Under the guidance of
Chairperson,
Justice N.K. Jain
(Former Chief Justice
High Court of Madras & Karnataka)

With best Compliments
RSHRC
Under the guidance of Hon’ble Mr. Justice N.K. Jain. (Former Chief justice of Madras and Karnataka High Court) Chariperson, RSHRC

Prepared by:- Internship students of various law university and colleges.
Human Rights Commission is an autonomous body to protect and promote basic rights of citizens. Its primary aim is to help every deprived person to acquire equal status in society.

By the Parliamentary act there is National Human Rights Commission at New Delhi and each state has State Human Rights Commission. This commission has power equivalent to a civil court. It has equivalent power to hear the plea of sufferer and give recommendation to concerned department to work on it. Its recommendation has a high stake and non performance on its recommendation can lead to questioning in the Legislative Assembly. Otherwise the government has to give reason for not compliance. The commission or the other party can file writ petition in the High Court.
The State Government of Rajasthan issued a Notification on January 18, 1999 for the constitution of the State Commission having one full time Chairperson and 4 Members in accordance with the provisions of The Protection of Human Rights Act, 1993. The Commission was fully constituted by appointment of the Chairperson along with the Members and became functional from March 2000. The main mandate of the State Commission is to function as a watch dog for human rights in the State. Under the 1993 Act, human rights are defined in Section 2 (d) and are those justiciable rights which can be enforced in a court of law in India.

The Rajasthan State Human Rights Commission is reconstituted on 6th July 2005. One of the leading State Commissions in the country. In a short span of about four years it has achieved many milestones in its mission for the protection and promotion of Human Rights.
PRIMARY CATEGORIES OF HUMAN RIGHTS

- Civil Rights
- Political Rights
- Economic Rights
- Social Rights
- Cultural Rights
ISSUES IN HUMAN RIGHTS

- RIGHTS PERSPECTIVE FOR GOOD GOVERNANCE
- CORRUPTION AS VIOLATOR OF HUMAN RIGHTS
- RIGHTS PERSPECTIVE AS CENTER STAGE TO DEVELOPMENT AGENDA
The Commission shall perform all or any of the following functions, namely:-

(a) inquire, suo motito or on a petition presented to it by a victim or any person on his behalf (or on a direction or order of any Court), into complaint of
  ❖ (i) violation of human rights or abetment thereof; or
  ❖ (ii) negligence in the prevention of such violation, by a public servant;

(b) intervene in any proceeding involving any allegation of violation of human rights pending before a court with the approval of such court
(c) to visit, notwithstanding anything contained in any other law for the time being in force, any jail or other institution under the control of the State Government, where persons are detained or lodged for purposes of treatment, reformation or protection, for the study of the living conditions of the inmates thereof and make recommendations thereon to the Government;

(d) review the safeguards provided by or under the Constitution or any law for the time being in force for the protection of human rights and recommend measures for their effective implementation;

(e) review the factors, including acts of terrorism that inhibit the enjoyment of human rights and recommend appropriate remedial
NEED FOR HUMAN RIGHT COMMISSION

- To develop fully the human personality and the sense its dignity.
- To develop attitudes and behaviour to promote respect for the rights of others.
- To ensure genuine gender equality and equal opportunities for women in all spheres.
- To promote understanding and tolerance among diverse national, ethnic, religious, linguistic and other groups.
- To strengthen respect for rights of a human being and fundamental freedom.
- To empower people to participate actively in the life of a free society.
- To promote democracy, development, social justice and communal harmony among citizens.
About Justice N.K. Jain

- Born on 20.10.1942 at Alwar S/o Late Justice J.P. Jain. He pursued his LLB from Jodhpur University, Rajasthan.
- An accomplished sportsman during school and college days and recipient of best sportsman award from Rajasthan University.
- Justice Jain has been the State Badminton Champion and has represented the State at Nationals and International levels for 14 years 1955-1968, and in 1977.
He has been the former Chief Justice of Madras and Karnataka High Court for 5 years. Before taking charge as Hon’ble Chairperson of Rajasthan State Human Rights Commission on 16th July 2005, he had been discharged his duties as Lokayukta & Chairperson of Himachal Pradesh Human Rights Commission in Shimla.

He has been the member of bar council of Rajasthan for 19 years, till elevated.

He has also been the member of Bar Council India and Bar Council Trust, NLS Bangalore.

Justice Jain has created a lot of awareness about Human Rights with great proficiency and tireless efforts.

