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## **Revamping the rules: A comprehensive analysis of proposed amendments and revisions to national arrest policies**

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### **Abstract**

In recent years, there have been calls for reforming national arrest policies to address concerns about the excessive use of force, biased policing, and other issues affecting public safety and community trust in law enforcement. This comprehensive analysis examines these proposed changes to national arrest policies and their potential impact on law enforcement practices, criminal justice outcomes, and public safety. One of the key areas of focus is the use of force by law enforcement officers. The analysis evaluates proposals that seek to limit the use of lethal force in non-life-threatening situations, require officers to exhaust all other means before using force, and mandate reporting and review of force incidents. The analysis also examines proposals aimed at addressing racial profiling and bias in law enforcement. It evaluates measures that would prohibit profiling based on race, ethnicity, religion, gender, and other factors, require training and data collection on bias, and establish civilian oversight of law enforcement agencies. It considers the potential impact of these changes on promoting trust and legitimacy of law enforcement among diverse communities. Overall, this comprehensive analysis provides a nuanced and evidence-based examination of the proposed amendments and revisions to national arrest policies. By highlighting the potential benefits and drawbacks of these changes, it aims to contribute to informed policy-making that advances public safety, fairness, and justice for all.

**Keywords:** Arrest, code, provisions, police, reforms, amendments

### **1. Introduction**

The term “arrest” shall be defined as the retention of person in a lawful custody that has been authorised by a warrant, crime, or statute and there shall be a denial of person’s liberty under the law.

The Supreme Court defined an arrest as the act of bringing someone into prison in conformity with the law after they have been charged with a crime and taking away their freedom in the historic case *R.R. Chari v. State of Uttar Pradesh* <sup>[1]</sup>. However, UDHR <sup>[2]</sup> defines the same as an apprehending action of an authority of an accused for an offense.

### **Requirement of Study and Existing Lacunae**

Even though there is an existing legal framework in place, there have been a number of cases of unlawful detention, torturous treatment of the arrested <sup>[3]</sup>, arrested time exceeding the prescribed time for punishment <sup>[4]</sup>, under-trials and pre-trial arrestees exceeding the convicted arrestees <sup>[5]</sup> and officers often exceeding their powers <sup>[6]</sup>.

The freedom of an individual has always been valued highly <sup>[7]</sup>, whether it be in the American Declaration of Independence of 1776, the UDHR of 1948 <sup>[8]</sup>, the ICCPR of 1996 <sup>[9]</sup>, or even our very own Constitution's Article 21 <sup>[10]</sup>. On the other hand, regulating liberty is of equal relevance. Liberty must never become a license <sup>[11]</sup>. Therefore, in order to balance out the above-mentioned interests <sup>[12]</sup>, along with the rights of arrestees, the present study is of utmost requirement.

### **Objectives of Study**

The objective of this policy and therefore the primary requirement of the said document for national interest are listed as follows,

1. To establish professional codes of conduct and rules, specifically for police personnel (officers), to give them a methodology for handling suspects and/ or detainees under police custody.

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2. To assist police groups from several states and the Union Territories in developing policies to stop violence and deaths while in custody.
3. To give police officers a uniform code of conduct, by means of standardization.
4. To provide the police officers with knowledge about Human Rights and encourage behavioural and mental/attitudinal changes in the course of their work.
5. To restore the public's dwindling trust in police officers.
6. To ensure that there exists a strict implementation of §41 of Code of Criminal Procedure, 1973 (Hereinafter "CrPC/Code") and various other provisions of the Code.

### Existing Provisions

Looking at the Indian Constitution, it can be established that Article 21<sup>[13]</sup> primarily deals with the non-deprivation of liberty of individuals in India along with Article 20<sup>[14]</sup> which provides for the guarantee against any unreasonable arrest. This is considered justified and was extensively covered in the case of *Kharak Singh v. State of UP*<sup>[15]</sup>. This was considered the same as it is fundamentally correct for an individual that resides in the Nation of India, which is one of the world's largest democracies to be stripped of their liberty without justification<sup>[16]</sup>. The *Bolling v. Sharpe*<sup>[17]</sup> case in the United States of America found the same to be held justifiable. The French Declaration<sup>[18]</sup>, the Bill of Rights from 1689<sup>[19]</sup>, and the Declaration of Human Rights from 1942<sup>[20]</sup> all affirm to this very justification.

