

BHARTIYA NYAYA SANHITA: ANALYSIS OF THE RIGHTS OF AN ACCUSED UNDER INDIAN CRIMINAL LAWS

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“Constitution is not a mere lawyers’ document, it is a vehicle of Life, and its spirit is always the spirit of Age.”

- B.R. Ambedkar.

INTRODUCTION TO THE CONSTITUTION & ELEMENTS

The Constitution of India is an outcome of a process that converges contrasting ideas to evolve into an acceptable set of principles for a socio-culturally and economically diverse population. Being most pragmatic, the framers thus prepared the Constitution to act as a guardian of democracy and the rule of law.

Our constitutional commitment to a free and fair trial stems from the rationale of natural laws that have profoundly influenced the laws that govern us. Thus, our nation’s criminal law treats the accused or guilty person humanely, with the onus on the prosecution to prove the accused’s guilt beyond a shadow of reasonable doubt.

To immortalise this vision, the framers of our constitution, with a broad, long-lasting vision benefiting the Union of India and its citizens, formulated a series of safeguards in the form of the Articles, which elaborate the rights, powers, duties envisaged and be performed and followed by the Citizens, Executives, Parliamentarians and Judicial Authorities, within the ambit of our esteemed constitution.

It comprises provisions expressing directive principles and humanitarian sentiments simultaneously. It assures its entire people, among other things, of Justice - Social, Economic and Political Equality of status and opportunity as enshrined in its Preamble. *Part III* of the Constitution encompasses fundamental rights applicable to a person charged with an offence (an accused), arrested, on bail, or waiting for trial.

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The Constitution of India, being the prime law that controls and gives rise to laws that are supplemental to the constitution of India, comprises laws governing the control of crime, civil liability, and corporate liabilities and functionaries. The independent laws are offshoots and creations per the need of the Union and State and likewise framed based on lists, thus procuring sanction from the President of India, implementing the law as a statute to be abided by.

CRPC (1898) (1973) AS A SUBSTANTIVE AND PROCEDURAL LAW OF INDIA

Object of the CrPC (1898) (1973):

The CrPC, though mainly an adjective or procedural law, deals with many other aspects: the constitution of criminal courts, classifications, definitions of their powers, etc. There are provisions in the CrPC that provide for substantive law by creating offences. Thus, although CrPC is generally a procedural law, it deals with matters of substantive law. *The object, purpose, or design of all procedural law is to further the ends of justice and not to frustrate them by introducing endless technicalities.* Applying the Criminal Procedure Code is not limited to cases of offence under the Penal Code. It extends to other proceedings of a Criminal or Quasi-Criminal nature. The objects and application of the Code of Criminal Procedure are the follows:

- To ensure that an accused person gets a full and fair trial along certain well-established indwell under stood lines that accord with notions of natural justice.
- Where a Court tries an accused, the court must be a competent court under the law vested with jurisdiction to try such cases.
- The accused must be told and made to understand the nature of the offence for which he is being tried; his plea must be recorded.
- He is provided with a full and fair opportunity to defend himself against the charge; it substantially complies with the outward form of law.
- Where the accused alleges and shows substantial prejudice caused to him, law compliance is not substantial.
- In the former case, an error or omission in the trial is a curable irregularity that does not vitiate the trial.
- In the latter case, where prejudice is caused to the accused, and it is a substantial prejudice, such error, omission or mistake in a trial is called incurable illegality and the consequence of its vitiating the prosecution.

- Justice is to be done and not denied. Justice is to be shown to have been done according to law, and it is not sacrificed at the altar of the procedure.

With the introduction of the Bharatiya Nyaya Sanhita Bill, 2023, aimed to overhaul our nation's allegedly 'archaic' criminal laws, we must understand their effect on the accused and their rights.

