

**Amendment to section 54-A of the Code of
Criminal Procedure, 1898.**

Report No. 135

Addition of section 54-A in Criminal Procedure Code, 1898.

Chapter V of the Criminal Procedure Code, 1898 deals with arrest, escape and retaking containing sections 46 to 61. This Chapter describes how arrest is to be made; search of person arrested is to be done; when police may arrest without warrant; arrest of vagabonds etc; arrest by private persons; time in which a person arrested is to be produced before a Magistrate; arrests made by Magistrate; and power on escape to retake etc. However one important thing that this Chapter does not define is the rights of a person upon arrest.

A question arises that whether a person who is arrested or detained has any rights of which he is to be mandatory informed. As per Article 10(1) of the Constitution no person who is arrested shall be detained in custody without being informed, as so as may be of the grounds of such arrest, nor shall be denied the right to consult and be defended by a legal practitioner of his choice.

In view of the above, amendment was proposed in the Criminal Procedure Code, 1898, by addition of new section 54-A and placed before the Sub-Committee. The Sub-Committee examined the proposal and recommended certain changes. A comparative table with respect to the existing provision, proposed amendments by the Secretariat of the Commission and recommendations made by the Sub-committee is as follows:

Comparative Table

Existing Provision	Proposed Amendment(s) by the Secretariat of Law and Justice Commission	Recommendation(s) of the Sub-Committee
Non existent	<p>54-A. Rights of the arrested person.</p> <p>(1) A person shall, at the time of his arrested, be informed of the grounds of his arrest by the Police Officer making the arrest.</p>	<p>54-A. Procedure in case of arrest</p> <p>(1) Every person arrested by a Police Officer shall be informed of;</p> <p>(a) the grounds of his arrest and,</p> <p>(b) his right to engage counsel of his choice.</p>

	<p>(2) Before commencing the investigation, a police officer shall provide reasonable facilities to the arrested person,</p> <p>a) to inform his relative or friend of his whereabouts, and</p> <p>b) to consult with a legal practitioner of his choice.</p> <p>(3) The consultation under paragraph (b) of sub-section (2) shall be within the sights of a police officer and in circumstances, in so far as practicable, where their communication will not be over heard.</p>	<p>(2) Where the arrested person is unable to afford counsel he shall be provided reasonable opportunity to contact any legal aid centre.</p>
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Commission's deliberations on 14th June, 2014.

The Law and Justice Commission of Pakistan in its meeting dated 14 June 2014 considered the proposal. The Commission was informed that there is no provision in the Cr.P.C to inform the accused person about grounds of his arrest. Further, the person arrested should have a right to engage counsel for consultation as provided under clause (1) of the Article 10 of the Constitution. After deliberations, the Commission approved the proposal to the extent that an accused person, upon arrest, be informed of the grounds of his arrest.

Draft Bill for amendment in section 54 of the Code of Criminal Procedure, 1898 is hereby annexed.

**THE CODE OF CRIMINAL PROCEDURE
(AMENDMENT) ACT 2014**

An Act further to amend the Code of Criminal Procedure, 1898.

Whereas it is expedient further to amend (the Code of Criminal Procedure, 1898), for the purposes hereinafter appearing:

It is hereby enacted as follows:

1. **Short title and commandment.**—(1) The Act may be called the Code of Criminal Procedure, (Amendment) Act, 2014.

(2) It shall come into force at once.

2. **Addition to section 54-A, Act V of 1898.** In the Code of Criminal Procedure, 1898 (Act V of 1898), after section 54, the following new Section 54-A shall be inserted, namely,

“54-A. Procedure in case of arrest.

Every person arrested by a Police Officer shall be informed of the grounds of his arrest”.