RIGHT TO SILENCE IN INDIA – AN ANALYSIS OF ITS SCOPE, USE AND EFFICACY

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ABSTRACT

This article aims to understand the scope of the right to silence in India with respect to criminal cases. Incidents involving coercion on accused with an aim to extract evidence is a common occurrence in this country. Had the Constitution framers not included the right against self-incrimination, then the incidents of custodial brutality, compelled testimony would have been even higher. Inspite of the right guaranteed to the citizens under article 20(3) of the Constitution against self-incrimination, use of physical, psychological, emotional duress on the inmates by the investigation officials have made detrimental impacts on the effect of the justice delivery system. Right to silence, if properly extended to the accused, can help in curtailing incidents of compelled testimony. The right to silence provides a scope as comprehensive as possible in order to save the accused from undue vilification by the investigating agencies to Court officials. Therefore, right to silence can hence be called as a legal safeguard against answering or to refuse answering any question put forward to any accused by the Court or any official authorised to interrogate the accused, if that question has a potential to incriminate him or her.

Chapter 1 of the article analyses whether this right to silence can be called a fundamental right, owing to the fact that it has no particular mention in any constitutional article or sections of any penal statute. Chapter 2 discusses the effectiveness of this right in protecting the interests of the accused. In addition to this, Chapter 3 of the article inspects into the areas where this right can or cannot extend, thereby judging if this is an absolute right or not, and if the exercise of the right to silence has been of any prejudice to the prosecution while interrogating the accused in a criminal case.

Keywords: Right to Silence, Self-incrimination, Compelled Testimony, Constitutional Safeguards

INTRODUCTION

Trying to elicit confessions by deploying coercive methods is a common practice in India. Incidents of custodial deaths owing to police brutality on inmates in prison cells, use of physical as well as psychical torture on accused in order to obtain evidence are rampant. The police are institutionally powerful and a strong arm of the state. Tanusri Anchan, in her article, states that the absence of accountability in addition to the extraordinary discretionary power that the police holds further increases the probability of misuse of authority[i]. Incriminating the accused by relying on evidence or statements made under compulsion extending to fear of harm to life and limb can have detrimental impacts on the ends of justice. Verdicts delivered by basing opinions on tainted confessions would inherently fail in bringing the truth to the forefront, besides prejudicing the accused. To secure a fair say of the accused in criminal proceedings and to ensure that he or she is not unduely implicated, the right to silence has a major role to play. Right to silence can hence be called as a legal safeguard against answering or to refuse answering any question put forward to any accused by the Court or any official authorised to interrogate the accused, if that question has a potential to incriminate him or her. Although the right to silence hasn't been specifically mentioned in the Indian Constitution or in the Criminal Procedure Code (CrPC) or in any other penal statute, Article 20(3) of the Constitution which gives the accused rights against self-incrimination and section 161(2) of CrPC which states that an accused can avoid answering questions which have a tendency to expose that person to a criminal charge, penalty or forfeiture, are believed to have successfully secured the right to the silence. The rationale behind the right to silence was decided in the case of Selvi v State of Karnataka[ii]. It is based on two objectives – (i) to ensure reliability of the statements made by the accused, (ii) to ensure that such statements are made voluntarily. Hence, what is essential, is that the police should rely on their investigating abilities while trying to collect evidence. Right to silence when granted to the accused would also secure the exercise of the right guaranteed under article 20(3); it is based on a legal maxim "*Nemo Tenetur Prodere Accusare Seipsum*", which means that "No man, not even the accused himself can be compelled to

answer any question, which may tend to prove him guilty of a crime, he has been alleged against". The onus to prove the accused guilty beyond reasonable doubt rests on the prosecution; if the accused is compelled to testify that he has committed the crime which he has been charged with or is subjected to duress by the investigating officials for making a confession that would thereby lead to an affirmation of the charge on him, then the decided position that it is the work of the prosecution to prove the accused guilty, would be tampered. This article, hence, aims to explore the right to silence available to the accused in three contexts – whether the right to silence can be treated as a fundamental right, how effective has this right been in protecting the interests of the accused against compelled testimony or forced confessions and what are the boundaries that have been set, and lastly whether the right to silence can be at conflict with the interests of the prosecution while interrogating the accused.

WHETHER THE RIGHT TO SILENCE CAN BE TREATED AS A FUNDAMENTAL RIGHT?

