**Rights Relating to Arrest in India**

*June 4th, 2010* → *9:04 pm* @ [*Nikita Anand*](http://www.mightylaws.in/author/nikit1)   

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*Every person must be aware of the some basic rights relating to arrest to ensure his/her well being while in custody.*

***The various Rights granted to a person being arrested by various statutes in India-***

1.**The most basic provision relating to arrest has been incorporated in the Article 21 of the Constitution**. It lays down that no person can be deprived of his/her right to liberty, except **in accordance with procedure established by law**.

2.The arrestee has **right to be informed about the full particulars or grounds** for the arrest.

3.The arrestee has right to consult the legal practitioner of his/her choice and to be defended by him.

4.The **accused must be produced before the nearest magistrate within 24 hours of arrest** (The time period excludes the time consumed in travel.)

5.The arrestee has **right to inform a friend or relative or any other person**, who is known to him/her and is likely to take interest in his/her welfare, about his arrest and place where he is being detained.

6. A **woman cannot be arrested before sunrise or after sunset** except with prior permission of a magistrate.

7.A **woman can only be taken into custody in presence of a woman police officer** as far as practicable and the arrest must be effected with proper dignity.

8.**No beatings or force can be administered while arresting a juvenile or a child.**

**Law Governing Arrest of Women in India**

*March 11th, 2011* → *11:21 pm* @ [*Nikita Anand*](http://www.mightylaws.in/author/nikit1)   

[2](http://www.mightylaws.in/307/law-governing-arrest-woman-india#comments)

There have been various cases where modesty of women has been played with on the name of police arrest. Special provisions have been laid down in the Code of Criminal Procedure and guidelines have been formulated by the Supreme Court to put a check on incidences of Police atrocities on women. Following are the laws which govern the arrest of a woman (To know the law relating to arrest applicable to all persons click [here](http://www.mightylaws.in/133/rights-relating-arrest-india).)

* No woman can be arrested after the sunset and before sunrise without special permission from the magistrate.
* At least one Female police officer should be present when a woman is being arrested.
* If in a situation a woman needs to be searched then it should be done by another female with strict regard to her decency and modesty.
* An arrested woman should be kept in a lock up exclusively for women which is separated from that of men. If such lock up is not available then they should be kept in a separate room.
* In case the woman is pregnant, physical restraints should be avoided and safety of the foetus should not be compromised in any case.
* If a woman has been arrested for a non-bailable offence of serious nature e.g an offence punishable by death penalty, the court is empowered to grant her bail.

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**For Further Reading:**

1. [Rights Relating to Arrest in India](http://www.mightylaws.in/133/rights-relating-arrest-india)
2. [Does Law Really Protect? : A Slap on Indian Democracy Muslim Women (Protection of Rights on Divorce) Act, 1986: A Critical Legal Study](http://www.mightylaws.in/722/law-protect-slap-indian-democracy-muslim-women-protection-rights-divorce-act-1986-critical-legal-study)
3. [Harass a Women Until She Thorbs: An Approach of Indian Legislature](http://www.mightylaws.in/720/harass-women-thorbs-approach-indian-legislature)
4. [Sec 498A of the Indian Penal Code a weapon in the hands of vamps](http://www.mightylaws.in/579/sec-498a-indian-penal-code-weapon-hands-vamps)
5. [SHE…HE…S/HE: Gender Neutrality with Emphasis on Rape Law](http://www.mightylaws.in/385/sheheshe-gender-neutrality-emphasis-rape-law)

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[Sexual Harassment](http://www.mightylaws.in/443/sexual-harassment)



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**2 Comments → “Law Governing Arrest of Women in India”**

1. 

A

5 months ago

Being a law under-graduate, it is really sad that you put up such faulty information on your website from a fake chain forward. Much as there is need for this law in India, there is no “law” or statute relating to the arrest of women. These are guidelines suggested by NHRC but not Law. Please do not give people a false sense of safety. Section 41 of the CrPC or for that matter the entire chapter in CrPC relating to arrests does not use the word “woman” or “women” even once.

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* + 

[Nikita Anand](http://www.mightylaws.in)

5 months ago

Ms./ Mr. A,
Being a citizen of a free country I welcome healthy criticism wholeheartedly. The criticism which I have received from you seems to be a result of half baked knowledge. But I will gladly clarify your doubt.
In CrPc, Section 41-60 deals with the law of arrest. You will find most of the laws which I have mentioned here among these provisions but for that you need to give it a reading. **If you go through them properly you will realize that the provisions relating to arrest of a woman employ the term ‘Female’. Does my information become faulty if I used the word ‘Women’ instead of ‘Females’?**
If you have some credible source saying that there is no law/provision whatsoever governing the arrest of women in India, please come forward with it. And, I would also like to know your interpretation of ‘difference between a female and a woman in this context because I see no harm in use of term ‘Woman’ to refer to a ‘female’ for the noble cause of increasing the legal awareness.