



### **III. On Visits to Police Lock-ups/ Guidelines on Polygraph Tests and Arrests**





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**Letter to Chief Secretaries/Administrators of all States/Union Territories on  
the Visit of NHRC's Officers to Police Lock-ups.**

**R.V. Pillai**  
Secretary General

**National Human Rights Commission**  
Sardar Patel Bhavan, Sansad Marg,  
New Delhi-110001.

DO No.15(13)/97-Coord

1 August, 1997

Dear Shri

Officers of the National Human Rights Commission visit various States in pursuance of the directions issued by the Commission on a variety of items of work which come within its statutory responsibilities.

2. In the context of reports received by the Commission on the condition of police lock-ups in various States, the Commission has decided that the State Governments may be requested to permit officers of the NHRC to visit the police lock-ups also during their visits to States.
3. Accordingly, I am to request you to issue necessary instructions to enable officers of the NHRC visiting your State to undertake visits to police lock-ups as well.
4. A line in confirmation of the instructions issued will be greatly appreciated.

With regards,

Yours sincerely,

Sd/

**(R.V. Pillai)**

To

All Chief Secretaries/Administrators of States & UTs.



## NHRC Guidelines Regarding Arrest

**D.R. Karthikeyan**  
Director General

No. 7/11/99-PRP&P  
राष्ट्रीय मानव अधिकार आयोग  
**National Human Rights Commission**

22nd November, 1999

To

The Chief Secretaries of all States/Union Territories

Sir,

After due consideration of all the aspects involved, the National Human Rights Commission has adopted certain guidelines regarding "arrests".

A note containing these guidelines approved by the Commission is enclosed herewith. The Commission requests all the State Governments to translate these guidelines into their respective regional language and make them available to all Police Officers and in all Police Stations.

Senior officers visiting Police Stations may ensure the availability of such guidelines with respective police officers and the Police Stations and ensure their compliance.

Yours faithfully,

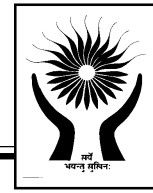
Sd/-

**(D. R. Karthikeyan)**

Copy to:

1. Home Secretaries of all States/Union Territories
2. Directors General of Police of all States

**Encl: As stated**



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## NHRC GUIDELINES REGARDING ARREST

### Need for Guidelines

Arrest involves restriction of liberty of a person arrested and therefore, infringes the basic human rights of liberty. Nevertheless the Constitution of India as well as International human rights law recognise the power of the State to arrest any person as a part of its primary role of maintaining law and order. The Constitution requires a just, fair and reasonable procedure established by law under which alone such deprivation of liberty is permissible.

Although Article 22(1) of the Constitution provides that every person placed under arrest shall be informed as soon as may be the ground of arrest and shall not be denied the right to consult and be defended by a lawyer of his choice and S.50 of the Code of Criminal Procedure, 1973 (Cr. PC) requires a police officer arresting any person to “forthwith communicate to him full particulars of the offence for which he is arrested or other grounds for such arrest”. In actual practice these requirements are observed more in the breach.

Likewise, the requirement of production of the arrested person before the court promptly which is mandated both under the Constitution [Article 22(2)] and the Cr. PC (Section 57) is also not adhered to strictly.

A large number of complaints pertaining to Human Rights violations are in the area of abuse of police powers, particularly those of arrest and detention. It has, therefore, become necessary, with a view to narrowing the gap between law and practice, to prescribe guidelines regarding arrest even while at the same time not unduly curtailing the power of the police to effectively maintain and enforce law and order and proper investigation.

### PRE-ARREST

- The power to arrest without a warrant should be exercised only after a reasonable satisfaction is reached, after some investigation, as to the genuineness and bonafides of a complaint and a reasonable belief as to both the person's complicity as well as the need to effect arrest. [Joginder Kumar's case- (1994) 4 SCC 260].
- Arrest cannot be justified merely on the existence of power, as a matter of law, to arrest without a warrant in a cognizable case.
- After Joginder Kumar's pronouncement of the Supreme Court the question



