



No. DCIP/42-A/NHRC/Circular/2004/444

महाराष्ट्र राज्य पोलीस मुख्यालय

Maharashtra Rajya Police Mukhyalaya

शहिद भगतसिंह मार्ग, कुलाब, मुंबई ४०० ०३९.

Shahid Bhagatsingh Marg, Colaba

Mumbai 400 039.

433

Dated :- 25.08.2004

## CIRCULAR

**Sub :** Directives to be followed while arresting a female person.

- Ref :** 1) This office circular No. 28 / 34 / women / 92, dated 13.7.92  
2) This office circular No. TRG / NHRC / General / 1992 / 20, dated 4.01.2000.

In continuation of this office aforesaid circulars following observations as made by the Hon'ble Apex Court are reproduced below. The Apex Court in its judgement in Criminal Appeal No. 508 / 96 has now given modified directions that :

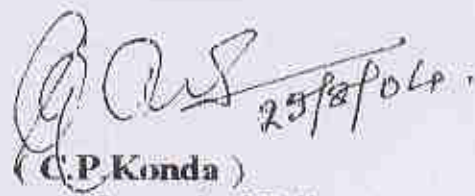
Herein we notice the mandate issued by the High Court prevents the Police from arresting a lady without the presence of a lady constable. Said direction also prohibits the arrest of a lady after sunset and before sunrise under any circumstances. While we do agree with the object behind

the direction issued by the High Court in clause (vii) of operative part of its judgement, we think a strict compliance of the said direction, in a given circumstance, would cause practical difficulties to the investigating agency and might even give room for evading the process of law by unscrupulous accused.

While it is necessary to protect the female sought to be arrested by the Police from Police misdeeds, it may not be always possible and practical to have the presence of a lady constable when the necessity for such arrest arises, therefore, we think this direction issued requires some modification without disturbing the object behind the same. We think the object will be served if a direction is issued to the arresting authority that while arresting a female person, all efforts should be made to keep a lady constable present but in circumstances where the arresting officers is reasonably satisfied that such presence of a lady constable is not available or possible and / or the delay in arresting caused by securing the presence of a lady constable would impede the course of investigation such arresting officer for reasons to be recorded either before the arrest or immediately after the arrest be permitted to arrest a female person for lawful reasons at any time of the day or night depending on the circumstances of the case even without the presence of a lady constable. We also direct that with the above modification in regard to

the direction issued by the High Court in clause (vii) of this appeal, this appeal is disposed of.

All Unit Commanders are therefore requested to bring the aforesaid position of law to the notice of all police personnel under their control and ensure that the instructions are followed scrupulously.

  
25/8/04

( C.P. Konda )  
For Director General of Police,  
( Human Rights ), M.S., Mumbai.

- To.
- All Commr. of Police, ( including Rlys. ), M.S.
  - Addl.D.G.P. ( L & O ), M.S.
  - All Range I G. of Police, ( including Rlys. ), M.S.
  - All Supdt. of Police, ( including Rlys. ), M.S.

Copy W.Cs. to :-

The Director General of Police,  
State C.I.D., M.S., Pune.