Regarding awareness of human rights and many other legal issues, Justice Jain has written many booklets in Hindi as well as English. Some of these booklets are also available on Commission’s Website- www.rshrc.nic.in, a German Website herenow4u.de. Some books are also available on his own website: justicenasagendrakjain.com

Simultaneously, Justice Jain is also creating awareness of the duties mentioned in Article 51-A and made a Performa of these duties in simple language. About 100 educational institutions are taking pledge of these duties at the time of morning prayer. Many N.G.Os are also trying their best for the same awareness, with the inspiration from Justice Jain.

He had also been Member with two Chief Justice in the Committee constituted by Chief Justice of India to examine the recommendations of Arrears Committee Report 1989-1990 (Justice Malimath Committee Report) and First National Judicial Pay Commission (Justice K. Jagannath Shetty Commission) Report.

He was Chairman of Advisory Board and then Presiding Officer of the Tribunal Under the Criminal Law Amendment Act from 03-03-1998 to 08-01-1999.

Executive Chairman of Tamilnadu State Legal Service Authority and patron-in-chief and also of Karnataka State Legal Authority.

Attendent Chief Justice Conference of chief justice of different countries at colombo.
Hon’ble Chairperson and Members of Rajasthan State Human Rights Commission are:

From 06-07-2005

Justice N K Jain, Chairperson

Members

Justice Jagat Singh

Shri D.S. Meena

Shri Pukhraj Seervi

Hon’ble Chief Minister Shri Ashok Gehlot
These books are kept in the Libraries of different schools and colleges for awareness of students as well as the teaching and ministerial staff. Some books are even kept in the UN-Congress Library at New Delhi.

Teachers of various school are interacting with the students on these issues in zero hours.

About legal aid committees, NGO's / Educational Institutions above 45, and some Newspapers have re-printed/Published these booklets as intimated and about 70,000 booklets titled on women, child rights, dalits, arrest, human rights and HIV have been published and distributed free of cost among the general public to create awareness.
Legal Awareness Programmes

- For the awareness of the human rights in public at large, Justice Jain has wrote about 31 booklets of various legal issues. Out of these booklets 18 booklets have been published by the R.S.H.R.C. Many other organizations, District Legal Aid Authorities, Departments, Schools, Colleges etc. has also published some booklets like Women, Children, Dalits, Arrest, HIV/AIDS, Human Rights etc. by the permission of the Commission. They have distributed these booklets in 70000 in numbers.

- Some of these booklets are available on Commission’s website www.rshrc.nic.in and justicenagendrakjain.com. English translation of Some booklets are also available on a German website herenow4u.de.

- The books are:
31 booklet have been written by Justice Nagendra Jain (Chairperson RSHRC, Jaipur) on different legal and important issues

1. सन्नाचा/सल्लेखना (हिंदी व अंग्रेजी में) www.herenow4u.de (Eng.)
2. भारतीय संस्कृति में अहिंसा व मानव अधिकार (हिंदी व अंग्रेजी में)
3. अनुभव व मानवाधिकार
4. खेल, खिलाड़ी व खेल भावना
5. बालकों के अधिकार। (पुनः प्रकाशित)
6. अन्तरराष्ट्रीय मानवाधिकार दिवस 10 दिसंबर। (पुनः प्रकाशित)
7. एच.आई.वी. पहुँच एवं मानवाधिकार। (पुनः प्रकाशित)
8. मानवाधिकार और जैन धर्म। (हिंदी व अंग्रेजी में)
9. आयोग की कार्यविधि, शक्तियाँ एवं परिवार दों में निरस्तात्त्व प्रक्रिया।
10. आयोग द्वारा जारी दिशा-निर्देश एवं अन्य गतिविधियाँ।
11. भारतीय संविधान की अनुच्छेद-21 ‘प्राण और दैविक स्वतंत्रता का संरक्षण’।
12. महिलाओं के अधिकार- संबंधित अधिनियमों की संक्षिप्त जानकारी। (पुनः प्रकाशित,
13. दलितों के अधिकार। (पुनः प्रकाशित)
14. मानव अधिकार और राज्य की जनोपयोगी योजनाएं।
15. गिरफ्तारी (ARREST) (पुनः प्रकाशित)
16. विधायक स्थानीय क्षेत्र विकास योजना।
17. जेल, कारावास से संबंधित प्रावधान व गतिविधियाँ।
18. आयोग के महत्वपूर्ण कार्यकलाप दिशा-निर्देश एवं अन्य गतिविधियाँ 2007
19. आयोग के महत्वपूर्ण कार्यकलाप दिशा-निर्देश एवं अन्य गतिविधियाँ (पुनः प्रकाशित-2008)
20. Judicial Values & Ethics for Judicial Officers. www.rshrc.nic.in
22. Alternative Dispute Resolution, Conciliation & Mediation (ADR).
23. Institutional Arbitration Intellectual & Information Technology (IPR & IT).
25. Copy-right Law.
26. e-governance and Court Automation.
27. Article-14 Right to Equality.
29. Law of Precedent, Reference to Art. 141.
31. Public Interest Litigations & others.
The Commission under the guidance of the Hon’ble Chairperson is making the common people aware about the duties mentioned in Art. 51(A) of the Constitution.

