



## An analytical study on the rights of arrested and accused person in India and Malaysia

Divya M

Department of Law, Saveetha School of Law, Saveetha Institute of Medical and Technical Sciences (SIMATS), Tamil Nadu, India

### Abstract

The most important thing in the world is that the “human being” and their rights which is vested on him. Based upon the norms of the criminal law is that the “thousand accused can punished but one innocent should be punished”. Every person has their own right especially right to life, liberty, equality, and dignity. This article is make some of study about the rights of arrested and accused person under the code of criminal procedure and constitutional provision of India and Malaysia. Hence this paper as explain in a detail manner for the better understanding of the rights of arrested and accused person with the relevant convention. And legal provision with the case laws. This paper is purely based on the research methodology. Hope the research paper will give advance knowledge in the matter regarding the rights of arrested and accused person.

**Keywords:** rights, legal provision, conventions, procedure

### 1. Introduction

The constitution of India and criminal procedure code gives some basic rights to the person being arrested. (Muchera 2011) <sup>[16]</sup> One of the basic tenets of our legal system is the benefit of the presumption of innocence of the accused till he is found guilty at the end of a trial on legal evidence in a democratic society even the rights of accused are sacrosanct, the accused in India are afforded certain rights, the most basic of which are found in the Indian constitution. And it has been compare with the Malaysian constitution and code of criminal procedure the right to silence right to know the grounds of arrest person, information regarding the right to be released on bail right at trail right of free legal aid several rights are same except right to a speedy trial in Malaysia and right to be trail on evidence not abounded by violation of fundamental right. This will explain in detail way with the cases. (Mutunga 1990) <sup>[17]</sup> The purpose of an arrest is to bring the arrestee before a court or otherwise secure the administration of the law. An arrest serves the function of notifying the community that an individual has been accused of a crime and also may admonish and deter the arrested individual from committing other crimes. Arrests can be made on both criminal charges and civil charges, although civil arrest is a drastic measure that is not looked upon with favor by the courts. The federal Constitution imposes limits on both civil and criminal arrests. (Johnston and Hutton 2017) <sup>[12]</sup> Aim of the study is To give careful consideration on the established rights and criminal methodology rights Analysis the privilege of captured individual under CrPC and established base To make a legitimate mindfulness for the privileges of the blamed and captured individual.

### 2. Methodology

This paper deals with the comparative study it is based on rights of arrested and accused Person in India and Malaysia empirical study which includes the data collection and convenient sampling method. The source is based on variables collected by survey questionnaire method. And it

consists of 100 sample size. Using of the crosstab and chi square test the part of analytical as be taken place for this empirical study.

### Analysis

**Table 1:** Occupation

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	government	169	11.0	11.0	11.0
	business	771	50.2	50.2	61.2
	self employed	352	22.9	22.9	84.2
	private	184	12.0	12.0	96.2
	Housewife	12	.8	.8	96.9
	Student	47	3.1	3.1	100.0
	Total	1535	100.0	100.0	

Then the questions were made to analyse on the basis of option were the options maximum number (50.2%) to answer the survey; followed by potion government, business self-employed private housewife student valid one is that (50.2%). And this biases is not because of the paper but because of the place where the survey was taken. There is the highest frequency for the valid of answer from business people is 771 and cumulative percentage is 61.2%.

**Table 2:** Qualification

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Literate	1144	74.5	74.5	74.5
	illiterate	391	25.5	25.5	100.0
	Total	1535	100.0	100.0	

Then the questions were made to analyse on the basis of option were the options maximum number (100%) to answer the survey; followed by potion literate, percentage is (74.5%) illiterate (25.5%). And this biases is not because of the paper but because of the place where the survey was taken. There is the highest frequency for the from literate people 1144 and cumulative percentage is 100%.

**Table 3:** Do you think the persons charged for offences does their considered as accused is valid under criminal law?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	strongly disagree	37	2.4	2.4	2.4
	disagree	316	20.6	20.6	23.0
	neutal	480	31.3	31.3	54.3
	strongly agree	532	34.7	34.7	88.9
	agree	170	11.1	11.1	100.0
Total		1535	100.0	100.0	

Then the questions were made to analyse on the basis of option were the options maximum number (100%) to answer the survey; followed by potion strongly agreed percentage and valid percentage (34.7%). And this biases is not because of the paper but because of the place where the survey was taken. There is the highest frequency for the valid of strongly agreed is 532 and cumulative percentage is 88.9%.

