CHAPTER – 1

INTRODUCTION

“Liberty lies in the hearts of men and women; when it dies there, no constitution, no law no court can save it; no constitution, no law, no court can even do much to help it.” -Learned Hand

1.1 GENERAL INTRODUCTION:

Universal Declaration of Human Rights by the U.N. on 10th December, 1948 attaches importance to the protection of life and liberty of the individual and put emphasis on respect for human dignity. Now it is under International Law and our Constitutional provisions protect civil, political, social and cultural rights of the individual and community without discrimination of race, colour, religion, stastus, place of birth and caste under the umbrella of the U.N. and the Indian constitution\(^1\). As per the provisions of Human rights, life and dignity of the individual cannot be encroached to be taken away by the Government or by its machinery or by any dominant group except by the procedure established by law. All are equal before law and no one shall be subjected to arbitrary arrest or detention. In the same way no accused person should be subjected to inhuman and cruel treatment in the hands of police, Magistrate and Jail administration. Thus, provisions of human rights are concerned with the rightful attitude in the administration of criminal justice as well as humanitarian approach in the administration of the Criminal law. There are 30 articles in the Universal Declaration of Human Rights. Articles 3-21 deal with the civil and political rights of the individual, Articles 22-27 deal with economic, social and cultural rights of the individual and groups of the individuals\(^2\).

In the classical time jurists have expressed concern for the protection of fundamental rights of the individual. This concern reached to its culmination in

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\(^1\) V.K.Sircar, ‘Protection of Human Rights in India’. Asia law house, Hyd,(2004-05)

the United Nations Charter. The United Nations programme on the protection and promotion of human rights is based upon the realization that, it is essential if the man is not to be compelled to have recourse, as a last resort to rebellion against tyranny and oppression, the human rights should be protected by Rule of law. The dignity of an individual can be respected and maintained by others if they follow human rights and human values. If every member of the society can have truthful, non-corrupt and moralistic life then human rights would flourish and can become stronger. General public does not find any difference between Fundamental Rights as given in Part III of the Indian Constitution and the Human Rights. Now stress is being given on the right to dignity being a basic human right, the human rights have become more broad based than the Fundamental rights.

Every human being is entitled for his human rights. Human rights are those minimal rights which every individual must have against the State or the other public authority by virtue of his being a member of a human family, irrespective of any other consideration. Law-abiding person is entitled to human rights. The Supreme Court of India has made it clear that with a degree of difference in application, even criminals are entitled to human rights.

In Roshan Beevi v. Joint Secretary, Government of Tamil Nadu had an occasion to go into the gamut of the meaning of the word 'arrest' with reference to various text books and dictionaries, the New Encyclopedia Britanica, Halsbury's Laws of England, 'A Dictionary of Law' by L.B.Curzon, Black's Law Dictionary and 'Words and Phrases'. On the basis of the meaning given in those text books and lexicons, it has been held that "the word 'arrest' when used in its ordinary and natural sense, means the apprehension or restraint or the deprivation

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3 Criminal law journal 1999, vol 4, p- 82
4 Jaishree Jaiswal, human rights of accused and juveniles: delinquent / in conflict with law, Kalpaz Publications, 2005,
5 D.K.Basu’s v state of W.B. 1996(4) crimes 233 (SC)
6 1984 Cri L J 134
of one's personal liberty. The question whether the person is under arrest or not, depends not on the legality of the arrest, but on whether he pleases. When used in the legal sense in connection with criminal offences, an 'arrest' consists in the taking into custody of another person under authority empowered by law, for the purpose of holding or detaining him to answer a criminal charge or of preventing the commission of a criminal offence. The essential elements to constitute an arrest in the above sense are that there must be an intent to arrest under the authority, accompanied by seizure or detention of the person in the manner known to law, which is so understood by the person arrested."

