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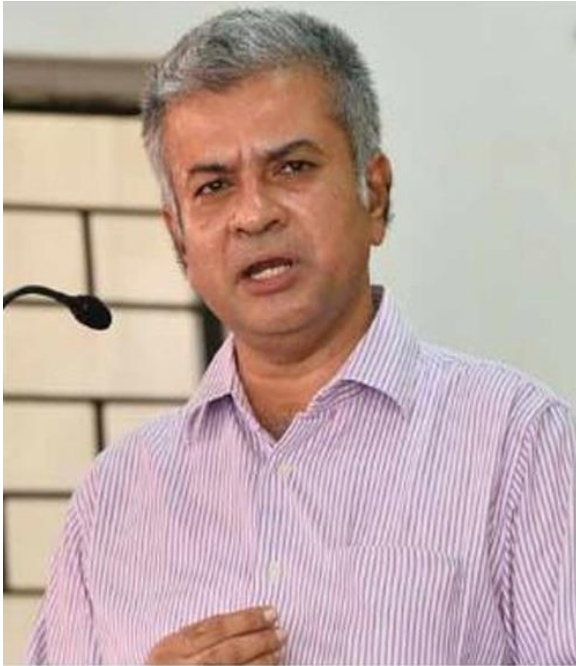
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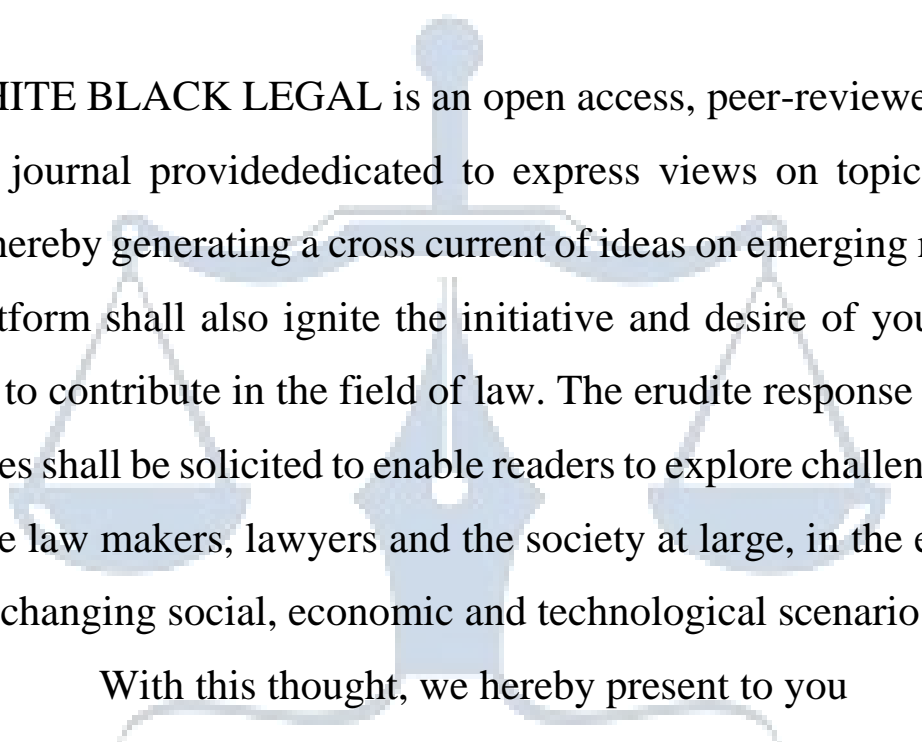


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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

W H I T E B L A C K
L E G A L

RIGHTS OF ARRESTED AND DETAINED

PERSONS: AN EMPIRICAL STUDY IN DELHI

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ABSTRACT:

The Indian Constitution's fundamental rights provide the framework under which the Indian Criminal Justice System (CJS) functions. These rights safeguard people from arbitrary imprisonment and power abuse, and they apply to anyone who is arrested and held by law enforcement. This essay explores the legal protections afforded to individuals who have been arrested and placed under custody under the CJS, emphasizing their entitlement to legal representation, notification of the reasons for the arrest, and timely appearance before a magistrate. It also looks at the freedom from torture and other harsh, inhuman, or degrading punishments, the restriction against self-incrimination, and the right to bail. The paper emphasizes the role of the judiciary in upholding these rights and ensuring the fair and just administration of justice with the help of doctrinal and non -doctrinal research methodology

KEYWORDS:

Indian Criminal Justice System, Fundamental Rights, Constitutional Safeguards, Legal Practitioners, Protection against Self-Incrimination, Indian Judiciary

1. INTRODUCTION

Arresting someone and placing them in custody is the act of doing so when it is believed that the person is either doing or preparing to commit a crime. Following their arrest, the subject will likely face additional questions and/or charges. In a criminal judicial system, an arrest may be a procedure. The authority to make arrests has been granted to the police and other officers. A citizen may arrest someone in certain situations. For instance, in England and Wales, an individual may detain ""Anyone who he has solid evidence to believe is guilty of, possess the intent to commit, or have already committed, an indictable offense," though there are prerequisites that must be met before doing

so.

Indian law states that there is no requirement for formality for making an arrest¹. Anyone is able to make the arrest, a police officer or a Magistrate. An arresting police officer is not required by law to handcuff the subject of the arrest. There are three basic pillars in the Indian Constitution i.e., executive, legislature and judiciary. If a person commits crime, the executives are the persons who caught hold over him i.e., police officials. The agency of police plays a vital role in implementing laws and preventing their violation and thereby maintaining the peace and order in the society. Sometimes, police in the course of their duty, arrest and detain some persons or an individual upon whom they have suspicion and who also reflects to be anti- social elements. The agency of police has been appointed for safeguarding the members of the society against any violation of laws which hinders the harmony and public tranquility. Arrest and detention by the police should always be done in strict compliance with the due process of law which is also mentioned in the Constitution of India. Judiciary interprets the procedure to how he will be punished for the wrong and his rehabilitation in society again.

