24-Hour Arrest Clock from Actual Detention

Prelims: *Current events of national and international importance | Polity*

Why in News?

The Supreme Court of India ruled that the 24-hour statutory custody limit begins from the exact moment an individual is physically detained or restrained by the police, and not from the time of "formal arrest" entered into police records.

- **Aim -** To curb the rampant police practice of illegal, informal "de facto" detentions where suspects are held for days under the guise of "questioning" before being formally shown as arrested.

Key Highlights

- **Curbing Custodial Abuse & Arbitrariness -** The Court noted that delaying a formal arrest entry while keeping a citizen in unrecorded police custody is a severe violation of constitutional safeguards designed to prevent torture and coercion.
- **Burden of Proof on Authorities -** If a dispute arises regarding the precise timing of apprehension, the onus lies entirely on the investigative agencies and police authorities to prove the exact time the suspect was brought into custody.
- **Strict Adherence to Mandates-** The bench reiterated that any detention exceeding 24 hours without presenting the accused before a Judicial Magistrate is unconstitutional and illegal, rendering subsequent remand proceedings highly vulnerable to challenge.
- **Constitutional Rights Under Article 22**
    - **Article 22(1):** Right of an arrested person to be informed of the grounds of arrest as soon as may be, and the right to consult and be defended by a legal practitioner of their choice.
    - **Article 22(2):** Right to be produced before a magistrate within 24 hours. *(Note: These safeguards are **not** available to enemy aliens or persons arrested under Preventive Detention laws).*

Reference

News on Air | SC rules 24-hour custody limit