



## THE ROLE OF THE INDIAN CONSTITUTION IN PROTECTING CITIZENS FROM POLICE EXCESSES

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### Abstract

*In guaranteeing basic rights, legal remedies, and institutional balances on state authority, the Constitution of India plays a crucial part in protecting civilians from the abuses of the police force. In this study, we investigate the ways in which constitutional protections, including Article 14 (which means equality before the law), Article 19 (which means freedom of speech), Article 21 (which means the right to life and personal liberty), and Article 22 (which means protection against arbitrary detention), function as legal shields against police misbehaviour. Several directives that try to reduce custodial brutality and arbitrary use of authority are discussed, as well as major court interventions, the function of the National and State Human Rights Commissions, and numerous directives. In spite of these safeguards, more and more cases of police misconduct are coming to light, which indicates that there are deficiencies in the implementation, accountability, and public knowledge. In order to protect the rule of law and human dignity, the report strongly recommends that constitutional mandates be enforced more strictly, that police reforms be implemented, and that community involvement be increased.*

**Keywords:** *Fundamental Rights, Police Misconduct, Constitutional Safeguards, Custodial Violence, Human Rights*

### INTRODUCTION

Every single arrest, imprisonment, and questioning must be conducted in accordance with the fundamental principles that are included in the Universal Declaration of Human Rights. The Constitution of India went into effect in 1948, which was two years after the Universal Declaration of Human Rights was approved by the General Assembly of the United Nations. This had a significant impact on the Indian Constitution, namely on Part III, which outlines fundamental rights and freedoms across the country. The Framers of the Indian Constitution were very concerned by the practice of false inculcation, arbitrary arrest, illegal imprisonment, and vexatious prosecution in criminal cases that were committed by the State colonial police against the masses of the population who were financially disadvantaged, uneducated, and uninformed. Article 20, which addresses the right to life and personal liberty; Article 21, which deals with protection against double jeopardy and self-incrimination; and Article 22, which deals with the rights of those who are imprisoned and charged in criminal matters, were among the provisions that the founders were encouraged to include as a result of this, among other things. In the event that they are the

subject of an allegation, detained, or held by the police, all people have the ability to seek these essential rights. In point of fact, the areas that deal with accusations, arrests, and imprisonment are the ones that are the most controversial concerns when it comes to the activities of the police and the rights of individuals who are detained or incarcerated.

### **Fundamental Rights Under the Indian Constitution**

During the first meeting of the Constituent Assembly, which took place on December 9, 1946, one of the primary topics of discussion was the protection of individual liberty. There were four factors that led to the demand for a declaration: (i) the oppression of certain groups in India while it was under British rule; (ii) the terrible economic and social conditions, particularly for women and untouchables; (iii) the fact that the British supported and exploited various ethnic, religious, and linguistic groups; and (iv) the exploitation of tenants by landlords themselves. When these factors were taken into account, the individuals who drafted the Constitution put a significant amount of importance on fundamental rights. These rights are symbolic of the people's expectations that the Constitution would include a legal recognition of civil rights. The Fundamental Rights that are described in the Indian Constitution may be broken down into seven different categories, which are also listed below:

- Right to Equality comprising Art. 14 to 18.
- Right to Freedom comprising Art. 19 to 22 which guarantee several freedoms such as freedom of speech and expression, right to life and personal liberty, freedom from arbitrary arrest and detention, etc.
- Right against Exploitation consists of Art. 23 and 24.
- Right to Freedom of Religion is guaranteed by Art. 25 to 28.
- Cultural and Educational Rights are guaranteed by Art. 29 and 30.
- Right to Property is now very much diluted and is secured to some extent by Art. 31-A, 31-B, 31-C.
- Right to Constitutional Remedies is secured by Art. 32 to 35.

The Constitution of India guarantees that these rights are available to all individuals, irrespective of their gender, race, religion, creed, caste, or place of birth. As a result of the fact that the Fundamental Rights may be enforced in a court of law, the concept of these rights helps to limit the authority that the government has and to safeguard individuals from having their rights violated. In the instance of *A. K. Gopalan versus Madras*, the Supreme Court reached the conclusion that "It is true to say that, in a sense, the people delegated to the legislative, executive and judicial organs of the State their respective powers while reserving powers to themselves the fundamental rights which they made paramount by providing that the State shall not make any law which takes away or abridges the rights conferred by that Part" .