**Gender \* 22. Do you think the persons charged for offences does their considered as accused is valid under criminal law?**

**Table 4:** 22. Do you think the persons charged for offences does their considered as accused is valid under criminal law?

Crosstab						
Count						
Gender	Strongly Disagree	Disagree	Neutral	Strongly Agree	Agree	Total
Female	35	95	83	21	18	252
Male	2	151	397	511	152	1213
Prefer 2t to say	0	70	0	0	0	70
Total	37	316	480	532	170	1535

**Table 5:** Chi-Square Tests

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	584.818 <sup>a</sup>	8	.000
Likelihood Ratio	502.334	8	.000
N of Valid Cases	1535		

a. 1 cells (6.7%) have expected count less than 5. The minimum expected count is 1.69.

**Table 6:** Symmetric Measures

		Value	Asymptotic Standardized Error <sup>a</sup>	Approximate T <sup>b</sup>	Approximate Significance
Ordinal by Ordinal	Gamma	.235	.052	4.504	.000
N of Valid Cases		1535			

a. Not assuming the null hypothesis.  
b. Using the asymptotic standard error assuming the null hypothesis.

a. 1 cells (16.7%) have expected count less than 5. The minimum expected count is 4.89. in the above mention cross table the Pearson chi square Sid value (p value)  $p > 0.05$ , null hypothesis is Rejected null hypothesis there is no significant association relationship between the think the persons charged for offences does their considered as accused is valid under criminal law value of  $p = .000 < 0.05$  less than .000 are it may be same it is moderately correlated or else they may be rejected or accepted. Hence HO is rejected

**Gender \* 23. Are you one of the rights of the prisoners?**

**Table 7:** 23. Are you 1 of the rights of the prisoners?

Crosstab				
Count				
		yes	no	Total
Gender	Female	196	56	252
	Male	664	549	1213
	Prefer 2t to say	0	70	70
Total		860	675	1535

**Table 8:** Chi-Square Tests

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	138.394 <sup>a</sup>	2	.000
Likelihood Ratio	167.983	2	.000
N of Valid Cases	1535		

a. 0 cells (.0%) have expected count less than 5. The minimum expected count is 30.78.

**Table 9:** Symmetric Measures

		Value	Asymptotic Standardized Error <sup>a</sup>	Approximate T <sup>b</sup>	Approximate Significance
Ordinal by Ordinal	Gamma	.637	.046	11.531	.000
N of Valid Cases		1535			

a. Not assuming the null hypothesis.  
b. Using the asymptotic standard error assuming the null hypothesis.

6 cells (66.7%) have expected count less than 5. The minimum expected count is .41. In the above mention cross table based upon chi square the Pearson chi square sid value (p value)  $p < 0.05$ , null hypothesis is rejected and the alternative hypothesis are there is a significant relation between about aware of the rights of the prisoners  $p = .000 > 0.05$  Hence Ha is accepted.

**4. Result**

From the above statistics it is clearly proven that the Alternative hypothesis which is there is a significant relationship between the aware of the rights of the prisoners is accepted and the null hypothesis that the people of certain age, gender and related to their occupation groups does not have significant impact on the status of think the persons charged for offences does their considered as accused is valid under criminal law.

**5. Discussion**

**5.1 Rights of accused in India under constitution and criminal procedure code**

The rights which are been provided in constitution of India and criminal procedure code it denote that the every human have their own rights with them.

The "Constitution of India" and "Criminal Procedure Code" gives some basic rights to the person being arrested These include:

1. The person arrested shall be informed of the grounds of arrest – Article 22 of the Constitution and Section 50 of the Criminal Procedure code.
2. In case the person arrested wants that the information about his arrest may be conveyed to any relation or friend of his, it shall be so conveyed.