- whether the power of arrest has been exercised reasonably or not is clearly a justiciable one.
- Arrest in cognizable cases may be considered justified in one or other of the following circumstances:
    - (i) The case involves a grave offence like murder, dacoity, robbery, rape etc. and it is necessary to arrest the suspect to prevent him from escaping or evading the process of law.
    - (ii) The suspect is given to violent behaviour and is likely to commit further offences.
    - (iii) The suspect requires to be prevented from destroying evidence or interfering with witnesses or warning other suspects who have not yet been arrested.
    - (iv) The suspect is a habitual offender who, unless arrested, is likely to commit similar or further offences. [3rd Report of National Police Commission]
  - Except in heinous offences, as mentioned above, an arrest must be avoided if a police officer issues notice to the person to attend the police station and not leave the station without permission. (see Joginder Kumar's case (1994) SCC 260).
  - The power to arrest must be avoided where the offences are bailable unless there is a strong apprehension of the suspect absconding .
  - Police officers carrying out an arrest or interrogation should bear clear identification and name tags with designations. The particulars of police personnel carrying out the arrest or interrogation should be recorded contemporaneously, in a register kept at the police station.

## **ARREST**

- As a rule use of force should be avoided while effecting arrest. However, in case of forcible resistance to arrest, minimum force to overcome such resistance may be used. However, care must be taken to ensure that injuries to the person being arrested, visible or otherwise, is avoided.
- The dignity of the person being arrested should be protected. Public display or parading of the person arrested should not be permitted at any cost.
- Searches of the person arrested must be done with due respect to the dignity of the person, without force or aggression and with care for the person's right to privacy. Searches of women should only be made by other women with strict regard to decency. (S.51(2) Cr.PC.)



- The use of handcuffs or leg chains should be avoided and if at all, it should be resorted to strictly in accordance with the law repeatedly explained and mandated in judgement of the Supreme Court in Prem Shanker Shukla v. Delhi Administration [(1980) 3 SCC 526] and Citizen for Democracy v. State of Assam [(1995) 3 SCC 743].
- As far as is practicable women police officers should be associated where the person or persons being arrested are women. The arrest of women between sunset and sunrise should be avoided.
- Where children or juveniles are sought to be arrested, no force or beatings should be administered under any circumstances. Police Officers, may for this purpose, associate respectable citizens so that the children or juveniles are not terrorised and minimal coercion is used.
- Where the arrest is without a warrant, the person arrested has to be immediately informed of the grounds of arrest in a language which he or she understands. Again, for this purpose, the police, if necessary may take the help of respectable citizens. These grounds must have already been recorded in writing in police records. The person arrested should be shown the written reasons as well and also given a copy on demand. (S.50(1) Cr.PC.)
- The arrested person can, on a request made by him or her, demand that a friend, relative or other person known to him be informed of the fact of his arrest and the place of his detention. The police should record in a register the name of the person so informed. [Joginder Kumar's case (supra)].
- If a person is arrested for a bailable offence, the police officer should inform him of his entitlement to be released on bail so that he may arrange for sureties. (S.50(2) Cr.PC.)
- Apart from informing the person arrested of the above rights, the police should also inform him of his right to consult and be defended by a lawyer of his choice. He should also be informed that he is entitled to free legal aid at state expense [D.K. Basu's case (1997) 1 SCC].
- When the person arrested is brought to the police station, he should, if he makes a request in this regard, be given prompt medical assistance. He must be informed of this right. Where the police officer finds that the arrested person is in a condition where he is unable to make such request but is in need of medical help, he should promptly arrange for the same. This must also be recorded contemporaneously in a register. The female requesting for medical help should be examined only by a female registered medical practitioner. (S.53 Cr.PC.)
- Information regarding the arrest and the place of detention should be commu-



nicated by the police officer effecting the arrest without any delay to the police Control Room and District / State Headquarters. There must be a monitoring mechanism working round the clock.

- As soon as the person is arrested, police officer effecting the arrest shall make a mention of the existence or non-existence of any injury(s) on the person of the arrestee in the register of arrest. If any injuries are found on the person of the arrestee, full description and other particulars as to the manner in which the injuries were caused should be mentioned in the register, which entry shall also be signed by the police officer and the arrestee. At the time of release of the arrestee, a certificate to the above effect under the signature of the police officer shall be issued to the arrestee.
- If the arrestee has been remanded to police custody under the orders of the court, the arrestee should be subjected to medical examination by a trained Medical Officer every 48 hours during his detention in custody by a doctor on the panel of approved doctors appointed by Director, Health Services of the concerned State or Union Territory. At the time of his release from the police custody, the arrestee shall be got medically examined and a certificate shall be issued to him stating therein the factual position of the existence or nonexistence of any injuries on his person.

