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Review Article

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Nilabati Behera V. State of Orissa: A Critical Analysis

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Introduction

Among human social ideals, the sacredness of human life is arguably the most fundamental. This principle is enshrined in internationally approved declarations of human rights and is a cornerstone of all civilized cultures and their legal frameworks. Central to these declarations is the recognition that everyone has the right to live their life free from unjust intervention by others. A democracy can only be considered successful if it upholds the rights of its people to defend their own lives and liberties.

In India, the right to life and personal liberty is guaranteed by Article 21 of the Constitution [1]. Article 21 asserts, "No person shall be deprived of his life or personal liberty except according to procedure established by law." In India, the right to life and personal liberty is guaranteed by Article 21 of the Constitution. Article 21 states "No person shall be deprived of his life or personal liberty except according to procedure established by law." The important components of Article 21 include –

- Person
- Deprivation of Life
- Deprivation of Personal Liberty
- Procedure Established by Law

This provision forms the bedrock of fundamental rights in India, ensuring that the state cannot arbitrarily or unjustly infringe upon an individual's most basic freedoms.

The landmark case of Maneka Gandhi v. Union of India significantly expanded the scope of Article 21 [2]. In its judgment, the Supreme Court of India held that the procedure of depriving a person of their life and liberty must be just, fair, and reasonable. This interpretation places a duty on the courts as the custodian and protector of fundamental rights to prevent breaches of these rights and to uphold their sanctity. Consequently, the judiciary has a critical role in deterring violations and ensuring justice.

Despite these constitutional protections, custodial violence remains a grave concern in India. This issue is particularly alarming given that the perpetrators are often the very individuals entrusted with protecting citizens' rights. The protection of individuals from torture and abuse by police and other law enforcement agencies is paramount in a free society. Acts of custodial violence, committed under the authority of the state and often within the confines of police stations or lock-ups, where victims are most vulnerable, represent a severe breach of trust and an abuse of power.

International instruments such as the Universal Declaration of Human Rights (UDHR) have strongly influenced the Indian Constitution. Article 9 of the UDHR explicitly states that "No one shall be subjected to arbitrary arrest, detention or exile." Furthermore, the International Covenant on Civil and Political Rights (ICCPR) stipulates in Article 9(5) that "Anyone who is a victim of unlawful arrest or detention shall have an enforceable right to compensation [2,3]." These provisions underscore the global consensus on the need to protect individuals from state abuse and to provide remedies for violations of fundamental rights.

"Custodial torture" represents a direct assault on human dignity, stripping individuals of their personal autonomy and subjecting them to inhumane treatment. Such calculated assaults on human dignity must be decisively addressed by the judiciary, which should stand firmly behind victims, supporting them in their quest for justice and helping to uphold the principles of civilization. The persistence of custodial violence in India calls for a rigorous

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examination of the existing legal and institutional frameworks designed to protect fundamental rights. There is a compelling need for a mandatory and enforceable right to compensation for victims of unlawful arrest, detention, and torture. Such a system would not only provide justice and reparation to victims but also act as a deterrent against future violations by government officials. Establishing a robust compensation mechanism is essential for strengthening democracy and ensuring that the state remains accountable to its citizens.

This research paper explores the extent of custodial violence in India, the effectiveness of existing legal provisions, and the role of the judiciary in safeguarding fundamental rights. It examines international standards and compares them with the Indian context, highlighting the gaps and suggesting reforms to align India's practices with global human rights norms. The study aims to shed light on the urgent need for a more robust and enforceable right to compensation for victims, thereby enhancing the protection of human dignity and reinforcing the principles of justice in Indian society.

Facts of the Case

A letter was sent to the Supreme Court on September 14, 1988, by Nilabati Behera, mother of the deceased Suman Behera, which was treated as a writ petition under Article 32 of the Constitution of India for determining the claim of compensation upon the death of Suman Behera while in police custody [4].

The said Suman Behera was taken into police custody at about 8 a.m. on December 1, 1987, in connection to theft by the Police Officers of the Jeraikela Police Outpost under police station Bisra, District Sundergarh in Orissa. On the next day, December 2, 1987, the petitioner got the news of the death of her son, when the body was found on a railway track, near the Jeraikela Railway Station. The petitioner prayed before the Hon'ble Supreme Court to award compensation to her for the infringement of the fundamental right to life guaranteed under Article 21 of the Constitution [5]. The petitioner alleged that it was a case of custodial death as Suman Behera died due to multiple injuries inflicted on him when he was in police custody.