3. In case the offence is bailable, he shall be informed that he is entitled for bail as a matter of right and may even be released on his personal bond - Section 50 CrPc.
4. If he is not released on bail, he must be searched and all articles except wearing apparel must be placed in safe custody and a receipt should be issued (section 51)
5. If the arrested person is a woman, the search should be done by the woman.
6. If the arrested person is in possession of any offensive weapons, they should be seized and delivered to the Court (Section 52).
7. According to Section 53, the accused may be required to undergo medical examination by two medical officers (or two lady doctors in case the accused is a woman).
8. If the person escapes from custody, the person having custody can pursue and arrest him any where in India (Section 60).
9. No person arrested should be detained in police custody for more than 24 hours unless there is a sufficient reason for it (Section 57), journey period from the place of arrest to Magistrate's Court is excluded for the purpose of computing this period of 24 hours.
10. When an officer in charge of police station instructs his subordinate to arrest a person without warrant, shall give an order in writing stating the name and address of the person to be arrested and the offence charged.
11. Every officer in charge of a police station is required to report to the District Magistrate, the cases of persons arrested with warrant and without warrant. (Batra 1989)<sup>[2]</sup>

## 5.2 Rights of arrested person

There are two types of rights of arrested person:

1. At the time of arrest
2. At the time of trial (Batra 1989)<sup>[2]</sup>

## 5.3 Protection to females

The General rule is that females are not to be arrested without the presence of a lady constable and no female be arrested after sun-set but there are exceptions in some cases, where crime is very serious and arrest is important then the arrest can be made with special orders and it depends on facts and circumstances of each case. Separate lock ups to be provided for them. *State of Maharashtra Vs Christian Community Welfare Council of India* (2003) 8 SCC 546

## 5.4 Protection or safeguard or remedies

### Article -22

Article 22<sup>[1]</sup> and 22<sup>[2]</sup> of the Indian constitution provide the following rights to the person arrested and detained in custody under the ordinary law of crimes

**Right to be informed of grounds of arrest:** Article 22 (1) of the Constitution provides that a person arrested for an offence under ordinary law be informed as soon as may be the grounds of arrest. In addition to the constitutional provision, Section 50 of Criminal Procedure Code also provides for the same. The grounds of arrest should be communicated to the arrested person in the language understood by him; otherwise it would not amount to sufficient compliance with constitutional requirements. (Johari 2004)<sup>[11]</sup>

**Right to be defended by lawyer** article 22(1) It is one of the fundamental rights enshrined in our Constitution. Article 22

(1) of the Constitution provides, inter alia, that no person who is arrested shall be denied the right to consult and to be defended by a legal practitioner of his choice. The right of the accused to have a counsel of his choice is fundamental and essential to fair trial. The right is recognized because of the obvious fact that ordinarily an accused person does not have the knowledge of law and the professional skill to defend him before a court of law wherein the prosecution is conducted by a competent and experienced prosecutor. (Prinsep, n.d.) This has been eloquently expressed by the Supreme Court of America in *Powell v. Alabama*. The Court observed that "The right to be heard would be, in many cases, of little avail if it did not comprehend the right to be heard by counsel. (Prinsep, n.d., n.d.) Even the intelligent and educated layman has small and sometimes no skill in the science of law. If charged with crime, he is incapable, generally, of determining for himself whether the indictment is good or bad. He is unfamiliar with the rules of evidence. (Prinsep, n.d.) Left without the aid of counsel he may be put on trial without a proper charge, and convicted upon incompetent evidence, or evidence irrelevant to the issue or otherwise inadmissible. (Muehler 2011)<sup>[16]</sup> He lacks both the skill and the knowledge adequately to prepare his defence, even though he has a perfect one. He requires the guiding hand of counsel at every step of the proceeding against him. Without it, though he be not guilty, he faces the danger of conviction because he does not know how to establish his innocence. (Mutunga 1990)<sup>[17]</sup> If that be true of men of intelligence, how much more true is it of the ignorant and illiterate, or those of feeble intellect In *Huassainara Khatoon (IV) v. Home Secretary, State of Bihar*, the Supreme Court after adverting to Article 39-A of the Constitution and after approvingly referring to the creative interpretation of Article 21 of the constitution as propounded in its earlier epoch-making decision in *Maneka Gandhi v. Union of India*, has explicitly observed as follows: 8 287 US 45 (1932). 9 1980. 1 SCC 98: 1980 SCC (Cri) 40, 47: 1979 Cri LJ 1045 10 1978 1 SCC 248: AIR 1978 SC 597. The right to free legal services is, therefore, clearly an essential ingredient of „reasonable, fair and just“ procedure for a person accused of an offence and it must be held implicit in the guarantee of Article 21. (Johnston and Hutton 2017)<sup>[12]</sup> This is a constitutional right of every accused person who is unable to engage a lawyer and secure legal services on account of reasons such as poverty, indigence or incommunicado situation and the State is under a mandate to provide a lawyer to an accused person if the circumstances of the case and the needs of justice so required, provided of course the accused person does not object to the provision of such lawyer. (Cook 1974)<sup>[4]</sup> It has been categorically laid down by the Supreme Court that the constitutional right of legal aid cannot be denied even if the accused failed to apply for it. It is now therefore clear that unless refused, failure to provide legal aid to an indigent accused would vitiate the trial, entailing setting aside of conviction and sentence. (Omar 1996)<sup>[18]</sup> These questions are now of academic importance only. Because the Supreme Court has now recognized that every indigent accused person has a fundamental constitutional right to get free legal services for his defense. The Constitution as well as Section 303 of Code of Criminal Procedure recognized the right of every arrested person to consult a legal practitioner of his choice. (SUARAM 2017) Article 22 (1) provides, " No person who is arrested shall be detained in