In accordance with the Code, there exists five types of arrests. They are listed as follows,

#### Arrest by warrant<sup>[21]</sup>

A warrant must be obtained by a judge, magistrate, or on behalf of the state before a person can be arrested or have their property seized for a non-cognizable or non-arrestable offence.

#### Justification

The provision is unavoidably required if arrests are to be made on legitimate grounds<sup>[22]</sup>. Yet, it is possible that arrest warrants for very small offences would be requested, which will stress the already overburdened judicial system. As there are so many minor cases, it becomes problematic when they remain pending for longer than necessary to impose punishment, endangering the condition of the accused.

Hence, to prevent this, it must be agreed that the police should conduct a preliminary investigation before requesting an arrest warrant so that judges can quickly issue the orders.

#### Arrest without Warrant u/s 41 r/w section 151

In the given scenario, if a person has been subject of a law enforcement investigation and/or has committed a cognizable offence about which a reasonable complaint has been filed and is supported by solid evidence. S/41(1) of the Code specifies the conditions and grounds under which an arrest can be made without a warrant<sup>[23]</sup>.

#### Justification

This is considered justifiable because releasing a suspect without a warrant runs the risk of his evading the police i.e., absconding<sup>[24]</sup>. As determined in the case of *State of Maharashtra v. Mohd. Rashid*<sup>[25]</sup>, it must be balanced by giving him/her prior warning<sup>[26]</sup>. The right to private defence<sup>[27]</sup> is another option that the court has given to the arrested

person in the event that he fears grievous hurt or death as a result of the wrongful arrest.

#### Arrest when name and residence is not furnished<sup>[28]</sup>

A person may be arrested in accordance with this provision if they refuse to provide their correct name and residence or if the police officer has a good faith suspicion that they are lying if the non-cognizable offence was committed in his presence. Minor discrepancies are not considered to trigger this provision<sup>[29]</sup>, notwithstanding what has been claimed.

#### Justification

Given that asking for one's name and place of residence does not constitute bearing testimony against oneself, the provision is in line with the right against self-incrimination<sup>[30]</sup>. Principle 21 of Body of Principles for the Protection of all Persons under Any Form of Detention or Imprisonment (Hereinafter "the Body")<sup>[31]</sup> prevents the same but has no mention of letting out the name or residence. However, this also extends to arbitrariness in that it becomes subjective to the officer, and the power can be abused by using a "reasonable" apprehension that false information will be provided and making an arrest on that basis even in small non-cognizable circumstances<sup>[32]</sup>. Articles 9 and 12 of the UDHR<sup>[33]</sup> specifically prohibit the same.

Although there is a 24-hour window following such an arrest for presenting before a magistrate<sup>[34]</sup>, it nevertheless violates Article 21 because a person cannot be deprived of their liberty for any amount of time, no matter how brief the same may be<sup>[35]</sup>. This also goes against the Body's Principle 9 because it gives the police room to go beyond their authority<sup>[36]</sup>. Thus, it is advised that the person be presented before the magistrate at the earliest chance in case of any such suspicion in order to avoid such subjectivity.

#### Arrest by private person<sup>[37]</sup>

A private person can arrest if the other person has committed non-bailable offence or is a proclaimed offender, however, sufficient reasoning has to be provided for the same<sup>[38]</sup>. After the arrest, the suspect must be given to the arresting police officer or, in the event that the officer is not present, then he/ she must be brought to the closest police station.

#### Justification

Therefore, it can be proved that this provision is justified by the requirement that the arrested person report to the nearest police station right away. However, an arrest based on a false suspicion may be considered an apprehension in the case of a private person, reporting to the police right away aligns it with Section 21 because the person making the arrest will be required to provide the reasonable justification for the arrest made.

#### Arrest by Magistrate<sup>[39]</sup>

A Magistrate may personally make an arrest or issue an arrest warrant within his local jurisdiction in accordance with Section 44 of the Code<sup>[40]</sup>. The Magistrate is not required to take cognizance of case or conduct trial before arrest had been made<sup>[41]</sup>.

#### Justification

In the case of *Ram Changra v. State of Uttar Pradesh*<sup>[42]</sup>, it was argued that since the magistrate had personally witnessed the offence being committed, his decision to make the arrest was justified. Although this is risky, it is possible that what

seems to be true on the surface is false, and pre-trial provisions have not been specified. Therefore, there exists no provision for verification as a result of the same. Hence, it is advised, that after an arrest, similar to private citizens, a police presentation or magistrate trial must be held to ensure equity and justice.

