

**GOVERNMENT OF MIZORAM
HOME DEPARTMENT**

Aizawl, the 14th November, 2025

NOTIFICATION

No.C-31012/9/2025-HM-Part(2): In exercise of the powers conferred under sections 35, clause (b) of section 35, 39, sub-section (3) of section 43, 47, 48, 73, and 82 of the Bharatiya Nagarik Suraksha Sanhita, 2023, and with a view to ensuring uniformity and legality in police action concerning arrest, information to arrestees, and the right to bail, the Government of Mizoram, hereby notifies the following rules for strict compliance by all police officers under the state of Mizoram.

1. Short Title and Commencement:

- (i) These rules may be called “*The Mizoram Arrest of Person (Obligations and Intimations on Arrest) Rules 2025*”.
- (ii) It shall come into force with immediate effect from the date of notification.
- (iii) These rules shall apply to all police officers functioning under the Government of Mizoram.

2. Purpose and Scope:

The objective of these rules is to lay down a clear and uniform procedure for:

- (i) Making arrest in accordance with legal provisions,
- (ii) Informing arrested persons of the grounds and rights as required by law, and;
- (iii) Ensuring that all procedures related to arrest and bail are conducted in a fair, lawful, and accountable manner

3. Arrest without warrant: [Section 35(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023] Any police officer can arrest a person without a Magistrate's order and without a warrant in the following cases:

- (a) If the person commits a cognizable offence in the presence of a police officer.
- (b) If a reasonable complaint has been made or credible information is received, or there is reasonable suspicion that the person has committed a cognizable offence punishable with imprisonment up to seven years with or without fine, and the officer has reason to believe that the person has committed the offence, and arrest is necessary to:
 - (i) Prevent any further offence,
 - (ii) Properly investigate the offence,
 - (iii) Prevent the person from destroying or tampering with evidence in any manner,
 - (iv) Prevent the person from threatening, inducing or dissuading witnesses, or
 - (v) Ensure the presence of the person in court whenever required.The officer shall record the reasons for arrest in writing. If arrest is not required, the officer shall also record reasons for not arresting.
- (c) If there is credible information that the person has committed a cognizable offence punishable with imprisonment for a term which may extend to more than seven years or death sentence, and the officer has reason to believe it to be true.
- (d) If the person has been declared a proclaimed offender by law or by the State Government.
- (e) If the person is found in possession of suspected stolen property and there is reason to believe that such person has committed the same offence.
- (f) If the person obstructs a police officer on duty, or escapes or attempts to escape from lawful custody.
- (g) If the person is reasonably suspected of being a deserter from the Armed Forces of the Union.

- (h) If the person is involved in an act outside India that would be an offence in India and can be arrested under extradition or other laws.
- (i) If a released convict violates any condition of release under the law.
- (j) If another police officer has made a request—oral or written—for arrest, mentioning the person and the offence, and that arrest without warrant is lawful.

4. Arrest in non-cognizable cases: [Sub-section (2) of section 35 of the Bharatiya Nagarik Suraksha Sanhita, 2023] No police officer shall arrest any person who commits a non-cognizable offence without prior written permission from the Court or in the following circumstances provided under section 39 of Bharatiya Nagarik Suraksha Sanhita, 2023:-

- (i) When any person who, in the presence of a police officer, commits or is accused of committing a non-cognizable offence refuses on demand of such officer to give his name and residence or gives a name or residence which such officer has reason to believe to be false, he may be arrested by such officer in order that his name or residence may be ascertained.
- (ii) When the true name and residence of such person is ascertained, he shall be released on a bond or bail bond, to appear before a Magistrate, if so required:
Provided that if such person is not resident in India, the bail bond shall be secured by a surety or sureties resident in India.
- (iii) If the true name and residence of such person are not ascertained within twenty-four hours of arrest, or if he fails to execute the bond or bail bond, or to furnish sufficient sureties when required, he shall be forwarded forthwith to the nearest Magistrate having jurisdiction.