Because of this, the Constitution of India safeguards individuals against the state's capacity to arbitrarily violate, abuse, or degrade their fundamental freedoms. It also assures that citizens will have the opportunity to exercise their essential liberties.

## OBJECTIVES

1. To examine constitutional provisions that protect citizens from police excesses.
2. To analyze the role of the judiciary and human rights institutions in ensuring police accountability.

## FUNDAMENTAL RIGHTS ARE HUMAN RIGHTS

There are a great number of cultural, political, and civic rights that are established as fundamental freedoms in Part III of the Constitution of India. In the event of a legal dispute, the rights that are guaranteed here may be enforced. Unlike ordinary rights, fundamental rights cannot be broken. This is the primary distinction between the two types of rights. It is not possible for any legislative act, statutory provision, tradition, usage, or executive order to lessen or eliminate them. Any piece of legislation that infringes any of the fundamental rights is deemed null and void to the extent that it is inconsistent. According to the observations made by Justice Beg in the case of *A.D.M. Jabalpur v. Shiv Kant Shukla*, the idea behind the establishment of some fundamental rights is to safeguard them from any illegal invasion by the state's legislative, executive, or judicial institutions. In the case of *Golak Nath v. State of Punjab*, Chief Justice Subba Rao made the observation that the phrase "natural rights" was originally used to refer to what is now known as "fundamental rights."

The Supreme Court of the United States has recognised these fundamental rights as "Natural Rights" or "Human Rights" in a number of different decisions. The Chief Justice Patanjali Shastri referred to basic rights as "the great and basis rights" in the case of *State of West Bengal v. Subodh Gopal Bose*. These rights are recognised and safeguarded since they are considered to be an inherent part of being a citizen of a free country. In reference to the rights that are protected under Part III of the Constitution of India, the Chief Justice of India at the time, Sikri, made the following observation: "I am unable to hold these provisions to show that rights are not natural or inalienable rights." *Keshavananda Bharathi v. State of Kerala* was the case in which this action was taken. According to the Universal Declaration of Human Rights, there are some fundamental rights that cannot be taken away from a person, and India was a signatory to that treaty. As a consequence of this, the idea of basic rights according to the Indian Constitution is, for all intents and purposes, identical to the concepts of human rights and natural rights.

## PROCEDURAL SAFEGUARDS AGAINST ARREST AND DETENTION

Articles 20, 21, and 22 of the Indian Constitution, which came into force in 1950, made it very apparent what the government's position was towards the protection of individual liberty and safety. The purpose of these sections is to serve as pillars, protecting the lives, freedoms, and security of individuals against the arbitrary acts of the government. The following are the three safeguards that Article 20 of the Constitution of India provides for a criminal accused of committing a violent crime: The ex post facto

law, the bar on self-incrimination, and the double jeopardy clause are the three provisions that are being discussed here. Due to the fact that they deal with matters concerning court convictions, Clauses 1 and 2 of Article 20 are not the focus of our attention at this time. As a result of the "right to remain silent" of a criminal defendant, Clause (3) of Article 20 addresses the prohibition against self-incrimination and continues to have an effect on a person from the time of his arrest forward. Both the right to life and the right to personal liberty are protected by Article 21 of the Indian Constitution, while Article 22 protects individuals from being arrested and imprisoned without appropriate justification. A significant contribution to the development of the assurances and safeguards that are contained in these rights was made by the Supreme Court of India. An overview of the protections that these rules provide is shown in the following table.

### **Right to remain Silent:**

Under the adversarial system, the accused in an Indian trial is presumed to be innocent unless more evidence demonstrates that they are guilty beyond a shadow of a doubt. Because the prosecution and the police are both required by this system to prove the case before the court to the point where there is no room for doubt, the police, who adhere to the colonial system of unscientific investigation, use tactics such as threats, harassment, assault, and torture to coerce confessions, facts, and information from witnesses and defendants. This is because any room for doubt is eliminated. Because the accused criminal is the one who is responsible for fighting against the powerful state and its apparatuses, he has the right to self-incrimination. This right protects him from having his privacy invaded in order to force him to provide testimony that he does not wish to provide. The accused has the privilege of exercising the right to remain silent, and it is the obligation of the officer who is interrogating him to make sure that the accused is aware of this right.