"In every arrest, there is custody but not vice versa and that both the words 'custody' and 'arrest' are not synonymous terms. Though 'custody' may amount to an arrest in certain circumstances but not under all circumstances if these two terms are interpreted as synonymous, it is nothing but an ultra legalist interpretation which if under all circumstances accepted and adopted, would lead to a startling anomaly resulting in serious consequences."

"Arrest means: a seizure or forcible restraint or the taking or keeping of a person in custody by legal authority especially in response to a criminal charge".

"The taking of a person into legal custody either under a valid warrant or an probable cause that the person has committed a crime". "Arrest consists of actual seizure or touching of a person's body with a view to his detention. The pronouncing of words of arrest is not an arrest, unless the person sought to be arrested submits to the process and goes with the arresting officer". "Any deprivation of the liberty of one person by another or any detention of him, for however short a time, without his consent and against his will, whether it was by actual violence, threats or otherwise, constitutes an arrest". "In criminal procedure, an arrest is the taking of a person in to custody in order that he may be held to answer for or be prevented from committing a criminal offence."

7 Directorate of Enforcement v Deepak Mahajan (para 50)
8 Jain Kapur Rymbai, Human rights of Accused – an Indian perspective, BBPM law associates, new delhi 2001
"Broadly speaking, arrest may be classified into two categories, namely, arrest under warrants issued by a Court and arrests otherwise than under such warrants. There can be no manner of doubt that arrest without warrants issued by a Court call for greater protection than do arrests under such warrants". Arrest means a restraint of a man's person, obliging him to be obedient to the law; and it is defined to be execution of the command of some court of record or officer of justice. An arrest is the beginning of imprisonment, where a man is first taken and restrained of his liberty by power or colour of lawful warrant. An arrest of a person, by a duly authorized officer, is accomplished if the officer lawfully touches him; the power of affecting actual capture is not essential.

An arrest in a civil case is defined to be the apprehending or restraining one's person by processing execution of the command of some court, or officers of justice. The expression 'arrest' appearing in Article 22, Constitution of India, is a comprehensive term which is designed to cover all cases in which a person is apprehended by legal authority and is not confined to cases in which a person is apprehended by or under the orders of a civil or criminal court. It covers not only cases of punitive and preventive detention but also cases of what may, for convenience, be called protective detention. The Restraining of the liberty of man's person in order to compel obedience to the order of a court of justice, or to prevent the commission of a crime, or to ensure that a person charged or suspected of a crime may be forthcoming to answer. As applied to Criminal proceeding - The word 'arrest' signifies the apprehension or detention of the person or stopping, seizing or apprehending him and restraining his liberty in order to bring him to answer for an alleged or suspected crime, or to prevent the commission of criminal offence. To constitute an arrest it is necessary that the officers should assume custody and control over the party, either by force or with his consent, and it has been held that neither the utterance of words indicating an
intention to arrest on the part of the person uttering them, nor the reading of the warrant is of itself sufficient.\(^9\)

For securing attendance of an accused at trial: When a person is to be tried on the charge of some crime, his attendance at the time of trial becomes necessary. If his attendance is not likely to be ensured by issuing a notice or summons to him, probably his arrest and detention is the only effective method of securing his presence at the trial. As a preventive or precautionary measure:- If there is imminent danger of the commission of a serious crime (cognizable offence), arrest of the person intending to commit such a crime may become necessary as a preventive measure. There may be other circumstances where it is necessary as a precautionary measure to arrest a habitual offender or an ex-convict, or a person found under suspicious circumstances.

