

TESTING ARREST PROVISIONS IN INDIA AGAINST THE TOUCHSTONE OF HUMAN RIGHTS: A CRITICAL LEGAL STUDY

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Abstract-

Arrest and detention are among the most coercive powers exercised by the State, directly impacting an individual's liberty and dignity. This article critically analyses the legal framework and procedural safeguards governing arrest in India, with a focus on the reforms introduced by the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023. It examines statutory provisions, constitutional guarantees, and Supreme Court jurisprudence alongside comparative insights from the United Kingdom and the United States. The study identifies persistent gaps in compliance, including failure to inform arrestees of their rights, improper documentation, misuse of discretion, and inadequate oversight mechanisms. Drawing on international human rights standards, particularly the necessity to prevent arbitrary detention, the article evaluates the role of technology, judicial monitoring, and institutional training in ensuring transparency and accountability. It argues for a rights-centred approach to arrest that balances public order with individual freedoms, proposing targeted reforms to close the gap between law on paper and law in practice.

Keywords- Constitution, framework, safeguards, protections, criminal justice system, representatives, Declaration, international and regional levels.

Introduction-

Every person, regardless of whether they have been accused of a crime, must be regarded with humanity and dignity. Even those facing criminal charges are entitled to certain fundamental rights, which are firmly rooted in the Indian Constitution. The broader criminal justice framework in India, and particularly the Code of Criminal Procedure, 1973, is designed to safeguard these rights throughout the legal process. The underlying principle is that, given the state's vast power and resources to prosecute individuals, it is essential to provide legal protections that prevent misuse or abuse of this authority.

Although the state may restrict an individual's life or liberty through due legal process, certain fundamental rights remain inviolable. Deprivation of liberty does not strip a person of their inherent dignity or the respect owed to them as a human being. This is echoed in Article 10(1) of the International Covenant on Civil and Political Rights, which emphasizes humane treatment of detainees and accused persons. Similarly, the Indian Constitution reflects international standards by endorsing the Universal Declaration of Human Rights adopted by the United Nations General Assembly on December 10, 1948. The procedural laws in India incorporate various safeguards intended to protect human rights from the moment of arrest through trial and sentencing. Despite these legal provisions, violations remain frequent and widespread. This work undertakes a comparative examination of the legal protections in advanced jurisdictions such as the United States and the United Kingdom, with the aim of proposing reforms to strengthen human rights protections within the Indian criminal justice system.

First recognition of Human Rights- (Magna Carta 1215)

The Magna Carta, introduced in June 1215, marked the first formal acknowledgment that even the monarch and the ruling government were subject to the law. It was created to curb the king's excessive use of power and to impose boundaries on royal authority, asserting the concept that the law holds its own independent and supreme authority.¹

In the year 1215, following King John of England's repeated breaches of longstanding laws and traditions that had historically governed the country, the people compelled him to agree to the Magna Carta. This landmark charter outlined what would later be recognized as fundamental human rights. It affirmed the independence of the church from state control, guaranteed the rights of free citizens to possess and inherit property, and offered protection from arbitrary or excessive taxation. Additionally, it granted widows who owned land the choice to remain unmarried and introduced foundational concepts such as due process and legal equality. The document also addressed issues of corruption by prohibiting bribery and misconduct by public officials. Regarded as a foundational text in the evolution of democratic governance, the Magna Carta represented a significant milestone in the broader pursuit of individual liberty.²

The Universal Declaration of Human Rights (UDHR)

The Universal Declaration of Human Rights (UDHR), adopted in 1948, stands as a landmark in the advancement of global human rights. Created with input from representatives of diverse legal systems and cultural traditions across the world, the Declaration was officially adopted by the United Nations General Assembly in Paris on December 10, 1948, through Resolution 217 A. It was the first document to outline a comprehensive set of basic human rights meant to be upheld and protected universally. The UDHR has since been translated into more than 500 languages and is widely acknowledged as a foundational text that has influenced the development of over seventy human rights conventions, which are now in force at both international and regional levels. These treaties often cite the UDHR in their preambles, underscoring its lasting impact.³

The concept emerged in response to the devastating events of the Second World War. After the war concluded and the United Nations was established, the global community committed itself to preventing such horrors from occurring in the future. In pursuit of this goal, world leaders resolved to supplement the UN Charter with a comprehensive framework aimed at safeguarding the rights and freedoms of individuals across all nations.⁴