The charter released by the government states that:

- *The Bharatiya Nyaya Sanhita Bill, 2023, will replace the Indian Penal Code, 1860,*
- *The Criminal Procedure Code, 1898, will replace the Bhartiya Nagarik Suraksha Sanhita Bill, 2023.*
- *The Bharatiya Sakshya Bill 2023 will replace the Indian Evidence Act 1872.*

These three laws, which are said to be made with the Indian thought process, impact our criminal justice system significantly and are set to alter the course of our justice system by expediting trials and also increasing the rate of conviction.

With these overhauls being proposed, it is imperative for the all-legal luminaries and citizens who will be directly affected by these laws to understand what this new law entails and read beyond the fine print.

- *Bhartiya Nagarik Suraksha Sanhita Bill, which will replace CrPC, now has 533 sections; 160 sections of old law have been changed, nine new sections have been added, and nine sections have been repealed.*
- *Bharatiya Nyaya Sanhita Bill 2023, which will replace the Indian Penal Code, will have 356 sections instead of the earlier 511 sections; 175 sections have been changed, eight new sections have been added, and 22 sections have been repealed.*
- *The Bharatiya Sakshya Bill, which will replace the Evidence Act, will now have 170 sections instead of the earlier 167; 23 sections have been changed, one new section has been added, and five have been repealed.*

To understand the effects of the new procedures, the reader must be made aware of the previous rights and safeguards made available to the accused.

CONSTITUTIONAL SAFEGUARDS TO THE ACCUSED

Blackstone's principle i.e., "Ten guilty persons should escape rather than let one innocent suffer," is often quoted by legal luminaries and serves as a guiding light for our nation's laws.

Articles 14, 19, 21, 22 and 39-A represent the fundamental values forming the basis of the rule of law.

Article 14 of the Constitution: Article 14 of the Constitution of India reads: "The State shall not deny equality before the law or the equal protection of the laws within the territory of India to any person. "The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth. Any procedure that comes in the way of a party getting a fair trial would violate Article 14 of the Constitution.

Article 20 of the Constitution: Article 20 guarantees two essential rights to accused persons; the article reads as follows -

1) No person shall be convicted of any offence except for violation of a law in force at the time of the commission of the act charged as an offence, nor be subject to a penalty. No person accused of any offence shall be compelled to witness against himself.

(a) Exposit facto penal law - Exposit fact penal law has a retrospective effect on an act or a course of conduct an offence, prescribing a punishment and giving retrospective effect. Here, an act, when committed, is not an offence but is made a crime later by law, imposing a penalty more than to which the offender would have been subject when committed, which is also forbidden by Article 20(1).

Thus, what is prohibited by this provision is the conviction of a person of his subjection to a penalty under export facto law. The protection under Article 20(1) guarantees rights two. (1) prohibition of conviction for an offence. Article 20(1) guarantees two rights.

- Prohibition of conviction for an offence except for violation of a law in force and
- Prohibition of Greater Penalty. The Supreme Court in *Kedarnath v. State of West Bengal*, 52, held that an export facto law could not enhance the penalty. In this case, A committed an offence in 1947, for which an enhanced punishment was prescribed by

Amendment I in 1949. The Supreme Court held that enhanced Punishment could not be imposed upon the accused as it was a clear violation of Art. 20(1).

b) Protection against double Jeopardy - The underlying basis of Art. 20(2) is the well-known Common Law rule '*nemo debet bis vexari pro una et eadem causa*', which states that no one shall be put twice in peril for the same offence. The expression 'Double Jeopardy' means punished twice or punishment given more than once for committing the same offence. This principle of law is also incorporated in the U.S. Constitution.

To claim Protection, there must be both prosecution and Punishment. *Kalawati v. Himachal Pradesh: In this case, the accused lady, the wife of the deceased, was tried for the offence of murder of her husband and acquitted through her paramour, who was tried along with her*, was convicted. The state preferred an appeal against acquittal, and in that appeal, the accused objected that it was not maintainable under Art 20(2). But the Court held that the appeal was a continuation of prosecution and convicted her for giving false information and screening of the offender, her paramour.