Justice N.K Jain has made the Performa of these duties and distributed. So many institutions have reprinted and distributed in public to create awareness as many people are not aware of their duties.

He is motivating students of various schools, colleges and other institutions. Students of these institutions are reciting the oath of article 51(A) of Constitution of India under the guidance of R.S.H.R.C.
Reciting the Pledge — fundamental duties mentioned in Article 51-A, Constitution of India
"We are proud to be Indian"

It shall be the duty of every citizen of India:

(a) to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;
(b) to cherish and follow the noble ideals, which inspired our national struggle for freedom;
(c) to uphold and protect the sovereignty, unity and integrity of India;
(d) to defend the country and render national service when called upon to do so;
(e) to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic, and regional or sectional diversities; to renounce practices derogatory to the dignity of women;
(f) to value and preserve the rich heritage of our composite culture;
(g) to protect and improve the natural environment including forests, lakes, rivers and wild life and to have compassion for living creatures;
(h) to develop the scientific temper, humanism and the spirit of inquiry and reform;
(i) to safeguard public property and to abjure violence;
(j) to strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavor and achievement.

"BE AWARE OF YOUR RIGHTS AND DISCHARGE DUTY WITH DEVOTION ."
Chairperson : Justice N.K. Jain  (Former Chief Justice - Madras and Karnataka High Court)

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Phone : 0141-2751417, 2751352
2. HEDCON.
6. Bhartiya Chritra Nirman Sansthan, (NGO in tihar jail.)
7. Vidhya Trust, jaipur.
8. J.P.J. financial services, raja park, jaipur.
9. Prayas ,Center for special education and vocation training.
10. Shree Digamder Jain Nasia Udayalal Ji Trust, Jaipur.
11. PAHAL Peoples Trust, Jaipur
12. Director, Tagore group of Education, Jaipur.
13. Principal, D.A.V. Centenary School, Jaipur.
16. Principalm Central Academy, Jaipur.
17. Rajasthan Chamber of Commerce and Industries, Jaipur.
18. District & Sessions Court, Rajsamand.
20. President, Lions Club, Jaipur (District 323 E-1 Club no.026309)
21. Bhagwan Mahaveer Cancer Hospital and Research Center, jaipur.
22. Modi Institute of Technology and Science, Laxmangurh.
24. Director, Biyani Girls College, Jaipur.
26. Principal, Subodh Public School, Jaipur.
29. District Chairman, Rajasthan Pensioner Society, Jaipur.
30. Lokshikshak Patrika Prakshan, Jaipur
32. Koshish Sansthan, Jaipur
33. ZUNETECH CONSULTING PVT.LTD, DELHI/BANGLORE
34. Vimukti sansthan/vimukti girls school, Jaipur
35. Jaipur theosophical lodge.
36. President Lions Club (District 323 E-1 Club No. 026309) & Jaina Printers, Jaipur
37. Rajasthan Rajya Shakari Mudranalaya Limited, Jaipur
38. Bharatvirshya Digamber Jain Tirthshatra committee Mumbai, Rajasthan Anchal.
39. Vidyasthali Group of Institutions Jaipur
40. Cosmic Yoga Combine, Kanti Nagar, Station Road, Jaipur
41. Jaipur Diabetes & Research Centre, Near Ridhi-Sidhi, Gopalpura Bypass, Jaipur
42. Vinayak Farma, D-74, Ghiya Marg, Banipark, Jaipur
43. Smt. Lalita Devi, Ramchandra Kasliwal Trust, Jaipur
44. District Jaipur Badminton Association, Jaipur
45. Helpage (India), Jaipur
46. Rajasthan polytechnic college, Ratangarh (churu) & Sambal Seva Sansthan, Jaipur
47. Dr. B. Lal Clinical Laboratory, Jaipur
48. Vashali Hitkari Sangthan, Jaipur
49. Secretary, Himachal Human Rights Commission, Shimla
50. Rajdhani Hospital and Rajdhani Hotel, Jaipur