5. Prior permission of Dy. SP: [Section 35(7) of the Bharatiya Nagarik Suraksha Sanhita, 2023] No arrest shall be made without prior permission from an officer not below the rank of Dy. Superintendent of Police as per Annexure – A in a case of an offence which is punishable for less than three years if such person is ;

- (i) Infirm
- (ii) Above sixty years of age

6. Notice of appearance: [Sub-section (3), (4), (5), (6) of section 35 of the Bharatiya Nagarik Suraksha Sanhita, 2023] If arrest is not necessary, the police officer must issue a notice asking the person to appear before him or at a specified place. The person must follow the terms of the notice. If the person complies with the notice, he shall not be arrested unless the officer is of the opinion with recorded reasons, that he ought to be arrested is necessary. If the person fails to comply with the notice or refuses to identify himself, the officer may arrest him, subject to any Court orders. Arrest in the aforesaid provisions has to be followed in context of Section 35 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

7. Arrest on refusal to give name and residence: [Section 39 of the Bharatiya Nagarik Suraksha Sanhita, 2023] A police officer may arrest someone who has committed a non-cognizable offence and refuses to disclose his name and residence on demand of such officer. This arrest is temporary and solely to verify the person's identity and his residence.

8. Use of handcuffs: [Sub-section (3) of section 43 of the Bharatiya Nagarik Suraksha Sanhita, 2023] A police officer may use handcuffs while making the arrest of a person keeping in view the nature and gravity of the offence, in cases such as:

- (i) Habitual or repeat offender
- (ii) Escape from custody
- (iii) Organised crime
- (iv) Terrorist act
- (v) Drug-related offences
- (vi) Illegal possession of Arms and Ammunition

- (vii) Murder
- (viii) Rape
- (ix) Acid attack
- (x) Counterfeiting of coins and currency notes
- (xi) Human trafficking
- (xii) Sexual offences against children
- (xiii) Offence against the State

9. Memorandum of arrest: [Clause (b) of section 36 of the Bharatiya Nagarik Suraksha Sanhita, 2023] A memorandum of arrest shall be prepared in the prescribed format as per clause (b) of section 36 in accordance with sections 35, 36, 47 and 48 of Bharatiya Nagarik Suraksha Sanhita, 2023 as enclosed here at **Annexure-B**. It shall be signed at least by one witness- either a family member of the arrested person or a respectable local resident. Acknowledgement signature of the arrestee shall also be obtained.

10. Ground(s) of arrest, Information of arrest and right of arrestee: [Sections 47(1), 47(2), 48(1) & 48(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023] While making an arrest, a police officer shall, in the Memorandum of Arrest (**Annexure-B**) make entries that he/she has-

- (i) Communicated to the arrestee the full and clear particulars of the offence or ground(s) for such arrest.
- (ii) Informed the arrested person the reason(s) of such arrest.
- (iii) Notified the arrested person of his rights to have his relatives or friends or such persons nominated by him, informed of such arrest and place of detention as soon as he is brought to the Police Station.
- (iv) Informed the arrested person of his right to be released on bail if the offence is bailable and that he may arrange for sureties.
- (v) Informed the relative or person nominated by the arrested person through phone number given by him about the arrest, including the time, and mode of communication.

Article 22 of the Indian Constitution must also be duly complied while making arrest, which includes the following:

- (i) The arrested person shall be provided with the grounds of arrest in writing.
- (ii) The grounds of arrest shall specifically be mentioned that they have been explained to the arrested person in a language understood by him and that he has acknowledged understanding the same by subscribing his signature or thumb impression.
- (iii) That the arrested person shall also be informed of his right to consult and to be defended by a legal practitioner of his choice.