For obtaining correct name and address: When a person, on being asked by a police officer, refuses to give his name and address, then under certain circumstances, it would be proper on the part of the police to arrest such a person with a view to ascertain his correct name and address. Whoever obstructs a police officer in the execution of his duty would be and should be liable to be arrested then and there by such a police officer. This is essential for the effective discharge of police duties. A person who has escaped from lawful custody should be arrested forthwith by the police. The law of arrest is an attempt to strike a balance between the conflicting claims of individual liberty and maintenance of order in the society. It is a written order from a court to a police officer to arrest a person and produce him before the court. It is a written order to a police officer to search the premises of a person for a particular thing required by the court in connection with a case. It should contain the name of the accused and his father's name and the caste/tribe, nationality and residence of the person to be arrested, so

as to place his identity beyond all doubt. The warrant should specify the offence charged and the name of the district and the court issuing it. The presiding officer, who alone, can sign the warrant. He must be the officer who presides in the court at the time when the warrant comes to be signed. The absence of a seal on a warrant of arrest renders it void and invalid and obstruction to the execution of such warrant of arrest is not punishable\textsuperscript{10}.

In law, a warrant can mean any authorization. Often in statute the warrant of a particular person is required before certain administrative actions can take place. For example, before the United States Secretary of State may affix the Great Seal of the United States to letters patent, the President must give authorization. Warrant officers derive their authority from an authorization given by a defense minister as opposed to actually being an officer of the state. A warrant is the right but not the obligation to buy or sell a certain quantity of an underlying instrument at an agreed-upon price. The right to buy the underlying instrument is referred to as a call warrant; the right to sell it is known as a put warrant. In this way a warrant is very similar to an option. The difference is primarily that the length of time available to exercise a warrant is much longer than most option contracts. A Court order to arrest you and hold you in custody until you appear before the Judge in Court. Warrants issued include additional fines and include administrative suspension of driving privileges. A legal order to a law enforcement agency to arrest the person named in the order. It is both legal duty and legitimate right of police to arrest a criminal and to interrogate him during investigation of an offence. The interrogation and investigation into a crime is expected to be purposeful to make the investigation effective. Police not only derives its power form law but that power is also limited by law. Use of third degree method behind the closed door to extract information is forbidden by

law. However, it is true that in case of too much of emphasis on protection of fundamental rights and human rights of hardened criminals, such criminals may go scot-free without exposing any element or iota of criminality with the result, crime would go unpunished and in the ultimate analysis the society would suffer\textsuperscript{11}.

Latin maxims salas populi suprema lax and salus republicae suprema (the safety of the people and safety of the State are the supreme law) are the crux of the doctrine welfare of an individual must yield to that of the community\textsuperscript{11}. Arbitrary Interference with Privacy, Family, Home, or Correspondence: The law prohibits such actions, and the government generally respected these prohibitions in practice; however, at times the authorities infringed upon them. Police must obtain warrants to conduct searches and seizures, except in cases where such actions would cause undue delay. Police must justify such warrant less searches in writing to the nearest magistrate with jurisdiction over the offense. The authorities in Jammu and Kashmir, Punjab, and Assam have special powers to search and arrest without a warrant\textsuperscript{12}.

The Information Technology Act grants police power under certain circumstances to search premises and arrest individuals without a warrant. The act specifies a one-year sentence for persons who fail to provide information to the government on request and a five-year sentence for transmitting "lascivious" material. The act also requires Internet cafes to monitor Internet use and inform the authorities of offenses.

Meaning of the Accused: a defendant in a criminal proceeding. Defendant, suspect - a person or institution against whom an action is brought in a court of law; the person being sued or accused\textsuperscript{13}

\textsuperscript{12} D.D. BASU, \textit{Constitutional Law of India}, (P.H.I., 6\textsuperscript{th} Ed.,1991)
\textsuperscript{13} http://www.thefreedictionary.com/accused
The term “accused” has not been specifically defined in the penal code but what we generally understand is that the accused means the person charged with an infringement of the law for which he is liable and if convicted then to be punished. In other words, a person who is charged with the commission of offence. An offence is defined as an act or omission made punishable by any law for the time being in force. An accused cannot have similar footing with the convicted person. In the Bill of Rights Ordinance, 1991 affirms that every accused has a right to be presumed innocent until his guilt is proved. Thus, the accused person has every right like other citizen of the country except his curtailment of person liberty in conformity with laws.\textsuperscript{14}