### Pre-Arrest Checklist

According to *Arnesh Kumar v. State of Bihar* [43], there are a few steps that should be taken even before the arrest has been made. They are listed as follows,

1. A notification must be provided to the person who is the subject of a reasonable complaint or suspicion and for whom it has come to the attention of the authorities that the person was involved in the alleged offence in order to avoid an unnecessary arrest. In accordance with the law, a notice under S/41 (A) must be delivered to the subject requesting that they appear before a police officer. If the subject fails to comply with that notice, the police officer has complete authority to make an arrest, but only after obtaining all necessary authorizations.
2. The police officer must ensure that at least one of the conditions specified below has been met before making an arrest, and the officer must record the reason and justification for the arrest so that it can be reported to higher authorities.
3. The police officer should in no way engage in the regular act of arresting, further should not arrest just for the sake of routine issues [44].

### The reasons for the same are listed below

- (a) To make sure the investigation is conducted fairly and to stop the offender from committing any further other crimes.
- (b) To make sure that said person cannot tamper with the evidence.
- (c) To ensure that the person has no unreasonable influence over anybody else engaged in the case, which could prevent a witness from testifying in court [45].
- (d) To eliminate any prospect that the subject might elude the reach of the legal system or the police.

### Justification

It is for the above-mentioned reasons, it can be concluded that the pre-arrest provisions are definitely justified since notifying the accused before the arrest is also in concurrence with right to consult an advocate [46] under Article 22 [47] of the Indian Constitution. Further, the Principle 17 and 18 of the Body [48] also supports the very same.

Moreover, it provides a fair opportunity for the police and the accused to investigate and evaluate the case before moving forward with the next steps in minor instances, reducing the likelihood of wrongful or illegal detentions and the strain on the judicial system. Principle 10 of the Body [49] also supports the same backing prior information to the arrested. Similar to Principle 10, Principle 11 requests that the police give the arrested person and his attorney all relevant information. Everyone has equal rights under Article 1 of the UDHR.

### Procedural Provisions for Arrest and Rights of Arrestees

The name of the police officer who was engaged in the arrest must be noted in the police logbook along with the wearing of a visible name tag. The police must prepare an arrest memo for the suspect, which must include the date, time, and

location of the arrest. The memo must also be countersigned by the suspect and must be witnessed by a trustworthy local witness who has witnessed the entire arrest process. A person of the arrestee's choosing must be informed about the arrest, unless it is the same person who was present at the scene of the arrest. The person must be told of the time, date, and location of the detention, and both details must be recorded in a diary [50]. This shall only be necessary instances of force so that the person cannot elude the law.

### Justification

This is the first step in an arrest, and it is entirely justified because the person being detained has a right to know who is making the decision to detain him, and his family members should also be informed in order to plan their next move. The same is justified by Principles 12 and 19 of the Body [51]. The same is supported by Article 9(2) CCPR [52], which states that the arrestee must be aware of the charges and reasons for the arrest.

The person being arrested should be immediately informed of the authority behind the arrest and the reason for it, and should be urged to cooperate fully. After the arrest has been made, it needs to be reported to any senior official and/or DCR. Additionally, as per S/54 Code [53], the arrestee must undergo a thorough medical examination in a government hospital; if a doctor is not available, the arrestee must go to a private hospital by providing advance notice to the senior officials.

Therefore, it can be concluded that the very same is inherently violative of a person's bodily autonomy [54] and right against self-incrimination [55]. The provision mandates medical examination, which is infringing the person's right over his/her own body, clearly violating Article 7 of ICCPR [56]. Rather, medical facilities are made necessary under Principle 23 of the Body [57] and Article 25 of the UDHR [58].

Handcuffing will only be used in limited circumstances, such as significant nonbailable offences, past convictions, a high risk of escaping, or an aggressive or disruptive personality [59]. And in order to summon someone for questioning, a written order must be made in accordance with Section 160(1) of the Code [60].

### Justification

Therefore, it can be concluded that the same is justified as only high-risk cases are considered for handcuff. Further, it was held in the case of *Prem Shanker* [61], that such cases require handcuffs for safety and security. Additionally, provisions for obtaining permission has also been mentioned, which justifies the entire provision and its application.

In line with S/161(2) of the law and Article 20(3) of the Indian Constitution, no one shall be required to give a testimonial. Moreover, a boy under the age of 15 and a female over the age of 65 should not be summoned to the police station for questioning; instead, they should be questioned at home [62].

