Polity & Governance · GS - II

Discuss the role of an independent judiciary and constitutional safeguards in preventing custodial abuse and protecting the human rights of political prisoners in a democracy.

EXAM YEAR	PAPER	SUBJECT
DAILY PRACTICE 17/11/2026	GS - II	Polity & Governance

MARKS	WORD LIMIT
15	~250 words

Answer Hint

Rule of law, personal liberty, custodial torture, judicial independence, due process, prison oversight, human rights institutions, accountability.

Model Answer

Introduction

Allegations of torture, denial of medical treatment and restricted access to prisoners raise concerns about the rule of law. The protection of individuals in custody is a fundamental test of constitutional governance, irrespective of their political position.

Role of Constitutional Safeguards

1. **Right to life and dignity:** Constitutional guarantees protect individuals against arbitrary detention, torture and inhuman treatment.
2. **Due process:** Fair trial, access to legal representation and compliance with judicial orders prevent arbitrary exercise of state power.
3. **Judicial independence:** Courts must be able to scrutinise detention conditions and direct appropriate remedies without executive interference.

4. **Equality before law:** Political prisoners must receive the same legal and humanitarian protections as other prisoners.

Institutional Mechanisms for Accountability

- Independent prison inspections and transparent reporting of custodial conditions.
- Timely medical examinations and access to appropriate healthcare.
- Effective investigation of complaints of custodial violence.
- Parliamentary oversight and functioning human rights commissions.
- Compliance with international human rights standards, including the UN Convention against Torture and the Nelson Mandela Rules.

Challenges

Political interference, weak accountability mechanisms, delayed judicial proceedings and limited transparency can undermine prisoner protection.

Conclusion

Democratic legitimacy depends not only on electoral processes but also on the state's treatment of those in custody. Independent judicial oversight and enforceable human rights safeguards are essential to uphold the rule of law.

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