RAJASTHAN HIGH COURT

HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Criminal Writ Petition No. 2290/2025

CNR: RJHC010707802025 | URN: CRLW / 3351U / 2025

Lila W/o Late Shri Roopa Ram, Aged About 39 Years, R/o Choudhariyo Ka Bas Guda Endla District Pali, Rajasthan

----Petitioner

Rajasthan High Court Web Copy - Not Official सत्यमेव जयते

Versus

1. State Of Rajasthan, Through Chief Secretary Ministry Of Home Affairs Jaipur (Raj.)
2. The Director Genral Of Police, Jaipur Rajasthan
3. The Director General Of Prisoner (Jail), Directorate Of Rajasthan Prison Ghat Gate Agra Road Jaipur (Rajasthan)
4. The Commissioner Of Police, Jodhpur Rajasthan
5. The Deputy Commissioner Of Police, Jodhpur West Rajasthan
6. Superintendent Of Central Jail - Jodhpur, Ratanada Jodhpur Rajasthan

----Respondents

For Petitioner(s)	:	Mr. Abhishek Akhawat
For Respondent(s)	:	Mr. Deepak Choudhary, AAG Mr. Rakesh Mohan, DIG Jail, Range Jodhpur

---

HON'BLE MR. JUSTICE FARJAND ALI

REPORTABLE

Order

DATE OF CONCLUSION OF ARGUMENTS	**:**	**08/07/2026**
DATE ON WHICH ORDER IS RESERVED	**:**	**08/07/2026**
FULL ORDER OR OPERATIVE PART	**:**	**Full Order**
DATE OF PRONOUNCEMENT	**:**	**20/08/2026**

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)

BY THE COURT:-

For ease of reference, the judgment is divided as follows:-

Table of Contents

Heads	Pg.No.
INTRODUCTION	3
FACTS OF THE CASE	3
SUBMISSIONS OF THE LEARNED COUNSEL	5
ORDER DATED 08.01.2026 PASSED BY THIS COURT	6
Briefs of Affidavits filed by the Jailor, Central Jail, Jodhpur and the Superintendent of Police, Central Jail, Jodhpur.	10
ORDER DATED 30.04.2026 PASSED BY THIS COURT	11
Briefs of Affidavit filed by the Nursing Officer, Nursing Staff, Duty Doctor, Warder and Head Warder, Duty Jailor, the then Jailor & the then Superintendent, Central Jail, Jodhpur.	16
ANALYSIS OF JUDICIAL ENQUIRY AND MORGUE REPORT	18
OBSERVATION OF THIS COURT	25
Meaning and Scope of Custodial Death	27
Fact-Finding Inquiry	31
Constitutional and Statutory Obligations of the State Towards Persons in Custody	37
Conditions and Standards of Custodial Care in Prisons	39
State Liability for Custodial Death	43
Compensation for Custodial Death as a Constitutional Remedy	45
Power of Constitutional Courts to Award Compensation in Cases of Custodial Death	46
Supreme Court Jurisprudence on Compensation for Custodial Death	47
Determination of the Quantum of Compensation	49
Quantum of Compensation Awarded by the Supreme Court in Custodial Death Cases	50
OPINION OF THIS COURT	52
Compensation for Violation of the Right to Life	52
Criminal Liability and Mystery behind petitioner's death	54
CONCLUSION	58
VERDICT AND DIRECTIONS	59

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)

"It is said that no one truly knows a nation until one has been inside its jails. A nation should not be judged by how it treats its highest citizens, but its lowest ones.[1]"

-Nelson Mandela

INTRODUCTION

1. The instant writ petition under Article 226 of the Constitution of India[2] has been preferred by the petitioner, being the wife of the deceased, aggrieved by the manner in which the investigation into the alleged custodial death of her husband is being conducted. The principal grievance of the petitioner is that the investigation has not been conducted in a fair, impartial and effective manner, warranting intervention of this Court. The petitioner, therefore, seeks a direction for entrustment of the investigation to a Special Investigation Team[3] or, alternatively, to the Central Bureau of Investigation[4], so as to ensure an independent and credible investigation into the circumstances leading to the custodial death of the deceased. The petitioner has further prayed for award of appropriate compensation to the family of the deceased for the loss occasioned on account of his custodial death.

FACTS OF THE CASE

2. Briefly stated the facts of the case are that the petitioner is the wife of deceased Rooparam, who was lodged in Central Jail, Jodhpur, in connection with a criminal case. On 02.07.2025, the petitioner received information regarding the death of her

1 United Nations, Nelson Mandela Rules, available at: https://www.un.org/en/events/mandeladay/mandela_rules.shtml.
2 In short "COI".
3 In short "SIT".
4 In short "CBI".

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)

husband. Thereafter, the petitioner's father-in-law and other family members reached the mortuary of Mahatma Gandhi Hospital, Jodhpur, at about 3:00–4:00 PM, where the dead body of Rooparam was found.

Rajasthan High Court Web Copy - Not Official

2.1 On 03.07.2025, a written report (Annexure-1) was submitted by the petitioner at Police Station Ratanada, Jodhpur, seeking appropriate action in relation to the death of Rooparam. The post-mortem examination was thereafter conducted and the post-mortem report[5] dated 04.07.2025 (Annexure-2) records six injuries on the body of the deceased. Injuries Nos. 1, 2, 3, 4 and 6 were noted on the head, whereas injury No. 5 was found on the hand. As per the report, injuries Nos. 1 and 2 were caused by a sharp weapon, while injuries Nos. 3 to 6 were caused by a blunt object. The PMR along with photographs of the dead body was thereafter obtained by the petitioner.

2.2 In connection with the death of Rooparam, a judicial inquiry was entrusted to the learned Additional Chief Judicial Magistrate (CBI Cases), Jodhpur[6]. The petitioner thereafter moved an application dated 05.07.2025 (Annexure-3) seeking preservation of CCTV footage and other relevant documents relating to the incident. Subsequently, an application under the Right to Information Act, 2005 was also submitted seeking information and records concerning the death of the deceased. The petitioner thereafter submitted a representation dated 25.07.2025 before the concerned authorities in relation to the death of her husband

5 To be referred as "PMR".
6 To be referred as "ACJM, Jodhpur".

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)

RAJASTHAN HIGH COURT सत्यमेव जयते

(Annexure-5). The record further reflects that, despite the passage of considerable time from the date of death, no First Information Report[7] had been registered in relation to the death of the deceased.

Rajasthan High Court सत्यमेव जयते Web Copy - Not Official

2.3 In these circumstances, the petitioner has approached this Court by way of the present writ petition seeking appropriate directions in relation to the death of her husband while in judicial custody, including registration of an FIR, fair and effective investigation into the circumstances leading to his death, and consequential reliefs in accordance with law.

SUBMISSIONS OF THE LEARNED COUNSEL

3. Learned counsel for the petitioner submitted that the death of Rooparam on 02.07.2025 in judicial custody, coupled with six grievous injuries found in the post-mortem examination, raises a serious suspicion of custodial violence and violation of Article 21 of the COI. It was submitted that injuries Nos. 1 and 2 were caused by a sharp weapon and injuries Nos. 3 to 6 by blunt objects, which are inconsistent with the alleged cause of death due to heart attack. Learned counsel further contended that despite repeated complaints, the police failed to register an FIR or conduct a fair investigation, contrary to the law laid down in *Lalita Kumari v. State of U.P., (2014) 2 SCC 1*. That the CCTV footage, jail records, duty rosters and medical documents sought by the petitioner were neither preserved nor disclosed. Learned counsel placed reliance upon *Nilabati Behera v. State of Orissa, AIR 1993 SC 1960 and*

7 In short "FIR".

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)

Rajasthan High Court Web Copy - Not Official

D.K. Basu v. State of West Bengal, AIR 1997 SC 610, to contend that the State bears a constitutional obligation to explain a custodial death. It was also alleged that the petitioner and her family were intimidated and that the deceased was subjected to coercion and harassment while in custody. The continued inaction and delay create a serious apprehension of suppression or destruction of material evidence. Accordingly, it was prayed that appropriate directions be issued for an independent, fair and effective investigation into the custodial death of petitioner's husband.

EARLIER ORDERS PASSED BY THIS COURT

4. Before proceeding further, it would be apposite to take note of the earlier orders passed by this Court in the instant matter vide order dated 08.01.2026 and 30.04.2026, whereby the Jailor, Superintendent of Central Jail and other concerned authorities including Nursing Staff, Duty Doctor, Warders and Duty Jailor were directed to file their respective affidavits explaining the circumstances surrounding the incident and the steps taken by them in that regard. For the ease of reference, the order dated 08.01.2026 and order dated 30.04.2026 are reproduced herein below:-

ORDER DATED 08.01.2026

> 1. The present case pertains to an undertrial prisoner, who was lodged in judicial custody in connection with a regular criminal case and was produced pursuant to orders of the Court. It is alleged that, the said inmate was subjected to physical assault while in judicial custody. Upon his condition deteriorating, he was taken to the hospital, where he was

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)

RAJASTHAN HIGH COURT सत्यमेव जयते

declared brought dead. The post-mortem report reveals the presence of multiple injuries on the body of the deceased, raising serious and disturbing questions with regard to the treatment meted out to him while in custody. Aggrieved by the custodial death of the inmate and the circumstances surrounding the same, the family members of the deceased have approached this Court seeking judicial intervention.

Rajasthan High Court सत्यमेव जयते Web Copy - Not Official

2. Mr. Hanwant Singh, Jailer, Central Jail, Jodhpur, is present before this Court along with the learned Public Prosecutor.

3. This Court has carefully examined the post-mortem report. The autopsy reveals muscle hematoma measuring 4 × 15 × 0.2 cm; two incised wounds having regular and well-defined margins; one incised wound with a well-defined margin accompanied by fresh bleeding; diffuse swelling over the subscalp hematoma in the temporal region; a reddish-blue linear contusion beneath which hematoma was noticed after dissection; a reddish abrasion over the right elbow; and a contused lacerated wound on the temporal region. The doctor conducting the autopsy has opined that all the aforesaid injuries were ante-mortem in nature and were sustained within a period of 0 to 6 hours prior to the death of the deceased.

