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ABUSE OF POWER: POLICE BRUTALITY AGAINST ACCUSED INDIVIDUALS

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ABSTRACT

The issue of human rights violations by police officers against accused individuals is a complex and multifaceted problem that requires a nuanced understanding of the social, political, and legal contexts in which these violations occur. It is a problem that affects not only the individuals who are directly victimized but also their families, communities, and society as a whole. The erosion of trust in law enforcement and the perpetuation of impunity can have far-reaching consequences, including the undermining of public safety, the exacerbation of social inequalities, and the erosion of democratic values.

This article is part of a broader effort to address the issue of human rights violations by police officers against accused individuals. It builds on existing research and advocacy efforts, and seeks to contribute to a growing body of knowledge and expertise on this critical issue. Through a comprehensive examination of the issue, this report aims to provide a framework for understanding the causes and consequences of human rights violations, and to identify effective strategies for prevention and redress.

The report is organized into several sections, each of which addresses a specific aspect of the issue. The first section provides an overview of the legal and institutional frameworks that govern police conduct and the protection of human rights. The second section examines the causes and consequences of human rights violations, including the social, political, and economic factors that contribute to these violations. The third section presents case studies of human rights violations, highlighting the experiences of individuals and communities who have been directly affected. The final section provides recommendations for preventing and addressing human rights violations, including legal and policy reforms, institutional changes, and community-based initiatives.

Keywords: history, role, challenges, rights, brutality, police, accused

INTRODUCTION

Accused persons in India are entitled to various privileges and protections under the law, including the right to be informed of the specific charges levied against them, the right to legal counsel and free legal aid, and the right to be produced before a magistrate within 24 hours of arrest.¹ They also have the right to apply for bail, to be treated humanely and with dignity, and to a fair and impartial trial. During trial, they have the right to cross-examine witnesses, to present evidence in their defense, and to legal representation. They are also presumed innocent until proven guilty beyond a reasonable doubt. After trial, they have the right to appeal against their conviction or sentence, to file a mercy petition with the President or Governor, and to apply for compassionate release in exceptional circumstances. Finally, they have the right to rehabilitation and reintegration into society.

However, despite these legal safeguards, human rights violations committed by police remain a significant concern in India. Police brutality, torture, and forced confessions are common complaints, and often target marginalized communities, such as Dalits, Adivasis, and Muslims. The police often exceed their powers, perpetrating violence and intimidation with impunity. Arbitrary arrests and detentions, torture and cruel, inhuman, and degrading treatment, forced confessions and false implicating, extrajudicial killings and encounters, and discrimination and violence against marginalized communities are some of the common human rights violations committed by police. These violations not only undermine the rule of law but also erode trust in the criminal justice system.²

The consequences of these violations are far-reaching and devastating. Victims of police brutality often suffer physical and emotional trauma, and may be left with permanent disabilities or psychological scars. Families of victims may be left without a breadwinner or may be forced to flee their homes due to police harassment. Communities may be subjected to collective punishment, and may live in fear of police reprisal. The criminal justice system may be undermined, as witnesses and victims may be reluctant to come forward, and accused persons may be denied a fair trial.

Efforts to address these violations include strengthening police accountability and oversight

¹ Section 57 of Criminal Procedure Code

² Dr Deepa Kaushik Sharma: Human rights of accused under criminal justice system, published scribd. Com, <https://www.scribd.com/document/477443441/human-rights--of-an-accused-person-under-pdf>

mechanisms, implementing police reforms and training programs, enhancing legal aid and access to justice for marginalized communities, promoting community policing and engagement, and encouraging independent investigations and prosecutions of police misconduct. This may involve establishing independent police complaint authorities, strengthening judicial oversight, and promoting community-led initiatives to monitor police conduct. Addressing these human rights violations and strengthening the criminal justice system is crucial to ensuring that accused persons are treated fairly and justly throughout the criminal justice process in India.