The accused is presumed to be innocent till he's found guilty, i.e., "the presumption of innocence"² of accused which is one of the basic tenets of our legal system. That the person has some inviolable rights, though he is charged with or he is an accused in any matter. Such rights are at the time of his arrest, search and seizure, and during his trial for which he was charged and also the like.

Accused persons have been ensured certain rights in India. The basic logic behind giving these rights is that the government has to provide justice to the person whether he was an accused or the prosecution. An accused has some rights during the course of interrogation, enquiry or trial of an offence (for which he's charged) so as to provide him the protection against the illegal or arbitrary detention. The court should be vigilant to determine the powers conferred on the police aren't abused for personal benefits as Police have given wide powers in their hand to arrest, without visiting magistrate, any individual under Cognizable offence. The procedure by which a state or private individual properly detains a person by taking away their freedom or liberty at that particular moment is known as detention. This may be the result of (pending) criminal charges that the prosecution has preferred against the person, or it may be done to safeguard a person or piece of property. When someone is imprisoned, they may not always be sent to a specific location (sometimes referred to as a detention center), where they will be questioned or punished for a crime (see prison). Nobody shall be held in arbitrary arrest, detention, or exile," according to the provision.

¹ Shri D.K. Basu, Ashok K. Johri vs State of West Bengal, State Of U.P" SCC Online.

² Criminal Justice system.

1.1 STATEMENT OF PROBLEM

The abuse and oppression of the rights of accused, arrestees, detained persons were not novel in prehistoric India. In the contemporary welfare state age, the idea of a totalitarian state seems alien given the widespread international acceptance of human rights. The accused and the person in custody are still unaware of their rights, and this is also true for the broader public.

The process has become cumbersome for the wrongdoer which it should not be as per the process established by the statutes. Person illegally, arbitrarily arrested by the police; Persons detained by police without filing any complaint or the undertrial prisoners or convicts in jail keep on lingering for their speedy disposal of cases. There being several procedures in our procedural statute which though being the rights of accused, convicts or under trials but yet are not availed to them. Furthermore, the concept of Bail in bailable offence, premature release, furlough, or parole are the rights of prisoners granted on reasonable grounds which are sometimes without any strong reason are being denied or refused to them. This dissertation aims at discussing the provisions which are there for the arrested persons and the rights which they can exercise during their arrests or illegal arrest and detentions in the Indian criminal justice system.

1.2 OBJECTIVES

To Trace the constitutional Provisions for protection of arrested and detained persons in India

To examine the legal safeguards for protection of arrested and detained persons in India

To study the international conventions for arrested and detained persons.

To collect and analyses the data relating to problems faced by the arrested and detained persons in Delhi

1.3 METHODOLOGY

The study is doctrinal in nature and the sources are secondary sources conducted on various books by different authors and articles published in various journals, available in various libraries, law journals and case law and on internet etc. The main source of information and knowledge for the topic shall be the books, journals, magazines by different legal experts and scholars. Articles have been published in standard newspapers by distinguished writers and they may also be a source among the many sources. It is worldwide problem and the effort will be to reach the literature concerning this topic among others sources may be the inputs by government records of the debates in the parliament specially the speeches of the national leaders, efforts of NGO's and contributions made by online study.

In this study, the historical, comparative, and analytical methodologies are essentially used. The two primary research approaches—the quantitative method and the qualitative approach—can be used to make the study more analytical, rational, and empirical. The quantitative approach entails collecting quantitative data and rigorously measuring it in a very strict and formal way. This method of conducting research also incorporates simulation, inferential, and experimental approaches. In the meantime, the subjective evaluation of beliefs, actions, and attitudes is a method employed by the qualitative approach.

1.4 LITERATURE REVIEW:

The literature related to the current issue is studied from previous research; published books are the primary sources that are examined in order to determine the opinions and conclusions of previous works.

M.P. Raju, P.O. in "Legal News and Views" represented about the judicial rulings in relation to human rights under the constitution are presented in this article. The aforementioned studies do not address all facets of the accused individuals' human rights in the Andhra Pradesh districts of Rayalaseema. The goal of the current study, *The Human Rights of the Charged: A Sociolegal Analysis with Particular Reference to Andhra Pradesh's Rayalaseema Districts*, is to examine a number of topics, including the socioeconomic circumstances of the accused, human rights violations, and the attitude of the judiciary toward the accused and its implications³.

M.P. Jain has dedicated his time to elucidating the legal meaning of certain Indian Constitutional articles pertaining to fundamental rights. a masterwork of Indian constitutional law that contemporaneously explains the law in great detail and in a tactful manner, as recommended by the Supreme Court. Even though it has a lot of repetition, the legal text and language are on par with the Supreme Court, and the ideas and theories it presents are so clear and easy to understand that even a layperson might understand them⁴.

BHAGWATI.P. N. discussed Human Rights and Democratization of Remedies. In his work, he talks on the Indian context, the growth of civil society, and the accused's human rights⁵.

³ Legal News and Views" volume 20, May 5, 2006.

⁴ Indian Constitutional law (6th Edition, 2010).

⁵ Human Rights Protection and the Provisions of Human Rights under Constitution, Indian Bar Review (1983).

Jain Kapur Rymbai in explained Indian constitutional provisions and the laws pertaining to the arrested individuals are discussed in this book⁶.

Jaishree Jaiswal focuses on the responsibilities and rights of the accused as well as the juvenile. This book examines the various human rights of an accused person and delinquent juveniles, as well as treaties, the United Nations Charter, the Indian Constitution, and other significant criminal laws from the perspective of the accused person. ⁷

Iyer, Krishna V.R. discussed human rights violations and human rights in general. It chronicled incidents of property damage, rape of women in detention, crimes against innocent civilians, and other horrible acts during the period preceding the migration of the peaceful people of southern Bhutan to the eastern hills of Nepal.⁸

2. CONSTITUTIONAL RIGHTS OF ARRESTED PERSON

An accused person is granted two different types of rights: those that are intended to offset his disadvantage, such as the right to remain silent and the right not to be tortured. e.g., the “nulla poena sine lege⁹” the presumption of innocent, among other concepts. These particular rights took on a distinct identity in the criminal justice system, where we encounter inherent human rights as well as rights created for the purposes of natural and fair justice. "The right not to be subjected to torture" might be the most appropriate example of a human right. Similar to the right to life, it is believed that every person has the right to have this recognition, regardless of their circumstances. The assumption of being innocent, the entitlement to an impartial jury trial, natural justice processes, nulla poena sine lege, and the principle of double jeopardy are examples of historical legal systems that have articulated the concepts of fair and natural justice., are more prevalent when it comes to procedural rights. These rights are recognized by specific legislation in most world constitutions. Such laws' fundamental tenet is that no person should be treated a certain way.