4. Admittedly, during the period within which the injuries are opined to have been sustained, the deceased was in the custody of the respondent–Superintendent of Jail. Being the statutory custodian of inmates lodged within the jail precincts, the Superintendent cannot shun his responsibility to explain the circumstances under which the prisoner sustained such injuries. The doctrine of custodial responsibility casts a vicarious liability upon the jail administration for any untoward incident occurring within the precincts of the jail and its necessary consequences. The Superintendent of Jail cannot be absolved of his accountability to explain how the deceased received multiple injuries while in judicial custody. He is, therefore, required to file a detailed affidavit, duly supported by material particulars, to satisfy this Court as to how he is not responsible for the occurrence.

5. The gravity of the matter is further compounded by the material placed on record by the learned counsel for the petitioner, drawing the attention of this Court to certain screenshots purportedly obtained by the family members of the deceased, reflecting communication and monetary transactions with jail authorities. There are serious allegations of extortion and demand of illegal gratification

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)

from the family of the deceased, allegedly in the name of ensuring his safety within the jail.

6. This Court cannot remain oblivious to the fact that complaints of corruption within jails are not uncommon. It is a matter of judicial notice that illegal collections from inmates often result in the easy availability of prohibited articles such as drugs, mobile phones, and at times even arms inside jail premises. Such systemic failure has, in several cases, enabled inmates, particularly young offenders, to operate criminal activities from within the prison itself. It is, therefore, imperative to ascertain as to in which cell the deceased was lodged, who were the co-inmates housed with him, and which sentinel or jail official was responsible for guarding and supervising the said cell during the relevant period.

7. This Court is of the view that the matters relating to custodial deaths strike at the very heart of Article 21 of the Constitution of India. Human life is sacrosanct and constitutional courts are expected to display heightened sensitivity, vigilance, and promptitude while dealing with such cases. It has been consistently noticed that with the passage of time, evidence tends to get distorted, diluted, or even obliterated. The evidentiary value of material collected immediately after the incident stands on an entirely different footing as compared to evidence gathered after a considerable lapse of time. Delay in conducting inquiry not only hampers the truth-finding process but also erodes public confidence in the administration of justice.

8. The judicial inquiry has been pending since July 2025. This Court, vide order dated 15.07.2025 passed in Criminal Appeal No. 457/2025, had expected an expeditious conclusion of the inquiry; however, the needful has not been done till date. This Court has received a report dated 20.12.2025 forwarded by Anubhav Tiwari, RJS, ACJM (CBI Cases), Jodhpur Metro, a perusal whereof suggests that the inquiry is not being conducted with the required seriousness and expedition. Therefore, other routine assignments deserve to take a back seat and the present inquiry is required to be completed on a priority basis.

9. Accordingly, the learned ACJM, being the Inquiry Officer, is directed to complete the judicial inquiry within a period of 15 days from the date of receipt of a copy of this order and forward a copy of the inquiry report to this Court without unnecessary delay.

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)

Rajasthan High Court Web Copy - Not Official

9.1 The learned District and Sessions Judge, Jodhpur Metro, is further directed to sensitize the Inquiry Officer regarding the constitutional importance of custodial death inquiries. This Court also requests the learned District Judge to consider granting additional time and administrative support, if necessary, exclusively for the purpose of concluding this inquiry within the stipulated period.

10. The Jailer and the Superintendent of Jail, as well as the Superintendent of Police concerned, shall file separate affidavits explaining, in clear and categorical terms, the circumstances under which the deceased sustained injuries while in custody.

11. A copy of this order shall be forthwith forwarded to the learned District and Sessions Judge, Jodhpur Metro, for strict compliance.

12. Having regard to the averments made in the writ petition, the alleged infringement of fundamental rights, the direct threat to life and liberty of an individual, the manner of custodial death, and the lackadaisical approach in conducting the judicial inquiry, this Court finds it appropriate to take up the matter for consideration. Accordingly, the writ petition is admitted.

13. List the matter on 23.01.2026, in the part-heard category, for consideration of the affidavits to be filed by the Superintendent of Jail and the Jailer of the concerned jail.

4.1 It was for the first time, upon a deeper scrutiny of the matter, that this Court noticed certain apparent inconsistencies requiring clarification with regard to the circumstances in which the deceased sustained injuries while in judicial custody. Accordingly, by order dated 08.01.2026, this Court directed the Jailor and Superintendent of Central Jail to file their respective affidavits, setting out, in clear and categorical terms, the circumstances in which the deceased sustained the injuries. Pursuant to the aforesaid directions, affidavits have been filed by the Jailor, Central Jail, Jodhpur and the Superintendent, Central

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)

Jail, Jodhpur. The substance of the explanations furnished therein is noticed hereunder.

Affidavit filed by the Jailor, Central Jail, Jodhpur and the Superintendent of Police, Central Jail, Jodhpur

4.2 The Jailor, Central Jail, Jodhpur, in compliance with the order dated 08.01.2026, has submitted that the deceased, Rupa Ram, was an under-trial prisoner lodged initially at District Jail, Pali and thereafter transferred to Central Jail, Jodhpur on 20.08.2023, where he remained in judicial custody till his death. It has been stated that on 02.07.2025, the deceased suddenly collapsed in his barrack, whereafter his co-prisoners and the nursing staff administered CPR and immediately shifted him to the jail dispensary. Upon examination, he was referred to MGH Hospital, Jodhpur, where he was declared dead. According to the Jailor, neither the co-prisoners nor the jail medical staff noticed any external injury on the body of the deceased at that stage. It has further been stated that the CCTV footage of the jail premises does not disclose any visible injury or bloodstains on the body or clothes of the deceased. The affidavit further states that the jail authorities immediately informed the competent authorities about the death and requested initiation of a judicial inquiry. The Judicial Inquiry Officer visited the jail on 03.07.2025, inspected the place of occurrence and recorded the statements of the concerned prisoners, medical staff and other persons. The Jailor has also stated that the body remained in the mortuary for several hours, where no CCTV coverage was available and has expressed

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)

Rajasthan High Court Web Copy - Not Official

suspicion that the injuries may have been sustained after the deceased was taken to the mortuary. The CCTV footage of the jail premises and MGH Hospital has, according to the affidavit, been preserved and can be produced before the Court.

4.3 The Superintendent, Central Jail, Jodhpur, in compliance with the order dated 08.01.2026, has substantially reiterated the circumstances stated in the affidavit of the Jailor.

4.4 Proceeding further, on 30.04.2026, since the circumstances surrounding the death of the deceased still remained shrouded in mystery, the CCTV footage of the relevant period was produced before the Court. The footage was examined in the chamber in the presence of the learned Additional Advocate General, learned counsel appearing for the petitioner and Constable Manoj Meena, Warder, Central Jail, Jodhpur. I personally examined the CCTV footage on the laptop for approximately two hours, in the presence of the aforesaid persons, with a view to ascertain the sequence of events and to unravel the circumstances surrounding the death of the deceased. For ready reference and proper appreciation of the matter, the order dated 30.04.2026 is reproduced hereinbelow:-

ORDER DATED 30.04.2026

> 1. The present case arises out of a deeply disturbing incident concerning an undertrial prisoner, who, while lodged in judicial custody, is alleged to have been subjected to physical assault, and upon deterioration of his condition, was taken to the hospital where he was declared brought dead. The post-mortem report indicates multiple ante-mortem injuries sustained within a short duration prior to his death, thereby raising grave concerns regarding the

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)

Rajasthan High Court Web Copy - Not Official

treatment meted out to him while in custody and the circumstances leading to his untimely demise. Aggrieved by the custodial death and the surrounding circumstances, the matter has been brought before this Court seeking judicial intervention.

2. In the course of proceedings, and in order to ascertain the factual matrix with greater clarity, in the presence of learned counsel for the petitioner, learned Mr. Deepak Chaudhary, AAG, and Constable Manoj Meena (Warder, Central Jail, Jodhpur), who produced an external hard drive and connected the same to a laptop, the CCTV footage relevant to the present incident, pertaining to the jail ward, dispensary, jail main gate and hospital, was made available for perusal.

3. I have, in chamber, examined the said footage on the laptop for approximately two hours in the presence of the aforesaid individuals.

4. It is pertinent to note that the parties have already been heard at length. The judicial inquiry report is already on record. The matter stands part-heard and arguments on behalf of the respective parties have been concluded.

5. However, upon perusal of the CCTV footage, certain new and disturbing aspects have emerged, necessitating responses from certain authorities, who, though not formally arrayed as parties to the petition, are directly connected with the issues involved herein and have a clear nexus with the subject matter of the present proceedings.

OBSERVATIONS OF THE COURT

6. At the outset, this Court deems it appropriate to record that the material which has surfaced from the CCTV footage presents a deeply distressing and disquieting picture regarding the conditions prevailing inside the jail and the manner in which emergent situations are being handled.

Condition of Lavatories and Basic Amenities

7. It is observed that the number of lavatories available is grossly inadequate. For nearly 200 prisoners, only about 6 lavatories are available, as informed by learned AAG and the Jail Representative, and that too in a dilapidated and unhygienic condition, without proper maintenance. Such conditions prima facie reflect a serious infringement of the basic human dignity of inmates, who, though in custody, are

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)

Rajasthan High Court Web Copy - Not Official

still entitled to humane treatment under the constitutional mandate.

Condition of Drinking Water and Water Supply System

8. It has further been observed from the CCTV footage, corroborated by the Jail Representative, that the availability and arrangement of water taps within the ward are wholly insufficient and improperly organized. The taps appear to be very limited in number considering the strength of inmates and are installed in a scattered and unplanned manner without any systematic arrangement. Furthermore, no clear distinction is maintained between drinking water and water meant for other uses such as washing and cleaning. There appears to be no dedicated provision of safe and purified drinking water, such as through water purifiers, for the inmates. The absence of a separate and hygienic drinking water facility raises serious concerns regarding the health and well-being of the prisoners and reflects a lack of basic infrastructural planning.

Deficiency in Other Basic Amenities

9. Apart from the above, the overall state of basic amenities within the ward appears to be inadequate and poorly maintained. The arrangements essential for ensuring a minimum standard of dignified living, including sanitation, water supply, and general upkeep, are not commensurate with the number of inmates housed therein. Such deficiencies, when viewed cumulatively, indicate a systemic lapse in ensuring the fundamental rights of prisoners, particularly their right to live with dignity, even while in custody.