Primarily the right to a fair trial was prescribed in the provisions of Article 10 UDHR stating that ‘everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him’. Furthermore, the scope was broadened by Article 14 (1) ICCPR stating: ‘All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The press and the public may be excluded from all or part of a trial for reasons of morals, public order or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgment rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.\textsuperscript{15}’

\textsuperscript{14} http://tinsukiajudiciary.gov.in/source/misnotice/Rights%20of%20Accused.pdf
\textsuperscript{15} Karolina Kremens, the protection of the accused in international criminal law according to the human rights law standard, Wroclaw review of law administration and economics, 2011
The ancient India was divided into several independent states and the King was the supreme authority of each state. As far as the administration of justice is concerned the King was considered the fountain of justice. King was entrusted with the supreme authority of the administration of justice in his kingdom. The essential features of judicial system of this period are the Kings court was the highest court of appeal in the state. It was also a court of original jurisdiction for cases of vital importance to the state. In Kings Court the King was advised by learned Brahmins, the Chief Justice and other judges, ministers, elders and representatives of the trading community. In towns and districts courts were run by the government officials to administer justice under the authority of the king. The local village councils or Kulani was constituted at village level\textsuperscript{16}.

This councils consisted of a board of five or more members for administration of justice to villagers. So a famous proverb also came into existence saying that ‘panch’ (five persons) paramatma and they do justice. The councils dealt with civil and criminal matters. According to the Hindu myth fire is considered to be God and it has purifying qualities. According to the ordeal of fire, the accused was directed to walk through or stand or sit in fire for some specified time. If the accused comes out from the fire without any harm, he was considered to be innocent. Sometime the accused was asked to carry a red hot iron ball in his hand and walk a few paces. If he had no signs of burns after the ordeal, he was considered to be innocent. The philosophy of crime and punishment was based on the idea that the punishment removed impurities from the accused person and his character is reformed. Before punishment was to be awarded the judge had to consider the motive and nature of the offence, time and place, strength, age, conduct, learning and monetary position of the offender.

The basic values of life and personal liberty have come to be termed differently as civil liberties and human rights. History is replete with instances of
successful and relentless struggles whenever persons in authority whose primary
duty is considered the protection of human rights infringed upon these basic
rights of human beings. These persons in authority often form the core of the
criminal justice system in a country, unmistakably composed of the Police,
Judiciary and Correctional Services. It is often upon them that the responsibility
of protection of these basic human rights rests and when they end up violating
these basic rights they are in violation of the benchmark of Human rights. Thus
the right to dignity means the right to be honourable treated; criminals also are
entitled to be treated honourable by the police and jail authorities. It is clear in
police custody or in prison nobody can expect the right to liberty and equality.
Though, the innumerable press reports the instances of cruel and inhuman
treatment by the police against the accused and strictures passed by the higher
courts there is constant increase in the violation of the human rights of the
accused by the concerned and the gross violations of the Human rights and
fundamental rights. The Fundamental principles based on through a process of
fair hearing and adducing of evidence, the truth of the matter will eventually
emerge. It inculcates that the accused should be presumed innocent until proved
otherwise and for this the burden of proof should always be on the prosecution,
the standard of such proof being not mere preponderance of possibilities but
proof beyond reasonable doubt. As such, the Indian Evidence Act includes
certain provisions which uphold the adversarial principles and grant certain
protections to the accused in its endeavour to make the criminal justice system
reasonably fair to the accused.  

