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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 6027/2017**

% **Date of Decision : 18th July, 2017**

DR. SUBHASH VIJAYRAN Petitioner
Through: Petitioner-in-person.

versus

UNION OF INDIA & ORS Respondent
Through: Mr. Ripu Daman Bhardwaj,
CGSC for R-1 & 2/UOI.
Mr. Gautam Narayan, ASC with Mr.
R.A. Iyer, Adv. for R-3/GNCTD.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE C. HARI SHANKAR

JUDGMENT (ORAL)

GITA MITTAL, ACTING CHIEF JUSTICE

1. Issue notice to show cause as to why rule *nisi* be not issued.
2. Mr. Ripu Daman Bhardwaj, learned Standing Counsel for the Central Government accepts notice for the respondent Nos.1 & 2. Mr. Gautam Narayan, learned Addl. Standing Counsel for the GNCTD accepts notice for the respondent No.3.
3. By this petition, the petitioner who appears in person, has made complaints that the respondents are violating the mandate of Article 22(2) of the Constitution of India taking advantage of the ignorance regarding the rights of the citizens thereunder. The writ

petitioner is concerned with the failure of the respondents to abide by the principles laid down by the Supreme Court in ***D.K. Basu vs. State of West Bengal (1971) 1 SCC 416*** as well as ***Joginder Kumar vs. State of U.P. (1994) 4 SCC 260***.

4. The writ petition itself discloses that pursuant to the decisions of the Supreme Court in the above cases, the Commissioner of Police, Delhi has issued Standing Order No.330/2008 titled “Guidelines for Arrest” dated 18.10.2008. This Standing Order has been placed on Pg.25 of the record.

5. Though the respondents may have technically complied with the mandate of the directions laid down by the Supreme Court, there does appear to be ignorance of the public about their rights in the event of an arrest.

6. The petitioner submits that the respondents are required to make wide publicity of the Standing Order No.330/2008. He also makes a grievance that inasmuch as under the Cr.P.C., the officer who effects the arrest sends information thereof to the higher authorities as well as the area Magistrate, there is a possibility of information being conveyed belatedly. He also has an apprehension of several other illegalities being committed. Averments in this regard are made at Para 10 of the writ petition.

7. The learned counsel for the petitioner further submits that a help-line number is required to be provided where information regarding arrest of a person could be given by the relatives, friends or the family members of the public. This would also be a check on the interference in the fairness of investigation.

8. It is also submitted that the National Human Rights Commission of India during the period 01.04.2010 to 30.09.2013 registered 3949 cases of illegal arrest and 4467 cases of unlawful detention by the police and after detailed inquiry into the matter, compensation in 45 cases of illegal arrest and 67 cases of unlawful detention has been made.

9. In view thereof, we direct as follows:

(i) The respondents shall ensure that the steps are taken forthwith to disseminate information about the Standing Order No.330/2008. The same should be published in the vernacular languages and circulated amongst the members of the public. A copy thereof be made available to every person upon their arrest.

(ii) The Commissioner of Police shall examine the possibility of creation of help-line where information regarding arrest of a person could be given by the relatives, friends or the family members of the public. This consideration shall be effected within four weeks from today and report in this regard shall be submitted before this Court with an advance copy of the same to the petitioner.

10. Writ petition is disposed of in the above terms.

Dasti.

ACTING CHIEF JUSTICE

C.HARI SHANKAR, J

JULY 18, 2017/pmc