Inadequate CCTV Surveillance

10. It has further been observed that there is a glaring deficiency in CCTV surveillance. There are very few cameras installed and notably, no cameras are installed inside the barracks. In a ward accommodating approximately 200 inmates, only two cameras are installed outside the main barrack.

11. Moreover, the cameras placed outside the main barrack appear to cover only a limited area of approximately 100 × 50, thereby leaving substantial portions of the ward unmonitored. Such inadequate surveillance raises serious concerns regarding the safety, security and accountability mechanisms within the jail premises.

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)

Rajasthan High Court Web Copy - Not Official

Absence of Medical Staff in Critical Situation

12.From the CCTV footage, it has been clearly observed that when an inmate in a critical and emergent condition was brought to the jail dispensary, no medical staff was available at that point of time.

13.The CCTV footage further reveals that at about 08:37:08 AM, the inmate was brought to the jail dispensary by fellow inmates while in a collapsing and critical condition. Significantly, it is observed that at that time, no medical staff or doctor was present anywhere in the ward or at the dispensary. The footage shows that only co-inmates were making attempts to revive him in the absence of any trained medical assistance. It was only at about 08:54:10 AM that a medical officer arrived and attended to the inmate. Thereafter, at around 09:00 AM, the inmate was taken out through the main gate for being shifted to M.G.H. Hospital.

14.This Court is of the considered view that had prompt and adequate medical assistance been made available at the relevant time, there existed a reasonable possibility of preventing the unfortunate demise. The delay in providing immediate medical aid is prima facie indicative of gross negligence and lack of preparedness in handling medical emergencies within the jail.

Conduct of Jail Authorities

15.Another disturbing feature which has been noticed is that neither the Jail Superintendent, nor the Jailor, nor any responsible senior jail official is seen attending to or supervising the situation when the inmate was in a critical condition.

16.Such absence of supervisory response in a life-threatening situation reflects a lack of institutional accountability and insensitivity, and raises serious questions regarding the discharge of statutory as well as humanitarian duties by the concerned authorities.

DIRECTIONS OF THE COURT

17.In view of the aforesaid observations and the gravity of the matter, the following directions are issued:

1.The Director General, Prisons, Rajasthan, shall remain present in person before this Court on the next

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)

Rajasthan High Court Web Copy - Not Official

date of hearing and shall apprise this Court regarding the steps being taken to:

- augment CCTV surveillance within jail premises, particularly inside or around barracks; and
- improve basic amenities, especially the availability and condition of lavatories for inmates.

2.The duty doctor concerned, as well as the nursing staff posted at the jail dispensary at the relevant time, shall file their respective affidavits explaining the circumstances leading to the delay in providing medical assistance and show cause as to why adverse comments be not made and disciplinary action be not recommended against them.

3.The Chief Medical & Health Officer (CMHO) concerned shall also file an affidavit explaining the reasons for such delay and the systemic lapses, if any, in ensuring availability of medical personnel in jail dispensaries and shall further show cause as to why appropriate action be not directed against the responsible staff.

4.The Jail Superintendent, Jailor and other responsible jail staff shall file their individual explanations explaining their absence and failure to respond in a timely manner during the critical period and shall further show cause as to why suitable action be not directed against them.

5.Since the issues arising herein involve serious questions touching upon custodial safety, human dignity and institutional accountability, the presence of the Director General, Prisons, as well as the CMHO are considered essential for effective adjudication of the matter.

6.Learned Mr. Deepak Chaudhary, AAG, shall also address this Court on the next date of hearing and satisfy the Court as to why interim compensation should not be awarded to the family of the deceased, in light of the prima facie circumstances emerging on record.

18.List the matter on **14.05.2026** in the "**part-heard category**".

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)

Rajasthan High Court Web Copy - Not Official

4.5 In compliance with the aforesaid order, further affidavits were filed by the Nursing Officer and Staff, Duty Doctor, Warder No. 5341, Head Warder No. 2330, the then Jailor, the then SP, Central Jail, Jodhpur, the Duty Jailor and Head Warder No. 1561. In their respective affidavits, they have substantially narrated a similar sequence of events concerning the circumstances prevailing in the jail when the deceased suddenly fell ill and the steps thereafter taken for providing him medical assistance. The briefs of the affidavits stating the reasons are provided below:-

Nursing Officer:-

4.6 On 02.07.2025, he was assigned morning duty but had additionally been entrusted with the work of Pharmacist/Storekeeper due to vacant posts and had gone to MDM Hospital for collecting medicines. During his absence, he received no information regarding Rooparam's illness and came to know of the incident only after returning to the jail dispensary.

Nursing Staff:-

4.7 She had performed emergency night duty till 8:00 A.M. and, on receiving information at about 8:41 A.M. that a prisoner had fallen ill and morning staff had not arrived, immediately reached the jail. She informed the doctor, who examined Rooparam and, considering his critical condition, referred him to MGH Hospital. She also stated that no injury or blood stains were visible on the prisoner at that time.

Duty Doctor:-

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)

RAJASTHAN HIGH COURT सत्यमेव जयते

4.8 The doctor stated that most medical staff resided outside the jail and were available on call, while one nursing staff resided inside the jail premises. On 02.07.2025, owing to the ill-health of his 84-year-old mother, he reached the dispensary at about 8:54 A.M., without having received any emergency call earlier. Upon seeing Rooparam in a critical condition on a wheelchair, he immediately examined and referred him to MGH Hospital. He also highlighted the shortage of medical staff and stated that repeated requests for filling vacant posts had been made to the authorities.

Rajasthan High Court सत्यमेव जयते Web Copy - Not Official

Warder and Head Warder:-

4.9 The warder/head warders stated that on 02.07.2025, the morning barrack-opening and counting process was conducted in accordance with jail rules and Rooparam was found present, apparently healthy and performing his routine activities, with no visible injury or blood stains. Subsequently, upon receiving information that Rooparam had suddenly fallen ill, the concerned staff immediately informed the senior staff through Voki-Toki and carried him towards the jail dispensary/main gate. As the medical staff was not immediately present, the nursing staff and doctor were called, whereafter the doctor examined Rooparam and referred him to MGH Hospital.

Duty Jailor:-

4.10 He stated that he entered the jail at about 6:00 A.M. on 02.07.2025 for opening the barracks and along with the concerned warders, inspected the barracks and found everything normal, including Rooparam. After completing the morning routine, he

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)

returned to his residential quarter at about 7:30 A.M. and subsequently, at about 9:30 A.M., came to know that Rooparam had suffered a cardiac episode and had been taken outside for treatment, where he died. He relied upon the CCTV footage and jail records regarding the morning proceedings.

The then Jailor:-

4.11 He stated that on receiving information from head warder regarding Rooparam's sudden illness, he immediately informed the nursing staff and directed the doctor to be called. After the doctor examined Rooparam and referred him to MGH Hospital, he obtained permission for deployment of police/jail guards and ensured that the prisoner was immediately taken to the hospital, where he was declared dead.

The then Superintendent:-

4.12 He stated that the routine jail functions, including opening of barracks, counting and security arrangements, had been entrusted to the subordinate officers. On receiving information regarding Rooparam's condition, he directed the staff to provide immediate medical assistance and send him to MGH Hospital. He also pointed out the shortage of Jailor/Dy. Jailor posts and stated that requests had been repeatedly made for filling the vacancies, while CCTV footage corroborated the steps taken by the staff.

ANALYSIS OF JUDICIAL ENQUIRY dated 20.12.2025 AND MORGUE REPORT dated 16.01.2026

5. The present judicial inquiry was instituted pursuant to the order dated 02.07.2025 passed by the learned Chief Judicial

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)

Rajasthan High Court Web Copy - Not Official

Magistrate, Jodhpur Metropolitan, appointing the Inquiry Officer to inquire into the circumstances and cause of death of undertrial prisoner Rooparam, who died while in judicial custody at Central Jail, Jodhpur. The inquiry was conducted under Section 196(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023[8].

5.1 The deceased, Rooparam, aged about 41 years, was lodged in Central Jail, Jodhpur since 20.08.2023, after being transferred from District Jail, Pali. On 02.07.2025, he was taken from the jail to Mahatma Gandhi Hospital, Jodhpur, after his health allegedly deteriorated and was declared dead at about 9:20 A.M. The inquiry included inspection of the body, preparation of the inquest proceedings, post-mortem examination by a duly constituted Medical Board, collection of viscera, FSL and histopathological reports, examination of jail officials, fellow inmates, medical and nursing staff, examination of CCTV footage and inspection of the concerned barrack.

5.2 The most material evidence emerging from the inquiry is the PMR. The Medical Board found seven ante-mortem injuries on the body of the deceased. These included two incised wounds measuring approximately 6.5 cm and 2.3 cm on the right side of the face, injuries to the temporal region, contusion, abrasions and another lacerated injury. A haematoma measuring approximately 4 × 1.5 × 0.2 cm was also found in the muscles of the right side of the neck. Injuries Nos. 1 and 2 were opined to have been caused by a sharp-edged weapon, whereas the remaining injuries

8 In short "BNSS".

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)

were attributable to a blunt force. The Medical Board specifically opined that the injuries were ante-mortem and had been caused within six hours prior to death.

5.3 Upon consideration of the PMR, FSL and histopathological reports, the Medical Board gave its final opinion that the death had occurred due to the combined effect of injuries sustained over the head and neck. The presence of haematoma and subcutaneous bleeding beneath the injuries was treated as indicative of the injuries having been sustained during life. The histopathological examination did not disclose any significant coronary blockage capable of explaining the death by a natural cardiac event. The finding of congestion in the muscles and neck was also considered relevant to the possibility of pressure being exerted upon the respiratory passage before death.

5.4 The medical evidence assumes particular significance in view of the consistent statements initially given by several jail inmates and jail personnel that, when Rooparam was removed from the barrack and taken towards the jail dispensary, no visible injury or bleeding was noticed on his body. The jail medical officer, nursing staff, jail guards and certain inmates similarly stated that he had complained of bodily pain and thereafter developed breathing difficulty. However, these statements do not satisfactorily explain the ante-mortem injuries subsequently detected by the Medical Board.