By upholding their rights and addressing human rights violations, India's criminal justice system can become more just and equitable for all, promoting a safer and more harmonious society where the rule of law is respected and protected. This requires a commitment to transparency, accountability, and justice, and a willingness to confront the systemic issues that perpetuate human rights violations. With concerted effort and political will, India can build a criminal justice system that truly upholds the rights of all individuals, and promotes a more just and equitable society for generations to come.³

MEANING OF HUMAN RIGHTS

Human rights are inherent to all individuals by virtue of their humanity, regardless of their nationality, race, gender, or other status. These universal and inalienable rights serve as a foundation for the dignity and well-being of all individuals. International instruments like the International Covenant on Civil and Political Rights and the United Nations Standard Minimum Rules for the Treatment of Prisoners uphold these rights, emphasizing humane treatment and respect for inherent dignity, even for those deprived of liberty. Key rights include the right to life, freedom from torture, freedom of expression and thought, equality, legal representation, healthcare, and education. These rights are essential for ensuring dignity and rehabilitation for all individuals, including prisoners, and are fundamental to a just and equitable society. The concept of human rights is rooted in the idea that all individuals possess inherent dignity and worth, simply by virtue of being human. According to J. Donnelly⁴, human rights are inherent to being human, and one need not do anything special to possess

³ The Law brigade, <https://thelawbrigade.com/human-rights/human-rights-violations-by-police-in-india-a-comparative-case-study/?amp> (last visited on June 25, 2024)

⁴ HumanRightsCareers.com, <https://www.humanrightscareers.com/magazine/universal-human-rights-in-theory-and-practice-by-jack-donnelly/> (last visited on July 02, 2024)

them. R.J. Vincent argues that human rights are grounded in human nature, and are universal and equal for all. David Selby emphasizes that human rights are inalienable and inherent to all persons, regardless of their background or circumstances.⁵ A. Said defines human rights as those that promote individual dignity, self-esteem, and personal identity, and foster a sense of community.

The works of these scholars have contributed significantly to the development of human rights discourse and have shaped international human rights law and policy. Their ideas have inspired human rights movements and initiatives globally, and have helped to promote a culture of respect for human rights. Overall, their contributions have been instrumental in advancing the cause of human rights and promoting a more just and equitable world.⁶

RIGHTS OF ACCUSED UNDER INDIAN LAWS

This principle is a cornerstone of Indian criminal law, reflecting the judiciary's commitment to upholding the rights of the accused and preventing miscarriages of justice. It ensures that the burden of proof lies with the prosecution, and that the accused is presumed innocent until proven guilty beyond a reasonable doubt. This approach protects individuals from false convictions and ensures that the State's power is exercised judiciously.

In India, this principle has been reinforced through various judicial decisions and legislative enactments. The Supreme Court has consistently held that the presumption of innocence is a fundamental right, and that the prosecution must prove its case beyond a reasonable doubt. The Code of Criminal Procedure and the Indian Evidence Act also contain provisions that reflect this principle.⁷

The importance of this principle cannot be overstated. It serves as a safeguard against wrongful convictions, ensures that the accused receives a fair trial, and upholds the integrity of the criminal justice system. By adhering to this principle, India's judiciary demonstrates its commitment to protecting human rights and upholding the rule of law.⁸

⁵ Cambridge.com, <https://www.cambridge.org/core/tittle/gb/107733> (last visited on June 30, 2024)

⁶ What are Human Rights (Equality and Human Rights Commission), <https://www.equalityhumanrights.com/en/human-rights/what-are-human-rights>

⁷ Dr Deepa Kaushik Sharma: Human rights of accused under criminal justice system, published scribed. Com, <https://www.scribd.com/document/477443441/human-rights--of-an-accused-person-under-pdf>

⁸ Swati Salini, What are the Rights of an Accused Person in India, <https://www.myadvo.in/blog/rights-of-accused-in-india>

HISTORY OF THE HUMAN RIGHTS

The evolution of human rights has been a gradual and complex process that spans thousands of years. Ancient civilizations, philosophers, and movements have all contributed to its development. In ancient Mesopotamia, the Code of Hammurabi established the concept of justice and the rule of law. In ancient Greece, philosophers like Aristotle and Plato explored ideas about human nature, ethics, and politics.

The Enlightenment saw significant advancements in human rights thinking, with philosophers like John Locke, Immanuel Kant, and Jean-Jacques Rousseau developing ideas about individual rights, social contracts, and the social and political structures that support human dignity.

The French and American Revolutions further solidified these concepts, enshrining rights like liberty, equality, and fraternity in their founding documents. The Universal Declaration of Human Rights marked a significant milestone, outlining 30 articles of human rights that have since been widely accepted and ratified by nations worldwide.

