

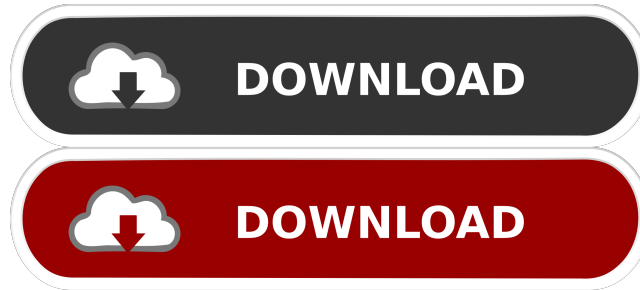
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A.S.K. Patnaik. Ms. Nandini Poddar. Dr. Pratapaditya Chatterjee. Pragnya Banerjee, Assoc. Prof. & Mr. S.C. Banerjee. New Delhi:Govt. Of India vide their letter addressed to the Secretary-General of United Nations dated 27.3.2007 printed the articles that are not only against the supremacy of the state but also against its freedom to exist and to defend herself. As per Article 14

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of the Constitution.2. One of the major tenets of the Constitution is: No person shall be deprived of his life or personal liberty except in accordance with the procedure established by law;11. This means that the state shall not take any action against an individual that is disproportionate to the threat posed to him or her by the individual in question. 18. In addition, there is provision for general rules that shall not be in conflict with this right, and such rules may be laid down by the President by means of rules to be issued from time to time by the Council of Ministers or such other authority as may be provided for by law;12. This allows the Government to pass laws by public notice. Such regulations may, if they are consistent with the purpose of the law, be made in any manner specified by the legislature.13. Even the Government is not above the constitution and the rule of law. 19. To provide for the time within which a person may be deprived of his life or personal liberty, the legislature may provide that such a person shall be held to have been deprived of his life or personal liberty if, and only if, that person has not been brought to trial within the period of two years from the end of the time within which he would, if he was so deprived of his life or personal liberty, have been entitled to be brought to trial.14. In this way, the concept of “time in custody” in our constitution is similar to the rules laid down by the Supreme Court for bail in Article 102 of the Criminal Procedure Code. 20. Here too the law of detention does not apply to any person who is lawfully detained for trial in a court of competent jurisdiction. However, Article 102 goes on to specify that in addition to the rules provided for in the section, “if in any other circumstances, it is reasonable to permit the accused to remain in detention, the accused may be kept in detention for such a reasonable

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