11. Information of arrest: [Sub-section (3) of section 48 of the Bharatiya Nagarik Suraksha Sanhita, 2023] While making an arrest, a police officer shall:

- Make an entry into a designated register called Arrest Book to be kept at the Police Station about details of arrested person and other relevant information. Arrest Book shall be prepared as per the enclosed format at **Annexure-C**.

12. Arrest outside District: [Section 82 of the Bharatiya Nagarik Suraksha Sanhita, 2023] If a person is arrested outside the District where the warrant was issued, he shall be taken to the nearest Magistrate or District Superintendent of Police unless the issuing Court is within thirty kilometers or the person gives security under Section 73 of Bharatiya Nagarik Suraksha Sanhita, 2023. The arresting officer shall inform the designated police officers in both the arresting district and the District where the arrested person normally resides.

13. Bail endorsement on arrest warrant by Court: [Section 73 of the Bharatiya Nagarik Suraksha Sanhita, 2023] Any Court issuing an arrest warrant may, by endorsement, allow the person to be released on bail if he provides a bond with enough sureties for his appearance at a specified time. The endorsement in the warrant must state the number of sureties, the bail amount for both the arrested person and sureties, and the time to appear in Court. The officer must then send the bond to the Court.

Enclosed: *Annexure-A – Format for requisition for permission for arrest*
 Annexure-B – Format for Memorandum of Arrest
 Annexure-C – Format for Arrest Book

Sd/- VANLALMAWIA
Secretary to the Govt. of Mizoram,
Home Department.

No.C-31012/9/2025-HM-Part(2) : Dated Aizawl, the 14th November, 2025

Copy to:-

- 1) Secretary to the Governor, Mizoram
- 2) Principal Secretary to Chief Minister, Mizoram
- 3) P.S. to Home Minister, Mizoram
- 4) Sr. P.P.S to Chief Secretary, Government of Mizoram.
- 5) Director General of Police, Mizoram
- 6) Controller, Printing & Stationery with 5(five) spare copies for publication in the Mizoram gazette.
- 7) Superintendents of Police of all districts, Mizoram.
- 8) Superintendents of Police, CID (Crime)/Narcotics/Cyber Crime, Mizoram.
- 9) Guard file.

Digitally signed by
C.Lalfakmawia
Date: 14-11-2025
14:42:46

(C. LALFAKMAWIA)
OSD-cum-Under Secretary to the Govt. of Mizoram,
Home Department.

**REQUISITION FOR PERMISSION TO ARREST PERSON FOR
OFFENCE PUNISHABLE WITH LESS THAN 3 YEARS
IMPRISONMENT
(Sec 35(7) BNSS)**

To,
The Deputy Superintendent of Police,
_____ District.

Sir,

Whereas during my investigation, a primacy case is established against _____
(name) _____ (age) _____ (Occupation)
_____ (address) _____ for offences under
Section _____ of BNS, which is punishable for imprisonment of less than 3 years.

That the detention of the above mentioned person is required for further investigation into the case, that the person mentioned above is:
(i) Infirm () _____ (description of infirmity) or
(ii) Above sixty years of age () _____

Therefore, permission is sought from your end as per provisions under Section 35 (7) of BNSS

Permission may kindly be granted to arrest name _____
age _____ Occupation _____ R/O
_____ for further investigation of the case.

Signature / seal of
IO/OC

**ORDER FOR GRANT OF PERMISSION TO ARREST PERSON
FOR OFFENCE PUNISHABLE WITH LESS THAN 3 YEARS
IMPRISONMENT
(Sec 35(7) BNSS)**

To,
The OC/IO
_____ Police Station
District _____

Sub:- Grant of permission to Arrest _____ for the
offence u/s _____ in Cr. No _____ of
_____ PS – Reg.

Ref:- Letter Dated

In response to the reference cited above, on verification of the details available permission is hereby accorded in compliance with Section 35 (7) of BNSS to arrest _____
(Name of the Accused) _____ (Age) _____ (Address) _____

Communication of details of arrest or further action should be sent to this office.

