



Inter-State Arrests

For Prelims: Code of Criminal Procedure, Seventh Schedule of the Indian Constitution, Article 22(2) of the Constitution of India

For Mains: Inter-State Arrests, Police Reforms, Various Security Forces & Agencies & Their Mandate, Judgements & Cases

Why in News?

Recently, an **arrest of a politician by Punjab Police precipitated a crisis** after the [Delhi Police](#) registered a case of kidnapping against the Punjab Police team.

- The raging row over the arrest has **sparked off a debate over police jurisdiction and inter-state police cooperation.**
- The ramifications of such a politically driven process are nothing **but a challenge to fairness and equality.** Rather than becoming a **topic of justice, the matter turns into the topic of political rivalry.**

What is the Procedure for Making Inter-State Arrests?

- **Entry 2, List II of the [Seventh Schedule of the Indian Constitution](#)** puts **'Police' in the State list**, implying that all matters relating to police will be adjudicated upon by the state government.
- Broadly, the intent of the law has been that a **criminal in a particular state must be arrested by the police of that state.**
 - However, in certain circumstances the law **does allow the police of one state to arrest an accused in another state.**
- This may be done by the **execution of a warrant issued by a competent court, or even without a warrant** — in which **case the concerned state police must inform the local police about the arrest.**
- State police forces across the **country regularly make arrests in other states.** In the normal course, **this is done with the assistance of the local police.**
 - In many cases, however, the **local police are merely informed before or after the arrest.**

What does the Law say on Inter-state Arrests?

- **Section 79 of the [Code of Criminal Procedure \(CrPC\)](#)** deals with **inter-state arrests based on warrants issued by competent courts.**
 - This section lays down detailed procedures for such arrests. However, the **powers of the police to arrest an accused in another state have not been defined clearly** as far as arresting without a warrant is concerned.
- **Section 48 of the CrPC** gives the police such powers, but the procedure is not defined.
 - Section 48 merely says, "A police officer may, for the purpose of arresting without warrant any person whom **he is authorized to arrest, pursue such person** into any place in

India.”

- It has been debated whether the word **“pursue” in this section means entering another state in a chase or is applicable to an accused who is staying in another state and is not cooperating with investigators.**
- **Article 22(2) of the Constitution of India:** Every person **who is arrested and detained in custody** shall be produced before the **nearest magistrate within a period of twenty-four hours of such arrest.**
 - The **24 hours excludes the time necessary for the journey** from the place of arrest to the court of the magistrate.
 - Further, **no such person shall be detained in custody beyond the said period** without the authority of a magistrate.”
 - This is also laid down in **Sections 56 and 57 of the CrPC.**

How have the Courts Read the Law on Inter-State Arrests?

- In 2019, in **‘Sandeep Kumar vs The State (Govt. Of NCT Of Delhi)’ case**, the Delhi High Court issued certain **guidelines for inter-state arrests.** For example,
 - These state that a **police officer must seek permission from his superior**, in writing or on the phone, to visit another state to arrest a criminal.
 - He must **record reasons for a such a move in writing**, and first make an endeavor to get an arrest warrant from a court except in “emergent cases”.
 - “Before visiting the other State, the **Police Officer must endeavor to establish contact with the local Police Station** in whose jurisdiction he is to conduct the investigation.
- The guidelines make **an exception for “urgent cases”**, in which the police of a state may not inform their counterparts in the other state of an impending arrest.

Way Forward

- The Supreme Court acknowledged that political interference is acting as an impediment to a fair investigation.
 - Additionally, the **Second Administrative Commission** also mentioned that increasing political interference has taken a toll on its accountability and the politicians are using the police for personal or political gain.
- Thus, there is an urgent need to carry out much needed **Police Reforms.**

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