There are three conditions to be satisfied to claim the protection under Article 20(2):

1. There must be a previous prosecution;
2. That ended in punishment of the accused and
3. That the punishment must have been for the same offence.

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Where the previous conviction was null and void, or where there is more than one offence arising from facts, a subsequent prosecution is not barred by Article (20).

c) Freedom from self-incrimination - Freedom from self-incrimination means that no evidence shall be used against the defendant to involve him in criminal liability either directly or indirectly. This is a rule against testimonial compulsion or compelled testimony.

- The expression 'self-incrimination' means conveying information based upon personal knowledge of the person, giving information involving himself to be the prime peat taken in the offence. A person shall not be asked to make statements against himself.
- Art 20(3) says, 'No person accused of any offence shall be compelled to be a witness against himself'. This is based on the familiar law maxim '*nemo tenetur prodere accusatori sui*', which means 'no man is bound to accuse himself'.

To apply this provision, the following conditions must be satisfied:

- The person must be an accused;
- He claims it is against compulsion; and
- The evidence given must be against the person himself.

In *Nirmal Singh Kahlon v. State of Punjab*, the Hon'ble Apex Court was pleased to observe that the right to **fair** investigation and **trial** applies to the accused as well as the victim and such a right to a victim is provided under Article 21 of the Constitution of India.

The Hon'ble Apex Court in *Zahira Habibullah H. Sheikh v. State of Gujarat*, has observed as follows: The principles of the rule of law and due process are closely linked with human rights protection. Such rights can be protected effectively when a citizen has recourse to the courts of law. It must be understood that a trial primarily aimed at ascertaining the truth must be fair to all concerned. There can be no analytical, all-comprehensive or exhaustive definition of a fair trial. It may have to be determined in a seemingly infinite variety of actual situations with the ultimate object in mind, viz., whether something is done or said either before or at the trial deprived the quality of fairness to a degree where a miscarriage of justice has resulted. It will not be correct to say that only the accused must be fairly dealt with. That would be turning Nelson's eye to the needs of society and the victims or their family members and relatives. Each has an inbuilt right to be dealt with relatively in a criminal trial. Denial of a fair trial is as unjust to the accused as to the victim and society. A fair trial obviously would mean a trial before an impartial judge, a fair prosecutor and an atmosphere of judicial calm. A fair trial means a trial in which bias or prejudice for or against the accused, the witnesses, or the cause being tried is eliminated. If the witnesses are threatened or forced to give false evidence, that would not result in a fair trial. The failure to hear material witnesses denies a fair trial." Article 21 is the supreme guarantor of the citizen's intrinsic right to personal liberty. It is responsible for the resistance imposed on the state/government against breaching the citizens' freedom.

A.V. Dicey defined personal liberty as a person's right not to be subjected to imprisonment, arrest or other physical coercion in any manner that does not admit to legal justification.'

Article 21 states that 'No person shall be deprived of his life or personal liberty except the procedure established by law'. The right Guaranteed in Article 21 is available to all national citizens. Notwithstanding, this right is not absolute; thus, subject to exceptions, i.e. a person can be deprived of his liberty if two conditions are met.

- There must be a law.
- There must be a procedure by that law, provided the process is just, fair and reasonable.

It is self-evident that the State can deprive its citizens of their life or personal liberty only by operating a valid procedural law. More so, specific requirements are essential to be met. Suppose any procedural law can validly deprive any person of his life or personal liberty. In that case, it should comply with the requirement: The procedure laid down by the law should result from the valid exercise of legislative power by the concerned law-making authority.

Correspondingly, Article 22 lays down the entire procedure for the arrest or detention of the person in question.

Corresponding directive principles of the state policy can also be observed in articles 39(a) and 41.