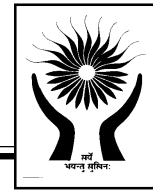
## **POST ARREST**

- The person under arrest must be produced before the appropriate court within 24 hours of the arrest (Ss 56 and 57 Cr.PC).
- The person arrested should be permitted to meet his lawyer at any time during the interrogation.
- The interrogation should be conducted in a clearly identifiable place, which has been notified for this purpose by the Government. The place must be accessible and the relatives or friend of the person arrested must be informed of the place of interrogation taking place.
- The methods of interrogation must be consistent with the recognised rights to life, dignity and liberty and right against torture and degrading treatment.

## **ENFORCEMENT OF GUIDELINES**

1. The guidelines must be translated in as many languages as possible and distributed to every police station. It must also be incorporated in a handbook which should be given to every policeman.
2. Guidelines must receive maximum publicity in the print or other electronic media.





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It should also be prominently displayed on notice board, in more than one language, in every police station.

3. The police must set up a complaint redressal mechanism, which will promptly investigate complaints of violation of guidelines and take corrective action.
4. The notice board which displays guidelines must also indicate the location of the complaints redressal mechanism and how that body can be approached.
5. NGOs and public institutions including courts, hospitals, universities etc., must be involved in the dissemination of these guidelines to ensure the widest possible reach.
6. The functioning of the complaint redressal mechanism must be transparent and its reports accessible.
7. Prompt action must be taken against errant police officers for violation of the guidelines. This should not be limited to departmental enquiries but also set in motion the criminal justice mechanism.
8. Sensitisation and training of police officers is essential for effective implementation of the guidelines.





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## Guidelines Relating to Administration of Polygraph Test [Lie Detector Test]

No. 117/8/97-98  
National Human Rights Commission  
(Law Division-III)

**S. K. Srivastava**  
Assistant Registrar (Law)

Sardar Patel Bhavan,  
Sansad Marg,  
New Delhi -110 001.

11, January, 2000

To  
Chief Secretaries of States /Union Territories.

**Sub:** Guidelines Relating to Administration of Polygraph Test (Lie Detector Test).

Sir,

I am directed to state that the Commission in its proceeding on 12.11.1999 has considered the Guidelines relating to Administration of Polygraph Test (Lie Detector Test) on an accused and directed that:

“The Commission adopted the Guidelines and decided that It should be circulated to all concerned authorities for being followed scrupulously.”

Accordingly, a copy of the above Guidelines is forwarded herewith.

You are, therefore, requested to follow the said guidelines and acknowledge the same.

Yours faithfully,

Sd/-

Assistant Registrar (Law)

Encl: As above.



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## **GUIDELINES RELATING TO ADMINISTRATION OF POLYGRAPH TEST (LIE DETECTOR TEST) ON AN ACCUSED**

The Commission has received complaints pertaining to the conduct of Polygraph Test (Lie Detector Test) said to be administered under coercion and without informed consent. The tests were conducted after the accused was allegedly administered a certain drug. As the existing police practice in invoking Lie Detector Test is not regulated by any 'Law' or subjected to any guidelines, it could tend to become an instrument to compel the accused to be a witness against himself violating the constitutional immunity from testimonial compulsion.

These matters concerning invasion of privacy have received anxious consideration from the Courts (see *Gomathi Vs. Vijayaraghavan* (1995) Cr. L.J. 81 (Mad); *Tushaar Roy Vs. Sukla Roy* (1993) Cr. L.J. 1959 (Cal); *Sadashiv Vs. Nandini* (1995) Cr. L.J. 4090). A suggestion for legislative intervention was also made, in so far as matrimonial disputes were concerned. American Courts have taken the view that such tests are routinely a part of everyday life and upheld their consistence with due process (See *Breithbaupht Vs. Abram* (1957) 352 US 432). To hold that because the privilege against testimonial compulsion "protects only against extracting from the person's own lips" (See *Blackford Vs. US* (1958) 247 F (20) 745), the life and liberty provisions are not attracted may not be wholly satisfactory. In India's context the immunity from invasiveness (as aspect of Art. 21) and from self-incrimination (Art. 20 (3)) must be read together. The general executive power cannot intrude on either constitutional rights and liberty or, for that matter any rights of a person (See *Ram Jawayya Kapur* (1955) 2 SCR 225). In the absence of a specific 'law', any intrusion into fundamental rights must be struck down as constitutionally invidious ( See *Ram Jawayya Kapur* (1955) 2 SCR 225; *Kharak Singh* (1964) 1 SCR 332 at pp. 350; *Bennett Coleman* (1972) 2 SCR 288 at pr. 26-7; *Thakur Bharat Singh* (1967) 2 SCR 454 at pp. 459-62; *Bishamber Dayal* (1982) 1 SCC 39 at pr. 20-27; *Naraindass* (1974) 3 SCR at pp. 636-8; *Satwant* (1967) 3 SCR 525). The lie detector test is much too invasive to admit of the argument that the authority for Lie Detector Tests comes from the General power to interrogate and answer questions or make statements (Ss 160-167 Cr. P.C.). However, in India we must proceed on the assumption of constitutional invasiveness and evidentiary impermissiveness to take the view that such holding of tests is a prerogative of the individual not an empowerment of the police. In as much as this invasive test is not authorised by law, it must perforce be regarded as illegal and unconstitutional unless it is voluntarily undertaken under non-coercive circumstances. If the police action of conducting a lie detector test is not authorised by law and impermissible, the only basis on which it could be justified is, it is volunteered. There is a distinction between: (a) volunteering, and (b) being asked to volunteer. This distinction is of some significance in the light of the statutory and constitutional protections available to any person. There is a vast difference between a person saying, "I wish to take a lie detector test because I wish to clear my name", and a person is told by the police, "If you want to clear your name,



