

KNOW YOUR RIGHTS

Supreme Court guidelines in D.K. Basu vs. State of West Bengal Arrest and Detention

All arrested persons have rights. No one can be mistreated in police custody.

The Supreme Court of India has issued guidelines that the police must follow in all cases of arrest and detention. It is important for all arrested persons to know these guidelines, to know their rights and the police's duties toward them.

The guidelines are below:

Duties of police making arrest and handling interrogation:

- ★ All police personnel should wear name tags clearly indicating their name and designation.
- ★ Police must enter the complete details of police officials conducting interrogation in a register.



Arrest memo:

- ★ The police officer making an arrest has to prepare an Arrest Memo that records details of the arrest.
- ★ The arrest memo must contain:
 - The signature of at least one witness, who can be a relative of the arrestee or a respectable person of the locality where the arrest is made.
 - The time, date, and place of the arrest.
- ★ The arrested person should sign the arrest memo after it is properly prepared.



Inspection memo:

- ★ If the arrested person requests it, the arresting officer must record any minor/major injuries on his/her body in an Inspection memo.
- ★ The memorandum should be signed by the arrested person and the arresting officer.
- ★ A copy of the Memo must be given to the arrested person.



Information about the arrest and detention:

- ★ The arrested person has the right that his/her relative/friend is informed about the arrest.
- ★ The police must contact and inform the relative/friend of the time and place of arrest, and the exact location where the arrested person is detained, at the earliest.
- ★ If the relative/friend is in a different district/city, the concerned police station should be informed by telegraph within 8-12 hours of the arrest and then convey the information to the relative/friend.
- ★ The information of the arrest should also be sent through the district legal aid committee.



Daily diary:

- ★ The police must enter the details of every arrest made in the police station daily diary.
- ★ The diary entry must include the name of the relative/friend who was informed about the arrest.
- ★ The diary entry must state the name of the police officer in whose custody the arrested person is detained.



Medical examination:

- ★ The arrested person has the right to be medically examined every 48 hours during his/her detention by a trained doctor.
- ★ The doctor should belong to the panel chosen by Director, Health Services of the State or Union Territory.
- ★ The Director, Health Services of the State or Union Territory must prepare a panel for all Tehsils and district headquarters.



Right to a lawyer:

- ★ The arrested person has the right to meet and consult a lawyer during his/her interrogation. The police cannot deny this.



Illaq Magistrate:

- ★ The police must send one copy of all documents, relating to the arrest (including the Arrest and Inspection Memos) to the Illaq Magistrate for his/her records.



Police Control Room:

- ★ Police Control Rooms should be set up in all district and state headquarters.
- ★ The arresting officer has the duty to inform the control room about the place of detention of the arrested person. This has to be done in all arrests.
- ★ This information must be sent to the Control Room within 12 hours of the arrest.
- ★ This information must be displayed clearly on the notice board of the Control Room.



These directions should be mandatorily followed. Refusal to do so would result in contempt of court. Departmental action can be initiated against police officials who do not observe these safeguards.