BALANCING FUNDAMENTAL RIGHTS AND NATIONAL SECURITY: A CONSTITUTIONAL ANALYSIS

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ABSTRACT

The protection of national security that is accompanied by constitutional rights protection is one of the main problems of democratic societies. Freedom of speech, personal liberty and privacy are some of the fundamental rights codified in the Constitution of India. However, these rights will be reasonable limited to the interests of sovereignty, integrity, security of the State and well-being of the people. The current article criticises the legal and constitutional construct that balances the individual freedoms and the national security. It compares past and present jurisprudence- both colonial preventive detention laws and landmark cases as in the case of Maneka Gandhi and cases that have been before the People's Union of Civil Liberties and Puttaswamy, Shreya Singhal and Anuradha Bhasin and contrasts the same with extraterritorial experiences, especially with the U.S. PATRIOT Act and European data-retention cases. The study indicates that the scope of the individual rights has undergone a continuous increase in that courts have demanded that the restrictions be not only fair and just but also reasonable and have utilised proportionality tests. However, there are new pressures in the form of digital spying, pre-emptive detention and internet disconnections which highlights the ongoing frictions. National-security practises should be clear to maintain legitimacy and ensure judicial checking and balancing them and good procedural protection.

Keywords: Fundamental rights; national security; preventive detention; privacy; proportionality; constitutional law; India.

Introduction

Democratic constitutions are constructed to protect personal liberty but to have a machine of government that is capable of ensuring security among the populace. Article 19 As a fundamental right, freedom of speech, assembly, and association is codified in Part III of the Constitution in India, under Article 25 through to Article 28[1]. Article 21 The right to life and personal liberty is contained in Article 25 of the Constitution of India in Part III. The rights are, however, not unlimited in that Article 19(2) allows the State to make reasonable restrictions on the rights to expressive freedoms to safeguard the security of nations, their order, decency and morality. Similar national-security laws, especially preventive detention laws, counter-terrorism laws and surveillance systems also give a power to the State to limit freedom[2].

This study uses a doctrinal and comparative analytical approach where the historical antecedents of national-security statutes are first considered in the context of constitutive constitutional jurisprudence which has been used to inform modern arguments. It then examines the majority decisions of the Supreme Court to clarify how this judicial branch of government interprets basic rights. A comparative study thereafter outlines the way external jurisdictions, i.e. the PATRIOT Act of the United States, European data-retention case law, and policy tools of the United Kingdom, address similar issues. The issue also ends with an evaluation of existing problems, such as the digital spyware Pegasus, preventive detention according to the National Security Act, mass internet shutdowns, and inconsistencies in the determination of bail, and a list of specific reform proposals[3].

Constitutional Framework: Fundamental Rights and Their Restrictions

In India, the civil and political rights are broadly guaranteed by the Indian Constitution. Article 19 safeguards six liberties, namely, Speech and expression, Assembly, association, movement, residence and profession, whereas Article 21 states that no human being should be deprived of life or personal liberty without a procedure formulated by the law. The basic rights can be enforced against the State either in the Supreme Court or the High Courts by way of writ petitions (Articles 32 and 226). But reasonable restrictions are approved by the Constitution, as well. Article 19(2) in particular states that the freedom of speech could be restricted in the

[1] India Const. art. 19.
[2] Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 S.C.C. 1 (India).
[3] Anuradha Bhasin v. Union of India, (2020) 3 S.C.C. 637 (India).

name of protecting the sovereignty and integrity of India, the security of the State, friendly relations with the foreign States, public order, decency or morality, and the prevention of contempt of court, defamation and incitement to an offence[4].

Article 21 has not directly touched on the national security, but the authority to deny liberty by means of procedure instituted by law is one that has been employed to justify preventive detention and surveillance. This was pre-emptively judicial interpretations including A.K. Gopalan v. State of Madras (1950), the read Article 21 in limited terms and it was held that the procedure so far as there was a law, did not necessarily require being fair and reasonable[5]. The Supreme Court affirmed the Preventive Detention Act and decided that no due process safeguards were used in the Article 21.

