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**AN ANALYSIS OF FALSE IMPRISONMENT AND RIGHT TO LIBERTY:
JUDICIAL INTERPRETATION**

Aditi Agarwal¹

ABSTRACT

False imprisonment is defined as the act of detaining a person against his or her will in a bounded area for no reason. False incarceration is defined as the detention of a person without his or her agreement or without legal authority. False confinement, for example, occurs when someone unfairly blocks someone from exiting a room or vehicle when that person wishes to leave. False arrest is one of various methods used to commit false incarceration. False arrest refers to when a peace officer or someone who pretends to have the authority to conduct an arrest commits false incarceration. As a result, a tort case for wrongful imprisonment based on false arrest brought against someone who isn't a peace officer suggests that the detention or restraint used to support the tort was carried out by someone who claims the authority to arrest. False arrest, on the other hand, is nearly indistinguishable from false imprisonment. The only difference between them is how they appear. Fake imprisonment can be committed in a variety of ways, including false arrest. False incarceration, on the other hand, is performed without any intention of trying arrest. This article will look at the core law that applies to false incarceration, as well as possible defences. It's worth noting that the claim of false detention can lead to both civil (tort) and criminal prosecution.

INTRODUCTION

“A false imprisonment of one is the complete deprivation of his liberty for any time, however short, without lawful cause. Imprisonment is no other thing but the restraint of a man’s liberty, whether it be in the open field or in the stocks or in the cage, in the streets, in a man’s own house as well as in the common goal and in all the places the party so constrained is said to be a prisoner so long as he hath not his liberty freely to go at all times to all places whither he will without bail or otherwise”².

False/wrongful imprisonment occurs when an individual (who lacks the legal right or justification) intentionally restricts another person's freedom. False imprisonment can be prosecuted in both civil and criminal courts when someone intentionally restricts another person's rights. False imprisonment is described by a number of factors:

¹ The author is a student at Symbiosis Law School, Hyderabad.

² Termes de Ta Ley S.V. on imprisonment approved by Duke and Atkin, L.JJ in Meerings v. Grahama White Aviation Co. Ltd., (1919) 122 LT 44.

1. The most likely reason for incarceration or imprisonment .
2. The plaintiff's knowledge that he or she will be imprisoned.
3. The defendant's purpose during his or her incarceration and detention time is essential.
3.
4. Case Law: **Rudal Shah vs. State of Bihar**⁴, Facts: Despite his acquittal, the plaintiff, an under-trial, was wrongfully or immorally imprisoned for many years. Court held that : The High Court of Patna said that an under-trial must be released as soon as the court finds him not guilty. Any subsequent arrest is void. As compensation, the state was required to pay Rs. 30,000.

Case Law: **Bhim Singh vs. State of Jammu and Kashmir**⁵, Facts: The applicant, a former member of the J&K MLA, was expected to attend a meeting of the Assembly. His opponents unjustly arrested him with the help of some officials and the police, who prevented him from coming to the convention. The magistrate also handed over custody to the police unless the suspect appeared in the Magistrate's Court before being remanded in custodianship He was discharged after the Assembly session ended.

The Supreme Court found the State responsible for the petitioner's unlawful arrest and imprisonment and ordered the petitioner to be compensated in the amount of Rs. 50,000.

Article 21⁶ mentions that “No person shall be deprived of his life or personal liberty except according to the procedure established by law”, and this is called as the Right to Life and Personal Liberty.

In *Maneka Gandhi v. Union of India*⁷, The Supreme or apex Court broadened the horizons of the term "Personal Liberty" to give it the broadest possible meaning. The Court held that the term "personal liberty" in Article 21 has the broadest meaning and encompasses a wide range of rights that contribute to a man's personal liberty, some of which have been elevated to Article 19 elevates different fundamental rights to the level of distinct fundamental rights, providing more and extra safeguards and protection.

The court ruled that personal liberty could not be interpreted in a narrow and strict context. According to the court, personal liberty must be considered in a diverse and liberal context. As a result, Article 21 has been granted a broad meaning. The court ordered that future courts

³ P.S. Atchuthen Pillai, Law of Tort | 5. False Imprisonment.