take a lie detector test". A still worse situation would be where the police say, "Take a lie detector test, and we will let you go". In the first example, the person voluntarily wants to take the test. It would still have to be examined whether such volunteering was under coercive circumstances or not. In the second and third examples, the police implicitly (in the second example) and explicitly (in the third example) link up the taking of the lie detector test to allowing the accused to go free.

The extent and nature of the 'self-incrimination' is wide enough to cover the kinds of statements that were sought to be induced. In *M.P. Sharma AIR 1954 SC 300*, the Supreme Court included within the protection of the self-incrimination rule all positive volitional acts which furnish evidence. This by itself would have made all or any interrogation impossible. The test - as stated in *Kathi Kalu Oghad (AIR 1961 SC 1808)*-retains the requirement of personal volition and states that 'self-incrimination' must mean conveying information based upon the personal knowledge of the person giving information'. By either test, the information sought to be elicited in a Lie Detector Test is information in the personal knowledge of the accused.

The Commission, after bestowing its careful consideration on this matter of great importance, lays down the following guidelines relating to the administration of Lie Detector Tests:

- (i) No Lie Detector Tests should be administered except on the basis of consent of the accused. An option should be given to the accused whether he wishes to avail such test.
- (ii) If the accused volunteers for a Lie Detector Test, he should be given access to a lawyer and the physical, emotional and legal implication of such a test should be explained to him by the police and his lawyer.
- (iii) The consent should be recorded before a Judicial Magistrate.
- (iv) During the hearing before the Magistrate, the person alleged to have agreed should be duly represented by a lawyer.
- (v) At the hearing, the person in question should also be told in clear terms that the statement that is made shall not be a 'confessional' statement to the Magistrate but will have the status of a statement made to the police.
- (vi) The Magistrate shall consider all factors relating to the detention including the length of detention and the nature of the interrogation.
- (vii) The actual recording of the Lie Detector Test shall be done in an independent agency (such as a hospital) and conducted in the presence of a lawyer.
- (viii) A full medical and factual narration of manner of the information received must be taken on record.



**Letter to Chief Secretaries of all States on arrests of farmers to recover  
arrears of land revenue.**

*N. Gopalaswami* IAS  
Secretary General

राष्ट्रीय मानव अधिकार आयोग  
National Human Rights Commission

November 21, 2000

Dear

I am sending herewith the Commission's Proceedings in two cases decided by the Commission recently, which were concerned with the arrest and detention in jail of farmers in the payment of land revenue. As has been brought out clearly in the decision it seems that many revenue authorities are not aware of the fact that the Supreme Court in a case decided in 1980 has held that such arrests and detention are flagrantly violative of Article 21 unless there was proof of willful failure to pay on the part of the farmers. The proceedings of the Commission in two cases reported from Uttar Pradesh are attached herewith for information. It is requested that this may be brought to the notice of all revenue authorities in your State.

Yours sincerely,

Sd/-

**(N. Gopalaswami)**

Shri B.N. Tewari,  
Chief Secretary,  
Government of Uttar Pradesh,  
Lucknow.