However, the whole idea of the right is that respect for them is deemed valuable in and of itself, and once they are recognized in a state's Constitution, it is implied that the right cannot be disassociated only because doing so would benefit the majority of the population by reducing crime. Articles 20,

⁶ Indian Viewpoint on the Human rights of Accused People (BBPM Law Associates, New Delhi, 2001).

⁷ Human rights of adolescent offenders and accused: delinquents in legal trouble (Kalpaz Publications, 2005).

⁸ Human Rights and Inhuman Wrongs (B.R. Publishing Company, New Delhi, 1990).

⁹ The principle against ex-post facto laws.

21, and 22 of the Indian Constitution recognize an accused person's human rights. By including them as basic rights, the intention is to guarantee that specific fundamental rights such as the rights to life, liberty, and the freedom of speech are seen as unalienable under all circumstances and that the country's fluctuating legislative majority does not have unfettered power in interfering with these fundamental rights.¹⁰

2.1 PROTECTION FROM RETROSPECTIVE CRIMINAL LEGISLATION (ARTICLE 20)

A fair trial means that it should be equitable for the prosecution as well as the accused. The presumption, or the accused's presumed innocence, is the first step in every criminal prosecution. Furthermore, a criminal trial should start with and be guided by this fundamental presumption throughout because of the way the code's provisions are written. "A person is not guilty until proven so." Though Article 20(1) forbids the Legislature from passing retroactive criminal laws, a legislature can generally enact both prospective and retrospective laws. It did not, however, forbid the application of civil liability retroactively, that is, beginning on a previous date. Thus, it is possible to apply a tax retroactively. A law that increases the penalty for activities that have already done or that penalizes them retroactively is known as an ex-post-facto statute. Ex-post facto laws penalize for actions that were legal at the time they were taken. "There is no question about the fundamental significance of the idea that ex-post facto laws that create offenses and punish them in the past are terrible and extremely unfair," stated Jagannath Das J.

2.2 PROTECTION AGAINST DOUBLE JEOPARDY

"No one may be punished or prosecuted more than once for the same transgression." It reflects the English Legal Rule "nemo debet bis vexari," It stipulates that no one shall face criminal charges twice for the same conduct and that if he is accused of it again after being found not guilty the first time around, he may use the entirety of his previous acquittal as support.¹¹ Article 20(2) applies only in cases where the individual was both found guilty and found not guilty at the first trial; as a result, the constitutional protection provided by article 20(2) is limited to preventing double conviction. Thus, it is restricted to the autrefois convict plea. The remaining portion of the concept, autrefois acquit, is unconstitutionally left to ordinary law. The Criminal Procedure Code's section 300(1) contains the prohibition against autrefois acquit.

¹⁰ A.K Gopalan v. State of Madras, AIR, 1950 SC 27.

¹¹ Halsbury's, Laws Of England, Vol X, 1955, p.405-406.

2.3 PROTECTION AGAINST SELF-INCRIMINATION

The foundational principle of criminal law that forbids self-incrimination is elevated to the character of a constitutional law by Article 20(3). This guarantee applies to all individuals facing criminal charges and prohibits any kind of pressure intended to force individuals to give evidence against their own will interests. This privilege is enshrined in Article 20(3), which states that: (1) No one who is suspected of a crime is to be regarded as having been "charged of an offense"; (2) it serves as a safeguard against "pressure to be a victim"; and (3) it serves as a safeguard against any "compulsion" that would lead him to admit guilt. A confession given by someone in police custody cannot be used against them unless it was given in front of a magistrate. However, Section 27 states that information provided to the investigator by an accused individual following his arrest.

2.4 INDIVIDUAL LIBERTY AND THE RIGHT TO LIFE (ARTICLE 21)

In the Maneka Gandhi case, the Supreme Court affirmed judgment review by ruling that "Art. 21 has been transformed into a safeguard over arbitrary legislation, as process essentially meant a fair procedure."

Sections 19 and 21 are not impenetrable barriers. However, "personal liberty" is the broadest definition, encompassing a variety of rights, some of which offer additional protection and are included in Art. 19. Thus, in addition to meeting the conditions of Art. 19, a law falling under Art. 21 must also do so. Put another way, if the state passes a law that tends to deny someone their personal freedom, it also has to make sure that the process by which that deprivation occurs is fair, arbitrary, and reasonable.

When a legislation that restricts someone's, personal freedom is deemed unreasonable, it means that the law is unconstitutional if it goes against the principles of natural justice, such as when it allows for the seizure of a passport.

The Art. 21 has reached its destination from North to South Pole, having traveled from Gopalan to Maneka. In subsequent cases, the Court is adhering to the ruling in the Maneka case.

2.5 RIGHT TO INFORMATION REGARDING ARREST GROUNDS (ARTICLE 22)

Nobody may be arrested without providing notice of the charges against them. Indian

Constitution¹² and criminal law¹³ provides sufficiently safeguard for liberty of an accused. He benefits greatly from appropriate notification of the reason for the arrest. It makes him able to promptly prepare for his defense, move the appropriate forum for bail, and meet the requirements for an order of "habeas corpus." ¹⁴

Arrest is the process by which law enforcement takes away an individual's freedom. In a democracy such as ours, the law is extremely protective of each person's right to personal freedom and will not permit the incarceration of any individual without a warrant. The CCP, 1898, Section 60, which notably did not allow for notifying the arrested accused of the causes of arrest, and the term "as soon as may be" utilized contributed to the biggest infringement of this protection. This gave the required time to postpone telling the individual who was detained what led to their detention. Before being prosecuted under the provisions of section 173 of the CCP, the basis for the arrested person's custody was really kept a secret. After the investigation is finished, it must be provided to the accused in copy before being submitted with the court.