⁴ AIR 1983 SC 1086.

⁵ AIR 1986 SC 494.

⁶ INDIAN CONST. art 21.

⁷ AIR 1994 SC 1349.

broaden Article 21's horizons to include all Fundamental Rights, rather than construing it in a narrower context. It has always been a subject of intense discussion and debate, particularly in wake of rapid developments in this regard, since its broad understanding of its meaning and interpretation and meaning provided in the Maneka Gandhi case. This is an effort to illustrate some of the extended areas of the "right to life and personal liberty," as well as to assess its implications for the administration of justice.⁸.

This is valid not only for private detention but also for government detention. It is illegal under criminal law if the restriction is absolute or partial. The offence of wrongful confinement, as described in I Section 340, occurs when the prohibition is complete and the individual is prohibited from leaving such circumscribed areas. In this way, the Indian penal code penalises wrongdoing. Parts 339 to 348. When it comes to the law, demonstrating false imprisonment is enough to get a Habeas corpus written.. It is not appropriate to imprison the individual, but he should be trapped in an atmosphere from which he has no way of escaping except by the will of the individual who has imprisoned him. Depending on the rules of the state, wrongful arrest may be both a crime and a malicious tort.

One of the most fundamental concepts of human existence is the right to live a free, complete, and dignified life. Every person has the right to live their lives according to their own will basis, free from unjustified interference. Only when people are free to protect their own lives and freedoms can a democracy function effectively. In India, people have the right to life and personal liberty, which is guaranteed by Part III of the Indian Constitution of 1950. These Fundamental Rights embody the people's fundamental principles and are guaranteed against state acts, which means that no state authority will violate a citizen's fundamental rights unless it follows the legal procedure.

Hence, This Article forbids the state from infringing on a person's right to life and personal liberty. The term "state" applies to all bodies with legislative authority, such as the federal and state governments, municipal governments, and so on. As a result, private entities' violations of the right are not protected. The right to personal liberty, equality, and a dignified life, as guaranteed by the Constitution in Articles 20⁹ and article 21¹⁰, cannot be revoked except in extreme circumstances, and false imprisonment is inassociated with it.

⁸ 1, Nath, Himangshu Ranjan, *Right to Life and Personal Liberty Under the Constitution of India: A Strive for Justice* (October 16, 2013). Dibrugarh University Law Journal,

⁹ INDIAN CONST. art 20.

¹⁰ *Id.* at 4.

False imprisonment may occur due to the defendant's malicious intent or incompetence, but the complainant is the one who suffers; thus, when granting damages, one must consider the defendant's place of confinement, length of confinement, and force used. The above factors would ensure that the person who has been wronged receives only compensation. False imprisonment is also a violation of Article 21 of the Indian Constitution, which ensures the right to life and liberty. Anyone who has been wrongfully convicted has the right to sue the wrongdoer for violating their human rights. We have the constitutional right to move freely under Article 21, and anyone who restricts that right can be sued in a court of law¹¹.

FALSE IMPRISONMENT

Concept And Meaning

According to Dr. Winfield, "False Imprisonment" is defined as "the imposition of a total limitation on the liberty of another without sufficient justification for a length of time, however brief." False incarceration is when someone holds someone against their will without legal authority or justification. In reality, anyone who restricts another's freedom of movement without their consent (and without legal cause) may be charged with false imprisonment, which is both a criminal and civil offence. False imprisonment, on the other hand, is carried out for a specific goal without any legal reason. Physical force is frequently used in false incarceration, but it is not required. The threat of force or arrest, or the assumption that force will be used by the person being restrained, is sufficient. Physical impediments or undue duress exerted on the individual being confined might also be used to restrain them. An individual must be confined to a large degree, with his or her freedom of movement completely restricted, in order to claim damages for false imprisonment. False incarceration does not include interfering with or impeding an individual's ability to move where she or he wants. For example, if Bob enters a room and Anne bars him from leaving through one exit but not the one he entered through, Bob has not been falsely imprisoned. False imprisonment does not include accidental or unintended confinement, such as when someone is locked in a room by mistake; the person who caused the confinement must have planned the restraint. A person who claims to have been falsely imprisoned may sue for damages for the interference with her or his right to freedom of movement. An individual who has incurred no actual damages as a result of an illegal detention may be granted nominal damages in acknowledgment of the defendant's wrongful conduct's