The respondents claimed that Suman Behera managed to escape police custody at about 3 a.m. on the night between the 1st and 2nd of December, 1987. Therefore, his death which occurred as a result of a train running over, only happened after he had escaped police custody. The Learned Additional Solicitor General appearing for the respondents contended that Suman Behera escaped from police custody after chewing the rope to which he was bound and therefore, as soon as he stepped out from the police station, the care and duty of the police towards him came to an end. It was also contended that the injuries on his face and the left temporal region could not have resulted from the lathi blows of the Police but rather being run over by a train.

The Apex Court directed the District Judge of Sundergarh in Orissa to hold an inquiry into the death of Suman Behera and submit a report. After conducting the inquiry, the District Judge submitted the report that stated that Suman Behera died as a result of multiple injuries inflicted on him during the time he was in police custody. Although there were injuries from the train accident such injuries in his face and the left temporal region were post-mortem injuries while the others all were ante-mortem. Hence, it was declared a case of custodial death.

Issues raised before the Court:

- Whether it is a case of custodial death as alleged by the petitioner?
- Whether the constitutional courts, while exercising their jurisdiction under Articles 32 and 226 of the Indian constitution, can give monetary compensation for violations of basic rights?

Judgment

The case was adjudicated by Judges J.S. Verma, Dr. A.S. Anand, and N.G. Venkatachala, where they held that it was a case of custodial death and the State was liable to pay compensation to the petitioner for the infringement of Suman Behera.

The Court relied on the testimony of the doctor conducting the post-mortem investigation, who opined that all injuries on Suman Behera were a result of a merciless beating given to him rather than caused in a train accident. The next issue that the Court decided was on the liability of the respondents for the compensation of Suman Behera's mother, the petitioner, for Suman Behera's custodial death.

In the case of Rudul Shah v. State of Bihar, the petitioner approached the Apex Court for infringement of his fundamental right due to illegal detention. The Court held that under Article 32 of the Indian Constitution, Courts can grant compensation for depriving a fundamental right [6]. The Court also stated that the right to compensation serves as redress for the unlawful actions of State instrumentalities that carry out their illicit activities in the name of the public interest. As a result, these entities defend themselves by using the State's authority as a shield to hide their illegal activities behind a veil of sovereign immunity, and the Courts are within the powers to grant compensation for the damages that the victims besides enforcing their fundamental right to life and liberty under Article 21 of the Constitution [7].

In the case of Bhim Singh v. State of Jammu & Kashmir, the illegal detention of the petitioner in police custody was held to be violative of his fundamental rights under Articles 21 and 22(2) and the State was directed to pay monetary compensation [8].

In Saheli: A Women's Resources Centre v. Commissioner of Police, Delhi Police Headquarters, the Vicarious liability of the State i.e., the State is liable for the tortious acts of its employees was upheld and was directed to pay compensation to the mother of the deceased who died as a result of police assault and beating [9].

Thus, referring to the above cases, the Court held that the petitioner was entitled to compensation from the State of Orissa, for an amount of Rs. 1,50,000. They opined that "the court is not helpless and the wide powers given to this Court by Article 32, which itself is a fundamental right, imposes a constitutional obligation on this Court to forge new tools, which may be necessary for doing complete justice and enforcing the fundamental rights guaranteed in the Constitution, which enable the award of monetary compensation in appropriate cases, where that is the only mode of redress available." The Court also cited

international instruments like the International Covenant on Civil and Political Rights, 1966 which states in Article 9(5) that "anyone who has been a victim of unlawful arrest or detention shall have an enforceable right to compensation [10-12]."

Analysis of the Judgment

The Supreme Court of India's decision in the case of Nilabati Behera v. State of Orissa marked a pivotal moment in addressing violations of fundamental rights, particularly concerning custodial deaths. The court's judgment, based on a thorough examination of evidence, clearly demonstrated the injuries sustained by Suman Behera and the circumstances leading to his death are a glaring example of custodial deaths.

In this historic decision, the Supreme Court decisively affirmed that the individual's entitlement to life and personal freedom, safeguarded by Article 21 of the Indian Constitution, was infringed upon as a result of his demise while under police custody. The court concluded that the state had neglected its responsibility to protect the life of an individual under its care, thus holding it directly accountable for violating the victim's fundamental rights. Crucially, the court dismissed the state's argument of immunity for its officers' actions, establishing a precedent for holding the state accountable in cases of human rights violations.

