects the peace; mechanical, coercive use must be curbed by review and accountability.

HOW TO THINK ABOUT THIS (TRANSFERABLE SKILL)

With any pre-emptive power, ask: does the order record a specific, imminent threat and the evidence for it, and is the restraint proportionate to that threat? If an order could be passed without naming a concrete danger, it is punishment disguised as prevention. Test the means, not just the label.

DIAGRAM-IN-WORDS

Private dispute -> peace-bond complaint -> mechanical magisterial order -> high bond, no review -> restraint without trial -> harassment instead of prevention

THE WAY FORWARD

- ① **Reasoned orders only.** Require magistrates to record the specific threat, evidence and proportionality in every preventive order.
- ② **Swift judicial review** (<https://ujivari.com/terms/judicial-review/>). Build time-bound appellate scrutiny so wrongful orders are corrected quickly.
- ③ **Affordable bonds.** Cap surety to a person's means so liberty is not lost to poverty.
- ④ **Accountability for misuse.** Impose consequences where preventive powers are deployed to settle private scores.

THE TAKEAWAY BOX

*Preventive detention and peace bonds as a tension between public order and personal liberty under Articles 21 and 22. **Lift line:** "Preventive power is a scalpel, not a club." **Prelims hooks:** Article 22; BNSS replacing CrPC; preventive versus punitive detention; presumption of innocence. **Ethics/Interview angle:** A magistrate's duty to resist using state machinery for private harassment. **PYQ linkage:** UPSC has asked on preventive detention safeguards and on the balance between liberty and security. **Connects to:** Criminal justice reform, custodial safeguards, the BNSS transition, access to justice for the poor.*

Sources: *The Hindu* (<https://www.thehindu.com/opinion/editorial/>), *PIB* (<https://pib.gov.in/>)

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 Analysis

● **KEY ARGUMENTS AT A GLANCE**

**Preventive proceedings designed to avert breaches of the peace
 have drifted into routine instruments of harassment in petty
 disputes, and the remedy lies in reasoned magisterial orders,
 judicial accountability, affordable bonds and real consequences
 for misuse.**

✓ **SUPPORTING**

- Peace-keeping and good-behaviour bond provisions are meant for imminent, specific threats to public order, not for resolving private quarrels or pressuring opponents.
- When executive magistrates pass mechanical orders without recording satisfaction, they convert a preventive safeguard into a punitive tool that bypasses trial and presumption of innocence.
- Article 22 and statutory limits offer safeguards, but they are hollow without reasoned orders, time-bound review and affordable bond conditions.

⚠ **COUNTER**

Some argue that preventive powers are essential to stop violence before it erupts, and that diluting them would leave magistrates unable to act in volatile situations.

→ **WAY FORWARD**

Mandate reasoned, evidence-based orders, ensure prompt judicial review, cap bond amounts to affordable levels, train magistrates, and impose accountability where powers are misused.

**MAINS ANSWER FRAMEWORK**Ujjiyari Current Affairs - ujjiyari.com · Free Daily Current Affairs for UPSC & State PCS**QUESTION**

Preventive detention and peace-bond provisions sit in tension with personal liberty under Article 21. Examine the safeguards and the reforms needed to prevent their misuse. (250 words)

INTRODUCTION

Liberty in a constitutional order is the rule and its restraint the exception. Preventive provisions invert that logic by acting before any offence, which is why their use must be tightly disciplined.

BODY

Provisions that let a magistrate require a person to keep the peace or be of good behaviour exist to forestall a real, imminent threat to public order. Their justification is prevention, not punishment. In practice, however, they are too often invoked in private disputes over land, money or local rivalry, where a complainant uses the machinery of the state to pressure an opponent. The harm is compounded when the executive magistrate passes a mechanical order without recording the material that satisfies the legal threshold, when bond amounts are set so high that the poor cannot furnish them, and when there is no swift review.

The result is detention or restraint that bypasses trial, the presumption of innocence and the ordinary criminal process. Article 22 provides procedural floors, and the BNSS, like the CrPC before it, sets out conditions, but safeguards on paper mean little without reasoned orders, time limits and appellate scrutiny.

The legitimate kernel remains: a magistrate must be able to act when violence is genuinely imminent. The task is to separate that narrow, evidence-based use from the routine, coercive misuse, by insisting that every order disclose the specific threat, the evidence and the proportionality of the restraint imposed.

CONCLUSION

Preventive power is a scalpel, not a club. Reasoned orders, affordable bonds, quick review and accountability for misuse would let it protect the peace without trampling the liberty it is meant to defend.

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