Despite these advancements, human rights violations persist, and new challenges have arisen. The promotion and protection of human rights require continued advocacy, education, and activism to ensure that all individuals can enjoy their inherent rights and dignity.

The evolution of human rights has been a remarkable journey, spanning thousands of years and involving contributions from diverse civilizations, philosophers, and movements. From ancient Mesopotamia's Code of Hammurabi to modern-day advancements, human rights have gradually expanded to recognize the inherent dignity and worth of every individual.

The Enlightenment and subsequent revolutions have enshrined fundamental rights like liberty, equality, and fraternity, providing a foundation for modern human rights. The Universal Declaration of Human Rights has served as a beacon, inspiring nations to embrace and protect human rights.

While challenges persist, the progress made in human rights is a testament to the power of advocacy, education, and activism. Continued efforts will ensure that all individuals can enjoy

their inherent rights and dignity, fostering a more just and equitable world for all.⁹

ROLE OF POLICE WITH REGARDS TO HUMAN RIGHTS

Police officers as state officials

In a democratic society, police officers occupy a unique position of power, entrusted by the state to wield force when circumstances demand it. However, this authority is counterbalanced by the stringent limitations imposed by human rights standards, which necessitate that police operations conform to rigorous principles of legality, proportionality, and necessity. These constraints guarantee that police actions not only respect the human rights of all individuals but also strive to achieve their objectives through the least invasive means possible. Moreover, police officers bear a dual responsibility: they must not only respect human rights but also actively protect them. This includes taking proactive measures to prevent violations of human rights, such as arresting individuals who pose a threat to others, and working to address systemic issues that may contribute to human rights abuses. Ultimately, human rights are the bedrock upon which police work is founded, and officers must prioritize their protection and defense in every aspect of their duties, ensuring that their actions foster a safe and just environment for all members of society.

Police officers as law enforcers

"Police officers in democratic societies have a unique role, balancing the authority to use force with the imperative to protect human rights. Adhering to principles of legality, proportionality, and necessity, they must respect and actively defend the rights of all individuals. This dual responsibility requires proactive measures to prevent rights violations and address systemic issues that may perpetuate them.

By prioritizing human rights in their work, police officers can build trust, foster a safe and just environment, and uphold the fundamental values of democracy."

Police officers as service providers

"Historically, police were often seen as a symbol of state control, exerting force to maintain order. However, this perspective has evolved, and police officers are now widely recognized as public servants, dedicated to community service and protection. This shift is reflected in

⁹ The Law brigade, <https://thelawbrigade.com/human-rights/human-rights-violations-by-police-in-india-a-comparative-case-study/?amp> (last visited on June 25, 2024)

international human rights documents, such as the Council of Europe's Declaration on the Police (1979), the European Code of Police Ethics (2001), and the United Nations Code of Conduct for Law Enforcement Officials (1979). These texts emphasize the police role as service providers, prioritizing community well-being, safety, and human rights. This transformation acknowledges that police officers are not only enforcers of the law but also guardians of community trust, working to build relationships, prevent conflicts, and promote social justice."¹⁰

POLICING AND HUMAN RIGHTS

"Policing and human rights are often viewed as being in conflict, but this perspective is based on a misconception. In reality, human rights are the foundation of effective and responsible policing. They provide a framework for policing that is lawful, necessary, and proportionate, which leads to successful outcomes and builds trust between law enforcement and the communities they serve.

However, some individuals believe that human rights can hinder police work, particularly when dealing with criminals. They argue that detaining individuals can limit their personal freedoms, family rights, and privacy rights. While it is true that detaining individuals may necessarily limit some of their rights, it is important to remember that human rights also provide protections for individuals in detention, such as the right to be free from torture and cruel, inhuman, and degrading treatment.

Some police trainees may find it challenging to understand why alleged abusers should be treated with respect and dignity, especially in emotionally charged cases like child abuse. It is essential to recognize that treating individuals with respect and dignity is not equivalent to excusing or justifying their actions. Rather, it is a recognition of their inherent human rights and dignity, which is essential for upholding the rule of law and ensuring that justice is served.