Article 39(a) lays down that the State shall, in particular, direct its policy towards securing that the citizens, men or women equally, have the right to an adequate means of livelihood;

Article 41 provides that the State shall, within the limits of its economic capacity and development make adequate provision for securing the right to work, education and public assistance in unemployment, old age, sickness and disablement, and other cases of undeserved want.

We have to cull the correct connotation of the term 'life' as employed by Article 21, keeping in view the constitutional duty of the State as flowing from the aforesaid directive principles of State Policy under Articles 39(a) and 41.

A.K. Gopalan v. State of Madras is the leading case on Art 21. This is the first case filed before the Supreme Court for Violation of Fundamental Rights.

Banu Singh v. State of UP: the Supreme Court held that refusal to grant bail in a murder case without reasonable ground amounts to deprivation of personal liberty.

Hussaianara Khatoon v. Home Secretary: The Hon'ble Supreme Court of India held that the procedure followed by the agencies of the law must be reasonable and pragmatic, provided they ensure an expedited justice, thus imparting a reasoned and quick trial protecting the rights and liberties of the persons in question as stated in the article 21 of the Constitution of India.

RIGHT AGAINST CUSTODIAL VIOLENCE

D.K. Basu v. State of W.B: The Honourable Supreme Court of India has opined that the torture faced by an accused at the hands of the police or any law agency is against the spirit of the law and is an indelible stain on the dignity of a person. Such acts of violence sully the image of the nation's law-imparting machinery; thus, they should not be ignored and left unpunished. Any instance of torture or violence by such agencies would thus fall within the ambit of Article 21 of the Constitution, prompting the courts to take cognisance of such matters.

The rights of the accused in accordance with the CrPC: Our nation's primary outlay of the criminal procedural law has been enshrined in its CrPC (1898) (1973). The Code extends to India except the State of Jammu and Kashmir. Further, some of the provisions of the Code have not been made applicable to the State of Nagaland and the tribal areas because of the peculiar conditions prevailing there.

FUNCTIONARIES UNDER THE CODE OF CRIMINAL PROCEDURE, 1973

The main functionaries exercising powers and discharging duties under the Cr.P.C. 1973 are as follows:

- Police;
- Prosecutors;
- Defence Counsel;
- Magistrates and Judges of higher courts;
- Prison Authorities and correctional services personnel.

The Code of Criminal Procedure, 1973 has the fundamental purpose of providing the mechanism to administer the criminal law, with its specialised aspect to uphold the principle of natural justice with the maxim of 'Audi alteram partem', thus ensuring that everyone has access to an impartial justice system; especially the accused like in the case of *Iqbal Ismail Sodawala v. State of Maharashtra*.

RIGHTS OF THE ACCUSED UNDER THE CODE OF CRIMINAL PROCEDURE

Pooja Pal v Union of India, where the fundamental rights enshrined under Article 21 of the Constitution of India were discussed in the context of "speedy trial" juxtaposed to "fair trial"

in the following manner and sets that everything has to be done by the Court to secure justice based on facts:

In *Subramanian Swamy vs CBI*, the Hon'ble Supreme Court has ruled that any investigation into a crime should be fair and should not be tainted. It has been further held that the Rule of Law is a facet of equality under Article 14 of the Constitution of India.

In *Dayal Singh v. State of Uttaranchal*, the Supreme Court has held that the Court is bound to record any deliberate dereliction of duty, designed defective investigation, or intentional acts of omission and commission.

RIGHT AGAINST BAR FETTERS (SECTION 49 CRPC)

Section 49 of the Code of the Criminal Procedure (Cr.P.C.) stipulates that the person arrested shall not be subjected to undue force or restraint deemed necessary to prevent chances of an escape. The honourable Supreme Court of India opined in the case of *D.K. Basu vs the State of West Bengal* that the police authorities should not use restraint than as deemed necessary to prevent the chances of an escape being attempted by the person so apprehended. Nonabidance of the court's orders would make such officials liable for contempt of court and be subject to a departmental inquiry in case of dereliction of duty. Any High Court with jurisdiction over the case above may be approached for such a dispute.

