

Article police, of  
getting into  
communication with



**ASSIGN  
BUSTER**

Article 22(1) of Constitution also provides that no person who is arrested shall be detained in custody without being informed as soon as may be, of the grounds for such arrest nor shall be denied the right to consult, and to be defended by, a legal practitioner of his choice. The right to consult a legal practitioner begins from the moment of arrest.

The consultation with the advocate may be in the presence of the police officer but not within his hearing. The accused should have reasonable opportunity if in custody of the police, of getting into communication with his legal adviser for the purpose of preparing his defence. Under this section the accused has no right to be provided with an advocate by the State or by the police or by the Magistrate. The only duty of the Magistrate is to afford the accused necessary opportunity to engage a lawyer.

When defence counsel does not appear, Court cannot proceed without giving opportunity to accused for appointing another lawyer. The accused can consult lawyer while he is brought by police for recording his confession by magistrate under Section 164—Magistrate should explain him his fundamental rights under Articles 21(1) and 20(3) of the Constitution before recording confession.