

PART VA
GOVERNMENT OF MEGHALAYA
HOME (POLICE) DEPARTMENT
ORDES BY THE GOVERNOR
NOTIFICATION
THE 14TH NOVEMBER 1997

NO.HPL.127/96/100-THE FOLLOWING ORDERS ISSUED BY THE SUPREME COURT OF INDIA PUBLISHED FOR GENERAL INFORMATION

ORDER

ON DECEMBER 18, 1996 IN D.K. BASU VS STATE OF WEST BENGAL (1997(1)SCC.416) THIS COURT HAS LAID DOWN CERTAIN BASIC REQUIREMENT TO BE FOLLOWED IN ALL CASES OF ARREST OR DETENTION TILL LEGAL PROVISIONS ARE MADE IN THAT BEHALF AS A MEASURE TO PREVENT CUSTODIAL VIOLENCE. THE REQUIREMENTS READ AS FOLLOWS:-

1. THE POLICE PERSONNEL CARRYING OUT THE ARREST AND HANDLING THE INTERROGATION OF THE ARRESTEE SHOULD BEAR ACCURATE VISIBLE AND CLEAR IDENTIFICATION AND NAME TAGS THEIR DESIGNATIONS. THE PARTICULARS OF ALL SUCH POLICE PERSONNEL WHO HANDLE INTERROGATION OF THE ARRESTEE MUST BE RECORDED IN A REGISTER.
2. THAT THE POLICE OFFICER CARRYING OUT THE ARREST OF THE ARRESTEE SHALL PREPARE A MEMO OF ARREST AT THE TIME OF ARREST AND SUCH MEMO SHALL BE ATTESTED BY AT LEAST ONE WITNESS, WHO MAY EITHER BE A MEMBER OF THE FAMILY OF THE OF THE ARRESTEE OR A RESPECTABLE PERSON OF THE LOCALITY FROM WHERE THE ARREST IS MADE. IT SHALL ALSO BE COUNTERSIGNED BY THE ARRESTEE AND SHALL CONTAIN THE TIME AND DATE OF ARREST.
3. A PERSON WHO HAS BEEN ARRESTED OR DETAINED AND IS BEING HELD IN CUSTODY IN A POLICE STATION OR INTERROGATION CENTRE OR OTHER LOCK-UP SHALL BE ENTITLED TO HAVE ONE FRIEND OR RELATIVE OR OTHER PERSON KNOWN TO HIM OR HAVING INTEREST IN HIS WELFARE BEING INFORMED. AS SOON AS PRACTICABLE, THAT HE HAS BEEN ARRESTED AND IS BEING DETAINED AT THE PARTICULAR PLACE, UNLESS THE ATTESTING WITNESS OF THE MEMO OF ARREST IS HIMSELF SUCH A FRIEND OR A RELATIVE OF THE ARRESTEE.
4. THE TIME PLACE OF ARREST AND VENUE OF CUSTODY OF AN ARRESTEE MUST BE NOTIFIED BY THE POLICE WHERE THE NEXT FRIEND OR RELATIVES OF THE ARRESTEE LIVES OUTSIDE THE DISTRICT OR TOWN THROUGH THE LEGAL AID ORGANISATION IN THE DISTRICT AND THE POLICE STATION OF THE AREA CONCERNED TELEGRAPHICALLY
5. THE PERSON ARRESTED MUST BE MADE AWARE OF THIS RIGHT TO HAVE SOMEONE INFORMED OF HIS ARREST OR DETENTION AS SOON AS HE IS PUT UNDER ARREST OR IS DETAINED.
6. AN ENTRY MUST BE MADE IN THE DIARY AT THE PLACE OF DETENTION REGARDING THE ARREST OF THE PERSON WHICH SHALL ALSO DISCLOSE THE NAME OF THE NEXT FRIEND OF THE PERSON WHO HAS BEEN INFORMED OF THE ARREST AND THE NAMES AND PARTICULARS OF THE POLICE OFFICIALS IN WHOSE CUSTODY THE ARRESTEE IS.
7. THE ARRESTEE SHOULD, WHERE HE SO REQUESTS, BE ALSO EXAMINED AT THE TIME OF HIS ARREST AND MAJOR AND MINOR INJURIES, IF ANY PRESENT ON HIS/HER BODY, MUST BE RECORDED AT THAT TIME THE "INSPECTION MEMO" MUST BE SIGNED BOTH BY THE ARRESTEE AND THE POLICE OFFICER EFFECTING THE ARREST AND ITS COPY PROVIDED TO THE ARRESTEE AND THE POLICE OFFICER EFFECTING THE ARREST AND ITS COPY PROVIDED TO THE ARRESTEE.
8. THE ARRESTEE SHOULD BE SUBJECTED TO MEDICAL EXAMINATION BY A TRAINED DOCTOR EVERY 48 HOURS DURING HIS DETENTION ON CUSTODY BY A DOCTOR ON THE PANEL OF APPROVED DOCTORS APPOINTED BY DIRECTOR OF HEALTH SERVICES OF THE STATE OR UNION TERRITORY CONCERNED, DIRECTOR HEALTH SERVICES SHOULD PREPARE SUCH A PANEL FOR ALL TEHSILS AND DISTRICTS AS WELL.
9. COPIES OF ALL THE DOCUMENTS INCLUDING THE MEMO OF ARREST, REFERRED TO ABOVE, SHOULD BE SENT TO THE ILLAGA MAGISTRATE FOR HIS RECORD.
10. THE ARRESTEE MAY BE PERMITTED TO MEET HIS LAWYER DURING INTERROGATION, THROUGHOUT THE INTERROGATION.
11. A POLICE CONTROL ROOM SHOULD PROVIDED AT ALL DISTRICT AND STATE HEAD-QUARTERS, WHERE INFORMATION REGARDING THE ARREST AND THE PLACE OF CUSTODY OF THE ARRESTEE SHALL BE COMMUNICATED BY THE OFFICER CAUSING THE ARREST, WITHIN 12 HOURS OF EFFECTING THE ARREST AND AT THE POLICE CONTROL ROOM IT SHOULD BE DISPLAYED ON A CONSPICUOUS NOTICE BOARD.

THIS COURT ALSO OPINED THAT FAILURE TO COMPLY WITH THE ABOVE REQUIREMENTS, APART FROM RENDERING THE OFFICIAL CONCERNED LIABLE FOR DEPARTMENTAL ACTION WOULD ALSO RENDER HIM LIABLE TO BE PUNISHED FOR CONTEMPT OF COURT AND THE PROCEEDINGS FOR CONTEMPT OF COURT COULD BE INSTITUTED IN ANY HIGH COURT OF THE COUNTRY, HAVING TERRITORIAL JURISDICTION OVER THE MATTER.

G.P. WAHLANG
COMMISSIONER & SECRETARY TO THE GOVT OF MEGHALAYA
HOME (POLICE) DEPARTMENT.