CRIMINAL LAW RIGHTS

BY

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Indian criminal law is applicable to both citizens of India and foreigners who commit crimes within the territory of India.

Under Indian law, you may be arrested in a variety of circumstances. The arrest and detention can be for committing offences under the *Indian Penal Code* and/or under various laws (for example,the *Narcotic Drugs and Psychotropic Substances Act* and the *Foreign Exchange Management Act*).

For offences committed under the *Indian Penal Code*, investigations will be conducted in accordance with India’s *Code of Criminal Procedure*, 1973. This is a comprehensive set of rules that defines the powers of the police and the judiciary and lays down the procedures to be followed in the conduct of an inquiry or trial. For offences committed under other legislation, investigations will be conducted in accordance with procedures outlined in this legislation, coupled with India’s *Code of Criminal Procedure*, 1973.

If your presence is necessary for an investigation, and if there is sufficient evidence suggesting that you may flee, hide or destroy evidence, you may be detained. Indian authorities may confiscate your travel documents, such as your passport, while the investigation is ongoing, until charges are withdrawn or you complete your sentence.

The arrested person has certain rights upon arrest:

* The police officer making the arrest must communicate the full particulars of the offence for which the arrest is being made.
* If arrested for a bailable offence, it is the duty of the arresting officer to inform the arrested person that he or she has a right to be released on bail and to arrange sureties for him- or herself.
* The police have the duty to inform at least one relative or friend of the arrested person that he or she has been arrested and where he/she is being kept in custody.
* The arrested person has a right to be produced before a magistrate within 24 hours of being arrested.
* The arrested person has a right to obtain legal aid. Arrested persons and parties to the litigation are expected to make their own arrangements as to legal representation and payment of fees of lawyers. Sometimes, the court may direct the State Legal Services Authority to provide representation for the arrested person.
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* The arrested person has a right to be represented by a lawyer in court.
* The arrested person has a right to apply to the magistrate for bail if the offence is non-bailable.
* The arrested person has a right to have a lawyer present during police interrogation.

In addition, there are rights provided specifically for the arrest of women: 

* Women cannot be arrested after sunset and before sunrise.
* Only a female police officer can search a woman who is being arrested.
* Any medical examination that is conducted must be done by a female medical practitioner, or under her supervision.
* The arrested woman has a right to free legal aid.
* The arrested woman has a right to be kept in a cell that is meant specifically for women only.
* (a) ANTI-CORRUPTION BUREAU ISSUES:
* CENTRAL ANTI-CORRUPTION BUREAU:

**Role and acitivities**

The main goal of the CBA is combating corruption where the public sector meets the private sector. Under article 2 of the Act on the Central Anti-Corruption Bureau, the Bureau deals with identification, prevention and detection of crimes and offences, prosecution of perpetrators as well as control, analytical and preventive activities.

**Analytical activities**

Identification of threats detrimental to the economic interest of the state as well as appropriately early and  possibly predictive communicating them to the state authorities, in addition to the formulation of proposals of  remedial actions are the basic objectives of analytical and informative undertakings carried out by the CBA. Moreover, they support operational intelligence, investigative and control activities.

The fact that an increasing number of respondents evaluate the CBA’s activity as good is reflected in the number of potential or prima facie corruption cases reported to the Bureau. In 2013, the number of reports increased by 60%.

**Operational activities and legal proceedings**

Operational intelligence activities are performed by the officers of the CBA in order to prevent the perpetration of crimes, their recognition and detection as well as to obtain and process information relevant to combating corruption in state institutions and local government and also activities against the economic interest~~s~~ of the State. In case of a justified suspicion of a crime perpetration, the CBA officers perform investigative activities specified by the provisions of the Code of Criminal Procedure, including activities on command of the court and the prosecutor.