In every country Judiciary has an obligation and a constitutional role to
protect Human rights of citizens. As per the mandate of the Constitution of India,
this function is assigned to the superior judiciary namely the supreme court of
India and High courts. It has great reputation of independence and credibility.
The preamble of the Constitution of India encapsulates the objectives of the

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Cosntitution makers to build a new socio – economic order where there will be social, economical and political justice for everyone and equality of status and opportunity for all. The judiciary must therefore adopt a creative and purposive approach in the interpretation of Fundamental Rights and Directive principles of State policy embodied in the Constitution with a view to advancing Human rights jurisprudence. The promotion and protection of Human rights is depends upon the strong and independent judiciary\textsuperscript{18}.

In Prem Shunker vs. Delhi Administration\textsuperscript{19} the Supreme Court decided that it is the case placed before the court by way of Public Interest Litigation urging the court to pronounce upon the Constitution validity of the “hand cufing culture” in the light of Article 21 of the Constitution. The court banned the routine hand cufing of a prisoners as a Constitutional mandate and declared the distinction between classes of prisoner as obsolete. The court also opined that “hand cufing is prima-facie inhuman and, therefore, unreasonable, is over harsh and at the first flush, arbitrary. Absent fair procedure and objective monitoring to inflict “irons” is to resort to Zoological strategies repugnant to Article 21 of the Constitution” While deciding the Constitutional validity of hand cufing, the Supreme Court specifically referred to Article 5 of the Universal Declaration of Human Rights, 1948 and Article 10 of the International Covenant on Civil and Political Rights and held that hand cufing is impermissible torture and is violate of Article 21. In the instant case Hon’ble justice Krishna Iyer rightly emphasized hand cuffs should not be used in routine and they were to be used in extreme circumstances only, when the prisoner is a security risk, desperate, rowdy or involved in non–bailable offences. But in even such circumstances, the escorting authority must record the reasons for doing so. Otherwise, the court pointed out,


\textsuperscript{19} AIR 1980 SC 1535
under Article 21 of the Constitution the procedure will be unfair and bad in law.

Rights of the Accused: A police officer may arrest an accused person without warrant in certain circumstance mention in Section - 41 of the code of criminal procedure 1973. Art -11 of the Universal Declaration of Human Rights, 1948 declares. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense. Every accused have the right to produce before a magistrate within twenty four hours of his arrest. Art 9(3) ICCPR provides that anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorize. Art 10 of the UDHR declares that everyone entitle in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his legal rights and obligation and of any criminal charges against him. Articles 14(1) of the international covenants on civil and political rights provide that all people shall be equal before the court and tribunals. In the determination of any criminal charges against him or of his right and obligation in a suit at law everyone shall be entitle to fair and public hearing by a competent, independent and impartial tribunal established by law. This right to fair trial will embrace the following guaranteed rights of accused.

A person who has been arrested or detained and is being held in custody in a police station or interrogation centre or other lock-up, shall be entitled to have one friend or relative or other person known to him or having interest in his welfare being informed, as soon as practicable, that he has been arrested and is being detained at the particular place, unless the attesting witness of the memo of arrest is himself such a friend or a relative of the arrestee. The arrestee should be subjected to medical examination every 48 hours during his detention in custody by a trained doctor on the panel of approved doctors appointed by the Director of

20 M.P.RAJU, P.O. Mathew “legal news and views”, vol.20- 5, may, 2006
Malimath Committee report deals with this area specifically and has suggested various methods to repair the justice system. The committee has suggested with a motive to improve the criminal justice system, but what the committee fails to take into account the basic premise of improvement. An improvement if undertaken will have the expected result if the current environment and conditions are taken into account. An improvement in such area must portray a realistic approach and be able to strike a balance between Human Rights of Accused And Juveniles: Delinquent In Conflict With Law. The committee overall strikes the balance but subjects it back to the market conditions which here is the Human Rights issues, Jurisdictional issues, system stability etc. so, if we keep the constraints to be constant then the committee will strike that requisite balance. The two basic questions that committee tries to answer is the committee as a response answers both in negative, to discuss the first question. The committee says and reasons out the illegality of the principle “proof beyond reasonable doubt” and advocates presumption as laid down in the law of evidence. The committee reasons out that such principle has not been laid down anywhere in the statute and this to some extent is true as well. The idea of presumption is well laid down in the evidence act, but the proof beyond reasonable doubt is principle that cannot be attributed to any section, instead only proof to the extent the court is convinced is what the evidence law lays down. The recommendation question and seeks to obliterate 200 years of criminal system of India. But the effect of the answer is neutralized by the balancing act that the recommendation tries to achieve. The society as we know is victim in a criminal act and our current criminal system is more accused centric rather than victim centric, as result the very pillar of the criminal justice system i.e. victim is vulnerable and is always at a loss. The report takes into consideration this plight of victims and therefore suggests such drastic shifts in the system. The recommendation if incorporated