Trainers face unique challenges in addressing these concerns, but it is crucial to recognize the importance of human rights in creating a just, peaceful, and inclusive society. By prioritizing human rights, police can build trust, promote accountability, and ensure that justice is served in a fair and impartial manner. This requires a commitment to understanding and respecting

¹⁰ Michelle Beshears, <https://www.police1.com/stress/articles/how-police-can-reduce-and-manage-stress-AThewNlseDwMYCcB/>, (last visited on June 26, 2024)

human rights in all aspects of policing, from training to practice."¹¹

DEFINITION OF POLICE

"The police organization is a vital component of modern society, and its members are often the most visible representatives of the government. As such, they play a crucial role in maintaining law and order, as well as protecting human rights. However, the police force's varied powers and responsibilities can also lead to potential misuse and infringement of human rights.

To understand the role of the police, it is essential to define what is meant by the term "police." Black's Law Dictionary provides a comprehensive definition, stating that the police are "the governmental department charged with the perversion of public order, the promotion of public safety, and the perversion and detection of crime." (Definition: Police - a governmental department responsible for maintaining public order, safety, and enforcing laws.)¹²

The police force has a rich history, dating back to the 1820s in England, and has evolved over time. Today, the police are responsible for a wide range of duties, including maintaining law and order, preventing and investigating crimes, and protecting the public.

However, the exercise of police powers must be balanced with the need to protect individual rights and prevent abuse of authority. This requires a delicate balance between the need to maintain order and the need to protect human rights.

To achieve this balance, it is essential to have in place legislative checks and judicial control of police activities. This includes ensuring that police powers are used in a proportionate and necessary manner, and that individuals are treated with respect and dignity.

It is crucial to have mechanisms in place to hold police accountable for their actions, including independent review and oversight. This helps to ensure that police powers are used responsibly and that human rights are protected. The police play a vital role in maintaining law and order

¹¹ What are Human Rights (Equality and Human Rights Commission), <https://www.equalityhumanrights.com/en/human-rights/what-are-human-rights>, (last visited on June 27, 2024)

¹² Latestlaw.com, <https://www.latestlaws.com/wp-content/uploads/2015/04/Blacks-Law-Dictionery.pdf> (last visited on June 25, 2024)

and protecting human rights. However, their powers must be exercised responsibly and with respect for individual rights. By having in place legislative checks, judicial control, and mechanisms for accountability, we can ensure that the police serve the needs of society while also protecting human.¹³

POLICE BRUTALITY

Police brutality means violation of civil rights of an individual by police officials using excessive force. Excessive force includes bullying, physical or verbal harassment, physical or mental injury, property damage and illegal encounter. Forcing an individual for bribe and unlawful detention are also a form of police brutality.

Violation of Human Rights:

Police brutality hampers human rights in every manner. There are many police officials who wrongly use their powers on public without any authority. There are many police officials who manipulate the public in such a way that the individuals do not have an option but to act according to the police. According to Article 3 and 5 of Universal Declaration of Human Rights, every individual has a right to life, liberty and security and any individual shall not be subjected to any type of torture cruelty or unnecessary punishment. According to Article 7 of International Covenant On Civil and Political Rights everyone has the right to personal freedom and protection.¹⁴

Below are a few examples depicting how police brutality results in violation of human rights:

Death in police custody: Due to tremendous torture in police custody many individuals end up losing their life. In order to teach a lesson or extort information from the accused(s), few police officials torture the accused(s) in such a way that they die during the investigation within the police custody itself.

Torture: Police abuse and torture is a very common practice and has been prevalent in India for a long time. These techniques are also used when individuals accused of serious criminal offences are questioned by the police. In the intention of obtaining confessions or threats, the

¹³ Cambridge, <https://dictionary.cambridge.org/dictionary/english/police> (last visited on June 28, 2024)

¹⁴ Britannica, <https://www.britannica.com/topic/police-brutality-in-the-United-States-2064580> (last visited on June 28, 2024)

police use extreme forms of physical damage to accused individuals.

To stop this police brutality and to protect human rights, the Judicial system has laid down few rights in favour of the citizens, which are as follows:

Right to remain silent: An accused or suspect is innocent until the guilt is being proved before the court. In this case the burden of proof lies on the prosecution or the police. The accused has a right to confess or remain silent.

Right to fair investigation: A fair investigation is very much important in Indian Judicial System. In certain landmark cases, Supreme Court has directed that not only speedy and fair trial but fair investigation is also is of utmost importance.

