REPORTABLE

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

NILABATI BEHERA V. STATE OF ORISSA (1993)

BENCH: Mr. Justice J.S. Verma, Dr. Justice A.S. Anand & Mr. Justice N. Venkatachala

DECIDED: March 24, 1993

RATIO DECIDENDI & PRECEDENTIAL CRUX:
State is strictly liable for custodial deaths; constitutional remedy of compensation under Article 32 operates independently of private tort remedies.

1. Factual Matrix & Background:

The petitioner's son was taken into police custody for interrogation and was found dead on a railway track the following morning with multiple injuries. The State claimed he had escaped from police custody and committed suicide. The Supreme Court ordered an inquiry by a District Judge.

2. Substantive Legal Questions Framed:

Whether the State has strict liability to pay compensation under Article 32 for custodial death resulting from police brutality, independent of sovereign immunity.

3. Analysis & Ratio Decidendi:

The Supreme Court held that the State is under a strict legal duty to ensure that citizens taken into police custody are not subjected to inhuman treatment or violence. Sovereign immunity is inapplicable in public law actions for violations of fundamental rights. The Court awarded substantial monetary compensation to the mother and directed prosecution of the police officers involved.

4. Principles Enunciated:

- 1. Strict liability applies to the State for custodial deaths and custodial violence.
- 2. Sovereign immunity doctrine is no defence against fundamental rights violations.
- 3. Constitutional compensation is distinct from and in addition to private civil damages.

5. Practical Litigation Implications:

- In cases of custodial torture or death, immediately invoke writ jurisdiction under Article 32 or 226 seeking magisterial inquiry under Section 176 CrPC and exemplary compensation.

.....J.
[SUPREME COURT BENCH]

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