Reasonable restrictions have created a lot of jurisprudence. The Court in State of Madras v. V.G. Row (1952) said that reasonableness should be determined by weighing the right and the restriction to look at aspects like the nature of the right, the purpose of the restriction and the proportionality between the two[6]. In later times, the Court shifted its position of a legislative procedure being sufficient to a substantive test of fairness. In Maneka Gandhi v. Union of India (1978), a seven-judge bench overturned this case and predicted that the process of deprivation of life or liberty has to be fair, just, and reasonable; similarly, a law that prohibits individual liberty has to meet the mandates of Articles 14 and 19[7].

This approach was upheld by the Supreme Court in K. S. Puttaswamy v. Union of India (2017), the recognition of privacy as an inherent aspect of the right to life and personal liberty by a nine-judge bench was made[8]. The Court stated that any violation of privacy should be subject to the tests of legality, necessity and proportionality[9]. Justice Chandrachud observed that the goal of establishing a legitimate state is not enough, but one must limit it in strength to the risk and have the opportunity to be subject to procedures. This ruling adjusted the Indian constitutional law to international human rights.

[4] India Const. arts. 19, 21, 32, 226.
[5] A.K. Gopalan v. State of Madras, A.I.R. 1950 S.C. 27 (India).
[6] State of Madras v. V.G. Row, A.I.R. 1952 S.C. 196 (India) (test of "reasonableness" under Art. 19 restrictions).
[7] Maneka Gandhi v. Union of India, (1978) 1 S.C.C. 248 (India).
[8] Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 S.C.C. 1 (India).
[9] Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 S.C.C. 1 (India).

Historical Context: Colonial and Early Post-Independence Laws

The British colonial rule had a legacy of suppressive security laws. The Rowlatt Act of 1919 gave the authorities the powers to arrest and detain a person without warrant or trial, suppress press freedom, and sentencing a case without having a jury before a special tribunal. It required the government to demand bonds as collaterals to good behaviour, warrantless searches were sanctioned and mass protests were frenzied, leading to the invitation by Gandhi of a hartal[10]. Because of its draconian provisions, Indians referred to it as the Black Act. In 1870, the British had also passed Section 124A of the Indian Penal Code (sedition) to try the words that provoked a feeling of disloyalty to the government[11].

The initial constitutional objection to preventive detention occurred in the case of A. K. Gopalan. The Supreme Court defended the Preventive Detention Act, where liberty was ruthlessly suppressed, by saying that Article 21 only required that the statutory procedure be used. This ruling allowed the government to detain people without trial so long as there was a law. The law permitted up to one year imprisonment at the discretion of the executive and the detainees were not frequently told the reason they were imprisoned. The case represents how the state of post-colonialism puts security above that of individual rights[12].

The conflict between rights and security got worse in the Emergency of 1975-77. In ADM Jabalpur vs. Shivkant Shukla (1976), the Court decided that the right to habeas corpus could be suspended in case of an Emergency in Article 359[13]. The Court by a majority of 4-1 found that the citizens had no right to challenge illegal detentions in case the executive proclaimed an Emergency. The dissent fronted by Justice Khanna was widely well-known and it said that even in an Emergency, individual liberty is the core of human rights. This ruling has received much criticism and has been later overruled as the Puttaswamy bench decided that life and personal liberty was primordial and could not be suspended.

The section is still current in the statute books, but has been construed by the courts to be of limited effect, namely in section 124 A (sedition). The Supreme Court upheld constitutionality of sedition in the case of Kedar Nath Singh vs. State of Bihar (1962) with the exception that they will be applied on acts that incite violence or are more inclined to bring disorder in the

[10] Rowlatt Act, 1919, No. 1 of 1919, Acts of the Indian Legislature
[11] Indian Penal Code, 1860, § 124A, No. 45 of 1860, India Code.
[12] A.K. Gopalan v. State of Madras, A.I.R. 1950 S.C. 27 (India).
[13] ADM, Jabalpur v. Shivkant Shukla, (1976) 2 S.C.C. 521 (India).

population[14]. Any attack on the government however forceful is therefore not sedition unless it is an incitement to violence.

