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# **A CRITICAL EXAMINATION OF HUMAN RIGHTS PROTECTION WITHIN LAW ENFORCEMENT AGENCIES AND THE JUDICIARY**

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## **ABSTRACT**

Human rights are the natural and the fundamental rights that are entitlements of each and every individual since they are human beings. Like air, water and food are fundamental in the survival of the human body, human rights are basic in provision of dignity, equality, and liberty. In India, the rights are entrenched in the Constitution, more so in Part III, which entitles the Fundamental Rights to all citizens regardless of caste, creed, gender or religion. The concept of human rights in India has changed over time, to encompass more than the right to survive, another right involves civil, political, social and economic rights and a restatement on the part of the State on the need to safeguard the dignity of its citizens. The law enforcing agencies, most notably the police that is regarded to be the chief guardian in terms of enforcing law and order, is the first line of defence whenever human rights have been infringed and the obligation to create law and order in the society and the rights of the citizens is at stake. In addition to this, the judiciary acts as the final protector of these rights, by interpreting the constitutional provisions, executing the actions of the executive and legislative branches. and balance between either with guaranteeing justice in violation instances. Indian courts have enhanced the human rights in the country through the progressive judgments in which the meaning and scope of fundamental rights has been greatly enlarged. Custodial violence, abuse of power, and failure to deliver justice on time, however, are still serious challenges. A concerted effort between the law enforcement organizations and the judiciary with political clout over both of the agencies would therefore be essential in the realization of effective implementation and safeguarding of human rights in reality.

This paper aims at analysing the dynamic nature of the human rights concept in India, assessing the role of law enforcement agencies, legislature and the

judiciary in safeguarding human rights and the challenges involved in the implementation, the role of politics and proposing how the institutional coordination and accountability can be improved. The adopted methodology is descriptive and analytical and is founded on the secondary data based on the constitutional provisions, statutory laws, judicial pronouncement, reports of the National and State Human Rights Commissions, and other relevant academic literature. The research topic is mainly centered on India in relation to the international standards of human rights like the Universal Declaration of Human Rights (UDHR) and other applicable covenants of the United Nations.

**Keywords:** Human Rights, Law Enforcement, Judiciary, Constitution of India, Fundamental Rights, Justice, Police Accountability, Human Rights Protection, Rule of Law.

## **1. Introduction**

Human rights are the universal and inalienable rights that every human being has obtained due to his/her humanity. The international documents like the Universal Declaration of Human Rights (UDHR), International Covenant of Civil and Political Rights (ICCPR), and the International Covenant of Economic, Social and Cultural Rights (ICESCR) focus on the importance of dignity, equality, and liberty as the principles of democratic societies (Al-Qamar et al., 2023). These values are incorporated in the Part III of the Constitution in India, and the Articles 14,19,21, in general, ensure civil liberties and personal freedom. The broad understanding of Article 21 by the Supreme Court has changed it into an extensive guarantee of human dignity, to socio-economic, environmental, gender, and even an emergent digital right (Chatterjee and N.S., 2021). Therefore, the concept of contemporary human rights in India transcends survival to encompass: safety, equality, informational autonomy, livelihood and privacy.

### **1.2 Law Enforcement Agencies as Ground Level Protectors**

The police agencies are the bottom level in the protection of these rights as they are the first responders of the State in terms of keeping order and the law running. Nevertheless, as considerable studies indicate, the police turn into violators of rights, including the use of custodial torture, arbitrary arrests, extortion, and discrimination (Buddhist & Vinjamuri, 2023). This fact is aggravated by structural weaknesses, ambiguous legislation, and discretionary impunity, which facilitate violence trends and impunity. Research on police brutality shows that the lack of legal frameworks and inadequate accountability policies in many situations contribute, rather than deter, rights abuse (Ayusshi, 2023). Other examples of this are observed in other countries, where marginalised communities are targeted in disproportionate numbers because of the systemic bias and politicized policing. Independent policing and institutional integrity are also negatively impacted by political pressure, misuse of transfers and corruption.

### **1.3 Judiciary as a Constitutional Guardian**

Articles 32 and 226 give the judiciary the mandate to act as the constitutional watchdog, which oversees the executive practices, imposes accountability, and safeguards individual liberties (Beatty, 2021). Despite the important role that courts have played in the formulation of jurisdiction of human rights, there have been concerns about the issue of judicial independence.