And Many More…
In addition to that in legal literacy and awareness program, chairman motivated students and even general public to recite the pledge as mentioned in article 51(A) of Constitution of India. It is good sign that so many schools have started taking prayer as per instructions of different concerned authorities as per the request of the commission. Some of them are as follows:-
बियानी गर्ल्स कॉलेज विद्याधर नगर, जयपुर में राजस्थान राज्य मानवाधिकार आयोग के निर्देश पर छात्राओं को भारत के संविधान के अनुच्छेद 51ए का संकल्प दिलाते कॉलेज के वाइज प्रिंसीपल पी.सी. जांगिड़।
Students of some institutions reciting the Oath as per Article 51(A) of Constitution of India under the guidelines of RSHRC.
Students reciting the pledge.
छात्रों को पिलाई जाएगी मूल कर्त्तव्यों की घुट्टी

मानवविधिकार आयोग की पहल पर शिक्षा विभाग से आदेश जारी
जयपुर, 19 जुलाई (का.स.)

छात्र जीवन से ही नागरिकों को मूल अधिकारों के साथ मूल कर्त्तव्यों की पालन की घुट्टी पिलाई जाएगी। शिक्षा विभाग ने सभी शिक्षा संस्थाओं में छात्रों को संवैधानिक कर्त्तव्यों के पालन का संकल्प दिलवाने का आदेश दिया है।

राजस्थान मानवविधिकार आयोग ने नागरिकों को मूल कर्त्तव्यों की पालन का संकल्प दिलवाने के लिए एक प्रारंभिक तैयारियों का आदेश किया है, जिसकी प्रतिस्पर्धा आयोग द्वारा अधिकारी, अधिकारिक तथा दंडने रूपों में मिलजुबाई गई है। शिक्षा विभाग ने आयोग के सुझाव पर माध्यमिक, प्राथमिक और संस्कृत शिक्षा के निदेशकों को निर्देशित किया है कि वे अपने क्षेत्रीय अधिकारी की दिशा में संस्थाओं में छात्रों को संवैधानिक कर्त्तव्य का पालन का संकल्प दिलवाएं।

भरतपुर- भारतीय चरित्र निर्माण संस्थान नई दिल्ली द्वारा निकाली जा रही गीता संदेश यात्रा सोमवार को भरतपुर स्थित सेवर कारागार पहुंची। संस्थान द्वारा कारागार में बंदियों को मानव अधिकार रक्षा का संकल्प कराया गया।

कारागार में पहुंची गीता संदेश यात्रा के उपरांत एक कार्यक्रम का आयोजन किया गया। उसमें संस्थान के संस्थापक रमकुमार गोस्वामी, सचिव श्रीहरिचंद्र साहू, भरतपुर के अधिवक्ता सरदार महेंद्र सिंह मागो, उमेश शर्मा, जेलर श्रीवीर शर्मा द्वारा कैदियों को चरित्र निर्माण सहित गीता के उपदेशों के बारे में विस्तार से जानकारी दी गयी।