¹¹ P.S. Atchuthen Pillai, Law of Tort | 5. False Imprisonment.

breach of rights. A plaintiff can be reimbursed for bodily injuries, mental suffering, lost wages, and attorneys' costs if they have proof of their injuries. Punitive Damages may be awarded if the detention was done with malice or excessive or unnecessary violence.

What Do You Mean By Fraudulent Arrest?

False incarceration is linked to false arrest, although there is a subtle distinction between the two. However, the distinction is difficult to discern. False arrest is defined as the incarceration of a person without any legal basis. It is carried out without presuming probable cause or legal permission. False arrest is a sort of false detention in which the person being held believes that the person who is detaining him or her has legal authorization to do so. When a law enforcement officer has probable cause for an arrest, he or she will not be held accountable for making a wrongful arrest. The onus is on the arresting officer to prove that his or her actions were justified by probable cause. When the facts of the case and circumstance of the situation known to the officer at the scene of the arrest lead the officer to believe that a crime has taken place and that the person detained committed the offence, the officer has reasonable grounds.

Essential Elements

- **Total restraint** - False detention necessitates entire constraint, which means the claimant is unable to flee in any direction. As a result, the defendant is not liable for failing to provide a safe exit for the claimant to exit. The length of detention is irrelevant in determining whether or not there has been false imprisonment.¹²

In *Bird v. Jones*¹³, the defendant blocked the highway to watch a boat race, and it was determined that the plaintiff was not imprisoned since only a portion of his liberty was curtailed, not his entire liberty.

There must be absolute blockage or total restraint of the individual in false imprisonment; there is no other method to move out is required to prove the tort against the defendant. When someone freely agrees to a stay condition, it is not considered false imprisonment.

- **Duration of confinement** -The frequency of imprisonment must be considered when determining the severity of confinement and the amount of damages to be granted for damages or injuries sustained. Even legal confinement that is kept for longer than is

¹² *Ambalam v. Jagarnath*, 1959 Madras 89.

¹³ (1845) 7 QB 742.

necessary will be considered illegal. For example, if an arrested person is not brought before a court within 24 hours following being apprehended by the police, the authorities might be held accountable for illegal detention.

- **Intention-** In most cases, false imprisonment must be done on purpose. A person is not liable for false imprisonment unless his or her act is done with the intent to impose confinement or with understanding that confinement would be imposed with a high degree of certainty.

In maximum cases of false imprisonment, the judge must evaluate the defendant's purpose as a matter of fact based on the evidence. Even inadvertent acts can be considered false imprisonment. For example, if a person locks someone inside a room without realising that someone is there, he may be held accountable for false imprisonment.

- **Knowledge of the plaintiff-**There is no requirement that the plaintiff facing false detention was aware of the restriction on his liberty when he was imprisoned. The defendant will still be held accountable if the person is confined in a room with one of the plaintiff's known entries closed and the room has more than one entranceway, but the plaintiff has no awareness of the same. As a result, the person who is confined does not have to be aware of it or be affected by it because it is actionable in and of itself.

Defences To False Imprisonment

One or more of the elements of proof are generally involved in false imprisonment defences.