The court determined that the principle of sovereign immunity did not apply in such cases, affirming that the state cannot avoid accountability for its officers' conduct, particularly when such conduct leads to the infringement of fundamental rights. Additionally, the court recognized the entitlement to compensation for such infringements. It declared that in instances where an individual's right to life is breached, leading to death, the deceased's closest relative is eligible for compensation from the state. As a result, the court mandated the state of Orissa to provide Nilabati Behera with Rs. 1,50,000 as compensation for her son's death in custody.

This verdict underscored the inviolability of fundamental rights, particularly emphasizing the intolerability of any infringement, especially concerning the right to life and personal liberty. By shifting the burden of proof onto the state in cases of custodial deaths, the court fostered greater transparency and accountability within law enforcement agencies. The ruling highlighted the judiciary's role as the custodian of citizens' fundamental rights and emphasized the importance of constitutional remedies under Article 32. Essentially, the judgment in Nilabati Behera vs. State of Orissa reaffirmed the paramount significance of the right to life and personal liberty, establishing crucial legal precedents regarding custodial deaths and state accountability. It underscored the state's responsibility in such incidents and affirmed the right of the victim's family to receive compensation, thereby significantly influencing discussions on custodial violence and state liability.

Liability of the State to Pay Compensation for the Infringement of the Fundamental Right of Life and Liberty Under Article 21

In India, compensation for unlawful arrest, detention or torture, and custodial death is not an enforceable right. In India, compensation for such victims is issued at the judge's discretion rather than by law. International instruments like the International Covenant on Civil and Political Rights (ICCPR) and the European Convention on Human Rights (ECHR) provide explicit enforceable rights of compensation to the victims of illegal arrest and detention [13,14]. Thus, a mandatory right must be established for victims of State-imposed abuse, encouraging victims to bring their cases to court and deterring government officials from committing criminal activity.

In the Indian Constitution, Article 32 States

"Remedies for Enforcement of Rights Conferred by this part

- The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this Part is guaranteed.
- The Supreme Court shall have the power to issue directions or orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warranto, and certiorari, whichever may be appropriate, for the enforcement of any of the rights conferred by this Part."

Rudul Shah v. State of Bihar marked the inaugural instance where the Supreme Court construed Article 32 within the context of the entitlement to compensation for victims of wrongful imprisonment [15]. In this case, the petitioner underwent police custody under suspicion of his wife's murder, yet he was subsequently acquitted by the Sessions Court in June 1968. Despite his acquittal, he remained incarcerated for an additional fourteen years. In October 1982, the petitioner lodged a writ of habeas corpus and additionally sought reparation for the blatant infringement of his right to life and liberty as guaranteed by Article 21. The Court mandated the petitioner's release and directed the State to provide compensation totalling Rs. 35,000. It stated that "Administrative sclerosis leading to flagrant infringements of fundamental rights cannot be corrected by any other method open to the judiciary to adopt. The right to compensation is some palliative for the unlawful acts of instrumentalities which act in the name of public interest and which present for their protection the powers of the State as a shield."

In the case of Sebastian M. Hongray v. Union of India, the Supreme Court issued a writ of Habeas Corpus to produce two missing individuals [16]. When the detaining authority failed to produce them, asserting they were deceased due to unnatural causes, the Court awarded Rs. 100,000 to each family as compensation.

In Bhim Singh v. State of Jammu & Kashmir, the petitioner was unlawfully detained by the police, causing him to miss a crucial vote in the State Legislative Assembly, of which he was a member [17]. Following arguments from both sides, the Court noted that law enforcement officials are entrusted with upholding the law; thus, their actions violating an individual's civil rights deem them as violators of civil liberties. Consequently, the Court directed the State of Jammu and Kashmir to compensate Mr. Bhim Singh with Rs. 50,000. The Court stated, "In appropriate cases, we have the jurisdiction to compensate the victim by awarding suitable monetary compensation."

"A person who was mistreated by the police in custody was entitled to monetary compensation regardless of the legality or illegality of detention," the Supreme Court said in the 1989 case

Rajasthan Kisan Sangthan v. State [18]. Similar to this, in Saheli: A Women's Resources Centre v. Commissioner of Police, Delhi Police Headquarters, the Supreme Court upheld the entitlement to compensation [19]. In this instance, a nine-year-old child died at the hands of the police. The court rejected the State's claim of immunity, and compensation of 75,000 rupees was granted.