The One Hundred Eightieth (180th) Report of the Law Commission of India dealt with article 20(3) of the Constitution of India and the Right to Silence. The report states that the right to silence is a principle in common law. The implication of the principle is that courts or tribunals should not be invited or encouraged to conclude, by parties or prosecutors, that a suspect or an accused is guilty merely because he has refused to respond to questions put to him by the police or by the Court. The right to silence finds its buttress in the privilege against self-incrimination. Having been developed by the English Courts of Star Chamber back in the 16th century, the right of the accused was extended to witnesses, who could exercise it in cases where there were allegations of crime and civil litigations. However, there has been an alternative opinion professed by few who say that the privilege, having originated in Roman Common Law, first applied to witnesses and to allegations of crime in civil procedings before being extended to the accused in criminal law. The three facets that come alongwith the right to silence are – (i) the burden is on the State or rather the prosecution to prove that the accused is guilty, (ii) that an accused is presumed to be innocent till he is proven to be guilty beyond reasonable doubt, (iii) the right of the accused against self-incrimination and to not be compelled to be a witness against himself. Article 14(3)(g) of the International Convenant on Civil and Political Rights,

1966, also assigns every accused the right to not "be compelled to testify against himself or to confess guilt". Earlier in U.K., the position of the courts was that no finding of guilt could be arrived by merely relying on the silence of the accused (as expressed by Lord Mustill in Murray v DPP[iii]). On appeal, the European Court in Murray v United Kingdom[iv], held that it was prohibited to draw inference from the mere silence of the accused and that his or her guilt must be prima-facie established by the prosecution. The accused should be allowed to choose a lawyer to defend him and if the lawyer gives some advice to his client, then there should also be no compulsion to disclose the advice given. Back in 1972, the Law Commission of England had felt that an encroachment into the exercise of the right to silence was required for suspected terrorists and for those arrested on grounds of commission of serious crimes like armed robbery; in short for those who are hardened criminals or criminals by profession and have chances to evade the process of justice by keeping silent on crucial aspects. Accordingly in 1994, based on the recommendations of the 11th Report of 1972, the government of England brought changes to the arena of right to silence, thereby allowing encroachments on its exercise by the accused. The 180th Law Commission Report says that bringing in similar changes in the Indian position pertaining to this right when exercised by accused or witnesses would lead to confusion from cross-examination, more litigation, more uncertainty and more arguments.

In India, the right to silence is included within the scope of article 20(3) of the Constitution. This article guarantees the fundamental right of the accused to protect himself against self-incrimination. Compulsion is duress, compulsion has to be through a physical objective act and cannot be the state of mind of the person making the statement, except where the mind has been so conditioned by some extraneous process as to render the making of the statement involuntary, and therefore extorted. Any effort to draw inference from the refusal to testify is equivalent to punishing a person who is merely seeking to exercise his right under article 20(3) of the Indian Constitution. However, a person who voluntarily answers the questions as a witness, by his act of answering, waives off his privilege to remain silent, which is thereby not an act where he is being compelled to be a witness against himself. As expressed in the case of State of Uttar Pradesh v Boota Singh[v], the scope of article 20(3) does not cover signature, thumb impression, palm, foot or finger impressions or specimen of handwriting and also any act where the parts of the body of accused are exposed for identification purposes. Further, in the case of Subbaya Gounder v Bhoopala[vi], it was held that compulsory taking of urine and

blood samples from an accused is not covered under the scope of testimonial compulsion. Apart from the Constitution of India, the right to silence finds place in the Criminal Procedure Code, sub-section (2) of section 161 that grants a right to silence during interrogation by police, as pressurising him for self-incrimination 'would have tendency to expose him to a criminal charge or to a penalty or forfeiture'. In the old Criminal Procedure Code (CrPC), section 342(2) stated an affirmation for interference in the exercise of right to silence by the accused. It allowed the Court to draw inferences based on the silence of the accused with respect to any answer – "but the Court and the jury (if any) may draw such inference from such refusal or answers as it thinks fit". As article 20(3) of the Constitution condemns self-incrimination and compelled testimony, section 342(2) was dropped from the 1973 CrPC as it was found to be at contrast with the constitutional provision. Instead section 313 CrPC, 1973 states that the right to silence should be protected at the trial; section 313(3) states that the accused shall not render himself liable to punishment by refusing to answer such questions, or by giving false answers to them. Section 315(1)(b) precludes any comment by any of the parties of the Court in regard to the failure of the accused to give evidence – "his failure to give evidence shall not be made the subject of any comment by any of the parties or the Court or give rise to any presumption against himself or any person charged together with him at the same trial". Therefore, it can be inferred upon from the following provisions that they raise a presumption against guilt and in favour of innocence, grant a right to silence both at the stage of investigation, and at the trial and also preclude any investigating officer or the Court from intruding on the exercise of the right to silence by the accused or witness.