इस अवसर पर कैदी भगवान सिंह, कांता प्रसाद शर्मा, सोमनाथ सिंह, कुमार सिंह, मुख्यालय सहित अन्य बंदियों द्वारा संस्थान के संस्थापक रमकुमार गोस्वामी से परमात्मा, आत्मा, जन्म, मृत्यु, कर्म के संबंध में प्रश्न पूछे गये। इस दौरान जेल परिसर में गिरजाघर महाराज की जय और श्री कृष्णा गोविन्द हरे मुगरी बोल गूंजते रहे।
बलराम, 25 अगस्त। श्रीकृष्ण जन्माष्टमी के अवसर पर दिवसीय गीता संदेश यात्रा के अंतर्गत संवेदनशील कारागार भरतपुर में बंदियों ने मानव अधिकार रक्षा की अपराध मुक्त समाज निर्माण का संकल्प लिया। भारतीय चरित्र निर्माण संस्थान दिल्ली के प्रमुख विभाग में बिचला भवन दिल्ली से प्रारंभ हुई यात्रा। आज तीसरे दिन भरतपुर कारागार में पहुंची तो बंदियों ने बोल गिरावट महाराज की जय से जेल की दीवारों को गुज़ा दिया। संस्थान के संस्थापक रामकृष्ण गोस्वामी ने भगवान श्रीकृष्ण के विषाद रूप दर्शन के तत्त्वावधान से बंदियों से अपील की अपराधों की रोकथाम और मानव अधिकारों की रक्षा के महत्व में आह्वान देकर ही आप सभी बंदियों से मुक्त होने का सीमांत प्राप्त कर लेकर हो। श्रीचन्द्र साहू सचिव भारतीय चरित्र निर्माण संस्थान ने कहा कि भरतपुर कारागार में बंदियों द्वारा पूछे गए प्रश्न को संदर्भित करते हुए कहा कि गीता ज्ञान ही मानव जीवन की सफलता का विज्ञान है इसके बिना परिवर्त और समाज की सुरक्षा संभव ही नहीं है। समाज सेवी एवं अधिवक्ता सरदार महेंद्र सिंह मरोटी ने अपने विचार रखते हुए कहा कि जनता ही भाग्य है अज्ञान ही शैतान है इसलिए शैतान से मुक्त होने गीता ज्ञान की परम आवश्यकता है। सरदार तारा सिंह ने विश्वविद्यालय श्रीकृष्ण की तत्स्वरूप पर दुपट्टा पहनकर और पुष्प अर्पित करके कहा कि भरतपुर कारागार बंदी उंडार और राष्ट्र कल्याण का अनुरूप अभियान है। देवेन्द्र मित्तल ने बंदियों को गीता की पुस्तक के भेंट की और जेल से बाहर कार्यक्रम करने की अपील भारतीय चरित्र निर्माण संस्थान से की। अधिवक्ता उमेश शर्मा ने भारतीय चरित्र निर्माण संस्था की पूर्ण संभावना पर प्रकाश डालते हुए कहा कि सन 2003 से ही संस्थान भरतपुर जेल में अपराध मुक्त समाज निर्माण अभियान में जुटा है। कारागार में जेल राष्ट्रीय शर्मा ने कृष्ण जन्माष्टमी पर गीता के कवि बिज्ञान में संदेश से मानव कल्याण निश्चित साधन बनाते हुए कहा कि जेल सुधार और मानव अधिकार रक्षा का यह अहिंसक अभियान है भरतपुर कारागार प्रशासन का संस्थान को पूर्ण सहयोग सदृश मिलता रहिगा। बंदी भगवान सिंह गिला, कान्ता प्रसाद शर्मा, चैत्यवीर गुजरे, प्रथम मुखियार, सीताराम एवं अन्य बंदियों ने परमात्मा-जग्म- मुत्यु कथा और फल के संबंध में अनेक प्रश्न पूछते जिनका समाधान रामकृष्ण गोस्वामी जी द्वारा श्रीमद्भगवदगीता गीता में संदर्भित करते हुए किया गया। राजस्थान मानवाधिकार आयोग के माननीय अध्यक्ष एवं सरदार ने सुझाव दिया कि भारतीय संविधान में अनुसरण 51 ए में वर्तमान देश के नागरिक के मूल कर्तव्यों का संकल्प कराएं। उसी के अनुसार संस्थान ने लेखन संकल्प पत्र प्रदान किया और बंदियों ने संकल्प लिया।
आधिकारिकों के साथ - साथ कर्त्तव्य भी निर्माण

अन्तर्राष्ट्रीय मानवाधिकार दिवस

बाल उम में ही मानवीय स्वतंत्रता की स्वतंत्रता अधिकारों के बारे में जानकारी लेने का कार्य किया जा रहा है।

स्थानीय को प्रदर्शन का हिस्सा बनाने की पेशकश को कई स्कूलों में मानना है जिसके अभी इस पर कार्य करने की आवश्यकता है। अभी इसकी फाइनलिज्ड किया जा सकता है।
Human Rights and duties
Protection of Human Rights of all is possible only when everybody has a sense of duty towards this. “We celebrate the International Human Rights Day on December 10 every year, but it is a pity that even today not many know about the day’s importance,” State Human Rights Commission chairman Justice NK Jain said.
Speaking to HT Jaipur Live, he said that not only the elite section, but people from urban and rural areas including youth, need to be involved in the awareness drive, so that a larger section of the society could be benefited, he said.
Awareness does not come merely by understanding human rights. For this, “we need to understand the meaning of dignity of life. We have to be alert for protecting all sections of the society, the poor, Dalits, women, children and the deprived. Along with awareness we need to be sensitive,” said Jain.
The Human Rights Commission is concerned on all such issues. Apart from grievances addressed to the office, the Commission takes cognizance on the matters being reported in newspapers. It is not confined to any police, court or an individual.
Out of 22 law students of different Univ./Law college, 13 students have made Power Point Project and other have submitted reports on Internship with commission on different respective subjects including Human Rights Commission and Activities.