21 www.criminalsysteminindia/society/inindia
then it will certainly be unfair to the accused when being compared to the earlier system but when referred to the Home Office of UK in a strategy document stressed on the need to focus on victims and witnesses because they are essential to the success of the entire criminal justice system. The Indian Criminal Justice System is in Support for Victims. Therefore the need of the society overshadows this unfairness. The committee also recommends for establishing witness and victim protection programs in order to bring a more effective system through a victim centric approach. The idea in totality stands fine, but the basic demerit that it faces is the rationale behind such heavy burden on prosecution, which says State is the most powerful body and therefore such burden seems justified, this rationale gives a heavy challenge to the recommendations and makes such drastic shift inappropriate. Therefore it is safe to conclude that the effect of the Malimath committee is getting it due recognition, but the need of time is to speed the progress and get justice to society as a whole, as justice to accused and victim will automatically.22

The committee in its next question recommends a complete repealing of sections 25-29 of the Indian Evidence Act and advocates that confessions made to police officers must be made admissible. Another recommendation is to do away with the right to remain silent of the accused and also the right against self-incrimination should also be removed. Now such recommendation strikes the basic structure of the Indian Constitution, Art 20 (2), and to implement them might just involve the amendment of constitution which certainly is not possible. It is useful this right is towards accused and towards state or society. The basic concept of any is right is to provide relaxes against the state, but such rights instead has been infringing the rights of the society and certainly creating an obstacle in the path of justice. These rights except creating delay in the system

22 www.malimathcommittee.in
have done little to anyone except advantage for the accused. So, the recommendation is again pro-victim and hence is unfair to the accused. The point of debate should not be fair or unfair rather it should be comparatively fair or comparatively unfair. The idea of utilitarianism can be easily deducible in these recommendations as they seek to provide benefit to the larger mass of society and causing certain unfairness to a meager section of society. The argument stands that an accused even without these rights viz. ‘right to silence’ and ‘right against self-incrimination’ should not be afraid at all if the innocence factor actually exits.

1.2 SIGNIFICANCE OF THE PROBLEM:

The protection of the accused remains the same invariably in the interest of all civilized systems of law. All legal systems provide certain standards for the rights of the accused. Those rights guarantee that if criminal proceedings are held no harm will be done to the alleged offender and his right to a fair trial will be assured. Those ideas, developed in the human rights law, have been adopted both on the national and international level. The present research covers the constitutional law various codes like the Criminal Procedure Code, the International conventions, Human Rights and other local and special laws\textsuperscript{23}. The scope of this research is extended to look into the guidelines suggested by the judiciary and in what manner they are being implemented. It has not been possible for the researcher to cover all the laws that have the provision regarding arrest and a sample of the laws have been taken to understand the concept and the practice. The same applies for the decisions wherein crucial landmark cases have been dealt which have a major impact on the law relating to arrest in the Rayalaseema Districts of Andhra Pradesh.

1.3 OBJECTIVES OF THE STUDY:

- To analyze the laws relating to the human rights of the accused in India, in comparison with other International Conventions. To analyze the impact of various laws on the rights of the accused in Rayalaseema Districts of Andhra Pradesh.