2.6 RIGHT TO BE PRODUCED IMMEDIATELY PRIOR TO A MAGISTRATE

According to the Indian Constitution, everyone who has been detained or arrested by an officer is required to show up in court with a magistrate within 24 hours following the arrest. This is a fundamental right that is extremely important since it guarantees that the government cannot detain someone without cause and for as long as it pleases. In addition, the arrestee's appearance before a judge guarantees a judicial review of the arrest's legality. The Code of Criminal Procedure guarantees similar rights as well. ¹⁵

Since there are known cases where someone gets apprehended by law enforcement but the arrest is not noted in the register, it is true that there are occasionally breaches of these rights in actuality. Only when the police choose to present the apprehended individual before the magistrate is the arrest entered into the register. at which point a record is created demonstrating that they complying with the production requirements within a day. However, this violation goes unreported and

¹² Constitution of India, Art.22 (1) "No one who is arrested may be held in detention without being promptly informed of the reasons for their detention, nor may they be refused the opportunity to speak with and be represented by a lawyer of their choosing..

¹³ Section 50, Code of Criminal Procedure, 1973..

¹⁴ S. P. Dwivedi, Procedural Privileges of the Accused 10, Indian Advocate, 1970, p.75.

¹⁵ Criminal Procedure Code, sec.56, 57.

unnoticed because, in most cases, the person who has been arrested is unaware that he is protected from being detained by the police by both the Constitution as well as the law. As a result, He cannot tell the magistrate that his rights have been violated when he is taken before the magistrate. Additionally, the magistrate the arrested person stands before is unwilling to inquire about the length of time the man has been held by the police.

2.7 RIGHT TO BAIL

Bail is the amount used to release an arrested or detained individual while securing their appearance at trial. It's a word that connotes a quantity of money. According to section 436, if the offense committed is one that can be released on bail, It is appropriate for the accused to be freed on bail. Therefore, upon the arrest or detention of an accused person for aailable offense by an officer, if the accused person is willing to post bail at any point while under the officer's custody, the accused person will be released on bond.

If the police deem it appropriate, he may release the individual by providing a personal bond, meaning no guarantees for his appearance, rather than requesting bail from them. release him on bond without the arrested person making any moves. It is not unlawful for police to hold someone in custody if they are not notified of this before being detained.¹⁶

2.8 RIGHTS DURING THE TIME OF ARREST

Three primary techniques are employed by criminal procedure systems worldwide to govern proceedings prior to trial. At one end of the spectrum, the police should be responsible for as is the situation in our system, the pre-trial stage. On the other hand, a magistrate has oversight and supervision over the pre-trial phase. A third option is the one employed in Scotland, where the judicial officer just approves the choice to send the accused to trial; a public prosecutor is in charge of both the police inquiry and the actual prosecution.¹⁷

The extent of police authority and the procedures used in criminal investigations are the primary topics of discussion in the part of the criminal procedure that regulates proceedings prior to trial. The Code of Criminal Procedure, or as amended in 1973, gives our police officers considerable jurisdiction to make arrests. Apart from the authority to make an arrest, the Code grants the police authority to put away an arrested individual on bond, in tandem with the magistrate. However, it is

¹⁶ Bengali Supreme Court and Archivist of Legal Affairs V. Zahir Ali, 37 Cr. L.J. 1070, 63 CAL 189.

¹⁷ The accused: A comparative analysis, by J.A. Coult, British Institute of Global International Law.

unfortunate that in reality, the police do not use their authority to give bail as liberally as the law requires them to. This mindset is the result of numerous intricate variables, all of which will become evident as we investigate further:

2.9 PROVIDING A LONGER JAIL TIME FOR ACCUSED PERSON

The type of crime committed must be taken into account while deciding whether to grant bail for an offense that is not eligible for bail. In the absence of misconduct, an accused person's prolonged incarceration for a serious crime cannot be the only reason to grant release, particularly while the trial is ongoing. In situations where the offenses are not very horrible, it might be one of the justifications.

In a case decided by the Supreme Court, the accused—who was approximately 20 years aged at the time of the crime—was found to have served more than 19 years in prison and was required to spend an additional eight months there. The Sentence Revision of Board postponed the accused's case due to non-availability during his lengthy incarceration.

Therefore, the suspects should be freed on bond if they have been imprisoned for an extended amount of time, which is almost equivalent to the maximum punishment for the offense.

3. RIGHT OF DETAINED PERSON

Accused being detained in the police station before they get arrested is not uncommon. In some circumstances, the suspect is detained and interrogated, and when the police choose to file a report, he is formally arrested and recorded. The person so arrested take advantage of the many legislative protection, only after this formal arrest, guaranteed by sections 56, 57, 436, 167, and 358 under the 1973 Code of Criminal Procedure.

However, on the contrary, a person has a right to seek court intervention through the writ of habeas corpus, to be released from unlawful incarceration, under the Articles 226 and 32 of the Constitution.

On another side the writ of mandamus under the abovementioned Articles, in addition to the High Court's inherent authority as stated in Section 482 of the Code, might be used to seek judicial intervention for an arrest on insufficient grounds. However, these legal protections are only available if someone is aware of the person's unlawful detention and the arrest and

its grounds are properly notified and passed in custody.

This also necessitates providing information to another legal aid agency in the event that no one comes to the detainees' aid. In India, where half of the population lives in poverty and over 95 percent of those unlawfully imprisoned fall into this category, the situation is much more difficult.