**Control activities**

The Bureau is the sole special service having the tool in the form of the control of asset declarations and economic decisions. The aim of control activities conducted by the CBA officers is the disclosure of corruption cases in public institutions, abuse by persons performing public functions and the activities against the economic interest of the State. Controls are conducted on the basis of the annual control plan, approved by the Head of the CBA or - if necessary - on an ad hoc basis.

Control activities consist of:

1. disclosure and prevention of cases of non-compliance, for example in the scope of issuing economic decisions (among others: privatisation, financial support, disposal of state and municipal assets, public procurement),
2. verification of the correctness and veracity of asset declarations or statements on conducting economic activities by persons performing public functions.

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**Preventive activities**

As part of its activity, the CBA also conducts preventive and educational activities. In this regard, it cooperates with other institutions and NGOs dealing with issues of corruption.

* Corruption Watch (RF) NPC is an accredited Chapter of Transparency International e.V.. All views and statements represent those of Corruption Watch (RF) -NPC unless otherwise noted, and do not necessarily reflect those of Transparency International .
* National Crime Investigation Bureau is a name of Crime and Corruption killer team, operating across India with support of good officers and powerful legal team. It is an Non Government Organization (NGO) that operates independently and playing a significant role in the Services of our Country and to make our Society crime free and safe.  
  We have take urgent step & Investigation for Crime and Corruption and playing a powerful role in Curtailing Corruption in different government departments. Now a days, our NCIB is establishing its name by making contribution in revealing out irregularities in various government departments and by making awareness among the people, about their Right.  
  We help local, National and even International Law enforcement Officials in their constant effort to curtail the activities of Crime Syndicates, rackets, Organized gangs, smuggles and law breaking in general.  
  Many people contact us to sort out their personal/Individual Problems or to satisfy their personal grudges, however, our NCIB does not work for the individuals. Moreover, if it is done that will definitely be very exceptional Case NCIB believes to work in those issues. That involve large public.
* **We are working especially for following fields:-**
* Issues related to the safety of the environment. For revealing the functional irregularities or corruption in Government departments. Take urgent step and investigation for bonded labor, child labor, Custodial encounter death, consumer related issues , police Atrocities, rape, sexual harassment. To protection of human rights, right of the dalit, women and Disadvantaged section of the society. To help local, national and even international law enforcements Officials in their constant effort to curtail the activities of crime Syndicate, rackets, organized gangs, smugglers law braking in general. To give secret information about fake currency, narcotics, drugs, Illegal weapons, smugglers, crime syndicate, terrorists to related Govt. Departments, ministries, investigation departments for make our Country care free and safe..
* **About NCIB**
* NCIB is a people's movement through people's NCIB Force against crime, corruption and anti-national elements. For this NCIB has chosen the mode of media it is working with public and Government with constitutional and legal means. NCIB is an independent agency that brings public grievances. illegal/anti-national activities to the notice of Government, Administration Police, Judiciary autonomous bodies and impartial social organizations. Besides this, it also cooperates with Government of India in its welfare activities, as it believes that cooperation of media and public with Government is the key to social, economic and political progress of any country. NCIB is comprehensive news agency that provides various sensational I criminal news to Print and Electronic Media. NCIB is an organisation of public which provides the public a platform to raise its voice against crime, corruption, injustice, terrorism, social and national evils effectively by the powerful mode of journalism. For this cause.
* **Information And Requesting**
* NCIB is a part of all crime investigation that will play an important role in national awakening in the coming future. For this purpose, various newspaper and News Channels are cooperating with us. NCIB is strong Anti Corruption and Crime investigation that provides vital / secret news various security nad intelligence agencies and also Ministry of home Affairs and Hon'ble President of India.
* (b).C.B.C.I.D matters
* The **Crime Investigation Department (अपराध जांच विभाग) (CID)** is the investigation and intelligence wing of the Special Police, N.Delhi.[[1]](https://en.wikipedia.org/wiki/Crime_Investigation_Department_(India)#cite_note-1)

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The CID has several branches which work from state to state. These branches include:[[4]](https://en.wikipedia.org/wiki/Crime_Investigation_Department_(India)" \l "cite_note-4)

* CB- CID
* Anti-Human Trafficking & Missing Persons Cell
* Anti-Narcotics Cell
* Finger Print Bureau
* CID
* Anti-Terrorism wing
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* © C.B.I matters:

The **Central Bureau of Investigation** (**CBI**) is the domestic police of Special Police. The CBI is overseen by the Home Ministry of the Government of India, headed by a Director General who reports directly to the Prime Minister.