- **Consent -**In the situation of false detention, the maxim *volenti non fit injuria* applies. It must be an involuntary restraint. If the plaintiff chooses to behave in accordance with the defendant's request out of his or her own free will, he or she will not be imprisoned. False imprisonment cannot be claimed by someone who accesses the property of others on terms that restrict his liberty.
- **Probable cause -**When probable cause is shown, the action of wrongful confinement and false arrest is rendered null and void. According to popular belief, the standard for probable cause for incarceration and arrest is objective, based not on the individual's actual guilt, but on reliable facts or information that would lead a reasonable person to believe the accused is guilty. A defendant who has proved probable cause for the alleged tort in a wrongful imprisonment or false arrest suit is not required to prove

anything further. Even if there are malicious intents, a claim will be dismissed if probable cause is established.¹⁴

- **valid Arrest-** If the detention was made in accordance with the standards of a valid arrest, the claim of false arrest is fully nullified. A citizen's arrest is a type of arrest that can be made by anyone in certain conditions. It does not constitute a defence if the person who conducted the arrest was acting on orders from a superior officer. The superior's directions, on the other hand, may be utilised to reduce damages awards.
- **Advantage of the merchant-**If a person is accused of shoplifting, a merchant has the legal authority to imprison them. The owner must be present when the shoplifting occurs. The period of detention must be reasonable until police officers arrive. This type of imprisonment must be done in order to conduct an inquiry.
- **Minors' restraint-**If it does not affect the children, a minor can be detained by his guardian. Any other person who has acquired the approval of the parents can hold a minor.

RIGHT TO LIFE AND LIBERTY

- **Right to liberty** “No one shall be deprived of his life or personal liberty unless he is subjected to a legal procedure.” Article 21 “embodies a fundamental value of paramount importance in a democratic society,” according to Bhagwati, J. Article 21 has been described as “the procedural magna cart protecting life and liberty,” according to Iyer, J. This right has long been considered the Constitution's heart, the most organic and developing clause in our living constitution, and the bedrock of our laws. Only when a person's "life" or "personal liberty" is taken away by the "State" (as mentioned in Section 12), can they invoke Article 21. The right to life includes the right to live with human dignity and all that comes with it, including the bare necessities of life such as proper nutrition, clothing, and shelter over one's head, as well as facilities for reading, writing, and expressing oneself in various forms, freely moving about, and mixing and mingling with others.
- **Right to life** -Article 21 not only protects a person's right to life, but also his or her right to life with human dignity¹⁵, which includes safeguarding the health and strength of workers, men and women, and children of the appropriate age from abuse,

¹⁴ murray v. Minister of Defence, (1988) 2 All ER 521 (HL).

¹⁵ Maneka Gandhi v. Union of India, 1978 SCR (2) 621.

educational opportunities, and just and humane working conditions with proper maternity¹⁶. The Supreme Court ruled in *Vishakha v. State of Rajasthan*¹⁷ that sexual harassment of a working woman at her workplace constitutes a violation of gender equality and the right to life and liberty, which is a clear breach of Article 21 of the Constitution. In a landmark decision, the Supreme Court held that in the absence of approved legislation, the basic human rights of gender equality and protection against sexual harassment must be effectively enforced.

Rape has been declared a breach of a person's right to a fundamental life protected by Art. 21. The right to life includes the right to live in dignity. As a result, the right to life would encompass all aspects of life that contribute to making life meaningful, complete, and worthwhile¹⁸. The importance of one's reputation in one's life cannot be overstated. It is one of the more beautiful aspects of human civilisation that makes life worthwhile. The right to shelter has been declared a basic right in the case of *U.P. Avas Vikas Parishad v. Friends Coop. Housing Society Limited*¹⁹, which stems from the right to habitation granted by article 19(1)(e) and the right to life guaranteed by article 21. The state must offer facilities and possibilities for the poor to build residences in order for the right to be meaningful to them. The Supreme Court stated in *N.H.R.C. v. State of Arunachal Pradesh*²⁰ (Chakmas Case) that the State is obligated to safeguard the life and liberty of every human being, whether a citizen or not, and that it cannot allow anyone or a group of people to threaten another person or group of people. The right to economic empowerment of impoverished, underprivileged, and oppressed dalits was deemed to be a fundamental right that gave significance to their right to life and dignity of person.

- **Right to personal liberty** – 'No freeman shall be kidnapped or imprisoned... except in accordance with the law of the land.'