Judicial Evolution: Expanding Rights and Ensuring Accountability

This ushering in of Gopalan to Maneka Gandhi was a turning point in constitutional jurisprudence. The Supreme Court ruled that any law that takes away life or liberty of an individual must be reasonable, fair and just and thereby the Indian legal system was to encompass the substantive due process[15]. This declaration broadened the scope of Article 21 and necessitated that any limitations be met by the guarantees of Articles 14 and 19 as well. It determined that procedural protections along with rationality are necessary even regarding the issues related to national security, and the doctrine has been implemented in later cases on various security laws.

In the case of People's Union for Civil Liberties (PUCL) v. Union of India (1997) touching on telephone tapping pursuant to the provision of section 5(2) of the Indian Telegraph Act, the Court acknowledged that the right to privacy of telephone conversations was an aspect of the wider right to privacy and tapping was a severe encroachment on the privacy of an individual[16]. The Court noted that the legislation had no procedural protection and stressed that any interception should be applied in the cases of public emergency or public safety and it was a reasonable limitation[17]. The statute was not struck down but the Court provided a list of guidelines: only the Home Secretary has the authority to order intercepts, orders should specify the reasons; each should last two months (renewable to six months); the records should be well kept; any intercepted information should be destroyed after use; the compliance should be reviewed by committees.

In K.S. Puttaswamy (2017), the Supreme Court, by a unanimous decision, has determined that privacy is a right. As part of the ruling, it was stressed that privacy is inherent to life and liberty and must be necessary to exercise the other freedoms; every limitation must meet a four-pronged test, i.e. there must be a law; the law must serve a legitimate purpose; the measure must be reasonable; and the process must include procedural protection. The Court relied on

[14] Kedar Nath Singh v. State of Bihar, A.I.R. 1962 S.C. 955 (India) (speech vs public order; narrowing).
[15] Maneka Gandhi v. Union of India, (1978) 1 S.C.C. 248 (India).
[16] Indian Telegraph Act, 1885, No. 13 of 1885, India Code.
[17] People's Union for Civil Liberties (PUCL) v. Union of India, (1997) 1 S.C.C. 301 (India) (telephone tapping guidelines).

the comparative jurisprudence and international human rights instruments that the constitutional provisions are to be interpreted in harmony with them. It proposed a data protection regime that meets the needs of the individuals and justifiable state interests and emphasised that privacy should not be sacrificed on the alter-egos of security.

In the case of Shreya Singhal considered above, the court held in favour of free speech by striking down vague and over broad restrictions[18]. The Court observed that the Article 19(2) did not apply to protect Section 66A of the Information Technology Act since annoyance or inconvenience were not acceptable reasons to suppress speech. It also emphasised that an opening should be very specific and that the ambiguity of laws regulating speech is fatal. The ruling shows the judicial awareness of the critical role of digital spaces to the democratic discourse and cannot be subject to the unclear clauses of national security.

In Anuradha Bhasin v. Union of India (2020) tackled the issue of internet shutdowns legality in Jammu & Kashmir in the case of the abrogation of Article 370. It has made clear that the freedom of speech and the freedom of practising any profession across the Internet will be safeguarded according to the Articles 19(1)(a) and 19(1)(g)[19]. The Court declared that any disruption of the internet services should meet the proportionality test and be limited in time. It stressed the fact that indefinite shutdowns contravene the due process and instructed the government to review such orders at regular intervals. Even though the ruling was celebrated, commentators point out that the orders issued to close down afterward were usually not transparent and thoroughly reviewed, which means that the implementation was problematic.