According to reports, the CBI has been criticized for being a "caged parrot speaking in its master's voice", due to its excessive political interference irrespective of which party happened to be in power at the time.

### Special Police Establishment (SPE)

The Bureau of Investigation braces its origins to the Special Police Establishment, is **Central Government Police force**, which was set up in 1941 by the government. The functions of the SPE were to investigate bribery and corruption . After the end of the war, there was a continued need for a central governmental agency to investigate bribery and corruption by central-government employees.Sahib Karam Chand Jain remained its legal advisor when the department was transferred to the Home Department by the 1946 Delhi Special Police Establishment Act[*[citation needed](https://en.wikipedia.org/wiki/Wikipedia:Citation_needed" \o "Wikipedia:Citation needed)*].

This is DSPE's scope was enlarged to cover all departments of the Government of India. Its jurisdiction extended to the Union Territories, and could be further extended to the states with the consent of the state governments involved., first Deputy Prime Minister of free India and head of the Home Department, desired to weed out corruption in erstwhile princely states such as Jodhpur, Rewa and Tonk. Patel directed Legal Advisor Karam Chand Jain to monitor criminal proceedings against the dewans and chief ministers of those states.

The DSPE acquired its popular current name, Central Bureau of Investigation (CBI), through a Home Ministry resolution dated 1.4.1963.

### CBI takes shape

* The CBI established a reputation as India's foremost investigative agency with the resources for complicated cases, and it was requested to assist the investigation of crimes such as murder, kidnapping and terrorism. The Supreme Court and a number of high courts in the country also began assigning such investigations to the CBI on the basis of petitions filed by aggrieved parties. In 1987, the CBI was divided into two divisions: the Anti-Corruption Division and the Special Crimes Division
* (d) Federal Bureau of Investigation issues:

The mission of the FBI is to protect and defend the United States against terrorist and foreign intelligence threats, to uphold and enforce the criminal laws of the United States, and to provide leadership and criminal justice services to federal, state, municipal, and international agencies and partners; and to perform these responsibilities in a manner that is responsive to the needs of the public and is faithful to the Constitution of the United States.

The FBI's major priorities are to:

* Protect the United States from terrorist attack;
* Protect the United States against foreign intelligence operations and espionage;
* Protect the United States against cyber-based attacks and high-technology crimes;
* Combat public corruption at all levels;
* Protect civil rights;
* Combat transnational and national criminal organizations and enterprises;
* Combat major white-collar crime;
* Combat significant violent crime;
* Support federal, state, county, municipal, and international partners; and to
* Upgrade technology to successfully perform the FBI's mission.

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The major functions of the FBI are to:

* Conduct professional investigations and authorized intelligence collection to identify and counter the threat posed by domestic and international terrorists and their supporters within the United States, and to pursue extraterritorial criminal investigations to bring the perpetrators of terrorist acts to justice. In furtherance of this function, the FBI designs, develops, and implements counterterrorism initiatives which enhance the FBI’s ability to minimize the terrorist threat.
* Conduct counterintelligence activities and coordinate counterintelligence activities of other agencies in the intelligence community within the United States. (Executive Order 12333 includes international terrorist activities in its definition of counterintelligence.)  
  Coordinate the efforts of U.S. Government agencies and departments in protecting the nation’s critical infrastructure by identifying and investigating criminal and terrorist group intrusions through physical and cyber attacks.
* Investigate violations of the laws of the United States and collect evidence in cases in which the United States is or may be a party in interest, except in cases in which such responsibility is by statute or otherwise specifically assigned to another investigative agency.  
    (f) INTERPOLE Issues

International Criminal Police Organization (INTERPOL) Washington, was authorized by statute and operates within the guidelines prescribed by the Department of Justice, in conjunction with the Department of Homeland Security.

