

प्रधान मुख्य वनसंरक्षक, महाराष्ट्र राज्य, नागपूर यांचे कार्यालय

क्रमांक :- कक्ष-१८/दक्षता/नाशिक/अति/८९९/०३-०४

नागपूर, दिनांक : २४ डिसेंबर, २००३

प्रति,

मुख्य वनसंरक्षक (सर्व) प्रा/ वन्यजीव

वनसंरक्षक (सर्व) प्रा/ वन्यजीव

विषय :- एखाद्या व्यक्तीस अटक वा स्थानबध्द करतांना करावयाच्या

कार्याबाबत मा. सर्वोच्च न्यायालयाचे निर्देश

संदर्भ:- शासन, महसूल व वनविभाग, मंत्रालय, मुंबई यांचे पत्र क्र.

एस-१४/२००३/प्र.१७९/फ-५, दिनांक २५/११/२००३

विषयांकित प्रकरणी संदर्भाधीन शासन पत्राची प्रत, सहपत्रासह, माहिती व आवश्यक कार्यवाहीस यासोबत पाठविण्यात येत आहे.

सहपत्र :- वरील प्रमाणे

स्वा/-

मुख्य वनसंरक्षक (संरक्षण)
महाराष्ट्र राज्य, नागपूर करिता

शीघ्र टपालाने

क्रमांक:-एस-१४/२००३/प्र.क्र.१७९/फ-५
 महसूल व वन विभाग,
 मंत्रालय, मुंबई - ४०० ०३२
 दिनांक :- २५/११/२००३

प्रति,

- १) प्रधान मुख्य वनसंरक्षक, महाराष्ट्र राज्य, नागपूर
- २) प्रधान मुख्य वनसंरक्षक (वन्यजीव), महाराष्ट्र राज्य, नागपूर
- ३) व्यवस्थापकीय संचालक,
 महाराष्ट्र वन विकास महामंडळ, नागपूर

विषय :- एखाद्या व्यक्तीस अटक वा स्थानबध्द करतांना करावयाच्या
 कार्याबाबत मा. सर्वोच्च न्यायालयाचे निर्देश

वरील विषयाच्या अनुषंगाने आपणांस कळविण्यांत येते की, श्री. डी.के. बसु विरुध्द पश्चिम बंगाल राज्य या प्रकरणांत मा. सर्वोच्च न्यायालयाने अटक वा स्थानबध्द करण्यात आलेल्या व्यक्तीस कायदानुसार काय काय अधिकार आहेत, याबाबत सविस्तर दिशानिर्देशित दिले आहेत. वन विभागाचे अधिकारी वनगुन्ह्यांत सहभागी असलेल्या व्यक्तीस अटक वा स्थानबध्द करण्यास भारतीय वन अधिनियमांच्या कलमाखाली सक्षम असून त्यांनी सूध्दा अशा प्रकारे कार्यवाही करतांना मा. सर्वोच्च न्यायालयाचे निर्देशाचे पालन करणे आवश्यक आहे, परंतु असे निदर्शनांस आले आहे की, वन अधिकाऱ्यांना मा. सर्वोच्च न्यायालयाने दिलेल्या निर्देशांची माहिती नाही.

२. उपरोक्त परिस्थितीत मा. सर्वोच्च न्यायालयाच्या सदर निर्देशांची प्रत सोबत जोडण्यात आली आहे. या निर्देशांची प्रत तातडीने सर्व क्षत्रिय अधिकाऱ्यांना वितरीत करून सदर निर्देशांचे पालन करण्याच्या सूचना द्याव्यात व त्याप्रमाणे शासनास कळवावे.

सोबत :- वरील प्रमाणे

स्वा/-
 (स. तु. घाडगे)
 कक्ष अधिकारी,
 महसूल व वन विभाग

11. REQUIREMENTS LAID DOWN BY SUPREME COURT TO BE FOLLOWED IN CASES OF ARREST OR DETENTION.

- (1) The Police personnel carrying out the arrest and handling the interrogation of the arrestee should bear accurate, visible and clear identification and name tags with their designations. The Particulars of all such police personnel who handle interrogation of the arrestee must be recorded in a register.
- (2) That the police officer carrying out the arrest of the arrestee shall prepare a memo of arrest at the time of arrest and such memo shall be attested by at least one witness, who may be either a member of the family of the arrestee or a respectable person of the locality from where the arrest is made. It shall also be counter signed by the arrestee and shall contain the time and date of arrest.
- (3) A person who has been arrested or detained and is being held in custody in police station or interrogation centre or other lock-up, shall be entitled to have one friend or relative or other person known to him or having interest in his welfare being informed, as soon as practicable, that he has been arrested and is being detained at the particular place, unless the attesting witness of the memo of arrest is himself such a friend or a relative of the arrestee.
- (4) The time, place of arrest and venue of custody of an arrestee must be notified by the Police where the next friend or relative of the arrestee lives outside the district or town through the Legal Aid Organisation in the District and the police station of the area concerned telegraphically within a period of 8 to 12 hours after the arrest.
- (5) The person arrested must be made aware of this right to have someone informed of his arrest or detention as soon as he is put under arrest or is detained.
- (6) An entry must be made in the diary at the place of detention regarding the arrest of the person which shall also disclose the name of the next friend of the person who has been informed of the arrest and the names and particulars of the police officials in whose custody the arrestee is.

- (7) The arrestee should, where he so requests, be also examined at the time of his arrest and major and minor injuries, if any present on his/her body, must be recorded at that time. The "Inspection Memo" must be signed both by the arrestee and the police officer effecting the arrest and its copy provided to the arrestee.
- (8) The arrestee should be subjected to medical examination by a trained doctor every 48 hours during his detention in custody by a doctor on the panel of approved doctors appointed by Director, Health Services of the concerned State or Union Territory, Director Health Services should prepare such a panels for all Tehsils and Districts as well.
- (9) Copies of all the documents including the memo for arrest, referred to above, should be sent to the Zilla Magistrate for his record.
- (10) The arrestee may be permitted to meet his lawyer during interrogation though not throughout the interrogation.
- (11) A police control room should be provided at all district and state headquarters where information regarding the arrest and the place of custody of the arrestee shall be communicated by the officer causing the arrest, within 12 hours of effecting the arrest and at the police control room it should be displayed on a conspicuous notice board.