- To facilitate in understanding not only the laws which are applicable, but also facilitates to incorporate the enhanced manner of dealing with the issue of human rights of the accused persons, along with resolving the problems that are faced by the authorities in implementation.

- To analyze the decisions that are rendered by the Courts in order to understand the implication of the laws, the guidelines if any, and the role of the Judiciary in improving the mechanism of the law relating to the human rights of the accused.

- To look into the practical aspect of the implementation of the law as the law in the books is one and that what is in practice is another.

- To suggest reforms as to the laws of accused, so that it is beneficial not only for the persons so arrested, but also for the authorities which have the duty to protect the society.

1.4 HYPOTHESES

- Rights of an accused person in a democratic society are sacrosanct. As a matter of fact, our laws - Constitutional, evidentiary and Procedural have made elaborate provisions for safeguarding the human rights of the accused with a view of giving him the benefit of a fair and impartial trial and upholding his dignity as a human being.

- The Human Rights of the accused persons in Rayalaseema are not properly protected by the concerned authorities.
1.5 RESEARCH METHODOLOGY:

Law is distinct from other social sciences because of its normative character. To achieve the desirable goals, social and ethical values, the law not only regulates human conduct and relationship but also provides for stability and continuity of legal system. So the researcher in his work titled "Human Rights of the Accused – A Socio Legal Study with Reference to Rayalaseema Districts of A.P" feels that the research can be fruitfully carried out by the Empirical and doctrinaire method. In general, 'Doctrinal Research' is concerned with analysis of case law, arranging, ordering, and systematizing legal propositions and to study the legal institutions. Hence, the main research is analytical, descriptive and doctrinaire study and based on empirical data and field studies etc were conducted.

1.6 REVIEW OF LITERATURE:

Literature in connection with the present problem is reviewed from the earlier studies; published books are the main sources which are covered for the purpose to ascertain the views and conclusion of earlier works regarding the study of Human Rights of the Accused – a Socio Legal Study with reference to Rayalaseema Districts of A.P


- Jain kapur rymbai, Human rights of Accused – an Indian perspective, BBPM law associates, new delhi 2001. In this books discussion about the
Indian constitutional provisions and legislatives of the arrested persons.


- Chitkara, M.G. Human Rights: Commitment and Betrayal. APH Publishing Corporation, New Delhi, 1996, deals with History of human rights and ancient period and British period


Administration. Vol. XLVI., No.4 (October-December, 2001), discusses development of civil society and human rights of the accused and Indian scenario.

- M.P.Jain, 'Indian Constitutional law '(6TH edition, 2010), has devoted his energies in explaining the legal interpretation of various provisions of the Indian Constitution regarding Fundamental rights.


The above studies don’t cover every aspect of the Human Rights of the accused persons in Rayalaseema Districts of Andhra pradesh. So the present research i.e. Human Rights of the Accused – A Socio Legal Study with Reference to Rayalaseema Districts of A.P intendent to explore a wide range of
issues namely the socio economic conditions of the accused, violations of their Human rights, Judicial attitude towards accused and its impact is dealt in detail.

1.7 SCHEME OF THE STUDY:

The entire study is divided into six chapters.

Chapter I deal with General Introduction. Significance of the study, Objectives, Hypotheses formulated, Methodology followed, Review of Literature and Scheme of the study.

Chapter II Rights of the Accused and its various provisions under the Indian Constitution, Chapter III Rights of the arrested Person under the Criminal Procedure Code and Other Statutes. covers the rights of arrested person under the IPC and criminal procedure and its provisions.

Chapter IV Judicial Trends regarding the Rights of Accused person deals with Trends of the judiciary and cases by supreme court and High courts.

Chapter V Empirical surveys on the accused in the Rayalaseema districts covers Interviews with accused persons in Rayalaseema districts.

Chapter VI gives conclusion of the Research work. It lists out various suggestions.