### **Right to Life and Personal Liberty:**

When it comes to the protection of human rights, Article 21 of the Indian Constitution is the most significant provision. This article stipulates that individuals have the "right to life and personal liberty." According to its provisions, "No person shall be deprived of his life or liberty except according to procedure established by law." Article 21 of the Indian Constitution is identical to the "due process clause" that is included in the Constitution of the United States of America. Article 21 outlines two concepts, namely the right to life and the right to personal liberty. Both of these concepts are outlined throughout the document.

### **Protection against Arbitrary Arrest and Detention:**

A heated debate had taken place in the Constituent Assembly on the exception clause of Article 15, which is now known as Article 21 and concludes with the proviso "except according to law." Due to the fact that Article 15 grants the Parliament extremely broad powers to restrict the right to life and personal liberty by means of a straightforward statute, the topic of debate revolved around the possibility that Parliament may take away life and liberty with a simple act of Parliament. As a result, it was deemed essential to restrict the ability of the Parliament to take away such rights, unless there are extraordinary circumstances that warranted such a restriction.

**Preventive Detention:**

Punitive and preventative detentions are two major categories that may be used to classify detentions. On the other hand, the latter is intended to prohibit a person from engaging in any behaviour that might be damaging to the public order or national security, whilst the former is applicable when it is claimed that a person has performed an act in due disregard of the law. Despite the fact that preventative detention is a menace to the rule of law, it is an essential evil that must be endured in order to preserve public order and safety. It is a philosophy that preventative detention should be used sparingly when there is an urgent threat to public order and safety. This is due to the fact that it is a violation of human rights and the liberty of the average person. Nevertheless, those who have power routinely and brutally abuse preventative detention in order to silence those who are opposed to them and who stand in opposition to them. The fact that preventive detention is an administrative order, and as a result, the scope of judicial review is restricted, is the source of the potential risk associated with this practice. To put it another way, the court will only have the authority to examine the legality of the decision-making process, and not the validity of the order itself. There will be no authority to examine the legality of the order itself.

**PROTECTION OF HUMAN RIGHTS FROM POLICE -INTERNATIONAL LEGAL FRAMEWORK**

As a result of the fact that the United Nations was founded with the primary intention of preventing the recurrence of World War II and the vengeful acts of annihilation and carnage committed by Nazi Germany against human beings during the Second World War, the protection of human rights has been a primary concern for the United Nations ever since it was established. Because of this, the protective measures that are provided by the United Nations plan take on a significant role. It is necessary to conduct a comprehensive analysis of the provisions of the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights, The Declaration Against Torture, the Convention Against Torture, and other relevant documents in order to conduct an investigation into the protection of human rights from violations committed by the police on an international level. These international foundational treaties on human rights are subjected to a critical analysis with the purpose of determining the international system, the protection scheme, the enforcement of the protection mechanism, and the efficiency of the protection mechanism. Additionally, it is vital to analyse India's duty towards such international agreements, as well as the amount of the Indian government's commitment to ensuring compliance with such instruments, in this context. This assessment is being carried out with the intention of determining the extent to which the international legal framework is operational within the setting of India in relation to the protection of human rights from violations committed by law enforcement. Detailed analysis of international instruments are presented in the following paragraphs.

**Protection of Human Rights from the Police:**

The fundamental principles of freedom, justice, and peace are acknowledged in the preamble of the Universal Declaration of Human Rights. These principles include the recognition of the inherent dignity and inalienable rights of every single human person. In addition to this, it details the historical experience of the consequences that resulted from the disrespect and contempt for human rights that occurred as a

consequence of the barbaric deeds that had a profound impact on the conscience of humanity during the Second World War. It would seem that the inclusion of "past experience" in the preamble serves as a warning that such occurrences are not to be repeated, and that respect and honour are necessary for the enjoyment of human rights.

Following the passage of the Universal Declaration of Human Rights, the Human Rights Commission began the process of drafting a Convention that would have the capacity to enforce the human rights included within the document against any infringement of those rights. As a result of this, the General Assembly decided to establish a separate treaty known as the International Covenant on Civil and Political Rights, which included a mechanism for the rights contained within it to be enforceable.