This declaration symbolizes a global acknowledgment that all human beings possess inherent rights and fundamental freedoms that cannot be taken away and are equally applicable to everyone. It affirms that every person is born with equal dignity and entitlement to rights, regardless of their nationality, residence, gender, ethnic or national background, skin color, faith, language, or any other characteristic. On December 10, 1948, the international community pledged to uphold the principles of justice and human dignity for all individuals, without discrimination.⁵

¹<https://www.parliament.uk/magnacarta/#:~:text=Magna%20Carta%20was%20issued%20in,as%20a%20power%20in%20itself.>

² <https://www.unitedforhumanrights.in/what-are-human-rights/brief-history/magna-carta.html>

³ <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

⁴ <https://www.un.org/en/about-us/udhr/history-of-the-declaration>

⁵ <https://www.un.org/en/about-us/udhr/foundation-of-international-human-rights-law>

Provisions of UDHR securing life and liberty of individual -

Article 3

Every individual is entitled to the fundamental rights of life, personal freedom, and physical security.

Article 9

No one shall face arrest, detention, or forced removal from their country without just cause or legal procedure.

Article 11(1)

Anyone accused of a criminal offense must be considered innocent until proven guilty through a fair and public judicial process, where all necessary protections for their defense are ensured.

Article 12

People are protected from unwarranted intrusions into their personal lives, families, homes, or communications, as well as from unjust damage to their reputation or dignity. Legal safeguards must be in place to defend against such violations.

Article 13(1)

All individuals have the right to move freely and choose their place of residence within the boundaries of their own country.

Article 29(2)

When exercising their rights and freedoms, individuals must adhere to restrictions set by law that are intended solely to respect the rights of others and to uphold morality, public order, and the overall well-being within a democratic society.

SC Judgments - (Securing Human rights during Arrest)-

(i) “PREM SHANKAR SHUKLA v DELHI ADMINISTRATION, AIR 1980 SC 1535”

The culture that treats humans like animals is fundamentally incompatible with the respect and value that must be afforded to all life—even that of a hardened criminal.

The Court Observed

The Court acknowledged that there is none well-defined legal framework governing detention practices in India, particularly concerning the use of handcuffs. It noted the practical need to prevent prisoners from escaping but emphasized that this must be balanced with respect for their human dignity.

Referring to international human rights standards, the Court cited Article 5 of the Universal Declaration of Human Rights (1948) and Article 10 of the International Covenant on Civil and Political Rights (1966), both of which affirm that individuals do not lose their entitlement to humane treatment solely because they are incarcerated.

Drawing from *Maneka Gandhi v. Union of India*⁶, the Court reiterated that all procedures affecting individual rights must be “fair, just and reasonable” in accordance with Art.14, 19, and 21 of the Constitution. In *Sunil Batra case*⁷, it is already established that these constitutional provisions apply equally to those in custody: Article 14 prohibits arbitrary discrimination whereas Article 19 allows cap on liberty only for the sake of public order, Art. 21 safeguards against cruel or inhumane procedures.

In compliance of above-mentioned constitutional provisions to the handcuffing Court found it to be inherently degrading, excessive, and often enforced without justification. In the absence of a transparent and fair protocol, and without proper oversight, the use of handcuffs amounted

⁶ Maneka Gandhi v. Union of India, 1978 AIR 597, 1978 SCR (2) 621.

⁷ Sunil Batra Etc vs Delhi Administration and Ors. Etc on 30 August 1978 (1978 AIR 1675)

to a violation of a prisoner's fundamental rights. Although public safety and preventing escape are valid concerns, such objectives must not be pursued through means that inflict physical or psychological suffering.

Accordingly, the Court ruled that undertrial prisoners should not be subjected to handcuffing by default. The use of physical restraints, unless absolutely necessary, is arbitrary and therefore violates Article 14. It also violates right to freedom of movement enshrined through Art. 19. The practice must only be employed when there is credible evidence that the individual may attempt to flee and no less intrusive method is available. The Court encouraged the use of alternative safeguards—such as deploying additional police personnel—instead of resorting to handcuffs.