<table>
<thead>
<tr>
<th>Sr. no.</th>
<th>Title of projects</th>
<th>Slide No</th>
<th>Student’s Name</th>
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<tr>
<td>1.</td>
<td>About Commission and activities</td>
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<td>Consolidated Index</td>
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<td>29-30</td>
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<td>2.</td>
<td>Women Rights</td>
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<td>Dalit</td>
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<td>Chandraveer</td>
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## Various Projects done by internship Students during April 09 to June 09:

<table>
<thead>
<tr>
<th>Sr. no.</th>
<th>Title of project</th>
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<td>8.</td>
<td>Arrest</td>
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<td>361-397 / 398 / 399-400</td>
<td>Trishal Jeet Singh Anand, Pradeep Secretary RSHRC</td>
</tr>
</tbody>
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**Compiled by:**

Under the guidance of Hon’ble Mr. Justice N.K. Jain.
(Former Chief justice of Madras and Karnataka High Court)
Chairperson of RSHRC, SSO building Secretariat, Jaipur
RAJASTHAN STATE HUMAN RIGHTS COMMISSION

Project on

ARREST

Under the guidance of Hon’ble Mr. Justice N.K. Jain.
(Former Chief Justice of Madras and Karnataka High Court)
Chariperson, RSHRC

Prepared by:-
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● Premshanker Vs. Delhi administration (1983) 3 SCC 526

● Citizen for democracy Vs. state of Assam (1995) 3 SCC 743

The supreme court judges observed that the crime rate is increasing. The court has been receiving complaints about violation of human rights because of indiscriminate arrests. A realistic approach should be made in this direction. The law of arrest is one of balancing individual rights, liberties and privileges, on the one hand, and individual duties, obligations and responsibilities on the other, of weighing and balancing the rights, liberties and privileges of the single individual and those of individuals collectively; of simply deciding what is wanted and where to put the weight and the emphasis of deciding which comes first – the criminal or society, the law violator or the law abider.
RULES CAME OUT…..

- An arrested person being held in custody is entitled, if he so requests to have one friend, relative or other person who is known to him or likely to take an interest in his welfare told as far as is practicable that he has been arrested and where he is being detained.

- The Police officer shall inform the arrested person when he is brought to the Police station of this right.

- An entry shall be required to be made in the diary as to who was informed of the arrest. These protections from power must be held to flow from Articles 21 and 22(1) and enforced strictly.

- It shall be the duty of the Magistrate, before whom the arrested person is produced, to satisfy himself that these requirements have been complied with

- A person is not liable to arrest merely on the suspicion of complicity in an offence. There must be some reasonable justification in the opinion of the officer effecting the arrest that such arrest is necessary and justified. Except in heinous offences
WHAT ARE YOUR RIGHTS WHEN YOU ARE ARRESTED?

1. You must be informed of the reasons for your arrest (Fundamental Rights: Article 22 and Sec. 50 Cr.P.C.)
2. You have a right to see the warrant if you are arrested under warrant (Sec. 75 Cr.P.C.)
3. You have a right to consult a lawyer of your choice. (Fundamental Rights: Article 22 of the Constitution)
4. You must be produced before the nearest Magistrate within 24 hours (Fundamental Rights: Article 22 of the Constitution)
5. You must be told whether you are entitled to be released on bail. (Sec. 50 Cr.P.C.)
PREROGATIVE WRIT...

HABEAS CORPUS

- The *writ of habeas corpus* means 'let us have the body'. It is a writ issued to a detaining authority to produce the detained person in court within 24 hours of arrest with a cause of detention. If the detention is found to be illegal, the court issues an order to set the person free.
The law [which most are not aware of] clearly states that between 6 pm & 6 am, a woman has the right to REFUSE to go to the Police Station, even if an arrest warrant has been issued against her. It is a procedural issue that a woman can be arrested between 6 pm & 6 am, ONLY if she is arrested by a woman officer and taken to an ALL WOMEN police station. And if she is arrested by a male officer, it has to be proven that a woman officer was on duty at the time of arrest.
GUIDELINES FOR ARREST ...

- No arrest can be made in a routine manner on a mere allegation of commission of an offence made against a person.

- It would be a prudent for a police officer in the interest of protection of the constitutional rights of a citizen and perhaps in his own interest that no arrest should be made without a reasonable satisfaction reached after some investigation as to the genuineness and bonafides of a complaint and a reasonable belief both as to the person’s complicity and even so as to the need to effect arrest.
(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 with their designations. The particulars of all such police personnel who handle interrogation of the arrestee insist 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 be either a member of the family of the arrestee or a respectable person of the locality from where the arrest is made. It shall also be counter signed 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 relative of the arrestee.
CONTINUE...