### **Enforceability of the Rights under the UDHR:**

With its incorporation of civil, political, economic, social, and cultural rights into a single text, the Declaration of Human Rights is the first complete instrument on international human rights for the first time. Nevertheless, as its name suggests, "the declaration," it was not designed to impose legal responsibilities on states, nor does it create any supervisory institution to enforce the rights. Therefore, it does not establish any supervisory body. One of the most significant issues with the Universal Declaration of Human Rights is that it does not have a legally binding enforceability, and as a result, it is unable to impose any responsibility on member states to act in accordance with its provisions. To put it another way, the Universal Declaration of Human Rights does not include any processes that are designed to ensure that the rights outlined in the document are carried out in the event that they are violated. The Declaration is nothing more than a declaration of intent and values; due to the fact that it is solely a Declaration, it is neither a Treaty nor a Covenant for the purposes of this discussion.

### **Enforcement Mechanisms under ICCPR:**

In the course of the process of drafting the International Covenant on Civil and Political Rights, one of the contentious issues that arose was the method of international control, monitoring, and recourse. "There were deliberations on the issues relating to inclusion of enforcement mechanisms in the International Covenant on Civil and Political Rights and, finally, a concurrence had been reached for the establishment of a Human Rights Committee." In light of this, Article 28 of the International Covenant on Civil and Political Rights stipulates the formation of the Human Rights Committee, which therefore becomes the primary entity responsible for the implementation and enforcement of the International Covenant on Civil and Political Rights. The Human Rights Committee is made up of eighteen members who come from a variety of state parties. In order to be a member of the committee, one must demonstrate that they have recognised expertise in the subject of human rights.

### **Enforcement mechanism under Convention Against Torture**

A Committee Against Torture is to be established in accordance with the provisions of Part II of the Convention Against Torture. This Committee will be comprised of 10 independent specialists who will be responsible for monitoring the implementation of the Convention Against Violence. The Committee Against Torture has the authority to accept and examine communications for and on behalf of persons

who claim to have been victims of torture by the apparatuses of the state, and the action or remedy that the state has provided is not adequate for the victim. Nevertheless, the Committee Against Torture does not possess any jurisdiction that would allow it to implement its conclusions against any state. Only recommendations, suggestions, or opinions are included in this style of communication. To this end, it is argued that the mechanism of enforcement under the Convention Against Torture suffers from the same vacuum as the system of enforcement under the International Covenant on Civil and Political Rights (ICCPR).

### **India and the UN Declarations and Covenants**

The Constitution of India does not expressly allow for the adoption of foreign conventions and treaties into the legal system of the Indian government. On the other hand, under Article 51(c) of the Constitution, it is stated that "the State shall endeavour to foster respect for international law and treaty obligations in the dealings of organised people with another." This demonstrates that India adheres to the dualist pattern in terms of the execution of international declarations, treaties, and covenants within the framework of the local legal system. As a result, it is essential for the Indian Parliament to pass legislation that incorporates the rights that are outlined in international agreements, declarations, and other similar documents in order to ensure that these rights are implemented within the domestic jurisdiction of India. The Constitution of India grants the Parliament the only authority to carry out the constitutional provisions of international conventions and treaties inside the country. According to Article 253 of the Constitution, "Parliament has the power to make any law for the whole or any part of the territory of India for the purpose of implementing any treaty, agreement, or convention with any other country or countries or any decision made at any international conference, association, or other body with regard to the implementation of any such treaty, agreement, or convention." Further, 'entry 14' of the Union List of the Seventh Schedule authorises Parliament to act in respect to "entering into treaties and agreement and implementing of treaties and agreement with foreign countries and implementing of treaties, agreements and conventions with foreign countries". It is thus the Parliament of India that is the only entity that has the ability to put into effect international treaties, covenants, declarations, and other similar documents.

### **STATUTORY PROTECTION OF HUMAN RIGHTS FROM POLICE IN INDIA**

In addition to the protections provided by the Constitution, the legal framework of India includes a number of intricate laws that pertain to the protection of human rights of those who have been accused, arrested, or detained, as well as the procedural formalities that must be adhered to in the case of arrest, imprisonment, or interrogations. The Code of Criminal Procedure, 1973, the Code of Criminal Procedure (Amendment) Act 2008, the Code of Criminal Procedure (Amendment) Act 2010, the Indian Evidence Act, 1872, and the Indian Penal Code are the primary sources from which these laws may be obtained. In addition to these laws, the Indian Police Act of 1861 and the Kerala Police Act of 2010 each give the organisation and structure of the police force in their respective states of organisation and structure. The Protection of Human Rights Act, 1993 is a unique act that was adopted to create organisations such as the National Human Rights Commission and State Human Rights Commissions for the purpose of protecting the human rights of the people from a variety of different domains, including the police. The