Deputy Superintendent of Police
Signature/Seal

Annexure- B**MEMORANDUM OF ARREST****(In accordance with Section 35, 36,47, 48 of the Bharatiya Nagarik Suraksha Sanhita, 2023)**

Case F.I.R./D.D No. _____ Dated _____

U/S _____

P.S. _____ Dist. _____

1. Name with Alias and Parentage of the Arrestee.			
2. Mobile No./ Email Address.			
3. Present Address of the Arrestee.			
4. Permanent Address (if separate)			
5. FIR No./D.D. No. & Sec. of Law.			
6. Place of Arrest.			
7. Date & Time of Arrest.			
8. Name, Address, Tel. No. or e-mail ID of relative or nominated person to convey the Arrest information.			
9. Proof of identity & residential address	Voter/Aadhar/PAN Card No.		
10. Name, rank & No. of Officer making arrest.			
11. Ground(s) of arrest/Offence committed			
12. Reason(s) of arrest (tick whichever is applicable)			
a. Prevent him/her from committing any further offence ()		b. For proper investigation of the offence ()	
c. To prevent him/her from causing evidence(s) to disappear or tampering. ()		d. To prevent him/her from making any inducement threat or promise to any person. ()	
e. Unless arrested, his/her presence in the court whenever required cannot be ensured. ()			
13. The arrestee has been informed of the ground(s) and reason(s) of arrest.		Yes	No
14. The arrestee has been informed of his right to bail and that he may arrange for sureties.		Yes	No
15. The name, address and contact no. of relative/friend to whom arrest information is given with time and mode	Name: Address: Contact No.: Time of contact: Mode of contact:		

Attested by: Witness(es):

1. _____

Add: _____

Relation: _____

2. _____

Add: _____

Relation: _____

.....

Signature of the Arrestee

Signature of the IO: _____

P.S. _____

Dated _____

ARREST BOOOK (U/S 48(3) of BNSS, 2023
(Ground of Arrest, Reason of Arrest, Intimation of Arrest and Right to Bail)
U/S 47 & 48 of BNSS, 2023

Police Station District:
 Case No. Date: U/S

I. Details of Arrested Person:

- 1) Name: 2) Alias
 3) Father's Name:
 4) Date of Birth: 5) Residential Address:
 6) Date of Arrest: 7) Time: 8) Location:
 9) Place of Arrest: 10) Place of Detention:
 11) Ground(s) of Arrest:
 12) Reason(s) of Arrest: (Tick the relevant ground(s) as applicable)

(i)	To prevent him/her from committing any further offence	
(ii)	For proper investigation of the offence	
(iii)	To prevent him/her from causing evidence(s) to disappear or tampering	
(iv)	To prevent such person from making any inducement threat or promise to any person to dissuade him/her from disclosing such facts to the court or the police officer	
(v)	Unless arrested, his presence in the court whenever required cannot be ensured	

II. The arrested person is also notified that – (tick/cross whichever is applicable/ not applicable)

- 1) He/She is informed of the offence for arrest or ground of arrest. ☐
 2) He/She is entitled to be released on bail and he/she may arrange for sureties for bail. ☐
 3) He/She may seek for bail in the Jurisdictional Court for being a non-bailable offence. ☐

III. The person mentioned below who is nominated by the arrested person on his/her behalf has been informed of the facts of arrest and the location of detention through electronic means as mentioned below:

Name : Mobile No.....
 Address:..... Date & time:
 Relation: :..... Mode of intimation: Message/Verbal

IV. The above information have been conveyed to the Designated Police Officer(s) of the Police Station and District through electronic means (message/verbally) on at a.m./ p.m.

(.....)
 Name & Signature of arrested person
 Mobile No.

(.....)
 Name & Signature of Arresting Officer
 Rank
 Date

Counter Signature

(.....)
 Officer-in-Charge

..... Police Station