The use of the Pegasus spyware, which was covered in the case of Manohar Lal Sharma v. Union of India (2021) made digital surveillance to be under focus. The petitioners claimed that NSO Group of Israel created Pegasus that had been used to hack the phones of journalists, activists, and politicians[20]. The government neither confirmed nor refuted these claims invoking national security. The Supreme Court affirmed that national security could not be used as an umbrella defense to avoid the judiciary review and emphasized that any limitation on privacy should meet the Puttaswamy test. It established a technical committee to research and provided that the State must establish that secrecy is essential[21]. As indicated in the case, the

[18] Shreya Singhal v. Union of India, (2015) 5 S.C.C. 1 (India).
[19] Anuradha Bhasin v. Union of India, (2020) 3 S.C.C. 637 (India).
[20] Manohar Lal Sharma v. Union of India, W.P. (C) No. 314 of 2021 (Sup. Ct. Oct. 27, 2021) (India).
[21] Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 S.C.C. 1 (India).

courts demand that the surveillance process should be transparent, legally authorised and that the body overseeing the process must be independent.

The laws of preventive detention allow the State to incarcerate suspects without trial because they are believed to be dangerous to the well-being of people or the national security. The National Security Act (NSA) 1980 of India allows one year of detention and arrest without showing evidence[22]. Opponents note its broad reach and abuse: detainees are frequently not notified of the reasons as to why they have been detained, judicial review is limited, and the law is also used in places quite unrelated to national security. In 2017, statistics show that 501 individuals were detained through the NSA, 697 in 2018, and at least 483 in 2021, and this indicates a growing dependence on preventive detention. The government appoints the Advisory Board which reviews the detentions casting doubt on its independence, and the detainees do not have the right to be represented in the process at all. Such systemic weaknesses destroy the liberty and due process right.

The Indian counter-terrorism legislation as well as the Unlawful Activities (Prevention) Act (UAPA) and the Prevention of Money Laundering Act (PMLA) also encroach upon individual freedom. Recent scholarship observes that there is a rule of bench where the results in bail applications are dependent on the bench figure other than dependable principles[23]. The Supreme Court has ruled to give bail on the basis of long custody but denied on similar facts on similar grounds thus creating uncertainty. This inconsistency weakens the predictability of the working of the law and tends to indicate that national security narratives tend to override the rights of the individual.

In spite of the fact that the Kedar Nath case reduced sedition to incitement to violence, the clause is still contained in the statutes books and is often quoted. The terms of Section 124A are so wide that one can be arrested by the police because of a speech or a post made on social media that is critical of the government. Opponents believe that sedition is a colonial heritage that punishes the opposition and goes against the principle of democracy. It has been proposed to be repealed by law commissions and was in 2022 agreed by the Supreme Court to reconsider the provision while staying any pending cases. Nevertheless, the law is still in force and is

[22] National Security Act, 1980, No. 65 of 1980, India Code.
[23] Unlawful Activities (Prevention) Act, 1967, No. 37 of 1967, India Code.

prosecuted as of 2026[24].

Comparative Perspectives: Balancing Rights in Other Jurisdictions

United States: The PATRIOT Act and mass surveillance

The USA PATRIOT Act was developed to increase surveillance capabilities in the United States after the 11 September 2001 attacks. This was through Section 215, which enabled the National Security Agency (NSA) to intercept metadata of millions of American telecommunications[25]. Civil-rights organisations argued that the statute caused all citizens to be presumptive suspects and therefore not specific. In 2015, the U.S Court of Appeals second Circuit declared the programme illegal and emphasised that mass data collection is not a deterrent to attacks. The resultant outrage led to the USA Freedom Act that capped large-scale collection. The U.S. practice shows that emergency laws can expand the executive authority, but strong judicial control, and the opposition of the people can help to re-establish the privacy protection.

United Kingdom and European Union: Proportionality and data retention

Proportionality in European systems of constitutions is more explicitly anticipated in the future. In the Digital Rights Ireland case, the Court of Justice of the European Union (CJEU) ruled that the Data Retention Directive of 2006 is invalid, arguing that in the context of communication data retention the general and indiscriminate retention of the data is a violation of the fundamental principle of privacy[26]. The CJEU in Tele2/Watson (2016) reiterated that mass retention of data is not justifiable in the context of the democratic society but approved of targeted retention in case of major criminal investigations. The case of 2020 La Quadrature du Net authorised widespread retention only in those situations, where the threats are considered to be serious in the interest of national security, and that the retention should be time-limited and effectively reviewed[27]. These court rulings are consistent with the Puttaswamy proportionality model and highlighted a change towards restrictive intrusive surveillance.