legislature had the intention of enacting such legislation with the purpose of preventing arbitrary questioning, arrest, and imprisonment by law enforcement, as well as needless invasions of the privacy of individuals. There are many instances of police officers violating the human rights of individuals, despite the fact that the legal structure is designed to protect those who are innocent and those who have been accused from the excessive force of the police. The most serious abuses of human rights that are committed by law enforcement include illegal arrest, arbitrary questioning, unlawful imprisonment, torture, custodial violence, false implication, fake encounters, extortions, and other similar practices. It would be beneficial to conduct a study of these laws in order to get insight into the degree to which they might defend the human rights of individuals, as well as the advantages and disadvantages of adhering to such requirements.

### **CRIMINAL PROCEDURE CODE, 1973**

Freedom, dignity, and human rights are all negatively impacted when persons are subjected to the procedural aspects of arrest, detention, searches, and seizures by the police. When it comes to the administration of criminal justice in any nation, it is very necessary to have effective procedural standards and sufficient control over the use of authority by the police in the process of making arrests, detaining individuals, conducting searches, and seizing property. A vast number of regulations are included in India's Code of Criminal Procedure in order to manage circumstances such as arbitrary arrest, capricious questioning, unlawful detention, illegal search and seizure, and other similar situations.

**Arrest and Detention:** The methods that are used to take a criminal into custody and therefore deprive him of his liberty are known as arrest and detention. For either the prevention of the commission of crime or the continuation of the commission of crime, or for the purpose of allowing the investigation to be carried out without interruption, or for the purpose of producing the escaping criminal before the legal or other authorities, it becomes vital. As a result, it is of the utmost importance to provide the police with sufficient authority to arrest and detain individuals, and in the event that the criminal presents resistance, to even resort to the use of force or guns in situations that are deemed suitable. For the purpose of ensuring the protection and security of the people who make up the society, it is appropriate for the police to be granted such discretionary powers under any democratic establishment that exists in the nation. Nevertheless, arrest and detention are the areas that get a great deal of criticism owing to the fact that, on the one hand, they are a result of the misuse of authority by the police, and, on the other hand, they always result in the restriction of the freedom of individuals.

### **Report of Police and other Commissions on Arrest and Detention**

There are a significant number of arbitrary arrests and illegitimate detentions that take place, regardless of the procedural conditions that must be met in order to carry out an arrest. The National Police Commission, in its Third Report, had indicated that the power of arrest was one of the primary causes of corruption in the police force. This was in reference to the quality of arrests that were made by the police in India. According to the research, over sixty percent of the arrests were either totally unneeded or completely unjustified. Furthermore, the analysis indicated that such unjustified police operations accounted for forty-three point two percent of the expenditures made by the jail department. In light of

this, the National Police Commission suggested that the police should have less authority to arrest and detain anybody they encounter. In most cases, the private and psychological elements of the individual who is being arrested are not taken into account by the law enforcement officers who are performing the arrest and imprisonment. In the following lines, the Mallimath Committee illustrates how the arrest impacts individuals on a psychological, physical, and personal level, as well as the attitude of the police officers who make the arrest:

### **Protection from Arbitrary Arrest and Detention**

The word "arrest" is not defined in the Code of Criminal Procedure; nonetheless, Section 46 provides information about the manner in which an arrest is made. In most cases, the term "arrest" conveys the connotation of being taken away from one's liberty by virtue of the power of the law. In light of this, the act of arresting someone cannot be called a "arrest" in the legal sense if it is not carried out in accordance with a legal authority or if the legal power is used in an inappropriate manner. It is only possible to view it as a subject matter of tort or as an unlawful detention in line with the rules of the Indian Penal Code. Sections 41-50, 53-60, 76, 89, and 151, which deal with the authority to arrest a person and the process that must be followed in the event that a person is arrested, outline the procedures that must be followed.