### Justification

In accordance with the Indian Constitution, this is a strong defence of the right against self-incrimination [63]. This also complies with Chapter 17 of the International Human Rights Guidelines for Law Enforcement [64], which permits special discrimination against minors, the elderly, the sick, and women. This was also upheld by Supreme Court retaining the modesty and dignity of women [65].

If a person is imprisoned for an extended period of time in the guise of investigation or interrogation, this constitutes wrongful imprisonment, which is a crime under S/342 IPC, and they should not be exposed to any degree of torture, humiliation, or other such treatment.

As per the landmark judgement of Arnesh Kumar v State of Bihar<sup>[66]</sup>, when an offence is punished by a term of imprisonment of less than or equal to seven years, police officers must rigorously adhere to Section 41(1)(b)(ii) of the Code. Therefore, it can be concluded that arrests should not to be made in a mechanical or regular manner.

**The following two sections shall provide with specific reference to the arrest of women.**

According to Section 46(4) of the Code, a woman police officer must first request authorization from the magistrate of the relevant jurisdiction before making an arrest. This rule is only to be applied in extraordinary circumstances. Only a female officer may arrest a woman, and all arrests of women must carefully adhere to S/42 of the Code.

If a female police officer is not available, the arrested woman may be accompanied by a male person during the entire process, but only a female police officer may ask questions and conduct medical exams<sup>[67]</sup>.

**Justification**

In the case of Roshan Beevi<sup>[68]</sup>, this provision was strictly followed, emphasizing the significance of this section's proper execution. The Bombay High Court upheld the very same<sup>[69]</sup>. It deals with reasonable apprehension about the safety of women in detention, making it completely justified and in line according to the Commission.

**The following three sections shall provide with specific reference to the arrest of children and juveniles.**

The child who has been arrested should either be immediately sent to the Special Police Juvenile Unit (SJPU)<sup>[70]</sup>, which is staffed at every station, or kept under the supervision of a Child Welfare Officer (hereinafter CWO). Under no circumstances should the child be kept in custody and must appear before the board within 24 hours. The youngster must be treated with special consideration; insulting or accusatory language must never be directed at them, and they should not be punished like adult offenders. A youngster under the age of 7 should not be detained, according to S/82 of the Indian Penal Code<sup>[71]</sup>.

**Justification**

According to Article 37(a), (b), and (c) of the Convention on the Rights of the Child, this is completely justified because it guarantees the care of children even when they are being detained (hereinafter CRC)<sup>[72]</sup>. Nonetheless, Article 40 specifies that dealing with children outside of court is preferred<sup>[73]</sup>. In the case of Kulai Ibrahim<sup>[74]</sup>, juvenility has been upheld as a legitimate defence and exception that may be used at any time during the trial. While juvenility was held to be calculated from the registered school records<sup>[75]</sup>. Therefore, it is advised that out-of-court proceedings be used to restore the child's faith in society rather than dragging such matters through the courts.

No information on the child, including his name, address, portrait, place of attendance, and family information, shall be made available to the public or to the media<sup>[76]</sup>. According to S/24(2) of the POCSO Act<sup>[77]</sup>, the child's testimony shall be

recorded by a woman police Sub Inspector<sup>[78]</sup> at his or her home or another location of the child's choosing, and the person taking the statement should not be wearing a uniform. In accordance with S/164 of the Code<sup>[79]</sup> and S/27 POCSO Act<sup>[80]</sup>, the victim child must in all cases receive medical attention in the presence of their parents. Under no circumstances should the child be left at the police station overnight. If the kid has a physical or mental disability, medical assistance may be sought only for the purpose of recording the statement<sup>[81]</sup>. An underage person should never be handcuffed.

**Justification**

Therefore, it can be said that this is justified under Article 37(d) of CRC<sup>[82]</sup> which provides for legal assistance to the child along with right to approach a competent court while Article 40 (1) states dignified treatment of arrested children<sup>[83]</sup>. The Body's Principle 16 also forbids making arbitrary arrests and guarantees that the law is shielded from intrusion into personal affairs<sup>[84]</sup>. Juveniles have rights under Article 7 of The UN Basic Minimum Standards for Administration of Juvenile Justice (Beijing Rules)<sup>[85]</sup>, however, legal counsel and assistance are required under Articles 15 and 24<sup>[86]</sup>. The only recommendation is to involve child and juvenile-focused NGOs in the process, as they could support it while dealing with developing and nascent minds more effectively. Under UN Guidelines for Action on Children Resolution 45/112<sup>[87]</sup>, this the very same has been advised. In addition, to safeguard them from in-cell exploitation<sup>[88]</sup>, minors and children must be isolated from adult arrestees.

