



**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CONTEMPT APPLICATION (CIVIL) No. - 2110 of 2026

Prema Devi

.....Applicant(s)

Versus

Shri Sanjay Prasad, Prin. Secy. Home Deptt. Lko.
And 5 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	: Rama Kant Dixit, Uday Kumar
Counsel for Opposite Party(s)	:

Court No. - 7

HON'BLE SAURABH LAVANIA, J.

1. Heard.
2. Issue notice to the opposite parties. Steps in this regard be taken within seven working days.
3. List/put up this case on 17.07.2026, on which date the opposite parties/contemnors shall show cause as to why the contempt proceedings shall not be initiated against them for violating the order of this Court dated 20.02.2026 passed in Writ-C No. 579 of 2025, failing which the opposite parties/contemnors shall appear in person before this Court on the next date fixed in the case.

(Saurabh Lavania,J.)

May 25, 2026

Arun/-



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HON'BLE SAURABH LAVANIA, J.

1. Heard the learned counsel for the applicant, and Sri Nitin Mathur, the learned State counsel.
2. The instant application under Sections 12 of the Contempt of Court's Act, 1971 has been filed against the alleged violation of the judgment of the Division Bench of this Court dated 20.02.2026 passed in Writ-C No. 579 of 2025 (Prema Devi vs. State of U.P. Thru. its Prin. Secy. Home Deptt. Lko. and 5 others).
3. The relevant portion of the judgment of the Division Bench of this Court dated 20.02.2026 reads as under:-

"CONCLUSION

17. In view of the foregoing analysis, this Court finds that the death of the deceased occurred while in custody and control of the State authorities, and that the material placed on record unmistakably establishes a violation of the fundamental rights guaranteed under Article 21 of the Constitution of India. Custodial torture is a naked violation of human dignity and degradation that destroys self-esteem and being of the victim to the absolute core. Custodial torture is a calculated assault on human dignity and whenever human dignity is wounded, civilisation takes a step backwards. Despite recommendations for banishing torture from the investigative system, growing incidence of torture and deaths in police custody and prisons continue to persist. Custodial violence and deaths strike the very core of the rule of law and are an affront to human dignity. The State, being the custodian of life and liberty of persons in its custody, bears a strict and non-delegable duty to ensure their safety. Failure to discharge this obligation attracts public law liability.

18. The explanations offered by the respondents is neither cogent nor sufficient to displace the presumption of the death of the petitioner's son

eventuated in prison. Accordingly, the onus which squarely lay upon the State to account for the circumstances leading to the death, has not been satisfactorily discharged. The contention of the State that the death was due to suicide and was not an unnatural death does not hold water as has been categorically demonstrated by the judgments as discussed above. The Hon'ble Supreme Court in Re-Inhuman Conditions in 1382 Prisons (Supra) has categorically held that a suicide would amount to an (internal) intentional injury and would be an unnatural death wherein the liability would squarely fall on the State. In light of the same, one may patently come to a conclusion that the facts of the present case disclose a clear infringement of constitutional protections, warranting intervention under Article 226 of the Constitution.

19. It is well settled, inter alia, in Nilabati Behera (Supra) and D.K. Basu (Supra) that this Court, in exercise of its writ jurisdiction under Article 226 of the Constitution of India, is empowered to award monetary compensation as a remedy in public law for established violations of fundamental rights, independent of and in addition to remedies available in private law. Monetary compensation, while not a complete substitute for the loss of life, could provide some measure of solace for the bereaved family and act as a deterrent against future custodial violence.

20. With regard to the issue of the amount of compensation to be paid to the victim, in the judgment of Meghalaya High Court in Suo Motu Custodial Violence (Supra), a categorization was made with regard to the quantum to be paid creating three categories- (a). sum of Rs.15 lacs for a person below the age of 30 years; (b). between the age group of 30 to 45 years quantum of Rs.12 lacs and (c). for those above 45 the quantum to be Rs.10 lacs. However, it appears that this judgment has been stayed by the Hon'ble Supreme Court in The State of Meghalaya Vs. Killing Jana and others in SLP(C) Diary No.47683/2023 vide order dated January 22, 2024 especially with regard to the categories created by the High Court for award of different compensations based on the age of the victim. In light of the same, one cannot apply the said judgment as an authoritative precedent for taking a decision on the quantum of compensation. In recent years, as illustrated in the judgments cited above, the High Courts and the Hon'ble Supreme Court have awarded a sum of Rs.10 lacs for custodial deaths.

21. Upon sifting through the ratios laid down in the aforesaid judgments, the following steps must be taken as a preliminary step in case of custodial death:

A. The family members of the deceased must be informed immediately by the jail authorities about the death of the deceased. A panchnama with independent panchas shall be prepared immediately on the spot in accordance with Section 174 CrPC (corresponding Section 194 BNSS) without any delay.

B. A post mortem examination must be conducted promptly mentioning the cause of death without any delay. The video recording of the post mortem examination in case of custodial death of the deceased must be mandatorily carried out.

C. An inquest report by the judicial magistrate concerned must be

submitted in accordance with Section 176 CrPC (corresponding Section 196 BNSS) immediately after considering all the witnesses, post mortem report and panchnama.

D. The monetary compensation in order to provide solace to the next of kin of the deceased in custody must be paid as fixed by National Human Rights Commission after considering the peculiar facts and circumstances of the individual custodial death case.

22. Accordingly, the writ petition is allowed. Consequently, the respondents are directed to pay compensation of Rs.10,00,000 (Rs Ten Lacs Only) to the legal heirs of the deceased within a period of three weeks from date.

23. This compensation shall be without prejudice to the right of the petitioners to pursue appropriate civil or criminal proceedings against the officials concerned. The State Government is further directed to frame guidelines fixing compensation by adopting relevant and cogent parameters in awarding compensation in custodial death cases akin to the multiplier method based on age, income and dependants as available under the Motor Vehicles Act, 1988.

24. The writ petition stands allowed in the above terms."

4. The judgment of the Division Bench of this Court dated 20.02.2026, referred above, has not been complied with by the State. It is for the following reason(s):-

(i) The State has not provided Rs. Ten Lacs to the legal heirs of the deceased in total.

(ii) The guidelines, as directed in above quoted paragraph 23 of the judgment dated 20.02.2026, have not been framed till date.

5. Thus, this Court is of the view that the Officer concerned is liable to be punished in terms of Section 12 of the Act of 1971 and therefore presence of the Officer concerned namely Sri Sanjay Prasad, Principal Secretary, Home Department, Govt. of U.P., Civil Secretariat, Lucknow is required before this Court on the next date fixed in the case for further proceeding in the matter, which includes framing of charges.

6. In view of above, the above named Officer is directed to appear before this Court on 31.07.2026.

7. List/put up this case on 31.07.2026.

(Saurabh Lavania,J.)

July 24, 2026

Arun/-