

Your rights on arrest & detention

If arrested or detained, you have certain rights. Such as the right:

- * To be informed of the grounds of arrest by the police.
- * To be released on bail when arrested for a bailable offence.
- * To be produced before the nearest Magistrate within 24 hours from the time of your arrest.
- * To have a relative or friend informed about your arrest and the place of detention.
- * To meet and consult a lawyer of your choice.
- * To take reasonable care of your health and safety while in custody. You should be examined by a government medical practitioner soon after arrest.
- * Not to be ill-treated, abused, or tortured while in custody.
- * Not to be pressured, threatened, or influenced by a police officer or any person in authority to make a confession.

Special rights to women

- * Barring exceptional circumstances, no woman can be arrested between sunset and sunrise.
- * Only a woman can search a woman arrestee with strict regard to privacy and decency.
- * Woman arrestee must be kept in a separate lock-up from men in the police station or in correctional homes and they have to be interrogated in the presence of women police officers.



Remand

- * Police remand should not exceed 15 days in whole.
- * Remand can be extended by court on reasonable ground only upon physical production of an accused.

Right to free legal aid

If you cannot afford a lawyer, you are entitled to free legal aid. It is the duty of the Magistrate to inform you of this right when you are first produced in court.

Bail

- * You have right to be released on bail immediately in case of bailable offence.
- * Person accused of non-bailable offence may be released by Magistrate under certain conditions.
- * Person accused of non-bailable offence can not be released on bail, if offence committed punishable by death or life term, or if accused has previous record of convictions.
However, woman, sick or infirm person in above category may be released on bail.



Access to Justice for all



सत्यमेव जयते

POLICE AND YOU ; KNOW YOUR RIGHTS: FIR, ARREST, DETENTION, REMAND & BAIL



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What is FIR?

FIR stands for First Information Report. It is a written document prepared by the police when they receive information about an alleged commission of a cognizable offence. It is a report of the information that first reaches the police about the occurrence of a crime or crimes, and this is why it is called the First Information Report.

Why is an FIR important?

An FIR sets the process of criminal justice in motion. As per procedural law, it is only after the FIR is registered in the police station that the police can start the

investigation of the case. Also, if the case goes to court, the FIR will be looked at during trial. So it is important that the relevant first facts, as much known by the complainant or informant are properly represented in the FIR.

It is settled law that the registration of an FIR is mandatory as the first information received discloses the commission of a cognizable offence.



Who can lodge an FIR?

An FIR can be filed by:

- * The victim of the crime;
- * A witness to the crime;
- * Anyone with knowledge of the occurrence of the crime;
- * A police officer who comes to know about a cognizable offence.

What is the procedure to register an FIR?

- * The procedure to register an FIR is prescribed in Section 154 of CrPC, 1973.
- * If you give the information orally, the police officer must write it in plain and simple language as close as possible to your own words.
- * The information recorded by the police is to be read over to you by the police.
- * After making sure that information recorded by the police is as per the details given by you, it must be signed by you (Informant). In case of people who cannot read or write, the FIR must be read over & explained before putting their (Informant) left thumb impression on FIR.
- * Police must record the date and contents of the FIR in the police station diary.
- * It is your right to receive a copy of the FIR immediately and free of cost. Always ask for a copy of the FIR if the police do not give it to you.
- * In case of sexual crimes, if the women victim comes to register her complaint herself, her FIR must be recorded by a woman officer.

Arrest and Detention

What is Arrest?

'Arrest' means deprivation of liberty by law. 'Seizure or detention' i.e. depriving the individual of his liberty in accordance with the law.

Do the police need a warrant to make an arrest?

If you are accused of a non-cognizable offence (i.e. offences which are less serious in nature like simple hurt, fraud or forgery etc. and which can lead up to three years of imprisonment), then the police must have a warrant to arrest you. If you are accused of the cognizable offence (serious offence like rape, murder, etc. which is punishable with more than three years of imprisonment, and more), the police can arrest you without a warrant.

Can handcuffs be used in all arrest?

Handcuffs cannot be used in all arrest. It can be used only if the arrested person is:

- * Involved in serious non-bailable offence;
- * Violent and disorderly;
- * Likely to commit suicide;
- * Likely to attempt escape.

The reason for the use of handcuff must be recorded and shown to the court.