While these cases have contributed to establishing a right to compensation, the Court has not interpreted it as an absolute or mandatory entitlement. Instead, each case is decided based on its specific facts and circumstances, as well as the discretion of the presiding judge. Consequently, this discretionary approach of the Courts has often deterred victims from seeking legal recourse, leading to instances where victims do not receive fair compensation. In the Sube Singh v. State of Haryana case, the Court opined that before awarding compensation, it must assess whether the violation of the right to life is "clear and undeniable, profoundly affects the conscience of the court, and results in the death or disability of the detained individual [20]."

Furthermore, besides the aforementioned criteria, government officials enjoy both de jure and de facto sovereign immunity in various respects. For example, under Article 34 of the Constitution of India, Parliament provides immunity to individuals aiding them in maintaining or restoring order in territories under martial law [21]. Nevertheless, Article 300 allows for legal action against the Government of India and State Governments. However, Article 355 stipulates that the Central Government is obligated to safeguard the States from "external aggression and internal disturbance [22,23]." Consequently, it is incumbent upon the Courts to uphold the citizens' most fundamental right to life and prevent its infringement by the State.

Rights of the arrested and Compensation by the State

To streamline arrests and decrease incidents of custodial violence, Chapter V of the Criminal Procedure Code, 1973 deals with the arrest of a person and safeguards that are to be followed by the Police to protect the interest of the arrested person.

Right to know the grounds of arrest - Section 50(1) enjoins every police officer arresting a person without a warrant to inform him/her of their grounds of arrest and on the other hand Section 50A gives the right to the arrested person to nominate a person, to whom the grounds of the arrest are communicated [24,25]. Such a person can be any family member, friend, or relative, as per Section 55 of CrPC, when any person is being arrested by any police officer, who is deputed by a senior police officer, then such subordinate officer shall before making such an arrest, notify the person to be arrested of the substance of the written order given by the senior police officer specifying the offence or other cause for which the arrest is to be made [26]. If this provision is not complied with, then the arrest would be rendered illegal. Section 75 on the other hand states that "the police officer or other person executing a warrant of arrest shall notify the substance thereof to the person to be arrested, and if so required, shall show him the warrant [27,28]." If the substance of the warrant is not notified, the arrest would be rendered unlawful [29]. Apart from provisions in the CrPC, the Constitution of India under Article 22(1) mandates that every person arrested will be informed readily of his grounds of arrest [30]. The Supreme Court has observed the importance of the rights of the arrested to know their grounds and has stated in that regard that:

"Article 22(1) embodies a rule which has always been regarded as vital and fundamental for safeguarding personal liberty in all legal systems where the rule of law prevails. The two requirements of clause (1) of Article 22 are meant to afford the earliest opportunity to the arrested person to remove any mistake, misapprehension, or misunderstanding in the minds of the arresting authority and, also, to know exactly what the accusation against him is, so that he can exercise the second right, namely, of consulting a legal practitioner of his choice and to be defended by him."

The requirement is that the grounds of the arrest should be communicated in a language understood by him otherwise it would not constitute sufficient compliance with the requirement [31,32].

Information regarding the right to be released on bail – Section 50(2) states "Where a police officer arrests without warrant any person other than a person accused of a non-bailable offence, he shall inform the person arrested that he is entitled to be released on bail and that he may arrange for sureties on his behalf." This provision helps the arrestee know about his right to be released on bail [33].

Right to be taken before a Magistrate without delay – According to Section 56 of the CrPC, a police officer who arrests someone without a warrant must promptly present the arrested individual to a magistrate with jurisdiction or to the police officer in charge of the station, as per the conditions of the arrest [34]. Furthermore, Section 76 of the CrPC mandates that a police officer executing an arrest warrant is legally required to bring the arrested person before the court [35]. This section specifies that the individual must be presented within 24 hours of the arrest, excluding the time required to travel from the place of custody to the Magistrate Court.

Right to not be detained for more than 24 hours without judicial intervention – Here, it is also immaterial whether the arrest is with or without a warrant and the arrestee has to be produced before a Magistrate within 24 hours. In this regard, section 57 provides [36].

"No police officer shall detain in custody a person arrested without a warrant for a longer period than under all the circumstances of the case is reasonable, and such period shall not, in the absence of a special order of a Magistrate under section 167, exceed twenty-four hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court."

