

Bhim Singh Summary

CONSTITUTION OF INDIA - Articles 21 and 22(2)--Personnel liberty--Police not producing arrested persons before the magistrature within required period however obtained his remand--Held there is gross violation of rights under Articles 21 and 22(2).

Police officers acted in a most high handed manner. If the personal liberty of a member of the legislative assembly is to be played, within this fashion, one can only wonder what may happen to lesser morals. Police officials who are custodians of law and orders should have the greatest respect for personal liberty of citizens and should flout the laws by stooping in such bizzare act of lawlessness. Custodians of law and orders should not become depredator of civil liberties. Their duties is to protect and not to abduct.

CONSTITUTION OF INDIA - Articles 21, 22(2) and 32--Arrest with mischievous and malicious intension.

Victim can be compensated by awarding suitable monetary compensation in appropriate case. Compensation of 50 thousand awarded in the instant case.

Where members of legislative assembly was arrested while on route to seat of assembly and consequently was deprived of right to attend impending assembly session. His constitution rights were violated with impunity. Supreme Court has powers to award monitary compensation by way of exemplary costs. The alleged mischievous malice and the invasion may not be vested away or wished away by his being set free. He was not compensated by awarding suitable monitary compensation for which Supreme Court has jurisdiction State directed to pay Rs. 50000 as costs within 2 months.