Arrest: The detention of a citizen by the police is another contentious field of the criminal justice process due to the broad variety of discretionary powers exercised by the police and the actual abuse of those powers by the police.¹⁵

RIGHTS OF AN ACCUSED

Right to remain silent India's adversarial system of trial proceedings presumes the accused person is innocent until proven guilty beyond reasonable doubt. The burden lies on the prosecution and police to prove the case in court. However, the police often use unscientific investigation methods like torture, threats, and harassment to elicit confessions and information from the accused and witnesses.

Though the accused has the right to confess or remain silent, the right to remain silent is not explicitly mentioned in the Indian Constitution. Article 20(3) protects individuals from self-incrimination, and the Supreme Court has interpreted this as implying the right to remain silent. In **M.P. Sharma v. Satish Chandra**¹⁶, the court ruled that a person mentioned as an accused in the first information report and investigated by the police can claim protection as 'accused of an offence' under Article 20(3).

¹⁵ Harita Mehta: Police Brutality leads to violation of human rights, published in solegal.com, <https://www.soolegal.com/roar/police-brutality-leads-to-violation-of-human-rights>

¹⁶ M.P. Sharma v. Satish Chandra AIR 300, 1954 SCR 1077

This highlights the need for ensuring that investigative methods are scientific, and human rights are protected throughout the process. The courts have played a crucial role in interpreting and protecting the rights of the accused, and it is essential to continue upholding these principles to ensure a fair and just trial.¹⁷

Right to fair investigation In the landmark case of **Babubhai v. State of Gujarat**¹⁸, the Supreme Court of India emphasized that a fair investigation is an essential component of the constitutional rights guaranteed under Article 20 and 21 of the Indian Constitution. This ruling built upon the earlier judgment in Abdul Rehman Antbulay's case, where the Court had highlighted the importance of speedy investigation as an integral part of the constitutional right to a speedy trial.

The Supreme Court's decision in Babubhai's case reiterated that delaying the investigation process by the police is a violation of the accused's constitutional rights. If the investigation is delayed, it renders the constitutional right to a speedy trial meaningless. This underscores the significance of ensuring that investigations are conducted promptly, efficiently, and in a manner that respects the rights of all individuals involved.

The Court's emphasis on fair investigation and speedy trial is a crucial aspect of upholding the rule of law and ensuring that justice is served in a timely and efficient manner. This principle is essential for maintaining public trust in the criminal justice system and protecting the rights of accused individuals.

Arrest

The power of arrest by police is a controversial aspect of the criminal justice process due to the discretionary powers enjoyed by police and the potential for misuse. The National Police Commission's third report highlights that the power of arrest is a significant source of corruption, with approximately 60% of arrests being unnecessary and unjustified.

Even when arrests are necessary, police often fail to comply with constitutional and procedural requirements, as observed by the Supreme Court in various cases. In **Bhim Singh v. State of**

¹⁷ Naveen Kumar, 'Rights of an Accused Person' AMIE Legal, <https://amilegal.com/rights-of-an-accused-person/>

¹⁸ Babubhai v. State of Gujarat, (1986) 2 SCC 467

Jammu and Kashmir¹⁹, the petitioner, an NHRC, was arrested and detained in police custody, deliberately preventing him from attending a legislative assembly session. The Supreme Court held that police officials acted deliberately and awarded compensation to the petitioner.

This case highlights the need for police to adhere to constitutional and procedural requirements during arrests and ensures that individuals' rights are protected. The misuse of arrest powers can lead to corruption, unnecessary detention, and violations of human rights. It is essential to have checks and balances in place to prevent such abuses and ensure that police powers are exercised responsibly and justly.²⁰

Handcuffing

The Supreme Court of India has established that handcuffing is not a routine practice in effecting an arrest, but rather an exceptional measure that should only be used in specific circumstances. In the case of **Prem Shankar Sukla v. Delhi Administration**²¹, the Court held that handcuffing is prima facie inhuman, unreasonable, and overly harsh.

The Court emphasized that handcuffing can cause humiliation, embarrassment, and disrepute to the individual and their family. Therefore, it should only be permitted in exceptional circumstances where there is a reasonable apprehension of the detainee escaping or causing harm to others.

This ruling highlights the importance of respecting the dignity and human rights of individuals during the arrest process. Handcuffing should not be used as a matter of routine or convenience, but rather as an extraordinary measure in situations where it is strictly necessary. This approach aims to strike a balance between ensuring public safety and upholding the rights and dignity of individuals.