[24] Kedar Nath Singh v. State of Bihar, A.I.R. 1962 S.C. 955 (India).
[25] ACLU v. Clapper, 785 F.3d 787 (2d Cir. 2015) (U.S.).
[26] Digital Rights Ireland Ltd. v. Minister for Commc'ns, Joined Cases C-293/12 & C-594/12, [2014] E.C.R. I-0000 (C.J.E.U.).
[27] La Quadrature du Net v. Premier Ministre, Joined Cases C-511/18, C-512/18 & C-520/18, [2020] E.C.R. I-0000 (C.J.E.U.).

Comparative observations

Comparative analysis of India as compared to other jurisdictions identifies common issues. Both the U.S. and EU structures reveal the conflict between the need to ensure security and the right to privacy, but focus on judicial control and accountability. The constitutional jurisprudence in India has increasingly developed a proportionality approach, but is often behind in terms of legislative and executive realisation. In addition, the existing data protection regimes within the U.S and the EU are established, but the upcoming data protection bill in India makes the protection of privacy unpredictable. Based on the experience of other countries, it might help India to formulate laws that do not conflict with civil liberties and security goals.

Contemporary Challenges and Issues

Technology has greatly expanded the surveillance ability of the sovereign states. When in India, it was reported that Pegasus spyware might have been used on hundreds of people, it highlights the dangers of massive surveillance. The Supreme Court in the case of Manohar Lal Sharma made it clear that national security should not be used as an excuse to avoid judicial review and demanded that the principle of proportionality be followed to the letter[28]. However, there is no specific surveillance law in India, the interrogations are carried out based on the old laws like the Telegraph Act and Information Technology Act, both of which have inadequate protection. The lack of parliamentary control and the lack of independent review committees make it easy to abuse. Without proper procedural guidelines, digital surveillance is a menace to privacy and it chills free expression.

The executive branch still has the power of the doctrine of preventive detention. The National Security Act allows the detention within the period of 12 months based on acting in any way that is averse to national security. There is no evidence presented to the detainees and even the Advisory Board that is supposed to examine the detentions is appointed by the government compromising its independence. According to statistical data, more people are being deployed on the Act and hundreds of individuals are being detained every year. Some of the criticisms of the Act are that it is too broad, it is misapplied in cases of political dissidents, there is no judicial review and that the detainees are not told of the actual reasons as to why they are in

[28] Manohar Lal Sharma v. Union of India, W.P. (C) No. 314 of 2021 (Sup. Ct. Oct. 27, 2021) (India).

detention. The unreliability of the detention period and a lack of access to any legal services contradict Article 21 on the right to personal freedom.

Internet shutdowns are the highest in India as compared to any other democracy. Governments use the excuse of preventing violence or keeping the social order to justify such shutdowns. Anuradha Bhasin tried to make sure that this kind of suspensions follows the principle of proportionality and is limited in time, but the new orders are often not transparent. Long term closures hamper learning, health, reporting and business[29]. The lack of clear guidelines concerning the timing, and methodology of internet shutdowns allows executive overreach, and thus the defiance of the rights of Articles 19 and 21.

Attempts to control online content on the basis of national security have grown much common. The social media firms are required to censor down posts that are offensive, threatening and deceptive. Although reducing the terrorism and hate speech is a valid issue, blanket takedown orders threaten to cut out valid criticism. Shreya Singhal made it clear that the restrictions should be specific and limited in the grounds of Article 19(2)[30]. The suggested laws that demand that messages have to be tracked may undermine end-to-end encryption and jeopardise the privacy of users. Accordingly, a clear and right-conscious structure is invaluable.