However, it is equally important to provide for remedy in case of violation these procedures and rights and hence, it is recommended that adequate compensation must be provided to victims of the same, as guided by Article 9(5) of ICCPR.

**Conclusion**

In order to improve the current criminal justice system and have a better and stronger legal framework for the same, the Commission has made certain proposals after carefully researching the history of arrests in India, their method, and the rights of the detained. In order to understand the global perspective, numerous international conventions, treaties, and cases have been cited. Indian cases have also been mentioned in order to understand the judiciary's position on the current laws governing the arrest of people, including children, women, and senior citizens. The study is thus ended in the hopes that the Union would take the proposals under consideration and thereafter adopt them, as it is of utmost importance.

**References**

1. Chari RR. V State of Uttar Pradesh, AIR, 1962, SC 1573 (India).
2. United Declaration of Human Rights; c1948. [https://www.ohchr.org/sites/default/files/UDHR/Documents/UDHR\\_Translations/eng.pdf](https://www.ohchr.org/sites/default/files/UDHR/Documents/UDHR_Translations/eng.pdf).
3. United Declaration of Human Rights, 1948, Art. 5, [https://www.ohchr.org/sites/default/files/UDHR/Documents/UDHR\\_Translations/eng.pdf](https://www.ohchr.org/sites/default/files/UDHR/Documents/UDHR_Translations/eng.pdf).
4. World Prison Brief, Institute for Crime & Justice Policy Research; c2020.
5. Ibid.
6. Body of Principles for the protection of All Persons under Any Form of Detention or Imprisonment, 1988, Principle