### **Special Procedure for Arrest and Detention of Woman**

In accordance with the provisions of the Code of Criminal Procedure, every woman who is a suspect and is necessary to be searched must be searched by a female solely and with a careful respect for decency. When it comes to arresting or detaining women, the Code of Criminal Procedure (Amendment) Act, 2005 and 2008 mandates a variety of protections and particular procedures that must be implemented. As a result of the amendment that took place in 2005, Section 46 of the Code of Criminal Procedure stipulates that no woman may be arrested between the hours of dusk and morning. A woman police officer is required to acquire the previous approval of the Judicial First Class Magistrate within whose local jurisdiction the offence is committed or the arrest is to be made in the event that such extraordinary circumstances exist to warrant the arrest of a woman during this time. This authorisation must be obtained via the process of making a written report. The second provision of Section 46 states that in the event that a woman is to be detained, her surrender to detention on an oral notice of arrest should be assumed, unless the circumstances suggest otherwise. It is against the law for a male law enforcement officer to touch the body of a female suspect while making an arrest, unless the circumstances call for it to be done differently. On the basis of the suggestions included within the 154 Report of the Law Commission of India, this provision has been adopted. In addition, Section 167 now stipulates that in the event of an arrest of a woman who is less than eighteen years old, the detention of the woman must be authorised to take place in the custody of a remand home or a recognised social institution. In addition, the new amendment contains the principles that were established by the Supreme Court in the case of *Sheela Barse v. State of Maharashtra* regarding the arrest and detention of women. As a result, the newly enacted amendments to the Code of Criminal Procedure provide a variety of protections to women in the event that they are arrested or detained.

### **JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT**

Act 56 of 2000, also known as the Juvenile Justice (Care and Protection of Children) Act, was passed in order to eradicate the Juvenile Justice Act of 1986, which had been in place before. It was in accordance with the United Nations Convention on the Rights of the Child from 1989 that the Act was enacted. The Act provides for a framework for the protection, treatment, and rehabilitation of children who fall under the jurisdiction of the juvenile justice system. Additionally, it allows for a unique approach to the prevention and treatment of juvenile delinquency. In 2006, amendments were made to the Juvenile Justice (Care and Protection of Children) Act, which began in the year 2000. When it comes to the arrest and custody of adolescents, the standard criminal processes that are used for arrest and detention do not apply. Special protocols are outlined in the Juvenile Justice (Care and Protection of Children) Act, which was passed in the United States.

In accordance with the Juvenile Justice (Care and Protection of Children) Act, Section 18, it is expressly stated that no kid will be held in police lock-up or prison, regardless of the nature of the offence that the child has committed. Only Juvenile Police officers who have received specialised training are permitted to interact with children. " Another provision of the Act states that if a police officer arrests a juvenile who is suspected of committing a crime that is either bailable or non-bailable, the officer who apprehended the juvenile is required to promptly deliver him before the Magistrate. In the event that the police officer is unable to bring the juvenile before the Magistrate immediately, the officer is obligated to ensure that the child is placed in an observation home or another secure location until he is able to be taken before a Juvenile Court. Regardless of the circumstances, the youngster must not be held in custody at the police station or in prison. Section 19 states that where a juvenile is arrested, the officer-in-charge of the police station to which the juvenile is brought shall, as soon as may be after the arrest, inform (a) The parent or guardian of the juvenile, if he can be found, of such arrest and direct him to be present at the Juvenile Court before which the juvenile will appear, and (b) The probation officer of such arrest in order to enable him to obtain information regarding the antecedents and family history of the juvenile and other material circumstances likely to be of assistance of the Juvenile Court for making the inquiry. On the other hand, there have been a number of instances in which the protocol for the management of adolescents by the police has been violated. Despite the fact that the legislation is as stated above, it is very uncommon for the police officer who makes the arrest of a juvenile to raise the age of the juvenile up to that of an adult when they are filing the First Information Report.

## CONCLUSION

The defending the values of justice, equality, and personal liberty, the Constitution of India acts as an essential bulwark against the abuses of power by the police. The purpose of this organisation is to safeguard citizens from the abuse of power by law enforcement authorities by means of its basic rights and the supervision of judicial and human rights institutions. On the other hand, continuing instances of violence in correctional facilities, wrongful detention, and abuse of authority bring to light the disparity between the goals of the Constitution and the realities of the ground. The implementation of police reforms, the strengthening of accountability systems, and the promotion of increased public awareness are all crucial steps that must be taken in order to guarantee that constitutional guarantees are not merely theoretically and effectively applied. The upholding of these protections is very necessary in order to preserve the concept of the rule of law and the democratic fabric of the nation.

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