The court's observed: highlights the importance of balancing the need to secure a prisoner with the need to protect their human rights and dignity. Handcuffing, in itself, is considered inhuman and unreasonable, and can be seen as a form of torture that defiles an individual's dignity and vulgarizes society.

¹⁹ Bhim Singh v. State of Jammu and Kashmir, (1986) 4 SCC 364

²⁰ Protection against arrest and detention in certain cases, (Constitution of India, 1950), <https://www.constitutionofindia.net/> (last visited on July 06, 2024)

²¹ Prem Shankar Sukla v. Delhi Administration 1980 AIR 1535 1980 SCR (3) 855 1980 SCC (3) 526

The court notes that while preventing escape is in the public interest, it must be done in a way that respects the individual's rights and dignity. The use of handcuffs should be limited to exceptional circumstances, and even then, should be done in a way that minimizes discomfort and humiliation.

The court's words are a powerful reminder of the need to prioritize human rights and dignity in the criminal justice system. The use of handcuffs and other forms of restraint should always be carefully considered and justified, and should never be used as a means of inflicting unnecessary pain or humiliation.

The phrase "foul the soul of our constitutional culture" is particularly striking, as it highlights the importance of upholding the values of dignity, respect, and human rights in our society. The court's observation serves as a call to action, reminding us of the need to continually monitor and improve our criminal justice system to ensure that it aligns with these values.

Torture and death in Police custody

The Supreme Court of India has interpreted Article 21 of the Constitution, which guarantees the right to life and personal liberty, to include a prohibition on torture. In the landmark case of **Francis Coralie Mullin v. Union of India**²², the Court held that any form of torture or cruel, inhuman, or degrading treatment would be offensive to human dignity and constitute a violation of the right to life.

The Court further stated that any law or procedure that authorizes or leads to such treatment would be unconstitutional and void, as it would violate the principles of reasonableness and non-arbitrariness enshrined in Articles 14 and 21. This means that the Indian Constitution implicitly prohibits torture, and any actions or laws that perpetrate torture would be considered unconstitutional.

This interpretation is significant, as it provides a legal framework for protecting individuals from torture and ensures that the government and its agencies respect human rights and dignity. The Supreme Court's stance on torture is a testament to India's commitment to upholding human rights and the rule of law.

²² Francis Coralie Mullin v. Union of India 1981 AIR 746, 1981

Fake Encounter

Fake encounter is another area where the police commit glaring human rights violations by way of atrocities and arbitrary killings against persons. In **People's Union for Civil Liberties v. Union of India**²³, the Supreme Court held that killing of two people in fake encounter by Imphal police was clear violation of right to life guaranteed by Article 21 of the Constitution of India and defense of sovereign immunity does not apply in such cases. The court awarded rupees 1,00,000 as compensation for the defendants of each of the deceased.²⁴

CONCLUSION

In conclusion, the implementation of these reforms will have a profound impact on the criminal justice system, leading to a transformative shift towards a fair, just, and equitable society. By addressing the systemic issues and human rights violations, we can restore public trust and confidence in the system, promote social justice and equality, and enhance the credibility and effectiveness of the criminal justice system both nationally and internationally.

The reforms will also have a ripple effect, contributing to the advancement of human rights and the rule of law, and serving as a beacon of hope for marginalized communities who have historically been disenfranchised and excluded from the justice system. Moreover, the reforms will provide a framework for sustainable development, social cohesion, and inclusive growth, ultimately leading to a more harmonious and prosperous society.

Furthermore, the implementation of these reforms will demonstrate our commitment to upholding the principles of justice, equality, and human dignity, and will serve as a testament to our ability to come together as a society and address the most pressing issues of our time. By working collectively and collaboratively, we can create a criminal justice system that truly serves justice and promotes human rights for all, without discrimination or exception.

Ultimately, the reform of the criminal justice system is not merely a moral imperative, but a necessary step towards creating a society that values and respects the inherent worth and dignity of every human being. By embracing this challenge and working towards a more just and equitable society, we can create a brighter future for generations to come.

²³ People's Union for Civil Liberties v. Union of India AIR 1997 SC 568

²⁴ Naveen Kumar, 'Rights of an Accused Person' AMIE Legal, <https://amilegal.com/rights-of-an-accused-person/>