- (4) The time, place of arrest and venue of custody of an arrestee must be notified by the police where the next friend or relative of the arrestee lives outside the district or town through the Legal Aid Organization in the District and the police station of the area concerned telegraphically within a period of 8 to 12 hours after the arrest.

- (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 bed, 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.
(8) The arrestee should be subjected to medical examination by a trained doctor every 48 hours during his detention in custody by a doctor on the panel of approved doctors appointed by Director, Health Services of the concerned State or Union Territory. Director, Health Services should prepare such a penal 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 illaqa Magistrate for his record.

(10) The arrestee may be permitted to meet his lawyer during interrogation, though not throughout the interrogation.

(11) A police control room should be provided at all district and State Headquarters, 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 conspicuous notice board.
WHO CAN ARREST …

- All law enforcement officers - such as police officers, county sheriff officers, investigators in a district attorney's or an attorney general's offices and highway patrol officers - can arrest you whether they are on or off duty, in most cases. A probation or parole officer also can arrest you.

They can arrest you - even if they do not have an arrest warrant - if they have probable cause or good reason to believe you committed a felony, such as armed robbery. (A felony is a crime of a more serious nature than a misdemeanor, usually punishable by imprisonment for more than a year.) They do not have to see you commit a felony in order to arrest you. They do, however, have to see you commit a misdemeanor in order to arrest you.

If you commit an infraction, instead of taking you into custody, they may ask to sign a citation or notice. This is a minor offense, such as a moving violation, where the punishment usually is a fine. If you sign the citation, you are not admitting guilt; you are only promising to appear in court. If you have no identification or refuse to sign, however, an officer may take you into custody.
Any person, such as a private security guard, can make a citizen's arrest if they see a misdemeanor being attempted or committed. (A misdemeanor is a criminal offense, usually punishable with a fine or short jail term.) They also can make a legal arrest for a felony as long as it actually was committed and they have good reason to believe you did it. They must take you to a police officer or judge who is required by law to take you into custody.
WHEN IS AN ARREST WARRANT USED...?

- Usually a warrant is required before you can be taken into custody in your home. But you can be arrested at home without a warrant if fast action is needed to prevent you from escaping, destroying evidence, endangering someone's life or seriously damaging property.

- The warrant must be signed by a magistrate or judge, who must have good reason to believe that you, whom the warrant names, committed a crime. If your name is unknown, "John Doe" can be used on the warrant - along with your description.

- Once an arrest warrant is issued, any law enforcement officer in the state can arrest you - even if the officer does not have a copy of the warrant. Generally, there is no time limit on using a warrant to make an arrest.

- Before entering your home, a law enforcement officer must knock and identify himself or herself and tell you that you are going to be arrested. If you refuse to open the door - or if there is another good reason - the officer can break in through a door or window.
CONTINUE…

- If the police have an arrest warrant, you should be allowed to see it. If they don’t have the warrant with them, you should be allowed to see it as soon as practical.
- The police may search the area within your reach. If you are arrested outdoors, they may not search your home or car.
- Resisting an arrest or detention is a crime. If you resist arrest, you can be charged with a misdemeanor or felony in addition to the crime for which you are being arrested. If you resist, an officer can use force to overcome your resistance or prevent your escape. The officer can even use deadly force if it appears you will use force to cause great bodily injury.

- **When Can I Be Released?**

- If, during the questioning and before a charge is filed, the police are convinced that you have not committed a crime, they will give you a written release. Your arrest then will be considered a detention and not recorded as an arrest.
WHEN CAN A PERSON BE ARRESTED WITHOUT A WARRANT?

1. If he is concerned in a cognizable offence or if there is a reasonable suspicion, complaint or information that he has committed a cognizable offence;
2. If he possesses implements of house breaking;
3. If he possess stolen property;
4. If he is proclaimed an offender;
5. If he obstructs a police officer on duty;
6. If he escapes from a legal custody;
7. If he is a deserter from the army, navy or airforce;
8. Where he is out of India, if he commits an offence punishable under any extradition law or under the Fugitive Offenders Act;
CONTINUE…

- 9. If he is released convict who breaks the restrictions imposed by the Court on his movements;
- 10. If he is suspected of preparing to commit a cognizable offence;
- 11. If he is habitual criminal;
- 12. If he, after committing a non-cognizable offence in the presence of a police officer, refuses to give the police his name and address or has given him a false name and address;
- 13. If he is required by a police officer of another police station who suspects that he has committed a cognizable offence;

How is Arrest made?
WHAT IS BAIL AND HOW IS IT SET…?