The mission of INTERPOL Washington is to facilitate international law enforcement cooperation as the United States representative to INTERPOL on behalf of the Attorney General.

The major functions of INTERPOL Washington are to:

* Facilitate international law enforcement cooperation as the United States representative to INTERPOL on behalf of the Attorney General, pursuant to 22 U.S.C. 263A.
* Represent U.S. law enforcement at INTERPOL conferences and symposia.
* Support the U.S. representative of the INTERPOL Executive Committee.
* Transmit information of a criminal justice, humanitarian, or other law enforcement-related nature between Natural Central Bureaus of INTERPOL member countries, law enforcement agencies within the United States and abroad; and respond to requests by law enforcement agencies and other legitimate requests by appropriate organizations, institutions, and individuals, when in agreement with the INTERPOL constitution.
* Coordinate and integrate information for investigations of an international nature and identify those involving patterns and trends of criminal activities.
* Conduct analyses of patterns of international criminal activities, when specific patterns are observed.
* Establish and collect user fees to process name checks and background records for licensing, humanitarian and other non-law enforcement purposes.

  INDIAN PENAL CODE:

The objective of this Act is to provide a general procedure of punishment to offenders for India.[[5]](https://en.wikipedia.org/wiki/Indian_Penal_Code#cite_note-5) Though not an initial objective, the Act does not repeal the penal laws which were in force at the time of coming into force in India. This was so because the Code does not contain all the offences and it was possible that some offences might have still been left out of the Code, which were not intended to be exempted from penal consequences. Though this Code consolidates the whole of the law on the subject and is exhaustive on the matters in respect of which it declares the law, many more penal statutes governing various offences have been created in addition to the code.

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* (g).Cinematography Act
* [[6A.](https://indiankanoon.org/doc/759908/) Information and documents to be given to distributors and exhibitors with respect to certified films.—Any person who delivers any certified film to any distributor or exhibitor shall, in such manner as may be prescribed, notify to the distributor or exhibitor, as the case may be, the title, the length of the film, the number and the nature of the certificate granted in respect thereof and the conditions, if any, subject to which it has been so granted, and any other particulars respecting the film which may be prescribed.
* [7.](https://indiankanoon.org/doc/1508508/) Penalties for contraventions of this Part.—
* [(1)](https://indiankanoon.org/doc/535688/) If any person—
* [(a)](https://indiankanoon.org/doc/1377704/) exhibits or permits to be exhibited in any place—
* [(i)](https://indiankanoon.org/doc/1702029/) any film other than a film which has been certified by the board as suitable for unrestricted public exhibition or for public exhibition restricted to adults 33 [or to members of any profession or any class of persons] and which, when exhibited, displays the prescribed mark of the Board and has not been altered or tampered with in any way since such mark was affixed thereto,
* [(ii)](https://indiankanoon.org/doc/1973205/) any film, which has been certified by the Board as suitable for public exhibition restricted to adults, to any person who is not an adult, 34 [\*\*\*].
* 33 [[(iia)](https://indiankanoon.org/doc/637959/) any film which has been certified by the Board as suitable for public exhibition restricted to any profession or class of persons, to a person who is not a member of such profession or who is not a member of such class, or]
* [(b)](https://indiankanoon.org/doc/1968953/) without lawful authority (the burden of proving which shall be on him), alters or tampers with in any way any film after it has been certified, or fails to comply with the provision contained in section 6A or with any order made by the Central Government or by the Board in the exercise of any of the powers or functions conferred on it by this Act or the rules made thereunder, 35 [ 36 [he shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to one lakh rupees, or with both. [Provided also] that no distributor or exhibitor or owner or employee of a cinema house shall be liable to punishment for contravention of any condition of endorsement of caution on a film certified as “UA” under this Part.]
* It is stated that contempt proceedings are different from criminal liability for Criminal acts under Indian Penal Code. **An Inquiry in a Criminal Court and disciplinary proceedings or contempt proceedings cannot be equated and the fact that particular Act attributed to the said person amounts to an offence under Indian Penal Code or other Law, does not necessarily entail a duty or to take proceedings in Criminal Court (Abdul Rahim Vs. Chief Executive Officer AIR 1964 AP 407). The circumstances that the alleged misconduct also amounts to an offence for which there is liability for prosecution in the Criminal Court, does not mean that without recourse to such prosecution, the delinquent cannot be proceeded (Srinivasayya Vs. State of Mysore 1966 II LLJ 156). In State of Rajasthan Vs. B.K.Meena (1997 I LLJ 746, the Hon’ble Supreme Court has referred to the Law laid down by it in the earlier decision and observed “It would be evident from above decision that each of them stars with undisputable proposition that there is no legal bar for both proceedings to go on simultaneously and then say that in certain situations it may not be desirable, advisable to proceed with disciplinary enquiry when Criminal Case is pending on the charges. In Premasiman Vs. Union of India 1996 3 LLJ 450 the Hon’ble Supreme Court held “The F.I.R. had been filed and Criminal Case at the investigation stage. It was not known whether it would result in filing of charge sheet or not.**