Citizens for Democracy vs. State of Assam & Others – in the instance of an arrest being made by the police officials in the execution of a warrant of arrest that is obtained from a Magistrate, the accused must not be bound by handcuffs unless the authorities have been ordered to perform the act by the Magistrate otherwise.

Sunil Batra, etc., vs Delhi Administration and Ors. - The court gave the verdict for all under trials deemed to be in custody (not serving their sentence), stating that fetters, especially bar fetters, shall be shunned as a violation of basic human dignity.

The Right to Be Aware of the Grounds of Arrest – Section 50 Cr. P.C and Article 22(1). This right is protected by **Section 50 of the Code of Criminal Procedure, 1973, which states – that the accused possesses the intrinsic right to be made aware of their grounds of arrest and their right to obtain bail.**

Every police officer or other person arresting any person without a warrant shall forthwith communicate to him full particulars of the offence for which he is arrested or other grounds for such arrest. In case of an officer of the law conducting an arrest of a person without a warrant, with that person not being the accused of a non-bailable offence, shall be informed about being entitled to bail by arranging sureties on their behalf.

If a junior officer is delegated the duty of carrying out an arrest by their supervising officer, the junior officer in question will have the duty of informing the person about the arrest. The police officer is obligated to notify the relatives or friends of the arrested person about the arrest and to inform the detained person about the right to be released on bail.

Article 22 of the Constitution of India deals with the protection against arrest and detention in certain cases –

- No person arrested shall be detained in custody without being informed, as soon as possible, of the grounds for such arrest, nor shall he be denied the right to consult and be defended by a legal practitioner of his choice.
- **Section 55 of the Code of Criminal Procedure (CrPC.)** deals with arrests when a police officer deposes a subordinate to arrest the accused without a warrant.
- **Section 75 of the Code of the Criminal Procedure (Cr.P.C.)** provides that the police officer or other person executing a warrant of arrest shall notify the person to be arrested of the substance thereof and, if so required, shall show him the warrant.

In the case of *Joginder Kumar vs state*, the honourable court opined that even though the police authorities have the absolute legal power vested in them to carry out an arrest of a person/s accused of a criminal offence, it is imperative to make sure that such arrests are made based on legal solid grounds. Arrests should not be routine based on a flimsy allegation or a suspicion of an individual's involvement in a crime. Every arrest should be made after the police officer reached a reasonable satisfaction after the Investigation that the complaint was genuine and bona fide, the accused was complicit in the Crime, and the arrest was necessary and justified. ¹

Right to information of arrested person – Section 50A(1) CrPC - The following right has been granted protection under Section 50 A (1) of CrPC. It mandates the police authorities arresting to furnish information about the arrest and the arrested person's whereabouts to their friends, relatives or persons disclosed or nominated by the person arrested. An entry of the fact

as to who has been informed of the arrest of such person shall be made in a book to be kept in the police station in such form as may be prescribed on this behalf by the State Government.

Right to be produced before a magistrate within 24 hours – Section 76 CrPC and Article 22(2) - Section 76 of CrPC and Article 22 Clause 2 of the Indian Constitution provide that the accused must be produced before the magistrate within 24 hours of arrest, excluding the journey time. The person arrested by the police authorities in India possesses the intrinsic right to be presented before a magistrate within the first 24 hours of his arrest. As per section 56 of the Criminal Procedure Code, a police officer must present the person arrested without a warrant before a judicial officer without delay.

Additionally, the law also prohibits the confinement of the accused so arrested at any place other than the police station before being taken to the magistrate. Section 76 of the Criminal Procedure Code also obligates a police officer to present a person arrested with a warrant before a magistrate within 24 hours of arrest. These 24 hours will not include the time taken to reach the magistrate.