custody without being inform, as soon as may be, of the grounds for such arrest nor shall he be denied the right to consult, and to be defended by, a legal practitioner of his choice". The right begins from the moment of arrest i.e. pre-trial stage.

The arrestee could also have consultation with his friends or relatives. The consultation with the lawyer may be in the presence of police officer but not within his hearing. (Garcés-Mascareñas 2012) <sup>[7]</sup>

Right to be produced before magistrate: article 22 <sup>[2]</sup> As per Article 22 (2) of the Constitution provides that an arrested person must be taken to the Magistrate within 24 hours of arrest. Similar provision has been incorporated under Section 56 of Criminal Procedure Code. A police officer making an arrest without warrant shall, without unnecessary delay and subject to the provisions herein contained as to bail, take or send the person arrested before a Magistrate having jurisdiction in the case, or before the officer in charge of a police station. (Garcés-Mascareñas 2012; Costigan and Stone 2017b) <sup>[7]</sup> In Hariharnand v. Jailor, the court been held that the arrested person will be entitled to be released, If twenty four hours passed and the person arrested has not been produced before Magistrate. The magistrate before whom the arrested person is presented is required to apply his judicial mind to determine be whether the arrest is regular and in accordance with law. (Costigan and Stone 2017a) <sup>[5]</sup>.

Arrested person no detention beyond 24 hours except by order of the magistrate Article 22(2) of the Constitution provides: "Every person who is arrested and detained in custody shall be produced before the nearest Magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the court of the Magistrate and no such person shall be detained in custody beyond the said period without the authority of a Magistrate." The right to be brought before a Magistrate within a period of not more than 24 hours of arrest has been created with aims: (i) to prevent arrest and detention for the purpose of extracting confessions, or as a means of compelling people to give information; (ii) to prevent police stations being used as though they were prisons – a purpose for which they are unsuitable. (Machielsen 2015) Madheshwardhari Singh v. State of Bihar, 1986 Cri LJ 1771 (Pat) 18 A.R. Antulay v. R.S Nayak, (1992) 1 SCC 225: 1992 SCC (Cri) 93. 19 1998 SCC(Cri) 1692 The right to speedy trial came to receive examination in the Supreme Court in Motilal Saraf v. State of J&K. Dismissing a fresh complaint made after 26 years of an earlier complaint the Supreme Court explained the meaning and relevance of speedy trial right thus: The concept of speedy trial is read into Article 21 as an essential part of the fundamental right to life and liberty guaranteed and preserved under our Constitution. The right to speedy trial begins with actual restraint imposed by arrest and consequent incarceration, and continues at all stages, namely, the stage of investigation, inquiry, trial, appeal and revision so that any possible prejudice that may result from incompressible and avoidable delay from the time of the commission of the offence will if consummates into a finality, can be averted. (Upadhyay 1998)

Right of appeal: The Supreme Court has observed: "One component of fair procedure is natural justice. Generally speaking and subject to just exceptions, at least a single right of appeal on facts, where criminal conviction is fraught

with loss of liberty, is basic to civilized jurisprudence. It is integral to fair procedure; natural justice and normative universality save in special cases like the original tribunal being a high bench sitting on a collegiate basis. Appeal is one of the two important review procedures. An appeal is a inferior one, whose judgment or decision the court above is called upon to correct or reverse.<sup>65</sup> An appeal is a creature of statute and there can be no inherent right of appeal from any judgment or determination unless an appeal is expressly provided for by the law itself. Complaint to a superior court of an injustice done or error committed by an. ("A Right of Appeal?," n.d.)

