



RIGHTS OF ARRESTED PERSON

PRESENTATION BY

RAJASTHAN STATE LEGAL

SERVICES AUTHORITY

The Constitution of India guarantees several rights to an arrested person under article 22(1) and (2):-

- 1. Right to be informed, as soon as may be, of the grounds for such arrest.**
- 2. Right to consult and to be defended by legal practitioner of his choice.**
- 3. Right to be produced before the nearest Magistrate within 24 hours with his arrest, excluding the time necessary for the journey from the place of arrest to the court of Magistrate.**
- 4. Right not to be detained in custody beyond the period of 24 hours without the authority of the Magistrate.**



- **Right to know the grounds of arrest**

I. Section 50 (1) Cr. P.C.

II. Section 55 Cr. P.C.

III. Section 75 Cr. P.C.



(b) Safeguards regarding arrest and detention

(c) Right to be informed of right to bail

I. Section 50(2) of Cr.P.C.

**(d) Right to be taken before a Magistrate
without delay**



(e)

- I. Right of not being detained for more than 24 hours without Judicial scrutiny.
- II. To prevent arrest and detention for the purpose of extracting confessions, or as a means of compelling people to give information.
- III. To prevent police stations being used as though they were prisons a purpose for which they are unsuitable: and
- IV. To afford to an early recourse to a judicial officer independent of the police on all questions of bail or discharge.



**(f) Medical Examination of Arrested Persons,
including the injured among the arrested.**

**(g) Health and safety of arrested person Under Section
55-A Cr.P.C**

**(h) The right to treatment with humanity while in
detention.**



- (II) Right to Silence**
- (III) Right to consult and to be defended by a legal practitioner**
- IV) Right to fair trial**
- V) Speedy trial**
 - Section 309 Cr.P.C
- (VI) Right to set up his case in direct communication with the court**
 - Section 313 Cr. P.C. & 314 Cr.P.C.



(VII) Right to produce evidence in his defense Section 313 Cr.P.C. Section 315 Cr.P.C

(VIII) Right to Privacy

- **People's Union for Civil Liberties v. Union of India (1996GG) Supp 10 SCR 321**

(IX) Right to life and dignity



(X) Right of Women accused.

(XI) Rights of a Juvenile in conflict with law.

The Juvenile Justice (Care and Protection of Children) Act, 2000.

(XII) Right to seek bail on serving more than one half of the maximum possible sentence:



