NOTES

False Imprisonment Under Torts

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Introduction

False imprisonment is one of the oldest and most important torts against the person. It is concerned with the protection of an individual's **right to personal liberty**, which is regarded as one of the most fundamental civil rights in every democratic society. The law recognizes that every person has the freedom to move from one place to another without unlawful interference. Whenever this freedom is completely restrained without lawful justification, the tort of false imprisonment is committed.

Despite the use of the word *imprisonment*, the tort is not confined to detention in a prison or police lock-up. A person may be falsely imprisoned in a room, a vehicle, an office, a hospital, or any place where their movement is unlawfully and totally restricted. The emphasis is on the **complete deprivation of liberty**, not on the place of confinement.

False imprisonment is **actionable per se**, meaning that the claimant is not required to prove actual damage or financial loss. The law presumes damage because the unlawful interference with personal liberty itself constitutes a legal injury. Consequently, even a brief period of unlawful detention may give rise to an action for damages.

Meaning and Definition

False imprisonment may be defined as the **unlawful and total restraint of a person's freedom of movement without lawful justification**. The restraint must be complete and imposed against the will of the person detained.

According to **Salmond**, false imprisonment is *"the unlawful imposition of total restraint upon the liberty of another."* Similarly, **Winfield** describes it as the unlawful infliction of bodily restraint without legal authority.

The expression consists of two important elements. The word **"false"** signifies the absence of lawful authority or legal justification, while **"imprisonment"** refers to complete restraint upon a person's liberty. Thus, it is not necessary that the victim be confined within four walls; what is

essential is that they are deprived of the freedom to leave.

Essential Ingredients of False Imprisonment

1. There Must Be Total Restraint

The most essential ingredient of false imprisonment is **total restraint**. The restraint must be absolute, leaving the person with no reasonable means of escape. If only one direction of movement is blocked while other safe and reasonable exits remain available, the restraint is merely partial and does not amount to false imprisonment.

This principle was authoritatively laid down in **Bird v. Jones (1845)**. In this case, the plaintiff attempted to cross Hammersmith Bridge, but a section of the bridge had been reserved for spectators attending a boat race. Although he was prevented from proceeding along his preferred route, he was free to leave through another direction. The plaintiff refused to do so and claimed that he had been falsely imprisoned.

The Court rejected the claim and held that false imprisonment requires **complete restraint of liberty**. Since the plaintiff could have left by another reasonable route, the restraint was only partial. The decision established the enduring principle that **partial obstruction does not constitute false imprisonment**.

For example, if a security guard prevents a customer from using one exit of a shopping mall but another exit is open and equally accessible, there is no false imprisonment. However, if all exits are locked and the customer is prevented from leaving altogether, the tort is committed.

2. The Restraint Must Be Unlawful

Not every detention amounts to false imprisonment. The restraint must be **without lawful authority**. Where the law authorizes detention, no liability arises.

For instance, a police officer making a lawful arrest under the applicable criminal procedure, or prison authorities detaining a convicted prisoner pursuant to a valid judicial order, are acting under legal authority. Such detention cannot be regarded as false imprisonment.

However, where a person is detained without any legal justification, or where the detention exceeds the limits prescribed by law, the restraint becomes unlawful and gives rise to civil liability.

For example, if a store manager locks a customer in a room merely because he suspects theft, without any lawful authority to detain the customer, the detention may amount to false imprisonment.

3. The Restraint Must Be Against the Will of the Plaintiff

False imprisonment necessarily involves restraint imposed **without the consent** of the person concerned. A person who voluntarily agrees to remain in a particular place cannot subsequently claim that they have been falsely imprisoned.

Consent, however, must be genuine and voluntary. It is ineffective if obtained through fraud, coercion, intimidation, or misrepresentation.

Suppose a patient voluntarily admits themselves to a private rehabilitation centre and remains there by choice. No tort arises. On the other hand, if the institution refuses to permit the patient to leave despite having no legal authority to detain them, the detention may amount to false imprisonment.

4. Knowledge of Imprisonment

An interesting aspect of false imprisonment is whether the plaintiff must be aware of the confinement at the time it occurs. Modern law recognizes that **knowledge of restraint is not an essential requirement**.

This principle was established in **Meering v. Grahame-White Aviation Co. Ltd. (1919)**. The plaintiff was suspected of theft by his employers and was asked to remain in an office during an internal inquiry. Unknown to him, security guards had been stationed outside the room with instructions not to allow him to leave. Although the plaintiff was unaware of the guards, the Court held that he had nevertheless been falsely imprisoned.

The Court observed that the injury lies in the unlawful restraint itself and not merely in the plaintiff's awareness of it. Therefore, a person who is unknowingly confined may still maintain an action for false imprisonment.

This principle also covers situations where a person is asleep, unconscious, or otherwise unaware that they have been confined.

Defences to False Imprisonment

Although false imprisonment protects personal liberty, the law recognizes certain situations where restraint is legally justified. These situations operate as valid defences and relieve the defendant from liability.

1. Lawful Authority

The strongest defence to an action for false imprisonment is that the detention was authorised by law. A police officer making a lawful arrest under statutory powers, a prison authority executing a judicial order, or any public official acting within the scope of legal authority cannot be held liable, provided the detention complies with the law.

2. Consent

No action for false imprisonment lies where the plaintiff has voluntarily agreed to the restraint. However, consent must be free and informed. If it is obtained through fraud, coercion or undue influence, it ceases to be a valid defence.

3. Necessity

In exceptional circumstances, temporary restraint may be justified to prevent imminent harm to the person concerned or to others. For instance, restraining an intoxicated individual from entering a busy highway may be protected by the defence of necessity.

4. Statutory or Judicial Authority

A person detained pursuant to a valid judicial order or under the authority of a statute cannot claim false imprisonment unless the authority is exercised unlawfully or exceeds its legal limits.

Remedies for False Imprisonment

A person who has been falsely imprisoned is entitled to appropriate legal remedies to restore their liberty and compensate them for the injury suffered.

1. Damages

Damages are the primary civil remedy. Since false imprisonment is actionable *per se*, the plaintiff is not required to prove actual loss. Courts consider factors such as the duration of detention,

humiliation suffered, injury to reputation, and the conduct of the defendant while assessing compensation.

2. Aggravated and Exemplary Damages

Where the defendant has acted maliciously, oppressively or in an arbitrary manner, the court may award aggravated or exemplary damages in addition to ordinary compensation. Such damages serve both compensatory and deterrent purposes.

3. Habeas Corpus

Where a person continues to be unlawfully detained, they may seek the writ of *Habeas Corpus*, which enables the court to examine the legality of the detention and order immediate release if the detention is found to be unlawful.

Distinction Between False Imprisonment and Wrongful Confinement

False imprisonment is a **civil wrong** governed by the principles of the law of torts, while wrongful confinement is a **criminal offence** punishable under the **Bharatiya Nyaya Sanhita, 2023**. The primary objective of false imprisonment is to compensate the injured person for the unlawful interference with personal liberty. In contrast, wrongful confinement seeks to punish the offender for committing a criminal act against society.

Although both involve restraint of personal liberty, the same act may sometimes give rise to both civil liability and criminal prosecution.