The issues raised and the judgement obtained in Nandini Satpathy v PL Dani[vii] case can provide us with an insight into the ambit of testimonial compulsion, coerced confessions and how it affects the right against self-incrimination and the right to silence. The points of controversy were – if an accused is entitled to silence, if the right to silence is just confined to police interrogation or can it extend to other pending or potential accusations outside the investigation, if the right shields the accused only during the Court proceedings or even during investigation, deciding the ambit of the expression 'compelled to be a witness against himself' under article 20(3), if 'witness against oneself' includes testimonial tendency to incriminate, if section 161(2) of CrPC has an inculpatory impact on accused to be tried and investigated in other criminal cases, if any person as mentioned in section 161(2) includes an accused person or is

it only witness, when can one say that a person is prone to self-incriminate or expose oneself to charge by answering a question, if mens rea is an essential component of section 179 IPC which punishes the act of refusal to answer any question directed to him by a public servant with an imprisonment term of six months or fine extending to one thousand rupees or both, and finally as to wherein should one demarcate the boundaries between benefit of doubt with respect to section 161(2) CrPC and section 179 of IPC? After deliberating on the above areas, the Court wanted to address two primary queries – (i) Is the person who is called upon to testify, accused of any offence? (ii) whether that person is being compelled to be a witness against himself.

The esteemed jury thereby moved on to cite a number of crucial decisions taken in famous cases. In the case of Raja Narayanlal Bansilal v Maneck Phiroz Mistry and Anr[viii], it was decided that for calling upon article 20(3) of the Indian Constitution, the essential condition is that the compulsion should be levelled against that party who has been accused and thereby has been asked to give evidence against him. The case of R.C.Mehta v State of West Bengal[ix] illustrated the definition of an accused – a person would be called an accused if a First Information Report (FIR) is lodged against him with respect to an offence, before an officer competent to investigate; or in case of a complaint, it should be sent to a Magistrate. The Court, in reference to The State of Bombay v Kathi Kalu Oghad and Ors[x], ruled that article 20(3) of the Constitution can be invoked against those statements which had a material bearing of criminality in them, thereby making the maker of the statements liable to criminal charge. In the same case, Sinha CJ had cited the definition of duress as has been given under Dictionary of English Law by Earl Jowitt – 'Duress is where a man is compelled to do an act by injury, beating or unlawful imprisonment (sometimes called duress in strict sense) or by the threat of being killed, suffering some grievous bodily harm, or being unlawfully imprisoned (sometimes called menace, or duress per minas). Duress also includes threatening, beating or imprisonment of the wife, parent or child of a person". Justice Krishna Iyer had given an expansive interpretation of the phrase 'compelled testimony'. The learned judge had observed that the driving force behind the refusal to permit forced self-incrimination is the system of torture by investigators and courts from medieval times to modern days. Psychic torture, atmospheric pessure, environmental coercion, tiring interrogative proxility, over-bearing and intimidatory methods in addition to physical threats or violence – all form parts of compulsion. Hence, he

held that the accused was entitled to keep his mouth shut and not answer any question if the question was likely to expose him to guilt. This protection was available before the trial and during the trial. With regard to the offence under section 179 IPC, not answering questions put forward by public servants, it was decided that no wilful refusal but mere innocent warding off has taken place, the act would not be held offensive under section 179. It was thereby held that compulsion or duress would have an elaborate scope; thereby condemning third degree torture on accused by police to elicit confession and allowance to the accused to exercise his right of silence in cases where answering a particular question would expose him to criminal charge.

From the observations that we have made, and the scope and interpretation of the provisions from both the Indian Constitution as well as CrPC, it is understood that right to silence is essential for the proper exercise of the right provided under article 20(3) of the Constitution. The former is vital for the interpretation of the latter. Right to silence can hence be treated as a fundamental right.