The criticism of the Collegium system refers to its lack of accountability, inaccuracy, and transparency in appointing judges (Tiwary, 2023). Also, the emergence of judicial activity on the online platform opens up additional ethical issues because researchers warn that online expression can undermine neutrality and trust in the judiciary.

## **1.4 Research Gap**

Although much of the scholarly work focuses on policing failures, judicial change, political interference, digital rights, and institutional accountability, no integrated work has examined the essence of how they all combine to make India a place where human rights are upheld.

## **2. Research Objectives & Methodology**

### **2.1 Objectives**

The prime goal of the research is to bring a critical perspective on the situation of human rights in India nowadays, by studying the systemic operation of the law enforcement organizations and the judiciary. In particular, the research aims at:

- To examine cases of the failure in law enforcement agencies in the delivery of fairness, impartiality and protection of human rights.
- To study the scope and the influence of the political interference on the functioning of the police, their autonomy, and accountability.
- To determine the efficacy of judiciary in protecting the constitutional rights and remedying the excesses of the State.
- To realize the fact that there is an interconnected and continuing vicious circle of poor policing, executive interference and judicial procrastination that erode the justice delivery process.
- To assess the discrepancies between constitutional commitments and realities, particularly those pertaining to custodial violence, arbitrary arrest, and access to justice.

### **2.2 Methodology**

The research design is descriptive and analytical with all the data being based on secondary

research. It uses sources such as the constitutional provisions, judicial precedents, NHRC reports, NCRB statistics, scholarly literature, and a thorough analysis of 23 scholarly sources, which are five central research articles, as well as, eighteen additional researches. All these materials serve as informative materials in the conceptual analysis and make the interdisciplinary approach of the study strong.

### **3. Human Rights Violations By Law Enforcement Agencies**

Law enforcing agencies are at the centre of safeguarding the constitutional rights, but the disparity between the ideals and realities on the ground is still too wide in India. Police misconduct Police misconducts in the form of custodial fatalities, torture, harassment, extortion, and discrimination are still undermining societal trust and the rule of law. Such infractions point to the long-standing structural ineffectiveness, the nature of the legislative gaps, and the issue of the tight interconnection of policing and political authority.

#### **3.1 Custodial Deaths and Torture**

Custodial violence is one of the worst human rights issues in India. Custodial torture and deaths are still common even under the constitutional protection and instructions of the Supreme Court. Systematic victimisation, threat, and access to legal redress has been observed to exist against victims, especially of marginalised communities (Buddhist & Vinjamuri, 2023). Studies also point to the role of legal ambiguities and procedural gaps as the factors that contribute to the high degree of police discretion to arrest, question, and inflict violence on the suspects to a greater extent than the boundaries should be.

Based on his analysis, In her article dedicated to prisons and the destiny of prisoners, Ayusshi talks about the situation when some procedural laws in India seem to give power to the police instead of limiting their power, which allows the process of brutality and institutionalised violence to continue. She shows how ambiguous statutory language and ineffective supervisory arrangements help to avoid the abuse of power, which often leads to the infringement of the rights of people in lockups and detention facilities (Ayusshi, 2023). Other studies conducted on the international level also show that nations with poor accountability systems experience more instances of custodial abuse, which supports similar patterns on the global scale (Novak, 2020).

#### **3.2 Police Harassment and Abuse of Day-to-Day Power**

Law enforcement practices are usually accompanied by coercion, intimidation, and discriminatory targeting and are rather disproportionately applied to the poor, minority groups, Dalits, migrant workers, and other vulnerable populations (Kumar and Choudhury, 2021). These tendencies are not the symptoms of occasional wrongdoing but institutional prejudices that are conditioned by socio-economic and political disparities. On top of that, protests, abuse of preventive detention, and inconsistent and poorly trained enforcement, especially with regard to environmental and cyber regulation, further show that policing still puts control over human rights protection (Gill and Ramachandran, 2021).

### **3.3 Systemic Reasons behind Police Brutality**

The weaknesses in the structure and the law, including poor accountability, colonial policing culture, insufficient human rights training, and weak oversight, facilitate the daily breaches (Beatty, 2021). This issue is exacerbated by political interference regarding frequent transfers, investigative pressure, and partisan demands and punitive postings or stagnation of officers who refuse illegal orders and disincentivize good policing and systemic malpractice (Singh et al., 2025). International comparative reports have also shown that law enforcement agencies that do not have independence and external control are easily prone to corruption, misconduct, and violation of rights (Gonzalez-Ocantos & Sandholtz, 2021). These results highlight the necessity of more powerful legislative changes, independent complaints systems, and open police management.

