

News

The Madras High Court upholds a man's ₹1 lakh compensation for police mistreatment while he was in custody.



According to a bench consisting of Justices J. Nisha Banu and M. Jothiraman, police officers play a vital role in preserving peace and order while respecting human rights.

The State Human Rights Commission's (SHRC) ruling requiring ₹1,00,000 in compensation for a man who was tortured by police while in custody was recently affirmed by the Madras High Court.

According to a bench consisting of **Justices J. Nisha Banu and M. Jothiraman**, police officers play a vital role in preserving peace and order while respecting human rights.

"Among their responsibilities are i) preserving peace, ii) enforcing the law, and iii) defending

citizens. Police officers have a duty to protect vulnerable populations, uphold human dignity, and refrain from prejudice. The Court noted that in order to foster responsibility, prevent abuse, and foster confidence, police officers must abide by human rights standing orders.

The Court additionally stated that police officers must respect individuals' basic rights and dignity while carrying out their jobs in an efficient manner by respecting human rights.

Two police officers challenged a SHRC judgment ordering them to compensate one Rajnikanth with ₹1 lakh, and the court was considering their submissions.

Rajnikanth had claimed that on December 20, 2013, he was unjustly arrested, stripped, and beaten while in detention after being picked up at three in the morning.

He added that the policemen violated his human rights by taking him to a remote location close to the Puzhal police station after he was placed under detention and assaulting him once more.

The Inspector and Sub-Inspector humiliated Rajnikanth, according to the SHRC, and their conduct violated his rights, personal liberty, and dignity.

It held the government vicariously liable and mandated that negligent police officers compensate Rajnikanth with ₹1 lakh. The government granted the suggestion and issued a money sanction order, which the police officers are currently contesting.

Police officers' legal representatives contended that the SHRC's finding of a human rights violation was baseless and that it overlooked Rajnikanth's booking for cheating under Section 420 of the Indian Penal Code.

They also disputed the compensation sum, claiming it was determined arbitrarily without adequate discussion, and argued that the NHRC criteria had not been broken.

The government attorney retorted that the SHRC's ruling was legally binding and enforceable. According to his argument, the Commission might order the State to compensate the victim and then collect the money from the negligent authorities.

According to the Court, the SHRC's recommendations under Section 18 of the Protection of Human Rights Act are legally enforceable once they are approved, barring judicial review.

"The recommendations of the State Human Rights Commission, which has been given a constitutional role with statutory backing, cannot be disregarded by adopting the ratio established by the Hon'ble Full Bench in 2021 (3) CTC 129 (quoted supra). It goes without saying that if government officials commit any conduct that violates human rights, the government is immediately or indirectly responsible for the officials' actions. According to section 18(e) of the Act, the government did not contest the state human rights commission's recommendations," the Court said.

Thus, the Court dismissed the pleas, finding no reason to intervene with the State Government's decree or the Commission's recommendation.

The petitioners were represented by advocate M Rajasekar.

The respondents were represented by advocates M Venkateshwaran, M Babu, and TC Gopalakrishnan.