HOW EFFECTIVE HAS THIS RIGHT BEEN IN PROTECTING THE INTERESTS OF THE ACCUSED AGAINST COMPELLED TESTIMONY OR FORCED CONFESSIONS AND WHAT ARE THE BOUNDARIES THAT HAVE BEEN SET?

For understanding how beneficial it is for the accused to avail the right to silence, one can consult the study conducted by Shmuel Leshem. Leshem, in his article, had studied the works of H. Mialon[xi] and the work by D. Siedmann and A. Stein[xii]. In his work, Leshem states that the right to silence is a constraint imposed upon a jury so as to not criminalise the accused based on his silence in case of absence of incriminating evidence. There has been a lingering confusion that the right to silence can be exploited by an accused to bring the turnout of Court proceedings in his favour and so allowing him an access to the right to silence will conceal his guilt. Now, if the authorities decide to interfere into the exercise of this right, then that might be prejudicial to the innocent accused who had actually done nothing wrong. Leshem, in his study, systematically derived all probable consequences of the exercise of the right to silence by an accused and concluded that the introduction of this right does not affect the innocent

suspect's no confession decision. However, it disproves the argument that the right induces innocent suspects to seek resort in silence from false concessions. However, if the innocent suspect speaks with or without the right to silence, he benefits from the fact that in the event of the right existing, it induces the guilty suspect to shift from confession to silence. With the following of events, it turns out that the probability with which the guilty suspect exercises his right to silence is consequently greater than the probability with which he confesses in the absence of the right to silence. Therefore, where there is the availability of the right to silence, the jury convicts with lower probability if the evidence contradicts the suspect's statements. Hence, if an innocent suspect makes a good use of his right and prefers to always remain silent, then the benefit obtained from this use results into a constraint imposed on the jury to not convict a silent suspect when no incriminating evidence is available, rather than from the claim that the right induces the guilty suspect to shift from confession to silence. Leshem's article thereby successfully illustrates that existence of a right to silence benefits innocent suspects even if it does not alter their decision to speak or to remain silent. Also, the examinations made through the article affirms that the right to silence decreases the probability of wrongful conviction of innocent suspects who wold choose to always remain silent or always speak irrespective of whether this right to silence exists[xiii].

The right to silence provides a scope as comprehensive as possible in order to save the accused from undue vilification by the investigating agencies to Court officials. From being allowed to avail this right after FIR has been lodged against the accused as was held in the case of R.B.Shah v D.K.Guha[xiv], to being protected even from psychological duress as has been interpreted in the Nandini Satpathy case, the right to silence is capable of acting as a prominent safeguard for the accused. However, these benefits an be accessed only after realising the areas and the grounds for which the protection can be given. In the case of Yusufali v State of Maharashtra[xv], it was held by the Honourable Court that the information which maybe provided without the knowledge of the accused is not covered under the scope of article 20(3) of the Indian Constitution. Hence, it cannot be alleged that the particular piece of information was obtained by compulsion. On whether DNA test, conducted to obtain information, can lead to violation of the right under article 20(3) of the Constitution, the Supreme Court pronounced that where the parentage of the child is unknown and DNA tests are conducted to ascertain the same, the act would not be violative of the fundamental rights. This decision was taken in the

case of Kanchan Bedi v Gurpreet Singh Bedi[xvi]. However, in light of such acts, there should be certain improvements brought about for the better conducting of such tests – (i) suitable amendments should be inserted in the Criminal Procedure Code (CrPC), (ii) prompt and immediate measures should be obtained for DNA tests, (iii) the main aim of conducting such tests should be speedy and fair delivery of justice, (iv) there is an equilibrium maintained between the constitutionally guaranteed rights and such tests and examinations[xvii].

In addition to this, it has also been laid down under section 27 of Indian Evidence Act, 1872, that the information furnished by an accused after his arrest by an investigating officer, that can lead to discovery of articles is admissible as evidence and it, in no way, offends the security guaranteed under article 20(3) of the Indian Constitution. This has been affirmed in the cases of Govinda Reddy[xviii], Jethiya v State[xix]. It has been efficiently adjudicated in the famous case of Selvi v State of Karnataka that as per the developments on the national and international level are concerned with a person's right to life and liberty (guaranteed under article 21 of the Indian Constitution), narco-analytic tests and polygraphic examinations are clearly violative of the constitutionally guaranteed right against self-incrimination under article 20(3)[xx]. As this article bears close nexus to the right to silence, obtaining forced evidence or eliciting compelled testimonies by exposing the accused to lie-detector tests, wherein, had the circumstances been otherwise, the accused might have chosen to remain silent during the investigation, is a clear intrusion upon the accused's choice to exercise his right to silence.