### **3.4 Politics and the Influence on Human Rights**

Police politics still stands as one of the greatest hindrances to the protection of human rights. It is documented that executive interference (especially, the use of arbitrary transfers and manipulation of police leadership) undermines the process of making unbiased decisions and is a cause of illegal arrests, targeted harassment, and suppression of opposition (Singh et al., 2025). According to scholars, as soon as police institutions are turned into an instrument of political power in place of promoting the common good, the constitutional promise of equality and fairness is grossly undermined.

## **4. Judiciary And Human Rights Protection**

The judiciary is in the centre stage of Indian human rights system and it acts as the

constitutional protector of the guarantees in Part III of the Constitution having the mandate to interpret and implement them. Under Articles 32 and 226, the courts have the mandate to check the executive action, protect individual liberty and offer solutions in situations of State abuses. The judicial review has been revolutionary in broadening the periphery of the fundamental rights especially the right to life in Article 21 which has been extended to include dignity, privacy, environmental protection, and socio-economic rights (Beatty, 2021). This growth reflects a broader trend across the world as courts have become more of a guardian of democratic principles and human rights. The independence of the judiciary is the key to the efficient protection of rights. The process of judicial appointment in India however is open to continued criticism since it lacks transparency in its approach and responsibility. Comparative studies of the appointment mechanism show that although the Collegium system was to keep the judiciary unaffected by politics, the absence of transparency in the system presents obstacles to institutional credibility (Tiwary, 2023). According to scholars, the appointment process might compromise the level of trust that the public has especially on cases that relate to human rights that are politically sensitive without structural reforms.

The judicial system is also experiencing new challenges because the availability of judges on internet platforms is blurring the distinction between freedom of expression and judicial decorum. Researchers warn that even positive words on the internet may lead to a sense of prejudice or subjectivity, weakening people in their beliefs in the impartiality of the judiciary, particularly where the rights of minorities, their opposition, or politically specific offenses are at stake, and there is a strong need to be trusted (Salim, 2023). The judicial system is limited in its performance by the structure in the sense that even with its constitutional powers, the judicial system has a huge number of cases that are pending and as such, delay the delivery of justice immensely. Prisoners, migrant workers, and economically disadvantaged people are vulnerable groups that suffer disproportionately and usually spend long durations in prison waiting to be tried. Such delays become visible in the policy of lockdown, environmental litigation, and rights-related disputes: all of them demonstrate the inability of the judiciary to offer relief in time (Kumar and Choudhury, 2021). Furthermore, despite the progressive orders issued by courts be it in compensation, in restraining custodial violence, or in requiring police accountability, it is often poorly implemented and this exposes systemic obstacles, which prevent any meaningful application of human rights protection.

The literature of the State liability reveals that victims seldom obtain effective redress because

of the bureaucratic obstacles and the inability to enforce the court orders effectively, and the political power relations also make the judiciary less capable of the ability to check the executive branch power abuse and preserve the institutional independence (Srivastava, 2022). Meanwhile, judicial leadership has also played a significant role in covering the rights of minorities, gender issues, and civil freedoms. The literature studying the South Asian legal frameworks of human rights highlights the critical position of judiciary in acknowledging new kinds of rights and guiding them along the international standards (Jain and DasGupta, 2021). Interestingly, the same international comparative analysis observes that judicial dialogue between jurisdictions enhances regional human rights standards and upholds constitutional principles (Gonzalez-Ocantos & Sandholtz, 2021). In general, even though the Indian judiciary is an important protector of human rights, its performance is predetermined by the internal institutional limitations, the changing ethical demands, and the external political influences (Khaitan, 2020). Enhancement of judicial independence, increased transparency as well as improved administrative capacity is critical to actualizing the constitutional promise of justice.