For information and necessary action to all Chief Secretaries



**NATIONAL HUMAN RIGHTS COMMISSION  
SARDAR PATEL BHAWAN  
NEW DELHI**

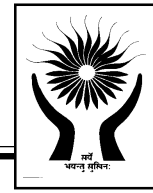
Name of the complainant : Shri Sharda Belvi  
Case No. : 19265/96-97 (24/7786/96-LD)  
Date : 21 August, 2000  
**Coram : Justice Shri J.S. Verma, Chairperson**

**PROCEEDINGS**

The Commission became seized of this case on receipt of a complaint from a certain Shri Sharda Belvi, Convenor Rashtriya Sanyojak Sangha Samity, District Jalaun thereby forwarding copy of a Hindi weekly 'Vichar Soochak' containing a press report under the caption "Bemousmi Raag Vasooli Ka", alleging the arrest and detention of several farmers in the make shift jails purportedly with a view to effect recovery of the arrears of land revenue from them. It was also alleged that the detained farmers were not being properly fed and they were given diet @ 50 paisa per person per day.

The Commission issued notice to the District Magistrate Jalaun and called for a report in the matter. The District Magistrate, it appears got the matter inquired into through the Sub Divisional District Magistrate, Kalpi and based on the same has reported that in the month of March, 1997, the District Administration had taken up a special drive for recovery of the land revenue from the defaulter farmers. In order to effect the recovery, the defaulter farmers must have been arrested pursuant to warrants of arrest issued against them after following the due procedure of law and they were detained in the civil lock-up of the Tehsil. The family members/relatives of the detained farmers were making arrangement for their food etc. and those farmers who did not get such a facility were provided food etc. by the State Administration. The District Magistrate, however, denied any incident of burning of crops by the farmers due to scarcity of water/irrigation facilities.

The Commission has given its anxious consideration to the facts and circumstances of the case which reveal insensitivity of the concerned authorities as well as their utter ignorance of the law laid down by the Supreme Court long back for such situations. The decision of the Supreme Court in Jolly George Varghese v. The Bank of Cochin, AIR 1980 S.C.470, lays down the law for dealing with defaulters who fail to repay the loan and their liability of imprisonment as a mode to enforce the contractual



liability. After construing the provisions in Section 51 and Order 21 Rule 37, Civil Procedure Code in the context of Article 11 of the ICCPR, it was held by Justice Krishna Iyer:

“To recover debts by the procedure of putting one in prison is too flagrantly violative of Article 21 unless there is proof of the minimal fairness of his wilful failure to pay in spite of his sufficient means and absence of more terribly pressing claims on his means such as medical bills to treat cancer or other grave illness.....”

That judgment proceeds further to say as under:

“The simple default to discharge is not enough. There must be some element of bad faith beyond mere indifference to pay, some deliberate or recusant disposition in the past, or alternatively, current means to pay the decree or a substantial part of it. The provision emphasizes the need to establish not mere omission to pay but an attitude of refusal on demand verging, on dishonest disowning of the obligation under the decree. Here considerations of the debtor’s other pressing needs and strained circumstances will play prominently.”

(emphasis supplied)

It is, therefore, clear that unless the conclusion is reached after a fair inquiry that the default in the discharge of the contractual liability to repay the loan has some element of bad faith verging on disowning of the obligation, mere default to repay is not enough to detain the defaulter. In the present case no attempt was made to address the real issue and reach such a satisfaction. No such inquiry was held by the Tehsildar or any other authority. The jurisdictional fact of the default resulting from omission verging on dishonest disowning of the obligation was absent without which the power to detain could not be invoked.

For the above reasons, the Commission is of the view that the detention of several farmers for a period of about a fortnight and that too without providing them adequate and proper food was unjustified. The State was under an obligation to make arrangement for their proper feeding during the period of their detention and the authorities could not abdicate this obligation merely on the ground that relatives/friends of some of the detainees were making arrangement for their food. The diet money @ 50 paise per person must have been fixed several decades back and cannot be said sufficient to meet the cost of even one square meal what to talk of two square meals a day.

The Commission accordingly makes the following recommendations to the State Government of UP through its Chief Secretary:

- (i) to pay Rs.10,000/- by way of 'immediate interim relief' to each of the persons detained in the Tehsil make shift jail during the period of March, 1997.
- (ii) to frame guidelines in consonance with the aforesaid Supreme Court judgment for the use of the concerned authorities charged with the responsibility of making recoveries of land revenue etc.
- (iii) to revise the existing norms of diet money for the civil prisoners in the State if the same are inadequate to meet the cost of diet of the inmate.

The compliance report shall be had within six weeks.