3.1 NOT TO BE HELD MORE THAN TWENTY-FOUR HOURS AFTER BEING ARRESTED

When an arrestee is held in police custody for more than twenty-four hours, it is evident that the detention is unlawful and in violation of S. 57 Cr. P.C. and Art. 22 of the Indian Constitution. In light of S. 57 and Arts. 21 and 22 of the Constitution, the accused's three-day incarceration without a remand order was deemed unlawful, and the victim was given compensation of Rs. 10,000.¹⁸

The case of *Sagwan Pasi v. State of Bihar*¹⁹ is an instructive one on the scope of authority of a police officer to make an arrest. S. 151 of the Code authorises a police officer to arrest any person designing to commit an offence which cannot be otherwise prevented. For making arrest of any person in a legal sense, therefore, a police officer is required to have a legal justification under the law and if discretion to arrest is exercised on the facts which either do not constitute an offence or do not furnish information of the circumstances justifying arrest, the arrest will be illegal.

In *Padam Dev case*²⁰, where an accused was arrested by the police on the ground that he was creating nuisance under the influence of liquor, taken to the hospital and got medically examined. Since Sec. 34 of the Police Act, authorising arrest of such a person was not in force in that area, the accused was arrested under Sec. 510 IPC which is a non-cognizable

¹⁸ *Iqbal Kaur Kwatra v. Director General of Police, Jaipur*, 1996 CrLJ 2600 (AI'-DB); see also *Carbon Ali v. Intelligence Officer, Air Intelligence Unit, NIPt Salor*, 1996 CrLJ 2420 (Born).

¹⁹ 1978 Cri.L.J. 1062 (Pat.) See also observations in *Shyam Dattaray beturkar v. Special Executive Magistrate, Kalyan*, 1999 Cri.L.J. 2676 (Bom.H C)

²⁰ 1989 Cri.L.J. 383 (H. P.)

offence and for which the police did not have power to arrest the person. In these circumstances, the arrest was held to be illegal.

4. RIGHTS OF ARRESTED AND DETAINED PERSONS: INTERNATIONAL CONVENTIONS

UNIVERSAL DECLARATION OF HUMAN RIGHTS (UDHR)

In its Universal Declaration of Human Rights, the United Nations General Assembly recognized the right to personal liberty as a basic human right. The UN Declaration of Universal Human Rights (UDHR) was drafted in 1948 by the UN General Assembly. It enumerates the fundamental rights of humanity, including the rights to security, liberty, and life. It acts as a founding document for other human rights accords.

INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR)

India is subject to strict rules governing the treatment of detainees because it is a signatory to the International Covenant on Civil and Political Rights. For example, Article 9 outlines the safeguards against unwarranted arrest and detention and addresses the rights to freedom and personal security.

CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (CAT)

The Convention on the Exclusion of Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT) is a treaty that India is signatory to. It emphasizes the obligations of states to halt and investigate instances of torture.

4.1 DATA COLLECTION & INTERPRETATION

For the conduct of study and access the rights of arrested and detained persons, data collected from about 71 respondents by circulating google form containing the following questions:

WHAT IS YOUR AGE?

71 responses

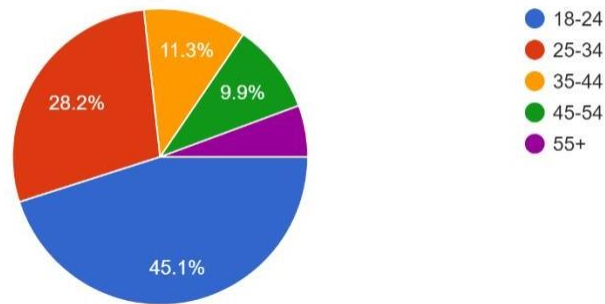


Fig.1

Question about the what is your age? 71 respondents responded out of which 45.1 % stated 18-24, 28.2% stated 25-34, 11.3% stated 35-44, 9.9% stated 45-54, rest opted for 55+.

WHAT IS YOUR GENDER?

71 responses

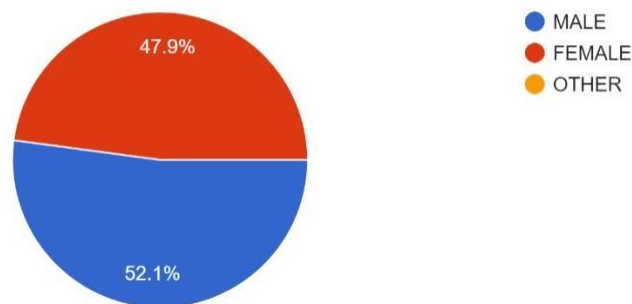


Fig.2

For the question regarding gender, 71 respondents responded. Out of which 47.9 % are female and 52.1 % are male members of the society.

WHAT IS YOUR OCCUPATION?

71 responses

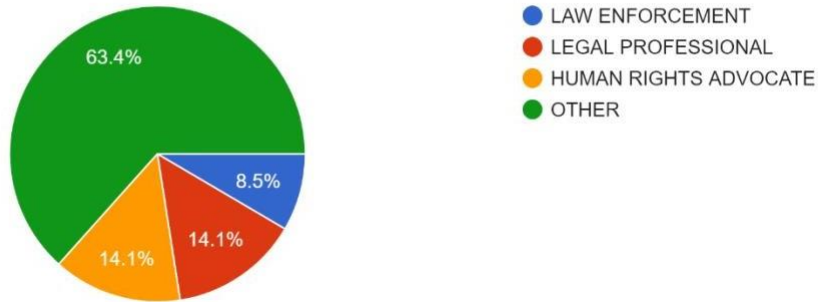


FIG.3

The question was asked about their occupation, about 71 respondents participated and responded. Out of which 14.1 % are human right advocate, 14.1 % are legal professional, 8.5 % are legal enforcement and other 63.4 belongs to other profession.

HOW FAMILIAR ARE YOU WITH THE RIGHTS OF ARRESTED AND DETAINED PERSONS?