### 5.5 Some other provisions of accused

The above said rights are not the exhaustive rights of accused/arrested persons; other rules have also been made in the consideration of interest of them. Some of them have been created by the judiciary and later on incorporated in the concerned laws. The idea underlying is to protect the basic human rights of accused in all circumstances. Some of these are as

#### Rules for bail

Bail not Jail" is the celebrated dictum of Justice Krishna Iyer. The law of bails "has to dovetail two conflicting demands, namely, on one hand, the requirements of the society for being shielded from the hazards of being exposed to the misadventures of a person alleged to have committed a crime; and on the other, the fundamental canon of criminal jurisprudence, viz., the presumption of innocence of an accused till he is found guilty. The quality of a nation's civilisation can be largely measured by the methods it uses in the enforcement of criminal law.

#### Right against solitary confinement

Although, one of the mode of punishment is solitary confinement, but certain restrictions have imposed on the type of punishment to protect the right of convict to mingle with other convicts. In Sunil Batra (1) v. Delhi Administration<sup>21</sup>, it was held 'if by imposing solitary confinement there is total deprivation of camaraderie (friendship) among co prisoners commingling and talking and being talked to, it would offend Article 21 of the Constitution. The liberty to move, mix mingle, talk, share company with co-prisoners if substantially curtailed would be violative of Article 21 unless curtailment has the backing the law. The Court held that continuously keeping a prisoner in fetters day and night reduces the prisoners from a human being to an animal and that this treatment was cruel and unusual that the use of bar fetters was against the spirit of the Constitution.

**Right Against Inhuman Treatment:** The accused and convict in criminal system of the country have the rights to live with dignity. Therefore, they should not be subjected to the inhuman treatment. In Kishore Singh v. State of Rajasthan <sup>22</sup> the Supreme Court held that the use of third degree method by police is violative of Article 21 and directed the Government to take necessary steps to educate the police so as to inculcate a respect for the human person. The Court also held that punishment of solitary confinement for a long period from 8 to 11 months and putting bar fetters on the prisoners in jail for several days on flimsy ground like loitering in the prison, behaving insolently and in an



uncivilized manner, tearing of his history ticket must be regarded as barbarous and against human dignity and hence violative of Article 21, 19 and 14 of the Constitution Krishna Iyer, J. declared, "Human dignity is a clear value of our Constitution not to be bartered away for mere apprehension entertained by jail officials. Similarly, torture and ill treatment of women suspects in police lockups has been held to be violative of Article 21 of the Constitution. The Court gave detailed instructions to concern authorities for providing security and safety in police lockup and particularly to women suspects. The female suspects should be kept in separate police lockups and not in the same in which male accused are detained and should be guarded by female constables. The Court directed the I.G. prisons and State Board of Legal Aid Advice committee to provide legal assistance to the poor and indigent accused male and female whether they are under trials or convicted prisoners 23. (Higgins Dbe Qc and Qc 2009)

## 6. Right to a speedy trial in Malaysia

### Article 5(1) of the Constitution provides

'No person shall be deprived of his life or personal liberty save in accordance with law. Even though the plain reading of the Constitution does not expressly provide for the right to a speedy trial or a trial within a reasonable time it does, however, confer upon a person charged with a criminal offence the right to a fair trial. This right to a fair trial, in the writer's view, includes the right to a speedy trial. The right to be tried expeditiously and without delay is an important facet to a fair trial. This is because delay is a major contributing factor for the denial of human rights. Mr DR Karthikeyan, Director General of the Indian National Human Rights Commission states that: 'The biggest contributing factor for the denial of human rights to a majority of people is 'delay' -delay in taking decisions, delay in communicating decision, delay by those holding any authority at various levels in government. Most public servants are insensitive to their fellows citizens...Unless we devise a system where delay in the decision making process is avoided, millions of people will remain victims of human rights violations...We can ensure better observation and protection of human rights only by increasing people's awareness about their rights, and sensitizing security forces and public servants of their duties.'(Higgins Dbe Qc and Qc 2009; "Right to a Speedy Trial," n.d.)