CAN THE RIGHT TO SILENCE GIVEN TO THE ACCUSED BE AT CONFLICT WITH THE INTEREST OF PROSECUTION WHILE INTERROGATING THE ACCUSED? IS RIGHT TO SILENCE AN ABSOLUTE RIGHT?

As per the seventh chapter of the examination conducted by Scrutiny of Acts and Regulations Committee (Parliament of Victoria – "The Right to Silence: An Examination of the Issues", problems can arise due to the exercise of the right to silence. Some of the claims are:-

- Such right to silence is abused by 'hardened' or 'professional' criminals; assessment of this claim requires consideration of what it would mean to say that the exercise of a

right constituted an abuse of that right; in this case the exercise of the right to silence in previously involved criminal trials by the accused would indicate likelihood.

- Right to silence can hamper police investigations too; assessment has to be made with respect to the decrease in chances of charges being made.
- The right to silence can create difficulties for the prosecution at trial in particular through the difficulty of confronting an 'ambush' defence. Apart from an increased likelihood of unjustified acquittal, this problem might also manifest in the lengthening of trials with the prosecution being obliged to lead evidence to counter the full gamut of defences which could conceivably be relied upon.
- This right can also lead to a high number of acquittals. However, it would be incorrect to presume that these problems persist in every case where the accused exrcises his right to silence and that they cannot be overcome.

Infact, the right to silence under article 20(3) isn't absolute. A look into the judgements given in certain cases would help us in understanding this position better.

At first, we can cite the reference of the recent case of Prahlad v State of Rajasthan[xxi], decided on the 14th of November, 2018. In this case, a minor girl was kidnapped, raped, murdered by the accused who was a maternal uncle to her, as the child's mother considered the accused to be her brother. An FIR was lodged by the father of the victim against the accused. The latter then preferred appeals against the judgements and orders of conviction and sought for acquittal. Referring to the appeal, the Court held the accused guilty under Section 302 IPC – murder; however he was given the benefit of doubt in so far as the offence punishable under section 4 of the POSCO Act is concerned [*Punishment for Penetrative Sexual Assault – Whoever commits penetrative sexual assault shall be punished with imprisonment of either description for a term which shall not be less than seven years but which may extend to imprisonment for life, and shall also be liable to fine*][xxii]. What was striking in the case is that the accused had provided no explanation to the charge under section 313 CrPC, as to when he parted the company of the victim. Also, no explanation was provided with regard to the question as to what happened after the accused had purchased chocolates for the victim. The silence on the part of the accused, on such a matter wherein he is expected to furnish any explanation, lead to an adverse inference against the accused. The Court delivered that though the offence of rape wasn't proven, as the medical reports lacked evidence of the same, the offence of murder had

been proven beyond reasonable doubt and the accused was held guilty under section 302 of IPC. Thereby, the Court cancelled the orders that sentenced the accused to death; instead the Court punished the accused with life imprisonment. On account of the fact that this man was the last person with whom the child was seen and the convict had failed to furnish any explanation for the events that had followed and had chosen to remain silent, the Court drew an adverse inferencefrom his silence and convicted him for murder of the eight year old victim. Hence, this was a case where the silence of the accused was put to his disadvantage.