Right to a Speedy Trial and Legal Aid - A person arrested by the police authorities bears the intrinsic right to consult a lawyer under Article 22, enshrined in the constitution of India; it also provides free legal aid to indigent persons unable to bear legal fees. These rights gain enforceability as soon as an arrest is made. An arrested person has a right to consult a legal practitioner under Article 22 of the Indian Constitution. Section 41D of the Criminal Procedure Code permits the accused to consult their advocate during interrogation.

Right to Consult a Lawyer -

Article 22 of the Constitution: Provides that no arrested person shall be denied the right to consult a legal practitioner.

Section 41D of the Code of Criminal Procedure (Cr.P.C.): It State that if the police and the interrogation make an arrest, the arrested person is entitled to meet an advocate of their choice during interrogation, though not throughout the interrogation.

Section 303 of the Code of Criminal Procedure (Cr.P.C.): Deals with the rights of the person against whom proceedings are instituted. Any person accused of an offence before a Criminal

Court or against whom proceedings are created under this Code may be defended by a pleader of his choice.

Article 39A of the Constitution of India: It states that the State shall secure that the operation of the legal system promotes justice based on equal opportunity and shall, in particular, provide free legal aid by suitable legislation or schemes or in any other way to ensure that opportunities for securing justice are not denied to any citizen because of economic or other disabilities.

In the landmark case of *Khatri vs. the State of Bihar*, Hon'ble Justice P.N. Bhagwati made it mandatory for Session Judges to inform the accused of their rights to free legal aid and to advise individuals if they are unable to retain counsel to defend themselves caused by poverty or lack.⁴

In *Sheela Barse v. Union of India*, the Hon'ble Court ruled that a person's fundamental right to a speedy trial is contained in Article 21 of the Indian Constitution⁵.

In addition, in the case of **Suk Das v. Union Territory of Arunachal Pradesh**, Hon'ble Justice P. N. Bhagwati stated that India has many illiterate people unaware of their rights. As a result, it is critical to developing legal literacy and awareness among the general public and is also an essential component of legal aid.⁶

Section 304 of the Code of the Criminal Procedure (Cr.P.C.) provides that where, in a trial before the Court of Session, the accused is not represented by a pleader and where it appears to the Court that the accused has not sufficient means to engage a pleader, the Court shall assign a pleader for his defence at the expense of the State.

Right against self-incrimination – Article 20(3) - Based on the maxim – '*nemo debet prodere ipsum*', which means privilege against self-incrimination. Article 20(3) guarantees the right against self-incrimination, which was reflected in *Nandini Satpathy vs P.L.Dani*.

Order 33 Rule 17 of CPC – Defence by an indigent person: Any defendant who desires to plead a set-off or counter-claim may be allowed to set up such claim as a needy person. The rules contained in this order shall, so far as may be, apply to him as if he were a plaintiff and his written statement were a plaint.

CASE LAWS

Sukh Das vs UT of Arunachal Pradesh: The right of indigent accused cannot be denied even when the accused fails to apply for it. The entire trial becomes void if the state fails to provide legal aid to the indigent accused who got arrested.

Right to be Medically Examined: Section 54 CrPC states that if the court is duly satisfied that a medical examination of the accused is necessary to defeat the injustice, the court may order a medical exam.

Right to be examined by a Doctor: Section 54 of the Code of the Criminal Procedure (Cr.P.C.) stipulates that when a person who is arrested, whether on a charge or otherwise, alleges, at the time when he is produced before a Magistrate or at any time during the period of his detention in custody, that the examination of his body will afford evidence which will disprove the commission by him of any offence or which will establish the commission by any other person of any crime against his body, the Magistrate shall if requested by the arrested person so to do direct the examination of the body of such person by a registered medical practitioner unless the Magistrate considers that the request is made for vexation or delay or for defeating the ends of justice.