5.5 The evidence of the inmates who were examined while they continued to remain in Central Jail was therefore considered with

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)

Rajasthan High Court Web Copy - Not Official

caution. The Inquiry Officer subsequently examined inmates who had already been released from custody. Although none of these witnesses claimed to have personally witnessed an assault upon Rooparam, their evidence revealed circumstances suggesting that inmates might have been reluctant to disclose the true facts while remaining incarcerated. In particular, CW-19 Ravi stated that his brother had told him that Rooparam had failed to pay money to a powerful inmate known as "Dada" and had consequently been "taught a lesson". He further stated that inmates had allegedly been instructed to state that Rooparam had died of a heart attack and were threatened with solitary confinement if they disclosed otherwise. The statements of CW-19 to CW-22 also disclosed allegations concerning the availability of prohibited articles, cigarettes, tobacco and other substances inside the jail in exchange for money, as well as alleged payments for shifting inmates from one ward to another. Though these allegations were not the direct subject of the present inquiry, they assume relevance insofar as they indicate the possibility of an environment in which inmates could exercise influence over other prisoners and in which jail discipline and supervision may not have been effectively maintained.

5.6 The evidence regarding CCTV footage was also examined. The Inquiry Officer obtained footage not only from the Central Jail but also from the Abhay Command Centre. Upon examination, the footage did not clearly capture the right side of Rooparam's face at the relevant stages. Consequently, the CCTV footage did not

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)

Rajasthan High Court Web Copy - Not Official

conclusively establish the manner in which the injuries were caused. At the same time, the absence of visible blood on the wheelchair, stretcher or other portions of the footage was considered in the light of the medical evidence. The Medical Jurist explained that bleeding from an incised wound may cease after death or upon clot formation and may recommence upon movement or displacement of the clot. Thus, the absence of visible blood in the CCTV footage could not, by itself, negate the existence of the ante-mortem injuries established by the post-mortem examination.

5.7 The conduct and role of the jail medical officer also came under scrutiny. CW-10, Dr. Jagatpal Choudhary, stated that when he examined Rooparam, his pulse and cardiac activity were not detectable. Despite the availability of an ECG machine in the jail dispensary, no ECG was conducted and no resuscitative measures, including CPR, were undertaken. Instead, Rooparam was directly referred to Mahatma Gandhi Hospital. This circumstance was considered significant while assessing the adequacy of the medical response provided to a prisoner whose condition had allegedly become critical.

5.8 The conduct of the then Superintendent of Central Jail, Jodhpur, was also found noteworthy. The Superintendent admitted that he was informed telephonically at about 9:30 A.M. regarding Rooparam’s deteriorating condition and subsequent referral to the hospital, yet he did not reach the jail office until approximately 10:30 A.M., explaining that he was attending to a private matter.

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)

The Inquiry Officer considered such conduct inconsistent with the degree of vigilance expected from the head of an institution entrusted with the custody, safety and welfare of prisoners.

5.9 The inquiry further revealed inconsistencies between the oral evidence and the medical evidence. While several witnesses claimed that no injury was visible when Rooparam was taken from the barrack or brought to the hospital, the Medical Board subsequently found multiple ante-mortem injuries, including two substantial incised wounds on the right side of the face. The fact that these injuries were accompanied by subcutaneous haematoma and were opined to have been caused within six hours of death materially weakened the theory of a natural death due to cardiac arrest.

5.10 The allegation of death due to a heart attack was further examined against the histopathological findings. Although atherosclerotic changes were noted in the coronary arteries, the Medical Board clarified that such changes could occur with age and that no significant blockage was found. Consequently, the medical material did not support cardiac arrest or heart attack as the cause of death. Rather, the final medical opinion attributed the death to the combined effect of the ante-mortem injuries to the head and neck. The FSL report also disclosed the presence of ethyl alcohol in the viscera/blood sample. While this fact establishes consumption of alcohol prior to death, it does not, by itself, establish the cause or manner of death. Its significance in the inquiry lies principally in the broader circumstances disclosed

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)

regarding the alleged availability of prohibited substances within the jail premises, despite the categorical denial of such practices by the jail administration.

5.11 On an overall assessment, the inquiry discloses a substantial and material discrepancy between the initial account of a sudden cardiac ailment and the objective medical evidence. The contemporaneous PMR findings, supported by histopathology and the subsequent opinion of the Medical Board, establish that Rooparam had sustained multiple ante-mortem injuries shortly before his death. The injuries were not consistent with a purely natural death. The evidence also raises serious concerns regarding the adequacy of medical intervention, supervision of prisoners, disclosure of relevant facts by inmates and jail personnel, and the general functioning of the custodial environment.

5.12 Accordingly, the material available on the inquiry record establishes, to the satisfaction of the Inquiry Officer, that Rooparam did not die a natural death. His death was unnatural and resulted from the combined effect of ante-mortem injuries sustained to his head and neck within approximately six hours preceding his death. The circumstances emerging from the evidence further warrant serious consideration of the conduct, omissions and possible responsibility of the persons having custody, supervision and control over the deceased at the relevant time. The inquiry report, therefore, records the ultimate finding that the death of undertrial prisoner Rooparam, while lodged in Central Jail, Jodhpur, was an unnatural custodial death,

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)

attributable to ante-mortem injuries and not to natural cardiac causes.

OBSERVATION OF THIS COURT

6. Heard learned counsel appearing on behalf of the petitioner and learned AAG appearing on behalf of the State as well as perused the material available on record.

7. After perusing the orders passed by this Court on previous occasions, the report of the judicial inquiry, the Morgue report, the PMR and all other relevant material available on record, it is evident that the deceased Rooparam died while in judicial custody. The injuries mentioned in the PMR, however, are not visible in the CCTV footage shown to this Court. As to when and in what circumstances those injuries were caused to the deceased remains a mystery. This Court is also unable to conclude from the CCTV footage that the said injuries were visible when the deceased was taken from the jail to the mortuary. The entire CCTV footage shows that the deceased was ultimately declared brought dead upon reaching the hospital. At the time when he felt uneasy, the co-prisoners present there were seen making efforts to revive him by administering CPR. For almost half an hour, however, no one from the State, whether a nurse, compounder, doctor or any other jail official, appears to have reached the spot. The only persons available to attend to the deceased were his co-prisoners. Their first instinct, as would ordinarily be that of any human being witnessing another person in distress, was to administer CPR and make an effort to save his life. What transpired in the interregnum

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)

between the incident captured in the CCTV footage and the conducting of the PMR remains a mystery, particularly as to how and when the injuries noticed in the PMR came to be caused.

7.1 This Court is primarily of the view that the PMR records the injuries found upon the body of the deceased as antemortem injuries. The distinction between antemortem and postmortem injuries is well recognised in medical jurisprudence, the presence of bleeding or oozing of blood from the wound being one of the significant indicators of an injury having been sustained during the lifetime of the person. When the Medical Board, upon examination of the relevant material, has opined that the injuries were antemortem in nature, the possibility of such injuries having been caused after the death of the deceased stands ruled out. This circumstance, therefore, renders the manner and circumstances surrounding the death rather mysterious and calls for a closer scrutiny.

7.2 Further, from the Histopathological Examination Report[9], it appears that no significant blockage was found in the coronary and sub-coronary arteries. This would prima facie indicate that the atherosclerosis changes, if any, in the arteries may have occurred as a consequence of the sudden grave injury and the resultant shock.

7.3 The case, as borne out from the HPR, does not appear to be one of peripheral circulatory failure[10]. The probable cause of death may, therefore, be myocardial infarction, cardio-respiratory arrest

9 For short "HPR".
10 For short "PCF".

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)

Rajasthan High Court Web Copy - Not Official

or sudden cardiac failure. However, this Court would refrain from recording any definite opinion in regard to the precise medical cause of death, the same being a matter falling within the domain and expertise of the competent Medical Board. What, however, remains significant and calls for investigation is the question as to whether a sudden cardiac arrest or cardio-respiratory failure resulting in death could have been a direct consequence of a sudden and grave injury caused upon a vital part of the body. This aspect is accordingly left open for investigation and for an appropriate opinion by the competent medical authority.

7.4 Be that as it may, the undeniable fact remains that a life has been lost and, more importantly, the loss occurred while the deceased was in the custody of the State. Whether the death occurred due to the absence or delay of medical assistance, or whether the mystery surrounding the injuries ultimately gets resolved, the responsibility of the State, in the facts and circumstances of the present case, cannot be completely disregarded. Therefore, for the present purpose, this Court need not enter into the question as to whether the death was homicidal or otherwise. The immediate concern is the loss of life which has occurred in custody and the consequent obligation of the State. The judgment, therefore, may appropriately be considered under three broad aspects- firstly, the loss suffered by the family of the deceased, irrespective of the precise manner in which the death occurred; secondly, the liability of the State arising from the

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)

custodial death; and thirdly, the quantum of compensation payable in the facts and circumstances of the case.

MEANING AND SCOPE OF CUSTODIAL DEATH

8. A person does not cease to be a human being merely because he has been made accused of an offence, arrested by the police, or lodged in prison pursuant to an order of a competent Court. The fundamental rights guaranteed by the COI are not privileges conferred upon a person according to his innocence or guilt; they are inherent in his very existence as a human being. A person is born with these rights and carries them until his last breath. The mere fact that he is an accused, a convict, or an inmate of a prison does not place him beyond the protection of the COI. Even behind the four walls of a prison, Article 21 of the COI continues to breathe and operate with equal force.

8.1 Custodial death, therefore, is not merely a death occurring within the physical boundaries of a police station, lock-up, prison or other place of detention. It raises a much deeper constitutional concern. Once the State takes a person into its custody, the individual is placed in a position of complete dependence upon the State and its agencies. He is deprived of the ordinary freedom to protect himself, to seek medical assistance independently, to move away from danger or to seek immediate help from the outside world. The State, having assumed such custody, correspondingly assumes a greater and more solemn obligation to preserve his life, protect his dignity and ensure his safety.

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)

Rajasthan High Court Web Copy - Not Official

8.2 The expression *"custodial death"* encompasses the death of a person while he is under the control and custody of the State, whether such custody is police custody, including detention in a police lock-up, or judicial custody, including confinement in a prison pursuant to an order of the Court. The mere description of custody, however, does not by itself disclose the circumstances or the responsibility attending the death. Every custodial death necessarily calls for an examination of the circumstances in which the life of a person, entrusted to the protection of the State, came to an end.