Counter-terrorist cases often contain lengthy deliberations. The pre-trial detention can be further extended because courts can refuse bail based on the accusation of national security alone. Analysts note that the application of bails by the UAPA and PMLA has a significant difference in decisions based on the bench[31]. The Supreme Court has in certain cases bailed on the basis of long detention and in other similar cases denied the bail. Such disparity undermines the right to liberty and equality and may be used to persecute non-conformers without a conviction.

Recommendations for Harmonising Rights and Security

The Seduction Act (124A) must be repealed or amended so that an identified offence is created of incitement to violence exclusively. The colonial Rowlatt Act and legislation of preventive detention depict how large-scale security authority can easily repress. Similarly, the existing

[29] Anuradha Bhasin v. Union of India, (2020) 3 S.C.C. 637 (India).
[30] Shreya Singhal v. Union of India, (2015) 5 S.C.C. 1 (India).
[31] Unlawful Activities (Prevention) Act, 1967, No. 37 of 1967, India Code.

sections of the National Security Act ought to be either eliminated or to be greatly modified. The reforms may involve cutting the duration of detention, the clear demonstration of reasons, as well as allowing a detainee to have an attorney present at the Advisory Board. Even at its inception, there must be judicial review, and the independent judges, and not executive appointees, should be in charge of review boards.

India ought to introduce a robust data protection law in line with the Puttaswamy judgement. The law should require that surveillance should be statutorily authorised, driven towards a justifiable cause and should be necessary and reasonable in addition to having procedural protections. Surveillance requests should be monitored by independent oversight bodies that are made up of representatives of the judiciary or parliament. Based on EU jurisprudence, indiscriminate data retention is not to be allowed and retention must only be made under certain emergencies, and limited to a strict time constraint. The issue of transparency may be improved by publishing the annual statistics of interception.

Even though Anuradha Bhasin put forward a proportionality framework, it is imperative to have corresponding guidelines put to practise. The law must require that the shutdown orders must state reasons, time frame and geographical area and that they need to be open to inquiry by other organisations. Consultations with the people and cheques by parliament can make sure that shutdowns are used as the last strategy. The economic loss caused by arbitrary shutdowns should also be compensated by the law and net neutrality must also be insured.

The national security cases should apply a uniform approach in the granting of bail by the courts. Detention should still be an exception and not a rule; factors like seriousness of the crime, evidence of involvement, risk of flight, risk of tampering and duration of pre-trial detention must be used in order to determine the decisions. The Supreme Court may provide guidelines or practise guidelines to make the courts align the considerations of bails. In the case of preventive detention, there should be a statutory period of review and that the continuation of the grounds should be subject to questioning by the court. The long-held detention without trial is supposed to be deemed excessive and should be released immediately.

Government agencies are supposed to come up with transparency reports that show annual figures and nature of the surveillance orders. These should be audited by a parliamentary committee or a data protection authority in order to determine adherence to privacy regulations. Citing the issue of national security, the agency is required to prove to an autonomous judge

that the action is reasonable and justified. In line with the Shreya Singhal case, limits should be strictly specific and should not in any way deter the lawful speech. Whistle-blower protection may enable the individuals to report illegal surveillance without the urge of being prosecuted.

Conclusion

The balance of protection of the basic rights and national security is a constant challenge in constitutional jurisprudence. The history of India shows that since the time of the colonial oppression, India has been evolving towards constitutionalism, then to the broader understanding of the rights of individuals. In a bid to measure restrictions, the judiciary has increasingly narrowed in on evaluative norms like fairness, reasonableness, and proportionality. Making strides in the law, judgments would be made against Maneka Gandhi, PUCL, Puttaswamy, Shreya Singhal and Anuradha Bhasin that would support liberty and privacy. However, the laws of national security like the National Security Act (NSA), sedition laws and the Unlawful Activities (Prevention) Act (UAPA) are prone to misuse. Use of digital surveillance, internet blocks, and irregular determination of bails are some of the examples of ongoing tensions. A government that honours rights and provides safety requires the discarding of old laws, the introduction of wholesome privacy laws, standardisation of the bail procedures, and the creation of autonomous cheques. It is in the interest of India to implement transparency and proportionality that ensures that, at the same time, the security imperatives are maintained without violating the inherent rights that form the foundation of the constitutional democracy in India.