ADDITIONAL RIGHTS AVAILABLE TO AN ARRESTED PERSON

Section 55A of the Code of the Criminal Procedure (Cr.P.C.) deals with the health and safety of an arrested person- It shall be the duty of the person having the custody of an accused to take reasonable care of the health and safety of the accused.

Right to compensation – Section 358 CrPC: If an accused is groundlessly arrested, the accused is entitled to compensation. Section 358 of the Code of Criminal Procedure (Cr.P.C.) deals with the compensation to persons who got arrested groundlessly –

- In case a revelation of a groundless arrest being carried out comes forth, the magistrate may award the arrested person a compensation not exceeding (one thousand rupees) which is to be paid by the person causing the said arrest for the loss of time and expenses made in proceeding with the said matter, as deemed necessary by the magistrate.

- In such cases, if more persons than one are arrested, the Magistrate may, in like manner, award to each of them such compensation, not exceeding [one thousand rupees], as such Magistrate thinks fit.
- All compensation awarded under this section may be recovered as if it were OK. If it cannot be so recovered, the person by whom it is payable shall be sentenced to simple imprisonment for such term not exceeding thirty days as the Magistrate directs unless such sum is sooner paid.

Case Law – D.K. Basu vs State of West Bengal, 1996:

Arrest guidelines: The Hon'ble apex court has laid the following guidelines concerning the arrest of persons, which are as follows -

- The official carrying out the arrest shall bear a clear identification of his identity.
- The policeperson making the arrest shall make a memo.
- The arrest facts shall be disclosed to the arrested person's friend, relative or any other person of interest.
- The time, place, and venue of the custody shall be disclosed to his person's friend, relative or any other person of his interest (if the person to be informed stays at a faraway place, then the Legal Aid Office and Police Station of the area concerned) within 12 hours after arrest.
- An entry with details like the name of the arrested person, his informant relative, police officers attached, etc., should be kept at the place of detention.
- The arrestee must be examined for any injuries in his body. The same must be recorded and signed by both the police officer and the arrestee, and a copy must be provided to the arrested person.
- A trained medical doctor must examine the arrested person every 48 hours.
- Copies of all documents made, including the arrest memo, shall be forwarded to the magistrate.
- The arrested person shall be permitted to meet his lawyer during the interrogation but not throughout the process.
- All the information regarding the arrested persons shall be forwarded to the police control room within 12 hours of arrest and displayed on the notice board.

Rights to be released on Bail: Section 50 (2) of the Code of the Criminal Procedure (Cr.P.C.) states that where a police officer arrests without warrant any person other than a person accused of a non-bailable offence, he shall inform the person arrested that he is entitled to be released on bail and that he may arrange for sureties on his behalf.

Right to Keep Silent: When a confession or statement is made in court, the magistrate must determine whether the announcement was made voluntarily or not. No one can be compelled to speak in court against their will. The right to remain silent is not recognised in any law but can be based on constitutional provisions or the Indian Evidence Act. The right to a fair trial is important because it helps ensure that people are treated fairly in court. Article 20(2) of the Constitution of India reiterates that no person, whether accused or not, cannot be compelled to be a witness against himself. This act of exposing oneself is the principle of self-incrimination.

In the Landmark judgment of *Nandini Sathpathy vs. P.L. Dani & others*, the Court noted that Article 20(3) existed as general fundamental proper protection and was available to every accused person in India. Still, its wording was not very specific about which situations it applied to. Also, no one can forcibly extract statements from the accused, and the accused has the right to keep silent during interrogation (investigation). Thus, the rights envisaged under the present Code of Criminal Procedure, 1973, are curtailed with the enhancement of the investigation's time of remand and procedural aspects. With the implementation of The Sanhita, it's time to tell how the law under repeal was beneficial and how the new law is fruitful, thus imparting speedy justice. With fair play, the public policy and principles of natural justice are the forefront players of the Criminal Judicial System.