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SUPREME COURT

Supreme Court Clarifies Scope of Section 38 BNSS

Accused Has Right to Meet Lawyer, Not Have Counsel Throughout Police Questioning

Sheikh Rayees • July 28, 2026

PUBLISHED REPORT

The Supreme Court has clarified that Section 38 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 does not grant an accused the right to have a lawyer remain continuously present during police interrogation. Instead, the provision only guarantees the right of an arrested person to meet an advocate of their choice while interrogation is underway.



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