8.3 The death may be natural, resulting from an existing or suddenly arising medical condition. It may be suicidal, where the person takes his own life while in custody. It may be homicidal, where the death is caused by the act of another human being. It may also result from torture, assault, excessive use of force, or other unlawful acts committed upon the person in custody. Equally, and of considerable constitutional significance, death may occur on account of negligence, inaction, or failure of the custodial authorities, particularly where timely medical assistance, adequate security, supervision or necessary care was required but was not provided.

8.4 The concept of custodial death must, therefore, be understood in its widest and most humane sense. It is not necessary that every death in custody should, at the threshold, be presumed to be homicidal or attributable to the deliberate conduct of a particular official. At the same time, the mere assertion that

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)

Rajasthan High Court Web Copy - Not Official

the death was natural, suicidal or accidental cannot bring the matter to an end. The circumstances preceding the death, the conduct of the custodial authorities, the availability and promptness of medical assistance, the condition in which the deceased was found, the presence of injuries, the surveillance and security arrangements, and every other relevant circumstance must be carefully examined.

8.5 The reason is simple yet profound, a person in custody is not in a position to speak for himself in the manner in which a free person can. The walls of a lock-up or prison separate him not only from society but, at times, from the immediate means of seeking help. When such a person dies, the law cannot remain indifferent merely because the death occurred within the walls of a State institution. The very fact that the individual was under the control of the State makes the duty of the State more onerous and the circumstances surrounding his death deserving of closer scrutiny. Thus, the scope of custodial death extends beyond the narrow question as to who caused the death. It necessarily includes an examination of how the death occurred, what preceded it, whether reasonable care was taken to preserve the life of the person, whether timely medical assistance was made available, whether the custodial authorities discharged their duty of care and whether any act or omission on their part contributed to or facilitated the death.

8.6 The Constitution does not recognise a lesser version of Article 21 of COI for a person who happens to be in prison. His

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)

RAJASTHAN HIGH COURT सत्यमेव जयते

liberty may have been curtailed in accordance with law but his right to life cannot be placed in suspension. Imprisonment is a deprivation of liberty; it is not a deprivation of life. The State may confine the body of a person in accordance with law, but it cannot, under the guise of such confinement, abandon its constitutional obligation towards his life and dignity. Consequently, whenever a person dies in police or judicial custody, the cause and circumstances of such death assume constitutional significance. The inquiry must not be confined merely to record the fact that the person died while in custody; rather, it must endeavour to ascertain the circumstances in which the State's protective responsibility either succeeded or failed. It is this wider inquiry into the cause, circumstances and custodial responsibility surrounding the death which constitutes the true meaning and scope of custodial death.

Rajasthan High Court सत्यमेव जयते Web Copy - Not Official

FACT-FINDING INQUIRY

9. Moving on to the undisputed facts of the present case are that the deceased was admittedly in judicial custody. He had been duly inducted into the prison and at the time of his admission, there was no material to suggest that he was suffering from any serious or life-threatening ailment or that some wounds were there on his body. There is no medical material placed before the Court which would establish that he was a patient of any critical disease or that his death was the inevitable consequence of some pre-existing terminal or serious medical condition. On the

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)

RAJASTHAN HIGH COURT सत्यमेव जयते

contrary, the material indicates that he was apparently well and healthy before the unfortunate incident.

Rajasthan High Court Web Copy - Not Official सत्यमेव जयते

9.1 It is equally undisputed that the deceased suffered injuries and that his condition deteriorated, timely and adequate medical assistance was not made available to him. The injuries sustained by him cannot simply be brushed aside by attributing the entire episode to natural causes. Whatever may ultimately emerge from the judicial enquiry or criminal investigation regarding the precise cause and manner of his death, the deficiency in medical assistance, the inadequacy of custodial care and the failure to provide the requisite security and protection are matters which cannot be ignored while examining the State's constitutional obligation towards a person in its custody.

<u>Circumstances Leading to the Death in Custody</u>

9.2 Whether the death occurred in custody is the first question which arises when we discuss the custodial deaths. In the present case, the factum of custody is not in dispute. Rooparam was lodged in Central Jail, Jodhpur as an undertrial prisoner and was, therefore, in judicial custody at the time when the events leading to his death unfolded. His death, thus, was not an event which occurred outside the knowledge, control or supervision of the prison administration. The relevant question is, therefore, not whether he was in custody, but what transpired during the period of such custody which ultimately resulted in the loss of his life.

10. Now comes the next query as to whether the death was natural or occurred in other/suspicious circumstances. The

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)

material placed before this Court does not support the conclusion that Rooparam suffered an ordinary natural death. The post-mortem material records multiple injuries upon him. The presence of such injuries, particularly when the deceased was admittedly confined within the prison premises, is a circumstance of considerable significance. It would be wholly unsafe for this Court to accept the death as natural death, accidental death or a suicidal death. At the same time, this Court would refrain from recording any conclusive finding that the death was homicidal. Whether the injuries were caused by another person, whether they were self-inflicted, or whether any particular person was responsible for the same are questions which require investigation and appreciation of evidence. The precise manner of death is, therefore, rightly be left to the investigating agency. What, however, emerges prima facie is that the death cannot be satisfactorily explained as a natural or suicidal death in view of the injuries found upon the deceased. The circumstances surrounding those injuries constitute a matter requiring investigation and cannot be ignored while examining the State's responsibility arising from the death.

9.3 Coming on to the injuries and the circumstances preceding death. The injuries found on Rooparam acquire greater significance because it is not ascertainable whether they were sustained during the period in which he remained under judicial custody or on the way to hospital or mortuary. The Court is required to examine whether, at the relevant point of time, the condition of the deceased was properly appreciated by the persons

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)

responsible for his care; whether the symptoms and injuries noticed on him called for immediate medical intervention; and whether the response of the jail administration was commensurate with the seriousness of his condition.

9.4 It is also necessary to maintain a clear distinction between criminal culpability and constitutional accountability. This Court does not, at this stage, propose to determine who caused the injuries or whether the death was homicidal. Such determination must await the outcome of the investigation. But the absence of a final finding of criminal culpability does not prevent this Court from examining whether the State failed in the discharge of its public law obligation. The deceased was in custody; injuries were found upon the person; his condition deteriorated; and questions have arisen regarding the timeliness and adequacy of the medical assistance extended to him. These circumstances, taken cumulatively, are sufficient to warrant examination of the State's liability in the present proceedings.

9.5 The Court, therefore, finds that the circumstances surrounding the death of Rooparam are not consistent with a case which can, at this stage, be simply closed by describing the death as natural or suicidal. The question of whether the death was homicidal, and the consequential question of individual criminal responsibility, must be determined by the investigating agency. However, the material before this Court prima facie discloses circumstances of injury, medical deficiency and custodial failure which cannot be ignored while considering the petitioner's claim

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)

Rajasthan High Court Web Copy - Not Official

for constitutional compensation. The loss suffered by the petitioner, being the wife of the deceased, is real and irreversible. The ultimate outcome of the criminal investigation may determine the culpability of the persons responsible, but it cannot undo the loss which has already occurred. The constitutional jurisdiction of this Court, therefore, cannot be rendered meaningless merely because the precise manner in which the deceased met his death is yet to be conclusively established. This Court is of the view that, while the question of homicide and individual culpability must remain open for investigation, the circumstances presently available on record are sufficient to examine the State's public law liability and the entitlement of the petitioner to compensation for the loss occasioned by the death of her husband in custody.

Failure of State Police to file an FIR

9.6 The failure on the part of the State Police to register an FIR, despite the existence of circumstances giving rise to a reasonable suspicion regarding the manner in which the deceased suffered injuries and ultimately died while in judicial custody, is a matter of serious concern. Registration of an FIR is not a matter of discretion where the information placed before the police discloses the commission of a cognizable offence. The police machinery is expected to act with promptitude, impartiality and sensitivity, particularly when the alleged victim is a person who was under the protective custody of the State. In cases of custodial death, the obligation of the State Police is of a higher degree. The deceased is no longer in a position to narrate the circumstances in which the

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)

injuries were sustained and the material witnesses and evidence are ordinarily within the control or proximity of the State authorities. In such circumstances, failure to promptly set the criminal law in motion may not only result in the loss of crucial evidence but may also give rise to a legitimate apprehension that the investigation is not being pursued with the degree of independence and fairness that the circumstances demand.

9.7 The Court cannot lose sight of the fact that the person who dies in custody is entirely dependent upon the State for his safety and protection. Once a death occurs in such custody in circumstances which are not satisfactorily explained, the investigative machinery cannot remain passive or seek shelter behind a preliminary assumption as to the cause of death. The law requires the circumstances to be investigated, the evidence to be collected and the culpability, if any, of the persons responsible to be determined in accordance with law. The failure to register an FIR, therefore, assumes greater significance where the PMR records injuries which require explanation and where the available material does not satisfactorily account for the manner in which such injuries were sustained.

9.8 An investigation cannot be foreclosed at the threshold merely because the occurrence took place within the premises of a jail or because the deceased was an inmate. Rather, such circumstances make it all the more imperative that the investigation be prompt, transparent, impartial and effective. The State cannot be permitted to investigate itself in a manner which creates an

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)

Rajasthan High Court Web Copy - Not Official

impression of institutional protection to its own officers. The constitutional obligation under Article 21 extends not merely to protecting the life of a person in custody but also to ensuring that, upon an unnatural or suspicious death in custody, the circumstances leading to such death are subjected to a fair and meaningful investigation.

CONSTITUTIONAL AND STATUTORY OBLIGATIONS OF THE STATE TOWARDS PERSONS IN CUSTODY

10. The question which now arises is as to the nature and extent of the obligation resting upon the State towards a person who has been committed to its custody. The answer is not to be found merely in the administrative rules governing prisons. The obligation has its source in the Constitution itself. Article 21 of COI does not permit the State to treat a prisoner as an object placed beyond the constitutional field. The deprivation of liberty sanctioned by law does not carry with it a licence to subject the prisoner to neglect, indignity or avoidable suffering.

11. The Supreme Court, in ***Nilabati Behera v. State of Orissa***[11], recognised the availability of a public law remedy where the right to life guaranteed under Article 21 of COI is violated and made it clear that compensation may be granted in proceedings under the Constitution where the violation of the fundamental right is established. The principle is of particular significance in cases of custodial death, for the State cannot disclaim

11 (1993) 2 SCC 746.