References:

1. ACLU v. Clapper, 785 F.3d 787 (2d Cir. 2015) (U.S.).
2. ADM, Jabalpur v. Shivkant Shukla, (1976) 2 S.C.C. 521 (India).
3. Anuradha Bhasin v. Union of India, (2020) 3 S.C.C. 637 (India).
4. Code of Criminal Procedure, 1973, No. 2 of 1974, India Code. (NEW)
5. Digital Rights Ireland Ltd. v. Minister for Commc'ns, Joined Cases C-293/12 & C-594/12, [2014] E.C.R. I-0000 (C.J.E.U.).
6. India Const. art. 19.
7. India Const. arts. 19, 21, 32, 226.
8. Indian Penal Code, 1860, § 124A, No. 45 of 1860, India Code.
9. Indian Telegraph Act, 1885, No. 13 of 1885, India Code.
10. Information Technology Act, 2000, No. 21 of 2000, India Code. (NEW)
11. Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 S.C.C. 1 (India).
12. Kartar Singh v. State of Punjab, (1994) 3 S.C.C. 569 (India). (NEW)
13. Kedar Nath Singh v. State of Bihar, A.I.R. 1962 S.C. 955 (India).
14. La Quadrature du Net v. Premier Ministre, Joined Cases C-511/18, C-512/18 & C-520/18, [2020] E.C.R. I-0000 (C.J.E.U.).
15. Maneka Gandhi v. Union of India, (1978) 1 S.C.C. 248 (India).
16. Manohar Lal Sharma v. Union of India, W.P. (C) No. 314 of 2021 (Sup. Ct. Oct. 27, 2021) (India).
17. Modern Dental Coll. & Rsch. Ctr. v. State of M.P., (2016) 7 S.C.C. 353 (India).

18. National Security Act, 1980, No. 65 of 1980, India Code.

19. People's Union for Civil Liberties (PUCL) v. Union of India, (1997) 1 S.C.C. 301 (India).

20. Prevention of Money Laundering Act, 2002, No. 15 of 2003, India Code. (NEW)

21. Rowlatt Act, 1919, No. 1 of 1919, Acts of the Indian Legislature.

22. Shreya Singhal v. Union of India, (2015) 5 S.C.C. 1 (India).

23. State of Madras v. V.G. Row, A.I.R. 1952 S.C. 196 (India).

24. Tele2 Sverige AB v. Post-och telestyrelsen, Joined Cases C-203/15 & C-698/15, [2016] E.C.R. I-0000 (C.J.E.U.). (NEW – replaces your Tele2 reference in proper CJEU form)

25. U.N. Human Rights Comm., General Comment No. 34, U.N. Doc. CCPR/C/GC/34 (2011).

26. U.N. Human Rights Comm., General Comment No. 35, U.N. Doc. CCPR/C/GC/35 (2014).

27. Unlawful Activities (Prevention) Act, 1967, No. 37 of 1967, India Code.

28. USA PATRIOT Act, Pub. L. No. 107-56, 115 Stat. 272 (2001).

29. USA FREEDOM Act, Pub. L. No. 114-23, 129 Stat. 268 (2015).

30. A.K. Gopalan v. State of Madras, A.I.R. 1950 S.C. 27 (India).

31. Naga People's Movement of Hum. Rts. v. Union of India, (1998) 2 S.C.C. 109 (India).

32. Zahira Habibulla H. Sheikh v. State of Gujarat, (2004) 4 S.C.C. 158 (India).

33. Minerva Mills Ltd. v. Union of India, (1980) 3 S.C.C. 625 (India).

34. Kesavananda Bharati v. State of Kerala, (1973) 4 S.C.C. 225 (India).

35. International Covenant on Civil and Political Rights, Dec. 16, 1966, 999 U.N.T.S. 171.