The Court also rejected discriminatory practices such as those laid down in the Punjab Police Rules, where decisions on handcuffing were based on the social or economic status of the prisoner. It emphasized that such class-based criteria were elitist and lacked any rational connection to the risk of escape. Similarly, the nature of the alleged offence alone should not justify handcuffing, as not all serious charges imply violent tendencies or escape risk. Only concrete and reliable evidence, whether documentary or testimonial, should support a decision to apply restraints. Even in such cases, increasing the number of escorting officers could be a more humane alternative.

For situations where the use of handcuffs is absolutely unavoidable, the Court mandated that the authority in charge must record detailed and contemporaneous reasons for their use. This cannot be a mechanical exercise; it must reflect careful and conscious reasoning. Additionally, these reasons must be presented before the concerned Magistrate or Judge for judicial approval. Without such approval, the arresting or escorting authority is not permitted to impose restraints on the accused.

(ii) “KHATRI & ORS. V STATE OF BIHAR & ORS., (1981) 1 SCC 627”

Constitution obligates State to ensure free of cost legal assistance to every accused unable afford an advocate because of poverty or lack of resources, and it is the State's responsibility to take all necessary steps to fulfil this obligation.

The Court Observed-

Right as to free of cost legal assistance is considered integral to a procedure that is “reasonable, just, and fair,” as emphasized in the landmark *Maneka Gandhi v. Union of India* case. This right is inherently included within the scope of Article 21, which guarantees life and personal liberty. Consequently, access to legal representation is recognized as a Fundamental Right under the Indian Constitution. To uphold this, State is under constitutional duty to give legal assistance to any individual who lacks the means to hire one. However, many states across the country have failed to implement this obligation effectively. The excuse of “financial limitations” offered by the State as justification for not extending free legal aid was categorically dismissed by the Court.

A critical issue addressed was the point at which the right to legal aid becomes operative. The Court clarified that this entitlement arises at the very first appearance of the accused before the Magistrate, as it marks the initial opportunity for the individual to apply for bail or to oppose police custody. Furthermore, it was held that judicial officers are duty-bound to make aware the accused of his right as to free of cost legal assistance if he is not able to afford by himself. The Court also took serious note of the Magistrates' failure to fulfil this responsibility,

particularly in cases involving undertrial prisoners who had been subjected to custodial abuse, such as the instance of blinded detainees.

(iii) “JOGINDER KUMAR v STATE OF UP, AIR 1994 SC 1349”

No arrest can be justified merely because the law grants a police officer the authority to carry it out. Having the legal power to arrest is distinct from having a valid reason to use that power. A police officer must demonstrate that the arrest was warranted based on the circumstances, not simply rely on the existence of legal authority.

The Court Observed-

Court observed, Indian laws aim striking a balance in safeguarding rights and freedoms protecting social interest as a whole. The various reports of National Police Commission including the Third Report, the power has often been misused and is identified as a major contributor to corruption within the system. The report noted out of total, nearly 60% were unwarranted. Arbitrary confinements not only damage an individual's dignity and reputation but also infringe upon the fundamental right to life and personal liberty U/Art. 21 of Constitution. Consequently, it emphasized, while the legal authority to confine in investigating cases of cognizable offences is vested with the police, the exercise of that power must be justified in each instance. Arrests should not be carried out mechanically based solely on accusations or suspicion. A police officer must form a reasonable belief, backed by preliminary investigation, that the complaint is credible, the accused is genuinely involved, and that arrest is both essential and appropriate in the given circumstances.

(iv) D.K. BASU v STATE OF WEST BENGAL, AIR 1997 SC 610

Does a person lose their fundamental right to life the moment they are taken into custody by the police? Can this core right be suspended simply because someone has been arrested? These questions strike at the very heart of human rights law. The unequivocal answer must be—absolutely not.

Directives by the Supreme Court

Police officers involved in making an arrest or conducting an interrogation must wear clearly visible identification badges displaying their names and designations. Details of every officer involved in questioning the accused must be documented in a formal register.

At the time of arrest, the arresting officer must prepare an arrest memo. At least one witness be made to sign this memo, being a family member of arrested or a respected member of locality. It must also be signed by the arrested at the time of arrest mentioning that time and place.