71 responses

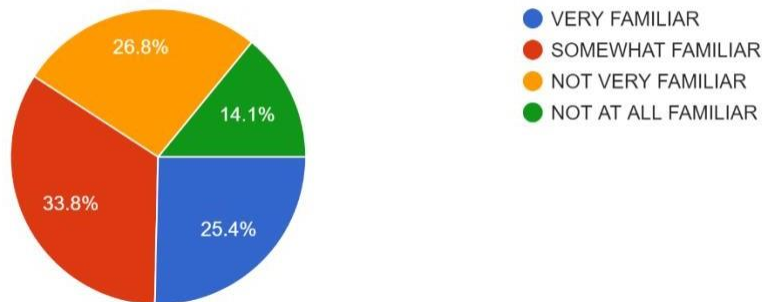


FIG.4

About the question experience about the how familiar are you with the rights of arrested and detained persons? 71 respondents responded and 25.4 % are very familiar, 33.8% are somewhat familiar, 26.8% are not very familiar and 14.1% are not at all familiar.

WHERE DID YOU LEARN ABOUT THE RIGHTS OF ARRESTED AND DETAINED PERSONS?

70 responses

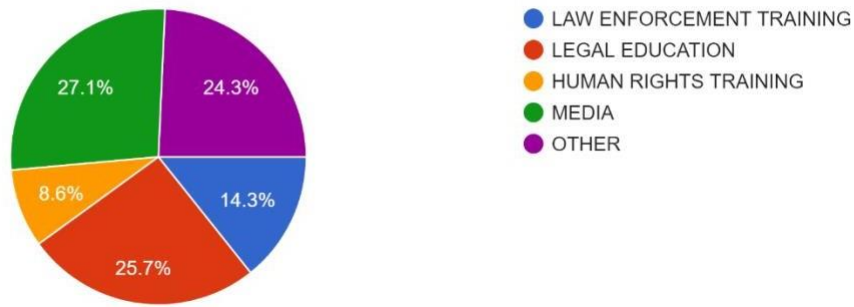


FIG.5

For the question about checking the where did you learn about the rights of arrested and detained persons? 70 responded for the question. 14.3 % were from Law Enforcement Training , 25.7% from Legal Education , 8.6% Human Rights Training , 27.1% From Media , 24.3% from other.

HAVE YOU EVER BEEN ARRESTED?

71 responses

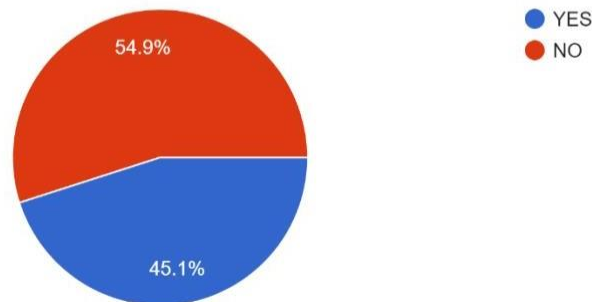


FIG.6

For the question have you ever been arrested? Out of total 71 responded 45.1 % found to experience arrest in their life and 54.9% had any experience about the arrest.

IF YES, WERE YOU INFORMED OF YOUR RIGHTS UPON ARREST?

64 responses

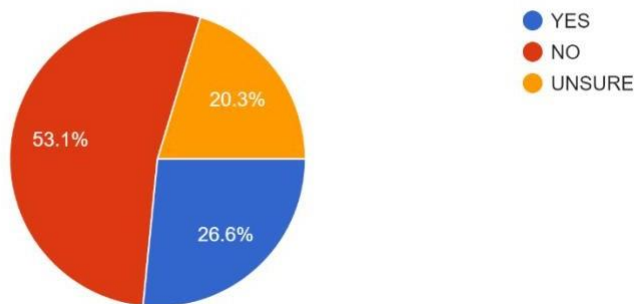


FIG.7

From the respondents 53.1 % who were arrested found that they were arrested without explaining the reason for arrest. 26.6 % were informed about the ground of arrest at the time of their arrest.

HAVE YOU EVER BEEN DETAINED?

69 responses

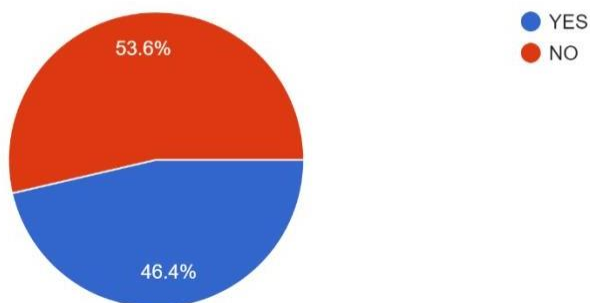


FIG.8

For the questions about have you ever been detained? 69 respondents responded and 46.4 % found with experience of detention in their life and 53.6% with no such experience.

IF YES, WERE YOUR RIGHTS RESPECTED DURING DETENTION?

64 responses

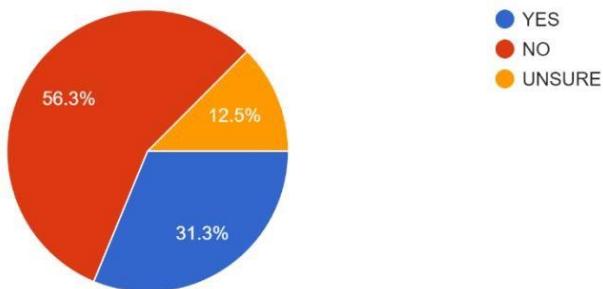


FIG.9

For the question about if yes, were your rights respected during detention? 64 respondents responded for the question. Out of which only 31.3 % persons rights were respected during the detention and 56.3 % right were not respected.

