Start of 24-Hour Countdown after Arrest?

Mains: *GSII – Polity and Governance*

Why in News?

Recently the Supreme Court ruled that the 24-hour limit under Article 22(2) begins when a person's liberty is actually curtailed, not from the formal recording of arrest.

What is the Background of the Case?

- **Origin** – The case originated from an NDPS investigation in Tripura on September 29, 2025.
- **Issue** – Customs officials intercepted a truck at around 2 p.m. and seized 60.79 kg of methamphetamine (Yaba) tablets, exceeding the commercial quantity threshold of 50 grams.
    - Search and seizure procedures were completed around 5 p.m., but the accused were formally arrested only on September 30, 2025, at 11 a.m. and 11 –15 a.m.
- They were produced before a magistrate at 4 –45 p.m. on September 30.
- **Central Issue** – Whether the 24-hour period begins from actual detention or the formal recording of arrest.

Constitutional Provisions
• **Article 22** – Protection Against Arrest and Detention • **Article 22(1)** – Every arrested person must be informed of the grounds of arrest and has the right to consult and be defended by a legal practitioner. • **Article 22(2)** – Every arrested and detained person must be produced before the nearest magistrate within 24 hours, excluding necessary journey time. - Detention beyond 24 hours requires the authority of a magistrate. • **Section 58 of BNSS, 2023 –** Replaces Section 57 of the CrPC, 1973, and prohibits detention beyond 24 hours without a magistrate's authority. - Detention must also remain within a reasonable period, considering the circumstances of the case.

What are the Supreme Court's Key Observations?

- **Arrest and Detention Are Synonymous** – The Court held that the expressions 'arrest' and 'detain' under Article 22(2) are conjunctive and carry the same meaning.
    - The Constitution does not recognise detention dehors arrest (detention without arrest).
    - Therefore, the 24-hour period begins when a person's liberty is effectively curtailed, irrespective of the formal arrest record.

- **Protection Against Arbitrary Detention** – Drawing an artificial distinction between arrest and detention would dilute the fundamental protection guaranteed under Article 22(2).
    - Investigating agencies cannot delay the constitutional deadline by postponing formal arrest procedures.
- **Magistrate's Responsibility** – Magistrates must record the actual date and time when the person's liberty was curtailed.
    - They must independently examine whether the 24-hour constitutional deadline has been followed.
    - If the deadline is breached, the detained person must be released forthwith from detention.
- **Reasonable Period of Detention** – Under Section 58 of BNSS, detention must not exceed a reasonable period within the constitutional 24-hour limit.
    - The permissible period depends on the circumstances and requirements of each case.

Safeguards Against Custodial Human Rights Violations
• **D.K. Basu v. State of West Bengal (1997)** – SC issued guidelines to prevent custodial torture and deaths, including safeguards relating to arrest and detention. • Directed the installation of CCTV cameras in police stations and prisons. • **Shafhi Mohammad v. State of Himachal Pradesh (2018) –** - Supreme Court emphasised videography of crime scenes during investigations. - Highlighted the need for independent oversight to monitor implementation of videography safeguards.

What is the Significance of the Judgement?

- **Strengthens Fundamental Rights** – Reinforces Article 21 (Right to Life and Personal Liberty) and Article 22 protections.
- **Prevents Arbitrary Detention** – Prevents investigating agencies from manipulating arrest timings to extend custody.
- **Ensures Judicial Accountability** – Strengthens the role of magistrates in monitoring detention and protecting individual liberty.
- **Promotes Rule of Law** – Ensures that procedural requirements cannot override constitutional safeguards.
- **Strengthens Criminal Justice** – Encourages transparency and accountability in police investigations.

What are the Challenges in Ensuring Effective Implementation?

- **Procedural Delays** – Investigating agencies may justify prolonged detention through search, seizure and other investigative formalities.
- **Lack of Transparency** – Accurate documentation of the actual time of detention may be difficult without effective monitoring.
- **Custodial Violations –** Inadequate CCTV monitoring and independent oversight can weaken accountability.
- **Judicial Oversight** – Magistrates must carefully verify detention records rather than mechanically accept formal arrest documents.

What is the Way Forward?

- **Accurate Documentation** – Record the actual time of interception and commencement of detention.
- **Technology-Based Monitoring** – Strengthen CCTV surveillance and videography of investigation procedures.
- **Independent Oversight** – Ensure regular inspection of custodial facilities and monitoring of CCTV footage.
- **Judicial Vigilance** – Strengthen magistrates' scrutiny of arrest procedures and compliance with constitutional safeguards.
- **Police Reforms** – Improve awareness and training regarding constitutional rights and custodial procedures.

What lies ahead?

- The judgement reinforces that personal liberty cannot be curtailed through procedural manipulation.
- Timely judicial oversight and accountable policing are essential to uphold constitutional morality and the rule of law.

Reference

The Hindu| When does the 24-hour countdown begin after arrest?