If the arrest is made under a warrant, the proviso to Section 76 provides a similar rule in substance [37]. In the case of Mohd. Suleman v. King Emperor, the Court highlighted the importance of the right of the accused to be produced before the Magistrate within 24 hours of arrest as [38].

The right to be brought before a Magistrate within a period of not more than 24 hours of arrest has been created with a view:

- to prevent arrest and detention for the purpose of extracting confessions, or as a means of compelling people to give information;
- to prevent police stations being used as though they were prisons – a purpose for which they are unsuitable;
- to afford an early recourse to a judicial officer independent of the police on all questions of bail or discharge."

By the Constitution (Forty-fourth Amendment) Act, 1978 this right has also been made a fundamental right under Article 22(2). Therefore, if a police officer fails to produce an arrestee before a Magistrate within 24 hours, he will be held guilty of wrongful detention [39].

Right to free legal aid – According to Section 304 of the CrPC, the court may designate a pleader for the accused's defence at the State's expense if the trial is held before the Court of Session and the accused is not represented by a lawyer or if it seems that the accused lacks the resources to appoint one [40]. Also, Article 39A of the Constitution obligates a state to provide free legal aid to achieve justice. In the case of Khatri (II) v. State of Bihar, the Supreme Court recognized the right to free legal aid and observed that this right is available from the time the accused is produced first brought before the Magistrate and also when he is remanded from time to time [41]. The Apex Court also assigned the duty to all the Magistrates and Courts to inform the accused of their right to free legal aid. In the case of Sukh Das v. Union Territory of Arunachal Pradesh, the Court held – "The right of indigent accused cannot be denied even when the accused fails to apply for it [42]." The state will render the entire trial null and void if it does not give the impoverished accused individual access to legal representation.

Right to consult a lawyer - The CrPC's Section 41D guarantees inmates the right to legal counsel while being questioned.

According to Article 22(1) of the constitution, the individual who has been arrested is entitled to choose a lawyer and to have them represent him [44].

A person has the right to be defended by a lawyer of his choice when they are accused of committing a crime and facing legal action against them, according to Section 303 of the Criminal Procedure Code [45].

Right to be examined by a medical practitioner – While Section 53 enables the police officer to compel an arrested person to undergo a medical examination with the view to facilitate the investigation, section 54 vests a similar right on the accused to get himself medically examined if he believes that it will be helpful to showcase his innocence. Accordingly, the Supreme Court has conferred the duty on the Courts to inform the accused that they have a right to get themselves medically examined [46].

In order to maintain transparency in the accused-police relationship, the Supreme Court has laid down several guidelines in the cases of Joginder Kumar v. State of U.P. and D.K. Basu v. State of West Bengal [47,48].

In the case of Joginder Kumar v. State of U.P [48]. The Court framed the following instructions –

- "An arrested person being held in custody is entitled, if he so requests to have one friend, relative or other person who is known to him or likely to take an interest in his welfare, told, as far as is practicable that he has been arrested where he is being detained.
- The police officer shall inform the arrested person when he is brought to the police station of this right.
- An entry shall be required to be made in the dairy as to who was informed of the arrest. Those protections from power must be held to flow from Articles 21 and 22(1) enforced strictly."

In the case of D.K. Basu v. State of West Bengal, the Supreme Court laid down the following requirements that are to be followed in all cases of arrest or detention [50].

- "Police officers conducting arrests and interrogations must wear "visible, accurate, and clear identification and name tags," and record this information in a register.
- The arresting police officer must prepare a memo at the time of arrest. This memo must be verified by at least one witness, who can either be a family member of the accused or a respected individual from the area where the arrest occurred. The memo must be countersigned by the accused and include the time and date of the arrest.
- When the accused is held in the custody of the police station or the interrogation centre or in any other lock-up, the police have to inform, as soon as practicable any friend or relative that he has been arrested and is being detained in which particular place. If the attesting witness of the memo is such a friend or relative, there is no need to relay such information again.
- The time, place of arrest, and venue of custody of the accused must be relayed to a friend or relative, if they live outside the district, within 8 to 12 hours of arrest, through the Legal Aid organisation in the district and the police station of the area concerned.
- The arrestee must be made aware of his right "to have someone informed of his arrest or detention as soon as he is put under arrest or is detained."
- diary entry must be made regarding the arrest of the person, the name of the friend to whom the information of the arrest has been conveyed should be recorded, and the information of the police officials in whose custody the arrestee is.
- When the arrestee requests to be examined at the time of arrest, the "inspection memo" must be signed both by the police officer effecting the arrest and a copy of the same must be provided to the arrestee.
- The arrestee must be subjected to a medical examination by a trained doctor every 48 hours.
- Copies of all the documents must be sent to the Illaqa Magistrate for his record and perusal.
- The arrestee may be permitted to meet his lawyer during the course of his interrogation.
- All information regarding the arrest and the place where the arrestee has been held in custody must be relayed to the police control room, which will be established in every district, and at the police control room, it should be displayed on a visible notice board."