In the local context, the right to a speedy trial was expressly dealt with in the case of public prosecutor v choo chuan wang. Edgar Joseph Jr J (as he then was) quoted several Indian Supreme Court decisions and held that Article 5(1) of the Federal Constitution does imply in favour of an accused person the right to a fair hearing within a reasonable time, by an impartial Court established by law. He then quoted from the Indian Supreme Court decision of Madhesh Wardhari Singh & Anor v State of Bihar which held as follows:

'That, now by precedential mandate the basic human right to a speedy public trial in all criminal prosecutions has been expressly written as if with pen and ink in the constitutional right relating to life and liberty guaranteed under Article 21 of our Constitution. Further, that this right is identical in content with the express constitutional guarantee inserted by the Sixth Amendment in the American Constitution. That the American precedents on the Sixth Amendment of that Constitution would be equally attracted and applicable as

persuasive on this facet of Article 21 of our Constitution as well. That once the constitutional guarantee on a speedy trial and the right to a fair, just and reasonable procedure under Article 21 has been violated, then the accused is entitled to an unconditional release and the charges levelled against him would fall to the ground. That a callous and inordinate prolonged delay of ten years or more, which, in no way arises from the accused's default (or is otherwise not occasioned due to any extra-ordinary and exceptional reasons), in the context of reversal of a clean acquittal on a capital charge, would be per se prejudicial to the accused and would mainly violate the constitutional guarantee of a speedy trial under Article 21 (Higgins Dbe Qc and Qc 2009; "Right to a Speedy Trial," n.d.; Kerker, n.d.)

The learned Judge also noted that in order to show that there has been a breach of his fundamental right, the accused must allege some kind of prejudice, such as witnesses whom he had intended to call being untraceable or being incapable of giving evidence or the destruction or loss of other evidence or indeed any other prejudice, occasioned by reason of the delay.

Another factor which greatly contributes to the delay of the disposal of criminal proceedings is the delay on the part of the police to complete their investigations before the date of hearing.

### Right to be tried on evidence not obtained by violation of fundamental rights

Implicit in Article 5(1) is the notion of right to a fair trial, which stems from the principles of natural justice and rule of law. When one talks about right to a fair trial, one cannot ignore the pre-trial process or procedure, because a trial is a result of series pre-trial processes; which begins with arrest of a suspect and investigations, just to name a few. Corollary to this would be the right to ensure that when an accused person is brought before the Court to be charged and tried, he must be tried on evidence not obtained by violation of any of his fundamental rights. In other words, he must not be tried on unlawfully obtained evidence. The rationale for this right is that it seems to be hypocritical and contradictory for one organ of the State, namely the Courts, to take advantage of a breach of the law by another organ of the State, namely the police (which is the enforcement arm of the Executive). So far as police conduct is concerned, those who enforce the law should and must obey the law. To allow this double standard is not only unjust, but could tantamount to an infringement of Article 8 of the Constitution. To allow such practice is akin to giving the police carte blanche to do whatever they deem necessary in order to get a conviction. In respect of the Courts, it would be an affront to basic rule of law values if they were to act on evidence obtained by breach of law and breach of fundamental rights. Be that as it may, in the local jurisprudence the Courts have adopted a different view to the above. In the case of Saw Kim Hai & Anor v Regina and Public Prosecutor v Seridaran, the Court has adopted the decision of the Privy Council in *re v The Queen* with approval of the proposition that the fact that evidence has been illegally obtained does not affect the question of its admissibility (Mohan 1992) <sup>[15]</sup>.

## 7. Conclusion and Suggestion

In spite of the various safeguards in the cr. p.c as well as the in the constitution the power of arrest given to the police is

being misused till this day. It is the duty of the police to protect the rights of society. It must be remembered that this society includes all people, including the arrested. The accused and the arrested person is made aware of the grounds of his arrest informed whether he is entitled to bail and of course produced before a magistrate. Within twenty-four hours of his arrest. The study is differentiating India and Malaysia more over several laws are amended based on the crime rate. My study proves based on my work the rights which are provided for arrested and accused persons are all the same few rights are changed. Through this comparative study the Right to be tried on evidence not obtained by violation of fundamental rights, right to speedy trial Malaysia. Hence I would like to conclude with that, by saying it should be liberty, equality, and in a dignified way also there should not be violations of any rights of any person.

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