## **5. Prison Conditions And Human Rights**

The prison conditions are a discursive level of human right protection because the way incarcerated individuals are treated determines the dedication of the State to the concept of dignity, equality and justice. Prison in India is typified by systematic overcrowding, poor healthcare, inadequate sanitation and access to legal assistance. These organizational gaps provide a system through which prisoners who are mostly undertrials face gross abuse of their constitutional rights (Sharma, 2023). According to the literature on the Indian prisons, it is stated that the lack of infrastructures and administrative weaknesses frequently leads to poor conditions, whereas educational and vocational rehabilitation programmes, despite being designed in accordance with Mandela Rules, are not applied in the same manner in all facilities (Singh et al., 2025). Research highlights that meaningful rehabilitation does not only help in reintegrating but also decreases recidivism, which helps in creating long-term social stability. Nevertheless, limited resources, staff insufficiency and bureaucracy impede the growth of such programmes. As such, prisoners are often exposed to limited rehabilitation chances, which further marginalise them on discharge.

Human rights issues are not limited to physical infrastructure and include such issues as custodial safety, mental health, and procedural fairness (Shankar & Ahmad, 2021). It has been



proven that prisoners tend to experience psychological trauma because of solitary confinement, overcrowding, and pre-trial detention. The grievance redressal mechanisms are also poor adding to these challenges because they limit the reporting of mistreatment to the prisoners or seeking redress. Similar international comparative studies also emphasize the point that inadequate internal monitoring mechanisms contribute to the likelihood of abuse and cycles of custodial violence (Faroque & South, 2020). Moreover, the standard of prison management is directly connected with the policing and judicial practice, in general. Slow trials, overuse of pre-trial detention, and lack of judicial protection are all factors that have led to a high undertrial rate within the Indian population in prison. Researchers believe that in the absence of concerted changes in the policing, judicial administration, and correctional system, the structural deficiencies in the prisons will remain and will hinder human rights safeguards (Beatty, 2021). Overall, to make the conditions in prisons better, it is necessary to implement systemic changes based on dignity-centred practices and increased rehabilitation and improved oversight mechanisms. The questions listed are important to consider when reforming the correctional system in India towards the values constituted in the constitution and the international standards of human rights.

## **6. Political Influence Over Law Enforcement and Judiciary**

One of the most considerable threats to the protection of human rights in India is political impact on the law enforcement and the judicial system. It is widely recognized by scholars that the independency of policing agencies is regularly undermined by executive control, especially, transfer policies, biased promotions, pressures to make investigations fit the interests of the political, etc. (Singh et al., 2025). These practices undermine institutional impartiality and establish the context in which police officers are inclined to make political demands stronger than the constitutional obligation. Cases of repetitive, disciplinary transfers, as many as dozens (in the career of an officer) in a few administrative transactions, are examples of the application of the administrative process by political interests, which dictate the behaviour of police and suffocate the impartiality of judgment.

The ways dissent, minority rights and public protests are policed are also influenced by political influence. The literature review of civil society relations with the State highlights that political pressures frequently lead to disproportionate policing of underrepresented communities, increased focus on them, and utilisation of criminal laws to silence opposition (Chaney, 2020).

These tendencies help lead towards a culture of selective enforcement, in which law is a political bargaining tool not an impartial protector of the social order. This imbalance is further aggravated by structural weaknesses of the legal system (Khaitan, 2020). The current study on executive aggrandisement in India emphasizes the fact that the fusion between parties and the state undermines institutional control and concentrates power into a small number of individuals, thereby complicating independent policing.

Even the judicial institutions cannot be left out of the political dynamics. Even though the judiciary is constitutionally created to act in independence, the appointment practice, delays and administrative dependencies can weaken the effectiveness of the judiciary. Researchers of judicial conduct in South Asia note that political influence (both explicit and hidden) can influence the bravery of the judiciary in sensitive human rights matters, especially in cases involving influential political figures (Jain and DasGupta, 2021). Additionally, the lack of institutional boundaries due to digital interaction with the public and the growth of political polarisation makes it more challenging to remain unbiased in the court and preserve the trust of the population (Salim, 2023). In sum, political interference into all these institutions supports a chain reaction whereby policing is chosen to be punitive, judicial redress uncertain and constitutional protection uneven. To resolve this problem, it is necessary to insulate law enforcement against executive influence, increase the transparency of judicial nomination, and improve structural protection that enforces democratic accountability and human rights.