DO YOU BELIEVE THAT THE RIGHTS OF ARRESTED AND DETAINED PERSONS ARE IMPORTANT?
71 responses

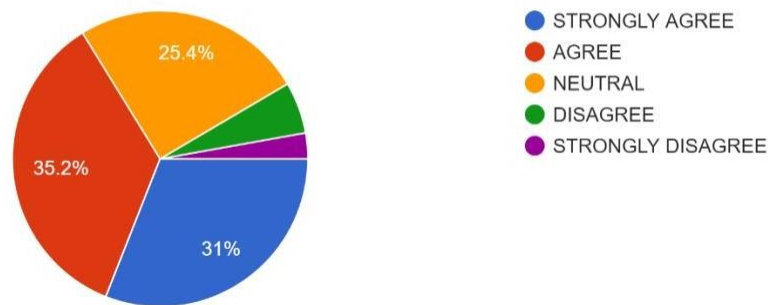


FIG.10

For the question do you believe that the rights of arrested and detained persons are important? 71 respondents responded. Out of which 31 % stated Strongly Agree, 35.2% stated Agree, 25.4% stated Neutral remaining Opted for Disagree and Strongly Disagree.

DO YOU BELIEVE THAT LAW ENFORCEMENT OFFICERS ALWAYS RESPECT THE RIGHTS OF ARRESTED AND DETAINED PERSONS?
71 responses

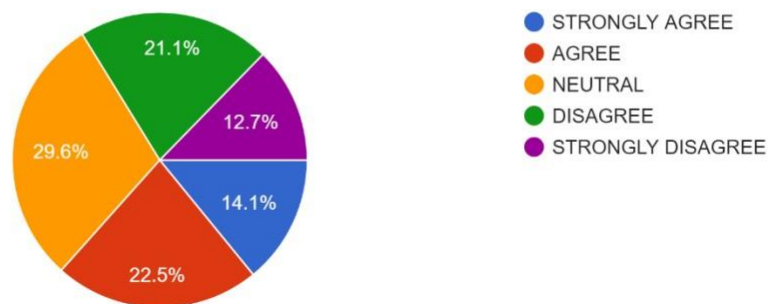


FIG.11

For the question do you believe that law enforcement officers always respect the rights of arrested and detained persons? 71 respondents responded. Out of which 14.1 % stated Strongly Agree, 22.5% stated Agree, 29.6% stated Neutral, 21.1% Opted for Disagree and 12.7% Strongly Disagree on believing on law enforcement officers for respecting the such rights.

WHEN AN INDIVIDUAL IS ARRESTED, THEY ARE:

69 responses

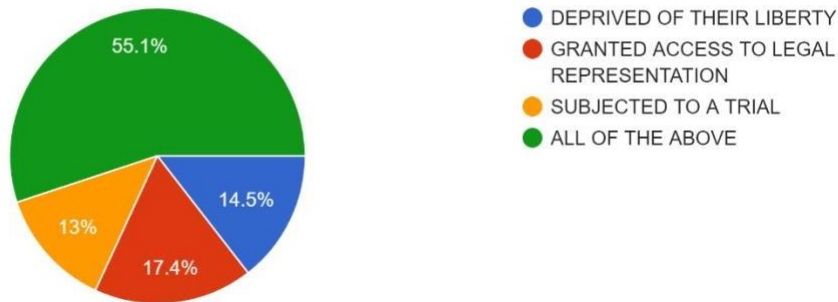


FIG.12

For the question when an individual is arrested, they are. 69 respondents responded. Out of which 14.5 % stated Strongly Deprived of their liberty, 17.4% stated Granted access to legal representation, 13% stated Subject to a trail, 55.1% Opted for All of the above.

WHEN ARRESTING AN INDIVIDUAL, LAW ENFORCEMENT OFFICERS ARE REQUIRED TO:

65 responses

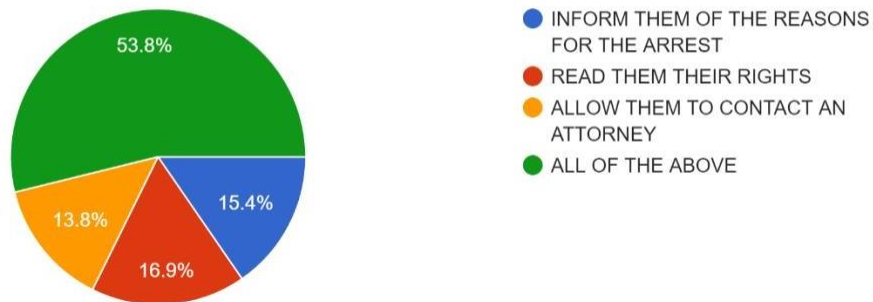


FIG.13

For the question when arresting an individual, law enforcement officers are required to. 65 respondents responded. Out of which 15.4 % stated Inform them of the reasons for their arrest, 16.9% stated Read them their Rights, 13.8% stated all them to contact an law attorney, 53.8% Opted for All of the above.

VIOLETIONS OF THE RIGHTS OF ARRESTED AND DETAINED PERSONS CAN BE ADDRESSED THROUGH:

67 responses

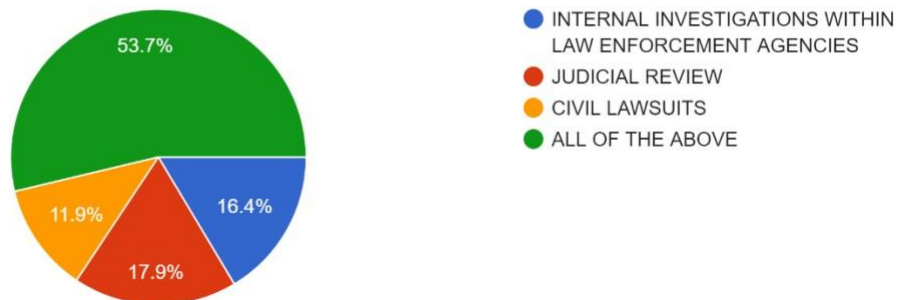


FIG.14

For the question violations of the rights of arrested and detained persons can be addressed through agency. 67 respondents responded. Out of which 16.4 % stated Internal Investigations within Law enforcement agencies, 17.9% stated Judicial Review , 11.9% stated Civil Law suits, 53.7% Opted for All of the above.

