

**GOVERNMENT OF INDIA  
HOME AFFAIRS  
LOK SABHA**

UNSTARRED QUESTION NO:2931

ANSWERED ON:08.12.2009

ARBITRARY ARREST

Khaira Shri Chandrakant Bhaurao;Patel Shri Devji;Pradhan Shri Nityananda;Ram Shri Purnmasi;Singh Shri Sushil Kumar

**Will the Minister of HOME AFFAIRS be pleased to state:**

- (a) whether the National Police Commission has conducted any survey with regard to arrest of persons by Police Personnel without assigning any reasons;
- (b) if so, the details thereof and the outcome of the survey;
- (c) the total number of persons so arrested and jailed during each of the last three years, State-wise;
- (d) whether the Government has any proposal to formulate a law to curb arbitrary arrests; and
- (e) if so, the details thereof?

**Answer**

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN)

(a) & (b): The National Police Commission was constituted in 1972 to study the problems of police and make comprehensive review of the police system at national level and submitted eight reports during the period February 1979 to May 1981. In its third Report the Commission identified that wrongful use of arrest powers was one of the chief sources of corruption and mal practices accompanied by extortion and harassment to the public. The specific directives were sent from Central Government to all State Governments/UT Administrations that these reports may be examined and appropriate action taken. Directives on aspects of functioning and conduct of Police were also issued by Hon'ble Supreme Court in Joginder Kumar Vs State of U.P. and others 1994 SCC 260 and D.K. Basu Vs State of West Bengal 1997 SCC 610 on arrest and procedural safeguards to be adopted for affecting arrest and detention of an accused in custody. Directions of the Hon'ble Supreme Court in above cases have been conveyed to the State Governments for implementation as "Police" is a State Subject.

(c): National Crime Records Bureau (NCRB) does not maintain any record of persons arrested/jailed by Police Personnel without assigning any reasons.

(d) & (e): There is no specific proposal before the Government to formulate a law to curb arbitrary arrest. However, Section 41 of Cr. P.C. relating to arrest without warrant has been amended through the code of Criminal Procedure (Amendment) Act, 2008 the provisions of which are yet to be enforced.