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)

responsibility for the safety of a person whom it has itself confined.

12. The obligation is not confined to the preservation of life in its narrow physical sense. The prisoner remains entitled to such conditions of confinement as are consistent with human dignity. The custodial administration must, therefore, maintain adequate arrangements concerning medical care, sanitation, nutrition, security, supervision and access to treatment. These are not matters of charity extended to a prisoner at the discretion of the administration; they are components of the minimum standard which a constitutional democracy owes to a person deprived of liberty.

13. In ***D.K. Basu v. State of West Bengal***[12], the Supreme Court laid emphasis upon safeguards against custodial abuse and recognised that custodial violence strikes at the rule of law itself. The Court's concern was not confined to the punishment of an erring officer after an incident had occurred; it extended to the creation of institutional safeguards so that the person in custody remains protected against abuse of authority.

14. The obligation assumes a still wider dimension when the condition of prisons themselves is considered. In ***In Re: Inhuman Conditions in 1382 Prisons***[13], the Supreme Court dealt with the conditions prevailing in prisons and emphasised that prisoners, like other human beings, are entitled to dignity. The Court specifically took note of overcrowding, unnatural deaths,

12 (1997) 1 SCC 416.
13 (2016) 3 SCC 700.

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)

Rajasthan High Court Web Copy - Not Official

inadequacy of staff and inadequate training of prison personnel as matters requiring serious attention.

15. The Court's concern in the aforesaid proceedings is instructive for the present matter. A prison cannot become a closed administrative world where ordinary constitutional standards cease to operate. The Supreme Court has repeatedly required the prison administration to treat the inmate as a person possessing rights, and not merely as a body undergoing confinement. The State is required to maintain institutional arrangements which reduce the possibility of violence, neglect and preventable loss of life.

CONDITIONS AND STANDARDS OF CUSTODIAL CARE IN PRISONS

16. The standards of custodial care may broadly be examined under four heads, namely, medical facilities, timely medical intervention, security and supervision, and the general duty of care.

Medical Facilities

16.1 A prison administration must have an effective and functional medical mechanism capable of identifying illness, injury and deterioration in the health of an inmate and responding to the same without avoidable delay. The mere existence of a dispensary, a doctor or medical records cannot, by itself, be treated as sufficient compliance with this obligation. The medical infrastructure within a jail must be adequate not only in terms of personnel but also in terms of essential medicines, life-saving

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)

Rajasthan High Court Web Copy - Not Official

drugs, medical equipment, ECG facilities, stethoscopes and such basic facilities as may be necessary for pathological investigations and emergency treatment. Such facilities must be actually available and operational and cannot remain confined to official records. The requirement of medical assistance also necessarily carries with it the requirement of its availability on a 24×7 basis, since illness and medical emergencies do not arise at predetermined hours. The competent authorities must, therefore, ensure an appropriate arrangement of medical personnel having regard to the nature and requirements of the jail. Timely medical assistance cannot be understood as assistance rendered at any point of time before death. In an emergency, time itself is a component of treatment. A delay in examination, referral, transportation or access to appropriate medical facilities may, depending upon the circumstances, constitute a substantive failure rather than a mere procedural lapse.

Security and supervision

16.2 The obligation of supervision is equally fundamental. A prisoner remains within an environment where his movement, surroundings and access to assistance are regulated by the prison administration. The authorities are, therefore, required to maintain an effective system of surveillance and supervision capable of detecting violence, injury, medical distress or any other circumstance threatening the life and safety of an inmate. Such obligation necessarily extends to maintaining adequate CCTV surveillance at appropriate locations within the jail premises,

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)

particularly at places from which the activities and condition of inmates can reasonably be monitored. The objective is not surveillance for its own sake, but the creation of an institutional mechanism by which an inmate does not remain beyond the effective field of supervision. At the same time, such surveillance must necessarily respect the privacy and dignity of inmates at places where CCTV monitoring would be impermissible. The responsibility for ensuring the adequacy and operationalisation of such surveillance cannot be reduced to the mere installation of cameras or maintenance of records. Further, the deployment of the jail personnel must be commensurate with the number of inmates lodged in the prison. In case the existing strength is found to be inadequate, the competent authority shall take immediate steps for recruitment and deployment of additional personnel. A reasonable and workable ratio of prison personnel to inmates must also be determined so as to ensure effective supervision and vigilance over the activities of the inmates. It cannot be expected that a single person stationed outside a hall housing, say, one hundred inmates, would be in a position to maintain effective vigil over their conduct and activities. Ordinarily, the inmates lodged in prisons are persons having criminal antecedents and, therefore, the possibility of quarrels, assaults or other criminal activities amongst them cannot be ruled out. If several inmates engage in a quarrel or assault one another, the State cannot be expected to remain a mute spectator merely on the ground that there was insufficient manpower to intervene.

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)

Rajasthan High Court Web Copy - Not Official

It must also be borne in mind that a weapon is not necessarily required to cause the death of a person. A group of inmates may, by sheer use of physical force, overpower and cause serious injury or even death to an individual. The State cannot abdicate its responsibility to protect their life and bodily integrity. Accordingly, adequate and suitable manpower, commensurate with the number of inmates and the physical layout and requirements of the prison, is required to be deployed so as to ensure effective surveillance, timely intervention and prevention of untoward incidents within the prison premises. The competent authority, including the Inspector General of Prisons, must ensure that the surveillance system is functional and capable of serving its intended purpose. Any deficiency which leaves areas of the prison beyond effective supervision would defeat the very object of such mechanism.

Duty of care

16.3 The cumulative effect of these obligations is that the prison administration is required to maintain a system in which a prisoner does not become invisible once the doors of the prison close behind him. The State assumes a heightened institutional responsibility towards a person whom it has deprived of his liberty and placed within its exclusive control. That responsibility encompasses not merely protection from external harm, but also reasonable access to medical assistance, adequate sanitation, potable drinking water, emergency care and effective supervision. The conditions within the prison must, therefore, be such as to preserve the dignity and life of the inmate. Adequate lavatory

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)

Rajasthan High Court Web Copy - Not Official

facilities and sufficient access to potable drinking water are not matters of administrative convenience but constitute basic requirements of humane custodial conditions. Where deficiencies in such essential facilities are noticed, the authorities are required to take concrete and time-bound steps towards their augmentation rather than confining themselves to procedural or paper compliance. Ultimately, the duty of care is institutional in character. It cannot be discharged merely by attributing an individual lapse to the officer who happened to be on duty at a particular moment. The administration must establish a functional system of medical care, emergency response, sanitation, drinking water and surveillance which operates effectively in practice. The constitutional obligation towards a person in custody cannot be satisfied by arrangements which exist only on paper; they must be capable of responding when the need actually arises.

STATE LIABILITY FOR CUSTODIAL DEATH

17. The most crucial question is whether a failure in the discharge of these obligations can attract liability of the State. The answer lies in the *doctrine of constitutional tort*. Where the violation of a fundamental right is occasioned by the action, inaction or failure of the State machinery, the constitutional Court is not powerless merely because an ordinary civil action in damages may also be available.

17.1 Constitutional liability is attracted where the material establishes a breach of the obligation undertaken by the State and such breach results in the violation of a fundamental right. In the

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)

context of custodial death, the inquiry is consequently directed not merely towards identifying an individual wrongdoer but towards determining whether the State machinery failed in an obligation which the Constitution required it to discharge.

17.2 The principle of vicarious liability, as recognised in the law of torts, fastens responsibility upon the State for the acts and omissions of those acting under its authority, particularly where such omissions result in violation of the life and liberty of a person in State custody. The hierarchy of the prison administration cannot be permitted to become a shield against accountability. The responsibility does not rest merely upon the individual functionary found immediately responsible for the incident. The same travels through the entire chain of command from the Warden of the concerned cell, to the Jailor, the Superintendent of the Jail, the Inspector General/Director General of Prisons, the Secretary, Home Department, and ultimately rests upon the State exchequer. In law, the State, being vicariously liable for the acts and omissions of its officers and employees in the discharge of their official functions, cannot evade its liability by attributing the lapse to an individual functionary alone. The obligation to ensure the safety and security of persons lodged in custody is institutional and travels through the entire administrative hierarchy, ultimately attracting the liability of the State.

17.3 The distinction is important. The criminal law asks, who committed the offence and with what culpable intention? Constitutional law asks a different question, has the State failed in

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)

Rajasthan High Court Web Copy - Not Official

its constitutional obligation resulting in the deprivation of a fundamental right? The answers may emerge from different proceedings and at different points of time. Thus, a criminal investigation does not, by itself, extinguish or suspend the constitutional jurisdiction of the Court. Equally, an award of constitutional compensation does not amount to a declaration that a particular officer has committed a criminal offence. The two proceedings are independent in their object, standard and consequence.

COMPENSATION FOR CUSTODIAL DEATH AS A CONSTITUTIONAL REMEDY

18. The power to award compensation under Articles 32 and 226 of COI is not a power exercised as a substitute for a civil suit. It is an instrument of constitutional redress. Where the material before the Court demonstrates a violation of a fundamental right, particularly the right to life under Article 21 of COI, the Court may mould the relief so as to provide meaningful redress to the victim or the victim's family.

18.1 The Supreme Court's decision in ***Nilabati Behera***[14]is foundational in this regard. The remedy of compensation in proceedings under Article 32 of COI was recognised as a public law remedy for enforcement and protection of fundamental rights. Such compensation is distinct from damages which may be claimed in a private-law action. The former is concerned with the

14 Nilabati Bahera, supra.

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)

constitutional wrong; the latter ordinarily proceeds upon principles governing private liability and proof of damages.

18.2 The constitutional Court is therefore not required to insist upon the elaborate procedure of a civil trial before extending relief in an appropriate case. If the constitutional violation is sufficiently established from the material available before the Court, the Court may grant monetary compensation as an immediate measure of redress while leaving other remedies, including criminal prosecution and civil proceedings, unaffected. Such an award is neither a declaration of criminal guilt nor a windfall to the family of the deceased. It is a recognition by the constitutional Court that the loss of life resulting from a breach of constitutional obligation has consequences which the State must answer for in public law.

