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CASE ANALYSIS- NILABATI BEHRA VS. STATE OF ORISSA (1993) AIR SC 1960

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ABSTRACT

This case is a landmark case where the Supreme court stated that the court should not hesitate to create principles of liability. This paper deals with the custodial death and its repercussions.

KEYWORDS: - Custodial death, Compensation, Evidence, Death.

Case Title	Nilabai Behera vs State of Orissa
Case No.	WRIT PETITION (Civil) NO. 488 OF 1988
Date of Judgement	24th March 1993
Court	Supreme Court
Coram	Honourable Justice Verma, Justice Jagdish Saran, (J) Anand, (J) A.S, (J) Venkatachala. N

I. INTRODUCTION:

"Custodial death" refers to the death of a person who is in the custody of the police, prison authorities, or other law enforcement agencies. It occurs while the individual is detained or arrested, either during interrogation, while being held in a detention centre or jail, or in the process of transportation.

Custodial deaths are often a matter of great concern and controversy, as they raise questions about human rights violations, excessive use of force by law enforcement personnel, and the overall treatment of detainees. Such incidents can be the result of various factors, including police brutality, negligence in providing proper medical attention, overcrowded and unsanitary conditions in detention facilities, or even deliberate violence. Many countries have legal and regulatory mechanisms to investigate custodial deaths and hold accountable those responsible for any wrongdoing. These investigations aim to ensure that justice is served and that the rights of detainees are protected. Efforts are made by human rights organizations and advocates to raise awareness about custodial deaths, advocate for better treatment of detainees, and push for reforms in law enforcement practices to prevent such tragedies from occurring in the future.

II. FACTS OF THE CASE

Suman Behera about 22 years old was accused under section 378 of IPC (theft). On 1st December 1987, at 8 am he was taken into police custody from his home in Station. In the next day, around 2 pm, the petitioner was informed that her child was dead and was lying on the tracks of the railroad near a bridge. On 14th September, the petitioner wrote a letter according to which the deceased body was showed various wounds and injuries indicating the death was not natural. This letter was considered as a writ petition by the Supreme Court under Article 32 of the constitution. The petitioner demanded for compensation for violation of Right to Life under Article 21 of the Constitution. After both the parties presented their evidences, the District Court produced an inquiry report which could

conclude that Summan Behera died due to multiple injuries while being in the custody of the police at the Station of Jeraikela.

III. ISSUES:

- Whether the petitioner is eligible for damages?
- Whether the claim of occurrence of custodial death is valid?

IV. PETITIONER'S ARGUMENTS:

According to the petitioner's attorney, the District Court judge's conclusions on the case cannot be disregarded, and there is sufficient evidence to demonstrate that the petitioner's son was in the police's custody when he suffered the injuries that ultimately led to his death. The demand for compensation followed an argument that the police had violated the petitioner's son's right to life under Article 21 of the Indian Constitution.

V. RESPONDENT'S ARGUMENTS:

The Additional Solicitor General, who represents the defendants, asserted that the petitioner's son had fled police custody at approximately three in the morning on December 2, 1987, and had not been located despite extensive searches by the police. Additionally, he added that the petitioner's son was killed as a result of the injuries he sustained when he came near the railway station shortly after escaping from the police and was struck by a train that was crossing. He contended that because the petitioner's son had fled police custody, this was not a case of a custodial death and refuted the District Court's testimony.

VI. JUDGEMENT:

According to the court's ruling, the petitioner is given compensation for her son's death while in the custody of the police. There is no justification for contesting the veracity of the evidence, which the District Judge recorded and confirms that the deceased was twenty-two years old and had a monthly salary ranging from 1,200 to 1,500 rupees. The State of Orissa, the respondent, has been directed to pay Smt. Nilabati Behera one million fifty thousand rupees as appropriate compensation, in addition to an extra ten thousand rupees to the Supreme Court Legal Aid committee.

Any compensation granted in such proceedings by this court pursuant to Article 32 or by the High Court pursuant to Article 226 is a public law remedy based on strict accountability for the breach of fundamental rights. Sovereign immunity does not apply in public law compensation claims, in contrast to private law, where it may be used as a defence in tort suits. This contrast between the two types of remedies must be considered since it clarifies the criteria for compensatory awards in such actions.

VII. CONCLUSION:

The Nilabati Behera case set an important precedent in the Indian legal system, emphasizing the importance of protecting human rights and holding the state accountable for custodial deaths and violations of fundamental rights. It served as a reminder of the duty of the state to ensure the safety and dignity of its citizens and played a significant role in shaping future judgments related to custodial deaths and human rights violations in India.

VIII. REFEERENCES:

- SCC Online
- Indian Constitution
- Code of Criminal Procedure 1973
- Nilabati Behera vs. state of Orissa (1993) AIR 1960