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* **The investigation in Criminal case would go on for long and indefinite time. It was held in such situation, it was not possible to say that any prejudice would be caused to such person because the stage of putting forth defence in criminal case had not arrived. Moreover, it was held in Lamani Vs. Central Government 1993 LAB IC 2500 “conducting departmental proceedings against an employee during pendency of Criminal Case does not amount to double Jeopardy. In Gengh Bahadur Singh Vs. Baidhyanath Tiwari (1969 SC 30) Hon’ble Supreme Court held “In the absence of nay order of a Court restraining the continuance of disciplinary proceedings, an enquiry in good faith by the domestic tribunal into the charges against an employee does not amount to contempt of Court merely because an enquiry into the same charges is pending before a Civil or Criminal Court”.**
* **In chapter 51 Human Rights and Role of Criminal Court The primary aim of Criminal Justice system are summarized has, to detect crime and convict those who have committed it, to have rules relating to arrest, such, questioning, interrogation and admissibility of evidence which do not expose to suspect to unfair treatment likely to read to unjust conviction, to have rules as above which do not unnecessarily implead and proper investigation of crime to ensure that innocent person or convicted, maintain public order, maintain public confidence in the criminal justice system, and to properly balance consideration of justice and air procedure which those efficiency and finding.**

In a book Fair Trial Manual provides at Chapter II **The three major Criminal statutes, namely the Code of Criminal Procedure, the Indian Penal Code and the Indian Evidence Act cannot operate de hors or outside the fundamental rights given in the Constitution. That is to say, that the three do not function in a vacuum. Their operation is governed by the standards and limitations laid down in the Constitution. The Constitution normative framework defines the everyday working of the court and forms the benchmark by which the performance of all the officers of the court, the prosecutor, the defence counsel and most importantly the judge will be evaluated. The quality of a trial will be judged by the measure of compliance with constitutional norms and it is the presiding officer who has the onerous duty of ensuring that fair trial norms are strictly adhered to without fear or favour. From this comes the old saying that justice must not only be done but be seen to be done. Thus, safeguarding human liberty is a prime constitutional value and the law of arrest is one of balancing individual rights, liberties and privileges, on the one hand, and individual duties, obligation and responsibilities on the other, of weighing and balancing the rights, liberties and privileges of the single and those of individuals collectively. The judge is the custodian of all this.**

SATYAMEVA JAYATHE= MERA BHARAT MAHAAN HAI=AI HIND.