The right to privacy is regarded a "penumbral right" under the Constitution, which means that it has been determined by the Supreme Court to be vital to the fundamental right to life and liberty. The Supreme Court derived the right to privacy from Art. 21 and several other constitutional articles, as well as the Directive Principles of State Policy. Despite the fact that no single statute confers a crosscutting 'horizontal' right to

¹⁶ *Bandhua Mukti Morcha v. Union of India*, 1984 SCR (2) 67.

¹⁷ (1997) 6 SCC 241.

¹⁸ *Bodhisattwa Gautam v. Subhra Chakraborty*, 1996 SCC (1) 490.

¹⁹ *Smt. Kiran Bedi v. Committee of Inquiry*, 1989 SCR (1) 20.

²⁰ (1996) SCC (1) 742.

privacy, a number of statutes have provisions that either implicitly or explicitly protect this right²¹.

- Article 21 and emergency-The supreme court held in A.D.M. Jabalpur v. S. Shukla, also known as the habeas corpus case, that article 21 was the sole source of the right to life and personal liberty, and that if the right to petition any court for the enforcement of that right was terminated by a presidential order under article 359, the detune would have no locus standi to file a writ petition challenging the legality. Article 359 was given such a broad interpretation that it amounted in the violation of people' long-cherished right to personal liberty. The fundamental freedom of the people had lost all value during the emergence of 1975, according to experience.

REMEDIES AVAILABLE AND JUDICIAL INTERPRETATION

Remedies

- **Sustained Damages Action**

Wrongful detention harms the plaintiff in a variety of ways. Damages include mental anguish, bodily discomfort, lost time and earnings, and damage to one's reputation. The court will determine the severity of such damages.

- **Damages, both nominal and compensatory**

Nominal damages are the monetary compensation given to a plaintiff who has been wrongfully detained. In the perspective of the law, mere unlawful detention is sufficient reason to award nominal damages to the petitioner. Damages suffered by the plaintiff as a result of his unlawful detention include bodily pain, emotional anguish, humiliation, and other things for which he is compensated.

- **Damages that are punitive, exemplary, or aggravated**

Punitive or exemplary damages may be granted to the plaintiff if his detention was designed with the intentional intent to continually, oppressively, and recklessly inflict injury on him. Punitive and exemplary damages might be awarded where the defendant's conduct is indiscriminate and resulting in a violation of the plaintiff's rights. Such damages are also paid in the event that the state utilises its power arbitrarily.

The court may impose aggravated damages in circumstances when the defendant has been imprisoned for a nominal reason that is offensive to the plaintiff.

- **Habeas corpus** is a legal term that refers to a person'

²¹ Kharak Singh v. State of U.P, AIR 1963 SC 1295.

A writ of habeas corpus is a form of court order. The writ of habeas corpus is issued by the Supreme Court under Article 32 and the High Court under Article 226. The phrase "HABEAS CORPUS" means "to bring the body into court" or "to present the body in court." If the plaintiff is unlawfully detained, an application for this might be made by him or someone else on his behalf.

- **Self-help**

Self-help is the first rule of criminal law. Every person has the right to self-defense in the face of any external threat or prospect of immediate danger.

- **Right to arrest**

The right to arrest is a legal right granted to specific individuals who are acting in accordance with the law. An arrest without a warrant is made in the case of a private person if the following conditions are met:

- ❖ If a person has been charged with a felony or is suspected of doing so, If someone is committing or about to commit an act that will jeopardise the public good. If you are a police officer, you can be arrested without a warrant if you meet the following criteria:

- ❖ If you suspect someone of committing a felony, call the police.
- ❖ If he is obligated to observe a specific statute,
- ❖ If the public's well-being and tranquilly are jeopardised.

JUDICIAL INTERPRETATION

- Rudal Shah vs. Bihar State²² In this dispute, the petitioner, who was on trial at the time, was wrongly imprisoned for several years notwithstanding the Court's acquittal. The High Court of Patna ruled that a person on trial shall be given free as soon as the court finds him not guilty. Any subsequent imprisonment will be illegal. The state was forced to pay a punishment of Rs. 30,000.
- State of Jammu and Kashmir vs. Bhim Singh²³ In this case, the petitioner, a J&K MLA, was scheduled to attend the Assembly sitting. To prevent him from attending the Assembly session, his opponents had him unfairly jailed with the cooperation of several executives and police. The Magistrate also remanded the accused to police custody without complying with the legal requirement that the accused appear in the

²² Rudul Sah v. State of Bihar, (1983) 4 SCC 141.