PROTECTING THE RIGHTS OF ARRESTED AND DETAINED PERSONS IS ESSENTIAL FOR:

69 responses

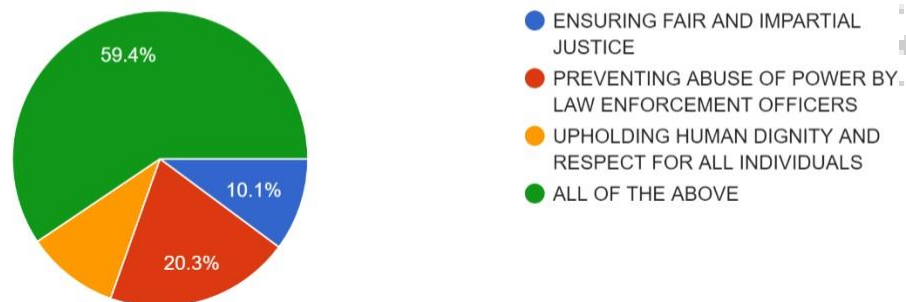


FIG.15

For the question protecting the rights of arrested and detained persons is essential for.69 respondents responded. Out of which 10.1 % stated Ensuring Fare and Impartial Justice, 20.3% stated Preventing Abuse of Power by Law Enforcement Officers, 59.4% Opted for All of the above.

DURING DETENTION, AN INDIVIDUAL HAS THE RIGHT TO:

68 responses

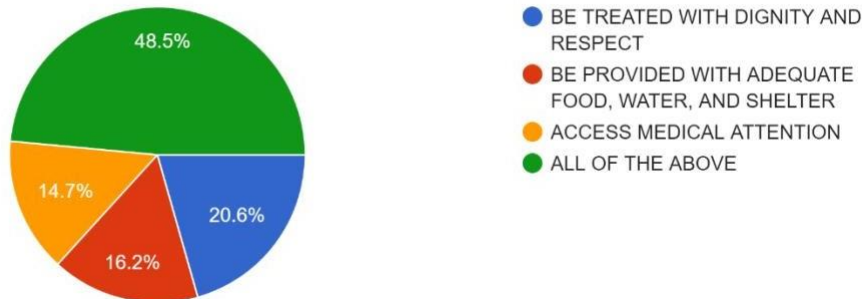


FIG.16

For the question during detention, an individual has the right to.68 respondents responded. Out of which 20.6 % stated Be treated with dignity and respect, 16.2% stated BE Provided with adequate food, water and shelter,14.7% stated Access Medical Attention, 48.5% Opted for All of the above.

4.2 DISCUSSION & FINDING

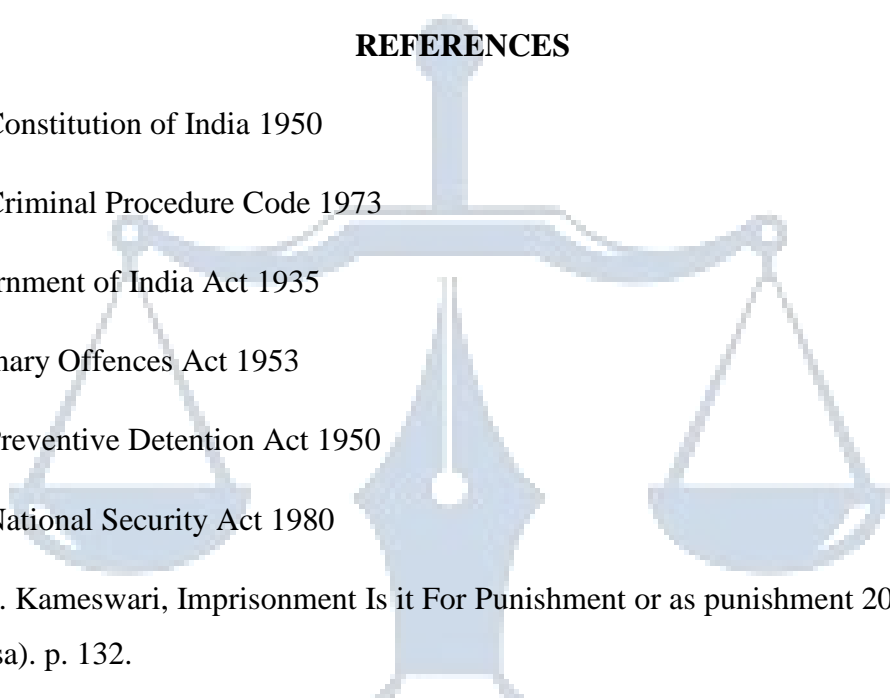
This discussion focuses on the findings of an empirical study conducted in Delhi regarding the data collected on the rights of arrested and detained persons. Such information is crucial for evaluating the effectiveness of legal safeguards and identifying areas where improvements are needed. The study revealed significant gaps in data collection regarding the rights of arrested and detained persons. This includes incomplete records, missing information, and inconsistencies across different agencies. Individuals often face difficulties accessing information about their rights during the arrest and detention process. This lack of awareness hinders their ability to exercise their legal rights. The study identified instances where procedural safeguards were not followed, such as delays in presenting individuals before a magistrate and denial of legal representation. It has also been found that marginalized groups, such as religious minorities and low-income individuals, were disproportionately affected by violations of their rights during arrest and detention.

5. CONCLUSION

India's Constitution, whose preamble mentions justice throughout all its forms—social, economic, and political—reflects humanity's search and yearning for justice. People who have experienced financial, psychological, or bodily hardships come to the courts in the hopes that their complaints will be heard. The Justice Delivery System has a duty to provide its clients with timely, reasonably priced legal services while maintaining the highest standards of fairness, equality, and impartiality.

Despite the many safeguards provided by the Criminal Procedure Code and the Constitution, it is commonly believed that the police still have the right to make an arrest. Furthermore, it's thought that the police frequently threaten the people they've arrested and use their positions of authority to extract money. Numerous stories of violence against inmates have also been published, which has led many to assume that depriving arrested people of their fundamental rights is becoming a regular occurrence. It is argued that conferences and seminars should be held, and that law enforcement officials, such as police officers, should be the target audience for information regarding the rights of people who have been arrested or detained.

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