POWER OF CONSTITUTIONAL COURTS TO AWARD COMPENSATION IN CASES OF CUSTODIAL DEATH

19. The jurisdiction under Article 226 of COI is deliberately wide. The High Court, as a constitutional Court, possesses the power to grant appropriate relief where the facts disclose infringement of fundamental rights. The remedy is not defeated merely because another remedy may theoretically be available. In cases of custodial death, this jurisdiction assumes particular importance because the victim is no longer available to pursue his own remedies. The family is left to seek answers from the very institution in whose custody the death occurred. To insist, in every such case, upon a separate civil proceeding before granting any constitutional relief would, in appropriate circumstances, render

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)

Rajasthan High Court Web Copy - Not Official

the protection of Article 21 of COI unduly remote. The remedy, however, is discretionary and must be exercised upon judicially ascertainable facts. The Court is not required to determine every disputed question of fact as though conducting a criminal trial. Where the circumstances appearing from the record disclose a clear or prima facie constitutional violation warranting public law intervention, compensation may appropriately be awarded, without foreclosing other proceedings.

20. The Hon'ble Supreme Court, in ***Lahra Bai Tamre v. State of Chhattisgarh***[15], has also viewed such conduct with disapproval and found the failure of the police authorities to act in accordance with law to be wholly unacceptable. The said pronouncement underscores that, where the circumstances disclose the commission of a cognizable offence, the police authorities cannot remain passive or treat the registration of an FIR as a matter of discretion. Such inaction, particularly in cases involving custodial death, assumes serious significance and warrants strict judicial scrutiny.

SUPREME COURT JURISPRUDENCE ON COMPENSATION FOR CUSTODIAL DEATH

21. The jurisprudence of the Hon'ble Supreme Court has progressively moved from merely recognising the existence of rights of prisoners to imposing affirmative obligations upon the State to protect those rights. ***Nilabati Behera***[16] represents the constitutional compensation principle; ***D.K. Basu***[17] strengthens

15 Special Leave Petition (Crl.) Nos. 728 of 2026, decided on 12.08.2026.
16 Nilabati Bahera, supra.
17 D.K. Basu, supra.

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)

the procedural and institutional safeguards against custodial abuse; and ***In Re: Inhuman Conditions in 1382 Prisons***[18] (supra) expands the inquiry to the systemic conditions in which prisoners are confined.

Rajasthan High Court Web Copy - Not Official

21.1 In **Ajab Singh and Others v. State of Uttar Pradesh and Others**[19], the Supreme Court reiterated the need for a humane approach in matters concerning incarceration and emphasised the requirements of dignity and Article 21 of COI in the context of custody. The decision reinforces the proposition that incarceration does not authorise the State to disregard the humanity of the person confined.

21.2 The decisions collectively demonstrate that custodial jurisprudence is not confined to the question of physical violence. It extends to the manner in which the State maintains prisons, supervises inmates, responds to their medical needs and protects them from circumstances which may result in preventable injury or death.

21.3 The Supreme Court's consideration of unnatural deaths in ***In Re: Inhuman Conditions in 1382 Prisons***[20] is particularly relevant. The Court itself noticed the difficulty in mechanically classifying deaths in prison and raised the important question whether a death resulting from lack of proper or timely medical attention could properly be described as a natural death or unnatural death. This observation assumes significance where the

---

18 In Re: Inhuman Conditions in 1382 Prisons, supra.
19 (2000) 3 SCC 521
20 In Re: Inhuman Conditions in 1382 Prisons, supra.

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)

record contains circumstances suggesting that timely intervention may have been lacking.

21.4 The recent decision in ***Lahra Bai Tamre***[21] further illustrates the continuing constitutional concern in cases of custodial death. The Supreme Court has recently directed a CBI investigation in the matter and awarded Rs. 25 lakh as an interim compensation to the deceased's family, after taking note, inter alia, of the circumstances surrounding the death and the failure of the State police to register an FIR for a substantial period.

DETERMINATION OF THE QUANTUM OF COMPENSATION

22. Once the Court reaches the conclusion that constitutional compensation is warranted, the question of quantum necessarily arises. There can be no mathematical formula capable of translating the worth of a human life into money. Compensation is, therefore, not intended to place a monetary value upon the deceased himself. It is a measure of constitutional redress for the deprivation suffered by the surviving family and where appropriate, a recognition of the seriousness of the State's failure.

22.1 The Court may take into consideration the age and earning capacity of the deceased, the financial dependency of the family, the number and circumstances of dependants, the duration and nature of custody, the gravity of the constitutional violation, the nature of injuries, the conduct of the authorities, the extent of negligence or omission, and the circumstances in which the death occurred.

21Lahra Bai Tamre, supra.

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)

Rajasthan High Court Web Copy - Not Official

22.2 The Court may also take note of aggravating circumstances. A case involving a mere administrative lapse cannot stand on the same footing as one involving prolonged inaction, disregard of obvious medical distress, unexplained injuries, suppression of material circumstances, or conduct demonstrating indifference towards the life of a prisoner.

22.3 The object is also remedial and deterrent. Public law compensation must communicate that the custody of the State is not a zone where accountability becomes diluted. An amount which is wholly insignificant in the face of a grave constitutional violation may fail to serve the purpose for which the remedy exists.

22.4 At the same time, the Court must maintain proportionality. Compensation cannot be determined merely by comparing figures awarded in unrelated cases. Each case carries its own factual complexion. The amount must bear a rational relationship with the nature of the violation, the loss suffered and the degree of constitutional responsibility established from the record.

QUANTUM OF COMPENSATION AWARDED BY THE SUPREME COURT IN CUSTODIAL DEATH CASES

23. The awards made by constitutional Courts over the years demonstrate that there has been a gradual movement away from treating compensation as a nominal or symbolic relief. The quantum has varied according to the facts of individual cases, the age and circumstances of the deceased, the nature of the violation and the conduct attributable to the State.

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)

Rajasthan High Court Web Copy - Not Official

23.1 It would, therefore, be inappropriate to select the highest amount awarded in one case and mechanically apply the same to another. The proper exercise is comparative but not mechanical. Earlier awards may provide guidance, but the constitutional injury in the case before the Court must remain the principal consideration.

23.2 The recent interim award of Rs.25 lakh in ***Lahra Bai Tamre***[22]is a significant contemporary illustration of the manner in which the Supreme Court has approached compensation in a custodial-death matter. It demonstrates that where the surrounding circumstances justify constitutional intervention, compensation may be substantial and need not remain confined to a token amount. It is also significant to note that in the case mentioned supra, the amount of Rs.25 lakh is being granted only as interim compensation. The same cannot, therefore, be construed as the final or conclusive determination of the compensation payable to the petitioner. The final quantum may, upon consideration of the complete material on record and the circumstances emerging from the further investigation, be determined separately and may warrant enhancement, if so found appropriate. In such circumstances, the grant of Rs.25 lakh at this stage cannot be said to be arbitrary or excessive. Rather, having regard to the nature of the allegations, the circumstances surrounding the custodial death and the irreparable loss suffered by the petitioner in that case, the amount represents an

22 Lahra Bai Tamre, supra.

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)

appropriate interim measure of constitutional redress, without foreclosing the petitioner's entitlement to seek determination of the final compensation in accordance with law.

OPINION OF THIS COURT

Compensation for Violation of the Right to Life

24. The present case is not merely a case of death occurring within the four walls of a prison. It is a case where a human life entrusted to the custody of the State was lost, notwithstanding the circumstances which called for immediate medical attention and custodial protection. If for the sake of arguing, the deceased had suffered a sudden cardiac or other medical episode, the question still remains as to whether, had prompt and adequate medical assistance been provided, his life could have been saved. The material before this Court, including what has been personally observed from the CCTV footage and the circumstances surrounding the incident, gives sufficient reason to hold that the possibility of saving his life by timely intervention cannot be ruled out. The deficiencies in the prison infrastructure and facilities also assume significance in this regard. The material brought on record indicates inadequacies even in basic facilities required for a person lodged in custody, including proper arrangements concerning drinking water, bathing and other essential amenities. Such deficiencies, when coupled with the failure to provide timely medical assistance and adequate custodial protection, cannot be treated as matters of mere administrative inconvenience when the ultimate consequence is the loss of a human life.

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)

Rajasthan High Court Web Copy - Not Official

24.1 The doctrine of *parens patriae* assumes relevance in this context. The State, as the ultimate protector of the rights and welfare of persons within its custody, cannot, after assuming control over a person's liberty, distance itself from the consequences of deficiencies occurring within that very custodial system. The State cannot have the benefit of custody without accepting the corresponding burden of responsibility. Where the State takes away a person's freedom, it must also take reasonable care of the life which remains entrusted to it. Therefore, irrespective of the eventual outcome of the judicial enquiry or criminal investigation, the fact remains that a person entered the prison alive, apparently healthy and without any demonstrated critical ailment, and his life was thereafter lost while he remained under the exclusive control and custody of the State. The loss is real, irreversible and incapable of restitution. No amount of compensation can restore the deceased to his family; nevertheless, compensation is the recognised constitutional remedy for a proven or established violation of the right to life where the State, by its acts or omissions, has failed in its obligation to protect such right. Thus, while criminal accountability shall remain subject to the outcome of the judicial enquiry and the investigation in accordance with law, the State cannot escape its responsibility for the loss occasioned by the deficiencies in custodial care, medical assistance and protection. The two liabilities operate in different fields and are not mutually exclusive.

24.2 In the considered opinion of this Court, therefore, the

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)

deceased's family cannot be left remediless merely because the precise criminal culpability of an individual is yet to be determined. The State, having assumed custody of the deceased, must bear the corresponding responsibility for the failure of the custodial system to protect his life. The constitutional obligation under Article 21, coupled with the State's role as *parens patriae*, warrants an appropriate award of compensation to the legal heirs of the deceased for the irreparable loss of human life suffered by them.

Criminal Liability and Mystery behind Rooparam's death

25. Having considered the material placed on record, the Court is of the view that the question as to who is responsible for the death of the deceased and whether any criminal culpability is attributable to any person cannot be left unanswered. The death having occurred while the deceased was in judicial custody, the State and the prison authorities were under a corresponding obligation to ensure his safety and well-being. The circumstances attending his death, therefore, call for a fair, impartial and effective investigation so as to unravel the mystery surrounding his death.