- 6, Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment | OHCHR.
7. International Covenant on Civil and Political Rights. Art; c1966;9(1).  
<https://www.ohchr.org/sites/default/files/Documents/ProfessionalInterest/ccpr.pdf>.
  8. United Declaration of Human Rights, Art; c1948, 5.  
[https://www.ohchr.org/sites/default/files/UDHR/Documents/UDHR\\_Translations/eng.pdf](https://www.ohchr.org/sites/default/files/UDHR/Documents/UDHR_Translations/eng.pdf).
  9. International Covenant on Civil and Political Rights; c1966,  
<https://www.ohchr.org/sites/default/files/Documents/ProfessionalInterest/ccpr.pdf>.
  10. India Const. Art. 21
  11. Arthur Vanderbilt T. United We Stand, A.B.A.J; c1938, 639.
  12. Joginder Kumar V. State of Punjab, AIR 1994 SC 1349 (India); Sm.t Nandini Satpathy v. P.L. Dani AIR 1978 SC 1025 (India).
  13. Supra Note 10.
  14. India Const. Art. 20.
  15. Kharak Singh V. State of U.P, 1964 1 SCR 332 (India).
  16. Maneka Gandhi V. Union of India, 1978, (1) SCC 248 (India). R.C. Cooper v. Union of India, AIR 1970 SC 564 (India).
  17. Bolling v. Sharpe; c1954, 347 US 497.
  18. 177<sup>th</sup> Report, Law Commission of India on Law Relating to arrest at 14, The Declaration of the Rights of Man and of the Citizen, 1798,  
[https://constitutionnet.org/sites/default/files/declaration\\_of\\_the\\_rights\\_of\\_man\\_1789.pdf](https://constitutionnet.org/sites/default/files/declaration_of_the_rights_of_man_1789.pdf).
  19. Bills of Rights, 1688,  
<https://www.legislation.gov.uk/aep/WillandMarSess2/1/2/data.pdf>
  20. Supra Note 8.
  21. The Code of Criminal Procedure, 1973, §41(2) No. 2 of 1974, Acts of Parliament, 1949 (India).
  22. Munna v. State of M.P., 2015 SCC OnLine MP 1831 (India); Jaffer v. State of M.P, 2015 SCC OnLine MP 2194 (India).
  23. The Code of Criminal Procedure, 1973, §41(1) No. 2 of 1974, Acts of Parliament, 1949 (India).
  24. Gulab Chand v. State of M.P., 1981 SCC OnLine MP 118 (India).
  25. State of Maharashtra v. Mohd. Rashid, (2005) 7 SCC 56 (India).
  26. The Code of Criminal Procedure, 1973, §50(2) No. 2 of 1974, Acts of Parliament, 1949 (India).
  27. State of U.P. v. Niyamat (1987) 3 SCC 434 (India).
  28. The Code of Criminal Procedure, 1973, §42, No. 2 of 1974, Acts of Parliament, 1949 (India).
  29. Fathima PP. V. State of Kerala, (2003) 8 SCC 726 (India).
  30. Nandini Satpathy v. P L Dani, 1978 AIR 1025 (India).
  31. Body of Principles for the protection of All Persons under Any Form of Detention or Imprisonment, 1988, Principle 21, Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment | OHCHR.
  32. Siddharam Satlingappa Mhetre v. State of Maharashtra; c2011. 1 SCC 694 (India).
  33. United Declaration of Human Rights; c1948. Art. 9,12,  
[https://www.ohchr.org/sites/default/files/UDHR/Documents/UDHR\\_Translations/eng.pdf](https://www.ohchr.org/sites/default/files/UDHR/Documents/UDHR_Translations/eng.pdf).
  34. Body of Principles for the protection of All Persons under Any Form of Detention or Imprisonment, 1988, Principle 11, Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment | OHCHR
  35. Supra Note 10.
  36. Body of Principles for the protection of All Persons under Any Form of Detention or Imprisonment, 1988, Principle 9, Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment | OHCHR
  37. The Code of Criminal Procedure, 1973, §43, No. 2 of 1974, Acts of Parliament, (India); c1949.
  38. lipsinh Umedsinh Jadeja v. State of Gujarat, 2011 SCC OnLine Guj 2844 (India).
  39. The Code of Criminal Procedure, 1973, §44, No. 2 of 1974, Acts of Parliament (India); c1949.
  40. Chari RR, Vs State of Utter Pardesh, AIR 1951 SC 207 (India).
  41. Directorate of Enforcement Vs Deepak Mahajan, AIR 1994 SC 1775 (India).
  42. Ram Chandra v. State of Uttar Pradesh 1977 Cri. L. J 1783 (India).
  43. Armesh Kumar V State Of Bihar 8 SCC 273 (India); c2014.
  44. Andhra Pradesh Police Department,  
<https://www.appolice.gov.in/jsp/appm/appm/APPm%20Part%20II%20Annexures%20Index.htm> (last visit Apr 29<sup>th</sup>, 2022)
  45. Basu DK. v State of West Bengal, AIR 1997 SC 610 (India); Amandeep Singh Johar vs State of N.C.T. of Delhi and Anr (India); c2018.
  46. Prakash Kumar Patil v. Union of India, 2021 SCC OnLine Chh 2907 (India), International Covenant on Civil and Political Rights, 1966, Art. 14(3)(b)  
<https://www.ohchr.org/sites/default/files/Documents/ProfessionalInterest/ccpr.pdf>.
  47. India Const. Art. 22.
  48. Body of Principles for the protection of All Persons under Any Form of Detention or Imprisonment, 1988, Principle 10, Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment | OHCHR.
  49. Body of Principles for the protection of All Persons under Any Form of Detention or Imprisonment, 1988, Principle 11, Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment | OHCHR.
  50. Supra Note 46.
  51. Body of Principles for the protection of All Persons under Any Form of Detention or Imprisonment, 1988, Principle 12, 19, Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment | OHCHR.
  52. International Covenant on Civil and Political Rights; c1966. Art. 9(2)  
<https://www.ohchr.org/sites/default/files/Documents/ProfessionalInterest/ccpr.pdf>.
  53. The Code of Criminal Procedure; c1973, §54, No. 2 of 1974, Acts of Parliament, 1949 (India).
  54. Supra Note 10.
  55. India Const. Art. 20(3).
  56. International Covenant on Civil and Political Rights; c1966, Art. 7,  
<https://www.ohchr.org/sites/default/files/Documents/ProfessionalInterest/ccpr.pdf>.