Anyone, arrested / held in police custody, be allowed to have, friend / relative / person with an interest in their well-being informed of their arrest and detention, unless that individual has already signed the arrest memo as a witness.

If the relative or friend of the detainee resides outside the town or district where the arrest occurs, the details of the arrest and the location of detention must be conveyed through the Legal Aid Organization and the concerned police station within 8 to 12 hours via telegraphic or other reliable means.

Upon being arrested or detained, the individual must be informed of their right to have a person of their choice notified of the arrest.

A copy of this memo should be handed over to the arrested individual.

During custody, the detainee must undergo a medical check-up by a certified medical professional every 48 hours. This must be done by a doctor from an approved panel established

by the Director of Health Services of the respective State or Union Territory, who must ensure that a panel of such doctors is available at the district and tehsil levels.

Copies of all relevant documents, including the arrest memo, must be forwarded to the area (illaqa) Magistrate for record-keeping.

The arrested individual must be allowed to consult with a legal practitioner during interrogation, although not necessarily throughout the entire process.

A police control room must be established at every district and state headquarters. Within 12 hours of the arrest, the officer responsible must notify the control room of the arrest and place of detention. This information must be displayed clearly on a notice board at the control room. Non-compliance with these procedural safeguards will not only subject the responsible official to departmental action but may also result in contempt of court proceedings before any High Court with appropriate jurisdiction.

These procedural requirements derive from the guarantees under Articles 21 and 22(1) of the Indian Constitution and must be strictly adhered to. They are equally applicable to all other state agencies mentioned earlier. Importantly, these directives serve to reinforce, rather than replace, the existing constitutional and statutory protections for arrested individuals and are in addition to other judicial guidelines issued to uphold the dignity and rights of detainees.

(NHRC Guidelines on arrest- 22/11/1999)

These guidelines supplement the Supreme Court directives and lay down the **duties of police officers** and **safeguards for the arrested persons**, including:

- i. Registration and Documentation**
 - There shall be an entry for every arrest in a **designated register** kept at every police station.
 - Designated register must include details of the **arrested person, time and date of arrest, and reasons for arrest.**
- ii. Arrest Memo**
 - A **memo of arrest** must be prepared at the time of arrest.
 - It must be **attested** by at least **one witness** (either a family member or a respectable member of the locality).
 - It must be **countersigned by the arrestee.**
- iii. Information to Family**
 - A friend, relative, or **named person of the arrested person's choice** must be intimated regarding arrest and place of custody.
- iv. Right to Medical Examination**
 - The arrested person must be **medically examined** by a **trained doctor** every **48 hours** during detention.
 - The doctor should be appointed by the Director of Health Services of the State.
- v. Access to Legal Aid**
 - The person under custody must be permitted to meet the **lawyer of his choice during interrogation**, but it does not mean during whole interrogation process.
- vi. Inspection by Senior Officers**
 - Senior police officers must **periodically inspect** the police stations to ensure that the above procedures are followed and to **prevent custodial violence.**

vii. Accountability and Departmental Action

- If custodial violence or non-compliance with guidelines is detected, **strict disciplinary action** must be taken against the erring officers.

viii. Reporting Custodial Deaths

- **All cases of custodial deaths** be required to be **intimated to NHRC within** a time frame of **24 hours**.
- A **post-mortem** must be conducted, preferably by a **panel of doctors**, and the report should be sent to the NHRC.

ix. Use of Force

- Force should be used **only when absolutely necessary** and should be **proportionate** to the situation.

x. Training and Sensitisation

- Police officers must be trained in **human rights principles** and sensitised about the legal and ethical standards regarding arrest and detention.

Significance of guidelines -

- These guidelines act as a **preventive mechanism** against **torture, illegal detention, and human rights abuse**.
- They emphasize **accountability, transparency, and due process**.
- Though not legally binding like statutes, they carry **persuasive authority** and have been referred to by courts.

Law of arrest in England

In the early stages of English law, the authority to arrest stemmed from various sources, both statutory and rooted in common law. However, with the enactment of the Police and Criminal Evidence Act (PACE) in 1984, most of these arrest powers were formally codified. Under the current legal framework, arrest powers are broadly divided into two main categories:

1. those exercisable by any individual, and
2. those exclusively available to police officers.