The amount of bail - money or other security deposited with the court to insure that you will appear - is set by a schedule in each state. You may be notified that you can forfeit or give up bail instead of appearing in court if you receive a traffic citation. However, if you have any doubt, go to court so a warrant is not issued for your arrest for failing to appear. Bail forfeiture does not apply to misdemeanors or felonies. Forfeiting bail does not mean that the charges are dropped and usually works as a conviction for a traffic offense.

Officers at the jail may be able to accept bail. If you cannot post or put up the bail, you will be kept in custody. Depending on where you are arrested, you may have the opportunity to request a bail reduction through a bail commissioner.
When you are taken to court for bail setting or release, the judge will consider the seriousness of the offense you are charged with, any prior failures to appear (even for traffic tickets), any previous record, your connections to the community, as well as the probability that you will appear in court. The amount of bail is set according to a written schedule based on your charges. The law presumes you are guilty of the charges for purposes of setting bail or release.

Instead of paying bail, you might be released on your own recognizance or "O.R." (or supervised O.R.). This means that you do not have to pay bail because the judge believes that you will show up for court appearances without bail.
WHEN CAN AN OFFICER SEARCH YOU, YOUR HOME OR YOUR CAR WITHOUT A WARRANT..??

Body Searches. If you are arrested, an officer can search you, without a warrant, for weapons, evidence or illegal or stolen goods. Strip searches should not be conducted for offenses that do not involve weapons, drugs or violence unless police reasonably suspect you are concealing a weapon or illegal goods and they have authorization from the supervising officer on duty. If you are booked and jailed, you may undergo a full body search, including body cavities.

Home Searches. In emergencies, such as when an officer may be trying to prevent someone from destroying evidence, your home can be searched without your consent and without a warrant. If you are taken into custody in your home, an officer without a warrant can search only the limited area in which you are arrested. Other rooms - and even other parts of the same room - are off limits, unless the officer believes that other suspects are hiding in other rooms. While searching your home, an officer can seize evidence of any crime, such as stolen property or drugs, that is in plain sight.
CONTINUE...

- Car Searches. Your car and trunk can be searched without your consent or a warrant if an officer has good reason to believe it contains illegal or stolen goods or evidence. If the police stop your car for any legal reason - such as a broken tail light - they can take any illegal goods in plain sight.

- If you, your home or your car are searched illegally, a judge might say that any evidence found during the search cannot be used against you in court. If you or your lawyer, however, do not object to the evidence before trial, the court might allow the evidence to be used. Even if the judge does decide that the evidence cannot be used against you, that does not always mean that your case will be dismissed.
WHO MAINTAINS ARREST RECORDS AND WHAT DO THEY INCLUDE....?

- Local police departments and the State Department of Justice keep arrest records. According to law, they cannot show them to anyone except law enforcement officers and may only show records of your convictions to certain licensing agencies which have a right by state law to investigate your criminal background.

The arrest record includes when and why you were arrested, whether the charges against you were dropped or whether you were convicted of the charges, and the subsequent sentence imposed. Both pleading guilty and being found guilty after a trial count as convictions.
CONTINUE....

- If you are convicted of committing a misdemeanor, placed on probation and stay out of trouble, you are able to have the conviction removed from your record for such purposes as employment background checks after probation is over. If you are convicted of certain felonies and you successfully complete probation, you can have the felony reduced to a misdemeanor on your record. You must contact the probation officer in either instance to clear your record.
WHAT HAPPENS AT A PRELIMINARY HEARING....?

- During the preliminary hearing, usually within 10 court days of the arraignment, the district attorney's office must present evidence showing a reasonable suspicion that a felony was committed and that you did it to convince the judge that you should be brought to trial.

- You may have a second arraignment. If the felony charges are not dropped at the preliminary hearing, you will be arraigned in superior court where your trial later will be held.

- If you are charged with a crime and unable to understand English, you have a right to an interpreter throughout the proceedings.

- When Can An Officer Conduct A Search? An officer always may only make a search with either your consent or a search warrant. You have a right, however, to see the warrant before the search begins.
CAN YOU BE HANDCUFFED?

According to the latest ruling of the Supreme Court, normally an arrested person should not be handcuffed unless he is violent or he is desperate character or he is likely to attempt to escape or to commit suicide. Arrest is not a punishment. Hence unnecessary restraints are not permissible, if there is no necessity for doing so.
Don’t do or commit anything that you may be arrest or handcuffed