- essionalInterest/ccpr.pdf.
57. Body of Principles for the protection of All Persons under Any Form of Detention or Imprisonment, 1988, Principle 23, Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment | OHCHR.
  58. United Declaration of Human Rights, 1948, Art. 25, [https://www.ohchr.org/sites/default/files/UDHR/Documents/UDHR\\_Translations/eng.pdf](https://www.ohchr.org/sites/default/files/UDHR/Documents/UDHR_Translations/eng.pdf)
  59. Prem Shankar Shukla v. Delhi Administration; c1980 3SCC 526 (India).
  60. The Code of Criminal Procedure, 1973, §54, No. 2 of 1974, Acts of Parliament, 1949 (India).
  61. Supra Note 60.
  62. The Code of Criminal Procedure, 1973, §161 (2), No. 2 of 1974, Acts of Parliament, 1949 (India).
  63. Supra Note 33.
  64. International Human Rights Standard for Law Enforcement, 1996, Chapter 7, <https://www.ohchr.org/sites/default/files/Documents/Publications/training5Add1en.pdf>.
  65. Tamil Nadu v. Suhas Katti, 1993 SCR (1) 405 (India).
  66. Arnesh Kumar v State of Bihar, 2014 8 SCC 469 (India).
  67. Andhra Pradesh Police Department, <https://www.appolice.gov.in/jsp/appm/appm/APPm%20Part%20II%20Annexures%20Index.htm> (last visit Apr 29<sup>th</sup>, 2022)
  68. Roshan Beevi v. Joint Secretary, Govt. of Tami Nadu 1984 Cri. L. J. 134 (India).
  69. Kavita Manikikar v. CBI, 2018 SCC OnLine Bom 1095 (India).
  70. The Juvenile Justice (Care and Protection of Children) Act, 2015, §107, No. 2 of 2016, Acts of Parliament, 2015, (India).
  71. Indian Penal Code, 1860, § 82, No. 45 of 1860, Acts of Parliament, 1860, (India).
  72. Convention on Rights of Child, 1989, Art. 37, <https://www.ohchr.org/sites/default/files/Documents/ProfessionalInterest/crc.pdf>.
  73. Convention on Rights of Child, 1989, Art. 40, <https://www.ohchr.org/sites/default/files/Documents/ProfessionalInterest/crc.pdf>.
  74. Kulai Ibrahim v. State of Coimbatore, (2014) 12 SCC 332 (India).
  75. Satbir Singh & Others v. State of Haryana, 1996 SCC OnLine P&H 533 (India).
  76. Protection of Children from Sexual Offences Act, 2012, §23, No. 32 of 2012, Acts of Parliament, 2012, (India); The Juvenile Justice (Care and Protection of Children) Act, 2015, §21, No. 2 of 2016, Acts of Parliament, 2015, (India).
  77. Protection of Children from Sexual Offences Act, 2012, §24(2), No. 32 of 2012, Acts of Parliament, 2012, (India).
  78. Protection of Children from Sexual Offences Act, 2012, §24 (1), No. 32 of 2012, Acts of Parliament, 2012, (India).
  79. The Code of Criminal Procedure, 1973, §164, No. 2 of 1974, Acts of Parliament, 1949 (India).
  80. Protection of Children from Sexual Offences Act, 2012, §27, No. 32 of 2012, Acts of Parliament, 2012, (India).
  81. Protection of Children from Sexual Offences Act, 2012, §26(3), No. 32 of 2012, Acts of Parliament, 2012, (India).
  82. Convention on Rights of Child, 1989, Art. 37(d), <https://www.ohchr.org/sites/default/files/Documents/ProfessionalInterest/crc.pdf>.
  83. Convention on Rights of Child, 1989, Art. 40 (1), <https://www.ohchr.org/sites/default/files/Documents/ProfessionalInterest/crc.pdf>.
  84. Body of Principles for the protection of All Persons under Any Form of Detention or Imprisonment, 1988, Principle 16, Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment | OHCHR
  85. The UN Standard Minimum Rules for Administration of Juvenile Justice (Beijing Rules), 1985, Art. 7, <https://www.ojp.gov/pdffiles1/Digitization/145271NCJRS.pdf>.
  86. The UN Standard Minimum Rules for Administration of Juvenile Justice (Beijing Rules), 1985, Art. 15, 24, <https://www.ojp.gov/pdffiles1/Digitization/145271NCJRS.pdf>.
  87. The UN Guidelines for action on Children in the Criminal Justice System (The Vienna guidelines), 1997: General Assembly Resolution 45/112 of 14 December 1990.
  88. International Covenant on Civil and Political Rights, 1966, Art. 10, <https://www.ohchr.org/sites/default/files/Documents/ProfessionalInterest/ccpr.pdf>.