Sd/-  
**(Justice J.S. Verma)**  
**Chairperson**



**NATIONAL HUMAN RIGHTS COMMISSION  
SARDAR PATEL BHAWAN  
NEW DELHI**

Name of the complainant : Shri Sharda Belvi  
Case No. : 6299124198-99/ACD  
Date : 12 July, 2000

**CORAM: Justice Shri J.S. Verma, Chairperson**

**PROCEEDINGS**

This case was registered on the complaint of a Social activist, Shri Sharda Belvi who annexed to the complaint a news item published in the Hindi Daily 'Amar Ujala' of 3 June, 1998. According to the news report one Parmai, aged 75 years, r/o village Taharpura, Police Station Konch in District Orai (Jalaun) in Uttar Pradesh died in custody of starvation and thirst being detained as a defaulter of land revenue amounting to Rs. 4000/- only. He is alleged to have been arrested by the Tehsildar, Virendra Gupta and other employees of the Tehsil on 23 May, 1998 and kept in the lock-up of the Tehsil where he died of thirst for want of drinking water on 1/2 June, 1998. The post-mortem did not reveal any external or internal injuries. No specific cause of death has been indicated.

In response to the notice issued by the Commission, the District Magistrate, Jalaun admitted the arrest of deceased Parmai on 23 May 1998 for default in payment of a loan of the Land Development Bank which was to be recovered as land revenue by detaining him in the Tehsil lock-up. It is admitted that the arrest and detention in Tehsil lock-up was only because of the default in payment of the bank loan which was recoverable as land revenue. The District Magistrate denied the lack of drinking water facility in the lock-up but added that provision for the food of the defaulters kept in the lock-up is to be made by the family members of the defaulter and in case the family members do not provide food, the same is arranged by the Land Development Bank at a cost of 50 paise per meal to be added to the amount due from the defaulter. The allegation that the lock-up measuring 8' x 16' had housed 11 other such defaulters has not been denied. It has been stated that the family of the deceased has been paid Rs. 5000/- as compensation. There is denial of the violation of human rights in any manner.

The Director General (Investigation) was required to investigate and report. The report of the ADIG has been endorsed by the DG (I) recommending award of Rs.1 lakh

by way of compensation as "immediate interim relief" and the conditions in which the loan defaulters are kept in custody has been depreciated.

The facts of this case are startling and reveal insensitivity of all the authorities concerned as well as their utter ignorance of the law laid down by the Supreme Court long back for such situations. The decision of the Supreme Court in Jolly George Varghese v. The Bank of Cochin, AIR 1980 S.C. 470, lays down the law for dealing with defaulters who fail to repay the loan and their liability for imprisonment as a mode to enforce the contractual liability. After construing the provisions in Section 51 and Order 21 Rule 37, Civil Procedure Code in the context of Article 11 of the ICCPR it was held by Justice Krishna Iyer that:

'to recover debts by the procedure of putting one in prison is too flagrantly violative of Article 21 unless there is proof of the minimal fairness of his wilful failure to pay in spite of his sufficient means and absence of more terribly pressing claims on his means such as medical bills to treat cancer or other grave illness . . . . .

That judgment proceeds further to say as under:

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(emphasis supplied)

It is, therefore, clear that unless the conclusion is reached after a fair inquiry that the default in the discharge of the contractual liability to repay the loan has some element of bad faith verging on disowning of the obligation, mere default to repay is not enough to detain the defaulter. In the present case no attempt was made to address the real issue and reach such a satisfaction. No such inquiry was held by the Tehsildar or any other authority. The jurisdictional fact of the default resulting from omission verging on dishonest disowning of the obligation was absent without which the power to detain could not be invoked. For this reason alone the detention of Parmai (the deceased) was illegal and his tragic death during the detention makes it worse for the detaining authority.

The liability of the State of Uttar Pradesh for the act of the Tehsildar and other

officials purporting to act in their official capacity for recovery of a bank loan as arrears of land revenue cannot be disputed on the admitted facts alone. The payment of a mere Rs.5000/- on the death of Parmai to his family members was a mere pittance and does not absolve the State Government from making adequate recompense to the next of kin of the deceased. The Commission therefore, directs payment of Rs.1 lakh as "immediate interim relief" to the next of kin of deceased Parmai by the Government of Uttar Pradesh within four weeks. The Commission also recommends to the State Government that all the Revenue Officers in the State be apprised of the above Supreme Court decision laying down the law on the point requiring strict compliance thereof in all such cases. Compliance report be submitted in six weeks.

The case is closed with the above direction.

Sd/-  
**(Justice J.S. Verma)**  
Chairperson