The Supreme Court firmly said that failure to comply with the above-mentioned guidelines will not only result in the

departmental inquiry of the officer liable but also such officer will be subject to punishment of contempt of court.

Conclusion

The Latin maxim "Ubi jus, ibi remedium" asserts that there is no wrong without a remedy. This principle demands that whenever a person's rights are violated and damage is incurred, they must have access to a remedy. In the context of custodial violence and deaths, a mere declaration of the invalidity of action or findings of brutality or death in custody does not provide a substantial remedy to the victims or their families. While the Indian Penal Code (IPC) includes provisions such as Section 220, which punishes officers who wrongfully detain individuals with malicious intent, and Section 330, which penalizes torture during investigations, these laws are ineffective if not properly enforced [51,52].

To address this, the judiciary must set precedents that mandate monetary compensation for victims of police abuse. International instruments, notably Section 9(5) of the International Covenant on Civil and Political Rights (ICCPR), 1966, clearly state that victims of unlawful arrest or detention should have an enforceable right to compensation. Despite India ratifying the ICCPR in 1979, it has failed to incorporate this right to monetary compensation for violations of the right to life under Article 21 of the Constitution [53].

The right to life is the most fundamental right available to an individual. Its violation by police officers, who are supposed to protect this right, represents one of the most egregious breaches of fundamental rights. The Supreme Court's decision in Nilabati Behera v. State of Orissa was crucial in establishing the right to monetary compensation for the violation of the right to life by the police. This case underscores the necessity for the Indian legal system to align more closely with international standards, ensuring that victims receive not only justice but also adequate reparations for the wrongs they have suffered. Moving forward, the judiciary's role in enforcing these compensatory measures is essential to uphold the sanctity of fundamental rights and to deter future violations.

References

1. The Constitution of India. 1950.
2. Maneka Gandhi V. Union of India. AIR. 1978.
3. Universal Declaration of Human Rights. 1948.
4. International Covenant on Civil and Political Rights. 1976.
5. Nilabati Behera V. State of Orissa. 1993.
6. The Constitution of India. 1950.
7. Rudul Shah V. State of Bihar. 1983.
8. ibid 1.
9. Maneka Gandhi V. Union of India. AIR. 1978.
10. Bhim Singh V. State of Jammu & Kashmir. 1984.
11. Saheli A. Women's Resources Centre V. Commissioner of Police. Delhi Police Headquarters. 1990.
12. International Covenant on Civil and Political Rights. 1976.
13. ibid 8.
14. European Convention on Human Rights. 1950.
15. Rudul Shah V. State of Bihar. 1983.
16. Sebastian M. Hongray V. Union of India. 1984..
17. Bhim Singh V. State of Jammu & Kashmir. 1984.
18. Rajasthan Kisan Sangthan V. State AIR. 1989.
19. ibid 8.
20. Sube Singh V. State of Haryana. 2006.
21. The Constitution of India. 1950.
22. The Code of Criminal Procedure. Act No. 2. Acts of Parliament. 1973.
23. Ajt Kumar V. State of Assam. 1976.
24. Satish Chandra Rai v. Jodu Nandan Singh. ILR. 1899.
25. The Constitution of India. 1950.
26. Madhu Limaye, re. 1969.
27. Harikisan V. State of Maharashtra. 1962.
28. Mohd. Suleman V. King Emperor. 1925.
29. Sharifbai V. Abdul Razak. AIR. 1961.
30. Khatri (II) V. State of Bihar. 1981.
31. Sukh Das V. Union Territory of Arunachal Pradesh. 1986.
32. The Constitution of India. 1950.
33. Sheela Barse V. State of Maharashtra. 1983.
34. Joginder Kumar V. State of U.P. 1994.
35. DK Basu V. State of West Bengal. 1997.
36. Ibid.
37. ibid 46.
38. Indian Penal Code. No. 45. Acts of Parliament. 1860.
39. ibid 4