



**Key Supreme Court judgments in India emphasize the rights of the accused, proper arrest procedures, and safeguards against arbitrary arrests.**

# 1. DK Basu vs. State of West Bengal (1997)

👉 Facts: This case arose from a letter written to the Chief Justice of India regarding custodial deaths in West Bengal.

❖ Judgment: The Supreme Court laid down specific guidelines that law enforcement officers must follow during arrests and detention to protect the rights of individuals and prevent custodial torture.

## Key Guidelines:

- ◆ Police officers must wear clear identification and name tags.
- ◆ An arrest memo must be prepared at the time of arrest.
- ◆ The arrested person has the right to inform a family member or friend.
- ◆ Medical examination should be done every 48 hours of detention.
- ◆ The police must maintain an arrest record.

💡 Significance: This judgment is critical in protecting individual liberty and preventing unlawful arrests and custodial torture.

## 2. Joginder Kumar vs. State of Uttar Pradesh (1994)

- 👉 Facts: Joginder Kumar was arrested without any reason given and detained for five days. He challenged the legality of his arrest.
- ❖ Judgment: The Supreme Court ruled that an arrest should not be made in a routine manner simply because it is lawful to do so. The necessity of the arrest must be established.
- ❖ Key Principle: The arrest should be justified with a reasonable cause and should not be used as a tool for harassment or humiliation.
- 💡 Significance: This case underscores the need for reasonable justification before making an arrest, rather than arresting arbitrarily based on power.

# 3. Arnesh Kumar vs. State of Bihar (2014)

Facts: Arnesh Kumar was arrested under Section 498A of the IPC, which deals with cruelty against a woman by her husband or relatives.

❖ Judgment: The Supreme Court highlighted the misuse of Section 498A, often leading to unnecessary arrests. The Court mandated that police officers must follow Section 41 of the CrPC before arresting an accused for an offense with less than seven years of imprisonment.

## 👉 Key Guidelines:

Arrests should not be made automatically and without proper investigation.

- ◆ The police must record reasons for arresting or not arresting in their case diary.
- ◆ A Magistrate must ensure that Section 41 CrPC is followed before authorizing further detention.

💡 Significance: This judgment aims to prevent unnecessary and arbitrary arrests in matrimonial disputes and minor offenses.

## 4. Maneka Gandhi vs. Union of India (1978)

- 👉 Facts: The case dealt with the arbitrary refusal of a passport to Maneka Gandhi, but it extended to the interpretation of Article 21 (Right to Life and Personal Liberty).
- ❖ Judgment: The Court held that "personal liberty" under Article 21 is of the widest amplitude, and no person can be deprived of this right unless the procedure established by law is "just, fair, and reasonable."
- 💡 Significance: This case greatly broadened the scope of personal liberty, reinforcing the protection of individuals from arbitrary arrest and detention.

## 5. Nandini Satpathy vs. P.L. Dani (1978)

### Right to be silent

👉 Facts: This case involved the right of a person not to incriminate themselves during an interrogation.

❖ Judgment: The Court held that Article 20(3) of the Constitution provides immunity against self-incrimination, and no one can be compelled to answer questions that would lead to self-incrimination.

💡 Significance: This judgment is important in protecting the rights of individuals during arrest and interrogation, emphasizing that individuals cannot be forced to make statements that may incriminate them.