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Q77

Consider the following statements : 1. According to the Constitution of India, the Central Government has a duty to protect States from internal disturbances. 2. The Constitution of India exempts the States from providing legal counsel to a person being held for preventive detention. 3. According to the Prevention of Terrorism Act, 2002, confession of the accused before the police cannot be used as evidence. How many of the above statements are correct? (a) Only one (b) Only two (c) All three (d) None Official key: B.

UPSC Civil Services Prelims 2023 · General Studies · 2 marks · Polity and Governance

Indian Constitution, polity, rights, governance - Prelims GS Paper I.

Explanation

(a)

Only one. Two statements hold.

(b) Official key

- **Only two. Article 355:** Union duty to protect States from internal disturbance. Preventive detention is carved out of the **Article 22(1)** counsel right. POTA allowed police confessions as evidence - so statement 3 is false.

(c)

All three. POTA's confession clause is the opposite of statement 3.

(d)

None. 355 and the PD counsel carve-out stand.

Summary

Official key is (b) only two. **Article 355** requires the Union to protect States against internal disturbance. **Article 22(3)** drops the 22(1) right to counsel for preventive detention. **POTA, 2002**, made confessions to police admissible - so statement 3 is wrong.

Related possible facts

These can be asked in a future Prelims paper.

Article 355

Union duty to protect every State against external aggression and internal disturbance.

POTA, 2002

Repealed 2004; police confessions were admissible - unlike ordinary CrPC.

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