## **7. Gap Between Constitutional Promises And Ground Reality**

Even though the Indian Constitution stipulates equality, liberty and due process in Articles 14, 19, 21 and 22, the real life of many citizens shows that there is a vast disjuncture between the constitutional ideals and the real life. Police corruption or structural inefficiency, judicial refusiveness, and uneven application of the law all play a significant role in making these safeguards ineffective. Human rights studies in India show that no matter the progressive jurisprudence, there is a widespread lack of system, particularly custodial violence, arbitrary detention, and lack of grievance redressal, particularly among marginalised and economically disadvantaged persons (Buddhist & Vinjamuri, 2023).

This lapse is also the result of legal and procedural shortcomings. According to the scholars, unclear statutory texts, lack of accountability procedures, and overuse of pre-trial detention deteriorate constitutional guarantees (Ali et al., 2023). Political interference is also a hindrance

to equal rights enforcement, which empowers democratic institutions (Khaitan, 2020). The usefulness of the constitutional remedies is minimized by judiciary delays, increased time in custody, and limited access to legal assistance (Kumar and Choudhury, 2021). Thus, even the basic rights can be more of a goal than an achievement and it is necessary to emphasise the necessity of structural changes to close the gap between the law and the reality lived.

## **8. Right To Compensation And Accountability**

The right to compensation is a vital aspect of protection of human rights as it is a way of acknowledgement of harm as well as a preventive measure against repeated offenses. In India, constitutional jurisprudence supports this principle, particularly by referring to Article 21, the courts have stated many times that wrongful detention, custodial torture, and abuse of power should be compensated with money as part of the duty of the State to honor and justice (Srivastava, 2022). The right has been broadened in judicial rulings and it has been stressed that compensation is not just a voluntary fix but a mandatory reaction to infringement of basic rights by the State. Nonetheless, compensation mechanisms are not always implemented despite the developments (Beatty, 2021). The academicians point out that bureaucratic stalling, poor implementation of judicial directives, and lack of institutional responsibility frequently deny the victims access to redress of any quality or in a timely manner.

It is exacerbated by the institutional issues of policing and prison management, in which victims of custodial violence find it difficult to demonstrate misconduct, seek legal help, or bypass bureaucracy (Sharma, 2023). It has been established, on a comparative basis, that a successful compensation system must be well-monitored, transparently investigated, and externally governed, which remain undeveloped in India (Faroque and South, 2020). Political interference in law enforcement also undermines the process of unbiased investigations, compromising the accountability systems (Singh et al., 2025). Enhancing the right to compensation thus requires autonomous investigations, execution of judicial orders and available remedies that conform to the constitutional and international principles of human rights.

## **9. Recommendations**

The best solution to promote human rights protection in India is a multi-level intervention that is able to ensure that the policing, judicial processes and institutional accountability are

strengthened. Independence and transparency, in the form of independent Police Complaints Authorities, prohibition of transfers due to political pressure, and the use of body cameras and custodial video recording should be the priority of police reforms to limit abuse (Buddhist, 2023). Institutional culture may further be changed by enhancing human rights training and ethical policing. Judicial reforms need to be more transparent in the appointment process, more efficient in administration, and more technologically integrated so that pendency and access to justice can be decreased (Tiwary, 2023). Categorical behavioural rules, particularly digital behaviour, are imperative to judicial impartiality (Salim, 2023). Laws which permit police to act arbitrarily by targeting the vague and weak laws should be abolished through legislative reforms that ensure the protection against custodial violence (Sharma, 2023). The improved NHRC powers, legal assistance, prison controls, enforced compensations, and protection of whistleblowers can help develop the culture to respect the constitutional rights.

## **10. Conclusion**

The human rights security in India is dependent on fair application of the law, independent judiciary and elevated institutional accountability. Although the Constitution provides a solid foundation of rights, most problems such as police brutality, political interference, stalling and effective execution of the judiciary, continue to undermine the rights. Police miscarriage and institutional deficiencies within the court system have been discovered to perpetuate a cycle in which justice is ever-lacking and inaccessible by a large number of people. The gap between the constitutional promises and practice needs to be bridged by more of the institutional autonomy, transparency and checks and balances. To restore the trust that people have in the criminal justice system and make sure that it is in tandem with the principles of democracy and human rights, significant changes are required in the areas of the investigation, court administration, prison management, and compensation system. Finally, human dignity must be safeguarded in the long term and through an inter-departmental effort by the justice system.

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