Another case that can be cited for reference is the case of Munish Mabar v State of Haryana, decided on 4th October, 2012.[xxiii] One Ashok Kumar Jain was found murdered and his employee, Shivani Chopra was a co-accused in this case. She was suspected to have an illicit relationship with him and was supposed to receive the deceased at the Airport, upon his arrival from Mumbai. She, alongwith Sudhir Srivastava, another co-accused and the appellant Munish Mabar were punished. Appellant Munish Mabar and Chopra were convicted under sections 302 and 34 of IPC, 1860 and were sentenced to undergo life imprisonment for three years and were required to pay a fine of Rs 5000/- each; under section 201 IPC to undergo rigorous imprisonment for three years and to pay a fine of Rs 300/- each; and also under section 120B IPC to undergo rigorous imprisonment for three years. Mabar was also convicted under section 404 IPC and was punsihed with an imprisonment term for two years and a fine of Rs 200/-. The Court adjudicated that these sentences of imprisonment were to run concurrently. The appellant, dissatisfied and aggrieved, had made an appeal to the Supreme Court of India. His contention was that the allegations levelled against him weren't adequately proven and the Court had based their presumptions on these frivolous allegations. However, at the turn out of circumstances, it was observed that the appellant had failed to furnish any explanation in relation to the circumstances put before him, while recording his statement under section 313 of CrPC, 1973. The Court thereby held that the appeal lacked merit and was liable to be dismissed. The Court also adjudicated that it is obligatory on the part of the accused, while being examined under section 313 of CrPC to furnish some explanation with respect to the incriminating circumstances associated with him, which in the above case, the appellant failed to provide. The judges had to thereby draw adverse inferences from his silence.

The case of Ramnaresh & Ors v State of Chattisgarh[xxiv], decided on 28th February, 2012, similarly illustrates a situation that refelects the right to silence as a non-absolute right. In this

case, one Rajkumari was raped and murdered. The appellants claimed that the prosecution had failed to prove their arguments beyond reasonable doubt. Moreover, the prime witness – Dhaniram, fell within the realm of suspicion and hence his examination as a witness couldn't be held as a credible source of evidence. In addition to this, there were serious contradictions in the statements of witnesses. It was alleged by the appellant that the learned Trial Court was incorrect in basing their judgements on such varied and contrasting opinions. However, at the turnout of the proceedings, it was re-iterated by the appellate Court that "the Court would be entitled to draw an inference, including adverse inference, as may be acceptable to it in accordance with law".

Hence, we can conclude that the right to silence available to the accused is not altogether disadvantageous to the prosecution while interrogating the accused. It has been illustrated in a number of judgements that this right of an accused isn't absolute and there have been a number of cases where the silence of the accused and his failure to furnish any explanation has lead to the Court in drawing inferences disadvantageous to his interest.

CONCLUSION

It has to be understood that justice needs to be served but that it cannot be done at the cost of fundamental rights. Had the Constitution framers not included the right against self-incrimination, then the incidents of custodial brutality, compelled testimony would have been even higher. Coloured evidence extracted through duress would have damaged the purpose of justice. Hence, it is important to balance the rights of individuals and the State's duty to deliver justice. Although the right to silence hasn't been separately mentioned in the Constitution or other penal statutes, article 20(3) of the Constitution includes this right within its scope. For the accused to protect himself against self-incrimination, it is essential for him or her to have the complementary right to silence assured. Hence, both the rights are indispensable for the proper exercise of one another. Section 161(2) of CrPC guarantees he right to silence and protects the accused from self-incrimination during police investigation. However, this right doesn't extend to evey situation and there have been quite a few bars on areas where the process of obtaining evidence cannot be held as compelling. The status quo regarding what can be held

under the definition of 'duress' has been significantly explained in the leading case of Nandini Satpathy v PL Dani.

While on one hand there has been thorough examination on the advantages available to the accused because of the existence of the right to silence and that the probability of wrongful convictions on the part of the accused are significantly less, there have been contentions as to whether the exercise of this right have been prejudicial to the prosecution while interrogating the accused. However, through a number of judgements, the courts in India have shown that this right to silence isn't an absolute right and in cases where the accused is bound to furnish explanation for his conduct and he fails to do so, exercise of the right to silence can lead to the Court in drawing adverse inferences against him. Hence, the presence of this right is more of a shield in protecting the constitutional right assured under article 20(3) and it in no way is prejudicial to the interests of the prosecution. The courts, however, seem to have adopted more stringent attitudes in respect of the exercise of right to silence in administrative or economic offences when compared to criminal offences. They have held that it is essential to distinguish between administrative investigatory provinces and criminal proceedings, before the provisions and privileges as extended in the case of Nandini Satpathy can be extended to the accused[xxv].

Therefore, the State, after careful examination of the prospects beneficial to the accused as well as those that will ensure smooth delivery of justice, devise ways to ensure that citizens can avail the constitutional safeguards guaranteed to them.

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