The common law principle requiring that an individual be informed of their arrest and the reasons for it has now been incorporated into the statutory provisions of PACE 1984. However, if the individual's own actions—such as attempting to flee or creating a chaotic situation—render it practically impossible to convey this information, failure to do so does not invalidate the arrest.

Additionally, the Codes of Practice issued under PACE mandate that the person being arrested should generally be given a formal caution, unless their behaviour or physical condition makes it impractical at that moment, or they have already been cautioned immediately beforehand. These Codes also specify the exact wording of the caution to be administered.⁸

Although the caution required under the Code of Practice is not mandated by statute, failing to administer it may lead to legal challenges. Specifically, the defence may argue that any statements or evidence obtained from the accused should be excluded on the grounds of unfairness, as provided under Sections 76 and 78 of the Police and Criminal Evidence Act 1984.⁹ At common law, the authority to arrest in cases involving a breach of the peace is not confined to police officers; even ordinary

⁸Mallick M.R, Bail, "Law and Practice 9".(2008)

⁹ Ibid

individuals are legally empowered to act in such circumstances. This shared power allows both citizens and constables to intervene when public order is threatened.

Under current statutory provisions in England, law enforcement officers have been granted extensive powers to arrest individuals for both arrestable and non-arrestable offences. Section 24 of the Police and Criminal Evidence Act 1984 (PACE) codifies the conditions under which arrests can be made, including the authority of private individuals to detain a person suspected of committing an arrestable offence. The same section also specifies the arrest powers available to police officers.

Additionally, Section 25 of PACE extends arrest powers to police constables in cases involving non-arrestable offences, under particular circumstances. Once an arrest has been made, the law requires that the individual be taken to a police station without undue delay.

The legal framework also imposes strict limits on how long a person can be detained in police custody. The maximum initial detention period is 24 hours. If further investigation is necessary, a police superintendent can authorize an extension of up to 12 more hours. However, the arrestee must be brought before a magistrate within 36 hours of arrest. Only a magistrate may authorize further detention for an additional 24 hours, with a possible extension of another 12 hours, provided that legal safeguards are met.¹⁰

Law of arrest in America

In the United States, because arrest and detention constitute a form of personal seizure, they fall under the protections of the Fourth Amendment. This means that any governmental intrusion on an individual's privacy must be justified by probable cause to be considered lawful.

The Supreme Court of the United States has acknowledged that, under urgent or exceptional situations, law enforcement officers may carry out an arrest within a suspect's residence without first obtaining a warrant. Such warrantless arrests are deemed permissible when certain conditions are met:

- (1) the alleged offence is of a serious nature;
- (2) there is a reasonable belief that the suspect is armed;
- (3) the police possess strong probable cause;
- (4) there is compelling reason to think the suspect is present at the location; and
- (5) the entry is made without the use of force or violence.¹¹

The provisions of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2024 that have enhanced transparency and accountability of police¹²: -

The **Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023** introduces significant reforms to enhance transparency, accountability, and technological integration in the criminal justice process, particularly regarding arrest, search, and investigation procedures:

1. **Designated Police Officer (Section 37(b))**

The BNSS mandates the appointment of a designated police officer in each district and police station, not below the rank of **Assistant Sub-Inspector**, tasked with ensuring that information related to arrests is properly maintained and made accessible to the public.

2. **Cross-District Arrest (Section 82(2))**

Where a warrant is executed outside the arresting officer's district, it is mandatory to inform both the designated officer of the district where the arrest occurred and the officer in the

¹⁰ Mallick M.R, Bail, "Law and Practice 9".(2008)

¹¹ *Dormant v United States* 435 F 2d 385(DCCIR 1970) at P. 392-393.

¹²[https://pib.gov.in/PressReleaseIframePage.aspx?PRID=2042126#:~:text=\(2\)%20Section%2082\(2,to%20such%20police%20officer%20of](https://pib.gov.in/PressReleaseIframePage.aspx?PRID=2042126#:~:text=(2)%20Section%2082(2,to%20such%20police%20officer%20of)

district where the arrestee ordinarily resides, ensuring transparency in inter-district arrest operations.

3. Audio-Visual Recording of Search and Seizure (Sections 105 & 185)

The law now requires that all search and seizure activities be recorded via audio-video means. These recordings must be promptly submitted to the appropriate Magistrate (District, Sub-Divisional, or Judicial Magistrate First Class) within **48 hours**, strengthening evidentiary reliability and protecting against procedural abuse.