²³ AIR 1986 SC 494.

Magistrate's Court before being remanded to police custody. After the Assembly session ended, he was released. The Supreme Court found the State accountable for the petitioner's illegal arrest and imprisonment and ordered that he be compensated in the amount of Rs. 50,000.

- Jones v. Bird²⁴In this case, the respondent set up seats for viewers of the boat race on public property. Plaintiff scaled the fence, assuming he had the right to utilise that path. The defendant and two other guards stopped him from going in that direction, but he was allowed to continue in the opposite direction. The petitioner has filed a lawsuit for false imprisonment. It was decided that no one was imprisoned.
- The petitioners in D.K.Basu vs. State of West Bengal²⁵ raised fundamental questions about police powers and whether monetary compensation should be paid for demonstrated violations of Fundamental Rights under Articles 21 and 22 of the Constitution. The court concluded that incarceration violence, such as torture and death in detention, is a violation of the Rule of Law, which requires that the executive's powers be not only derived from law, but also regulated by law. The court established two safeguards to prevent police abuse of power: transparency of action and accountability. The court has issued 11 directions outlining an arrestee's or detainee's rights and how the detaining or detaining authority is supposed to behave, including a paper trail of the arrest, telling the arrestee's family of his arrest, and medical assessment on request, among other things.
- The petitioner in Joginder Kumar v. State of Uttar Pradesh²⁶ was arrested by the police officers and his presence were not revealed to his family for five days. The Supreme Court established standards for arresting a person during an investigation after taking serious note of police high-handedness and unconstitutional detention of a free citizen. If an accused individual is being held in custody, he has the right to have a friend, relative, or other person informed about his arrest and where he is being held, as far as practical.

²⁴ Jones v. Bird (1845 Q.B.742).

²⁵ AIR 1997 SC 610.

²⁶ AIR 1994 SC 1349.

SUGGESTIONS

People have the right to life as well as the right to liberty under Article 21. However, some people abuse the Fundamental Right in order to harm the state or society. This not only safeguards an individual's freedom rights, but also safeguards them against wrongful arrest, detention, and other forms of incarceration. Article 21 also covers the right to a dignified existence, which encompasses features of living in a respectful manner. It also involves the protection of children's, women's, and labourers' rights. If Article 21 is broken, and no one has the authority to deprive a person of his or her right to life, the person can go to the high court or the supreme court under Articles 226 and 32 of the constitution, respectively. The court provides numerous guidelines in various circumstances and clarifies the dimensions of false imprisonment as well as the situation in which false imprisonment is defined and all defences are explicitly stated. False incarceration can take various forms, including any threat or use of authority that forces you to remain in a room against your will. Physical force is frequently utilised, yet it is not required. Furthermore, physical barriers (such as being locked in a car) or unfair duress may be used to detain a person (such as holding someone "within the bounds of a fixed area" over a long period of time). If someone is wrongfully imprisoned, the court can set guidelines under Article 21 to defend the individual's basic and fundamental rights. This demonstrates how Article 21 has a direct impact on unlawful arrest. A court can issue a writ to defend an individual's article 21 rights.

CONCLUSION

The overall perspective of this article is concerned with an individual's full development and safeguarding his dignity through the rule of law. Every action must appear to be "reasonable, fair, and right." The right to life and personal liberty has been broadly defined to include the right to a decent life, as well as the right to livelihood, health, education, and the environment. The standard for procedural fairness has been determined to be one that is proportional to the protection of such rights. False confinement is a criminal and a civil wrong that occurs when someone intentionally restricts another's freedom of movement without their agreement (and without legal basis). It can happen in a room, on the streets, or even in a moving car, as long as the individual is unable to move freely.