4. Fortnightly Diary Submission (Section 176(2))

Police officers must send updates from their daily diaries to the Magistrate on a **fortnightly basis**, thereby enabling judicial oversight over investigative proceedings.

5. Crime Scene Documentation (Section 176(3))

In cases involving offences punishable by **seven years or more**, it is compulsory for police to **video-record the crime scene**, thereby preserving crucial evidentiary elements and deterring manipulations.

6. Custody Chain & Investigation Updates (Section 193)

This provision requires that police report explicitly record the **custodial chain** of any electronic devices seized. Furthermore, investigating officers must keep the informant or victim informed of investigation progress within **90 days**. Any additional investigation after the charge sheet must also be completed within **90 days**, with **judicial approval** required for any further extension.

Required further improvements and suggestions

1. Presence of Independent Witnesses

Though the law mandates associating an independent witness during arrest—preferably a family member or a respectable local person—compliance is poor. Often, arrestees are held outside their locality, making family witnesses unavailable. Locals hesitate due to fear of court summons. Police should be trained to explain that such witnesses are only called to court when legality of arrest is contested.

2. Record-Keeping of Arrests

Arrest details are entered into Daily Diaries, many of which are maintained through the Common Integrated Police Application (CIPA), preventing tampering. However, entries are deleted after two years. It is recommended to maintain a permanent arrest register for transparency and accountability.

3. Timely Notification of Arrest

Law requires informing relatives of the arrestee, especially when residing outside the district, within 8–12 hours. This is done through wireless communication across police jurisdictions. It's suggested that in addition to existing methods, arrest information should be uploaded daily on district police websites.

4. Judicial Oversight on Arrests

Although documents like arrest memos are submitted to Magistrates, they rarely inquire into the arrestee's physical condition or possible abuse. It is suggested that Magistrates record whether such inquiries were made and note the arrestee's response in their order.

5. Right to Consult Lawyer

While arrestees are allowed to meet lawyers on request, many are unaware of this right. Courts should inform arrestees of this right during the first production and record their willingness to consult a lawyer in the judicial order.

6. Communication of Grounds of Arrest

Informing an arrestee of the reason for arrest is a constitutional mandate, but in practice, compliance is low. This stems from police insensitivity and a lack of professionalism. Human rights training and recruitment of law graduates into investigation teams are suggested to improve legal compliance.

7. Misuse of Handcuffing

Despite Supreme Court rulings limiting handcuffing to exceptional cases, many arrestees are still handcuffed due to state laws permitting it. Such provisions violate Article 13(2) and must be repealed. As an alternative, scientifically designed leg-restraint devices with GPS can prevent escapes without compromising dignity. Handcuffs should be used only when the arrestee is violent, with initial use allowed by police and further use subject to judicial approval.

8. Amendment to Section 311A CrPC

Currently, Magistrates can only order handwriting or signature samples from someone who has been arrested. This contradicts the main provision, which allows such orders for any person. The law should be amended to replace "arrested" with "associated," allowing investigators to collect specimens without unnecessary arrests.

Conclusion

This chapter outlined the core international legal principles governing the State's authority to arrest and detain individuals, along with the safeguards designed to prevent arbitrary or unlawful deprivation of liberty. Upholding these standards is essential—not only to maintain the rule of law in a democratic society but also to protect individual rights, including the mental and physical integrity of the person. Ensuring the right to liberty and security strengthens both personal freedoms and the broader goal of national stability.

For the law of arrest to be effective, police officers must be thoroughly trained in legal provisions, Supreme Court rulings, and procedural guidelines related to arrest. Arrests must be carried out fairly, respecting all legal rights of the arrestee, especially in the case of women and children where greater sensitivity is required. As the maxim goes, "*Justice must not only be done but must also be seen to be done.*" This requires a careful balance between individual liberty and public safety—a challenging task in times of increasing crime and violence.

Despite this, police actions are now guided by NHRC and judicially mandated protocols, particularly in urban areas, where procedural compliance is more strictly observed. These legal obligations, though sometimes restrictive for law enforcement, are vital to ensuring justice and accountability in the criminal justice system.