25.1 In the present case, the material available on record does not persuade this Court to accept that the death can, at this stage, be safely characterised as a natural death. There are circumstances which make such a conclusion impermissible without a proper investigation. At the same time, this Court has not noticed any convincing material or circumstance on record

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)

Rajasthan High Court Web Copy - Not Official

which would justify recording a definite finding that the deceased had committed suicide. The question, therefore, necessarily arises as to whether the death was homicidal, and if so, who caused it and under what circumstances. This is a matter which cannot appropriately be determined merely on the basis of assumptions, conjectures or an administrative enquiry. It requires investigation in accordance with law, with all the attendant circumstances being brought under scrutiny.

25.2 It is also significant that even the Director General, Mr. Ashok Rathore, who is present before this Court is also of the opinion that, at the very least, an FIR ought to be registered and a regular criminal investigation should be conducted so as to ascertain what exactly transpired and what was the mystery behind the death of the deceased. This opinion, though not determinative of the criminal liability of any individual, certainly assumes significance in considering whether the circumstances warranted a regular investigation in accordance with law.

25.3 The judicial enquiry conducted into the incident may undoubtedly furnish material and may also indicate the course which the authorities are required to adopt. However, the purpose of a judicial enquiry and that of a criminal investigation are distinct. The latter is intended to ascertain whether any cognizable offence has been committed, to identify the person or persons responsible, to collect the relevant evidence and, thereafter, to bring the matter to its logical conclusion in accordance with law.

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)

RAJASTHAN HIGH COURT सत्यमेव जयते

Rajasthan High Court सत्यमेव जयते Web Copy - Not Official

25.4 It is not to undermine the diligence with which the learned Judicial Enquiry Officer has conducted the enquiry. The enquiry may have been ably and conscientiously conducted; however, the nature and reach of a judicial enquiry, by its very structure, remain limited. A Judicial Enquiry Officer is not equipped with an independent investigative machinery, requisite manpower or a specialised agency at his command to move from place to place, independently collect evidence, examine the surrounding circumstances, scientifically analyse the material and upon such comprehensive investigation, churn out the truth so as to conclusively fasten the delinquency upon the person responsible. The opinion of the Enquiry Officer, therefore, necessarily remains confined to the material which is placed before him. He has neither the machinery nor the statutory mechanism to independently collect evidence from every possible source, preserve and scientifically examine such evidence, or undertake an investigation in the manner in which a specialised investigating agency can do so. The conclusion reached by him, however sincere and bona fide, is thus necessarily circumscribed by the evidence made available to him.

25.5 The peculiar difficulty in the present case assumes greater significance because the material itself has substantially emanated from the State authorities, whereas the State and its functionaries are themselves under scrutiny in relation to the occurrence. The authority upon whom the responsibility to place the material falls cannot, at the same time, be permitted to become the sole source

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)

RAJASTHAN HIGH COURT सत्यमेव जयते

Rajasthan High Court सत्यमेव जयते Web Copy - Not Official

of the material upon which its own conduct is to be judged. It is for this reason that, notwithstanding the fact that the learned Judicial Enquiry Officer has ably discharged the task entrusted to him, the necessity of a further investigation by an independent, adequately manned and fully equipped agency cannot be ruled out. Such an agency would possess the requisite reach, resources and investigative machinery to collect evidence independently, examine the circumstances from every conceivable angle, scientifically evaluate the material and bring the truth to its logical conclusion, so that responsibility, if any, may be properly identified and fastened in accordance with law. The judicial enquiry, therefore, cannot be treated as the final word where the material available before the Enquiry Officer itself is supplied by an authority whose conduct forms part of the very subject-matter of scrutiny. The ends of justice require that the truth must be allowed to travel beyond the confines of the material supplied and must be ascertained through an independent and effective investigative process.

25.6 In the considered opinion of this Court, the material presently available is sufficient to invoke the second jurisdiction. The petitioner’s claim does not depend upon the Court first determining the identity of the person who may ultimately be found responsible for the injuries. Her grievance is founded upon the loss of her husband while he was under the custody of the State and the circumstances indicating failure in the custodial care extended to him.

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)

25.7 A prison administration is ultimately judged not merely by the manner in which it confines a person, but by the manner in which it preserves his humanity while he is confined. The constitutional promise of life and dignity must remain meaningful even for those whose liberty has been curtailed by law. Where that promise fails at the hands of the State, the Court cannot remain a silent spectator. The Court, therefore, finds that the case warrants consideration for an award of constitutional compensation. Such compensation shall not prejudice the criminal investigation, nor shall it be construed as a finding of guilt against any particular officer. It is a measure of public law redress arising from the constitutional dimension of the loss.

CONCLUSION

26. In view of the foregoing discussion, this Court reaches the following conclusions:-

(i) The death of Rooparam occurred while he was in judicial custody.

(ii) In view of the injuries found upon the deceased person and the surrounding circumstances, the death cannot, prima facie, be accepted as a natural or suicidal death.

(iii) Whether the death was homicidal and whether any individual is criminally responsible for the same are questions which shall be determined upon a fair and independent investigation and are not being finally adjudicated upon in these proceedings.

(iv) In any case, one fact remains clear and conspicuous: the deceased died in circumstances other than normal or natural,

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)

while he was confined in the custody and control of the jail authorities. The authorities, therefore, cannot escape their responsibility, whether direct or indirect, for his untimely demise.

(v) The circumstances relating to the medical assistance afforded to the deceased, including the alleged delay and deficiencies, require consideration from the standpoint of the State's constitutional obligation.

(vi) The constitutional remedy of compensation is independent of criminal prosecution, departmental proceedings or a private-law claim for damages.

(vii) Where the material establishes a violation of the right to life attributable to failure of the State to discharge its custodial obligations, this Court is competent to grant compensation in exercise of its jurisdiction under Article 226 of the COI.

DIRECTIONS AND VERDICT

27. Accordingly, the following directions are issued, compliance whereof shall be placed before this Court within a period of 60 days from the receipt of copy of this order:-

(i). The State, being *parens patriae* and having an obligation to protect the life and dignity of a person in its custody, shall pay a sum of Rs. 25,00,000/- (Rupees Twenty-Five Lakhs only) as compensation to the family of the deceased. While determining the aforesaid amount, this Court has taken into consideration all relevant factors germane to the computation of compensation. It is, however, made clear that no amount of monetary compensation can truly compensate for the loss of a human life.

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)

The amount shall be paid to the widow-petitioners and the other family members of the deceased Rooparam within a period of 60 days from the date of this order.

(ii). The circumstances surrounding the death of the deceased continue to remain shrouded in mystery, particularly as to the manner and circumstances in which the injuries noticed on his body were caused. In view thereof, and having regard to the material available on record, this Court directs the Director General of Police to forthwith instruct the officer-in-charge of the concerned police station/territorial jurisdiction to register the FIR within a period of 48 hours from the receipt of a copy of this order. Simultaneously, appropriate directions shall be issued for entrusting the investigation to an officer not below the rank of an RPS officer. The investigation shall thereafter be commenced forthwith, so as to obviate any possibility of loss, destruction, tampering with, or distortion of the evidence.

(iii). In view of the deficiencies noticed by this Court from the material placed on record, including the CCTV footage and the medical and other relevant material, the following directions are issued for immediate compliance:-

a. Round-the-clock medical assistance: The competent authorities shall ensure the availability of adequate medical assistance in the jail premises on a 24×7 basis. The manner in which such arrangement is to be structured and the deployment of the requisite medical personnel shall be worked out by the

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)

Rajasthan High Court Web Copy - Not Official

competent authorities, keeping in view the nature and requirement of the jail.

b. CCTV surveillance: The Inspector General of Prisons shall remain personally responsible for ensuring adequate CCTV surveillance within the jail premises. The shortcomings noticed in the present case demonstrate that there are areas from which the activities of the inmates cannot be effectively monitored. CCTV cameras shall, therefore, be installed at all such appropriate locations where the presence and activities of the inmates/prisoners can be effectively kept under vigil, while duly maintaining the requirements of privacy at places where such surveillance is impermissible. A compliance report regarding installation and operationalisation of the requisite CCTV cameras shall be placed before this Court. In the event of non-compliance, the concerned authorities shall remain prepared to face proceedings for contempt of Court.

c. Lavatory facilities: The existing lavatory facilities in the jail premises have been found to be grossly inadequate. The concerned authorities shall not confine themselves to completing procedural formalities. Concrete steps for construction/provision of additional lavatories shall be commenced forthwith and the steps actually taken in this regard shall be specifically brought on record by way of a compliance report.

d. Drinking water facilities: The availability of drinking water facilities within the jail premises shall be suitably augmented. Additional drinking water points/facilities shall be provided at

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)

appropriate locations so as to ensure easy and adequate access to potable drinking water for the inmates. The authorities shall place on record the steps taken and the additional facilities provided in this regard.

Rajasthan High Court Web Copy - Not Official

e. Clinical and emergency medical facilities: The clinical area of the jail shall be adequately equipped with essential life-saving medicines, necessary medical equipment, stethoscopes, articles required for routine pathological investigations and ECG facilities, besides such other essential items as may be required for attending to medical emergencies. The aforesaid articles and equipment shall not merely be shown in the records, but shall actually be procured, stocked and made readily available for use. Compliance thereof shall be placed before this Court.

f. Dedicated medical staff: The Chief Secretary, Secretary, Department of Medical and Health, and Secretary, Department of Home, Government of Rajasthan, shall jointly examine and take an appropriate decision regarding deployment of dedicated medical personnel within the jail premises on a 24×7 basis. The requirement of medical assistance cannot be treated as a matter of convenience, for illness and medical emergencies do not come with a prior notice and a situation resulting in loss of life cannot be permitted merely on account of non-availability of timely medical assistance. The conditions noticed by this Court, particularly from the CCTV footage, cannot be permitted to continue in a manner which compromises the dignity and life of a person lodged in custody.

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)

Rajasthan High Court Web Copy - Not Official

g. Personal responsibility and compliance: After a period of 60 days, the Jail Superintendent/concerned senior officer of the jail administration along with a responsible senior officer of the Health Department shall remain present before this Court with a comprehensive report indicating the outcome of the aforesaid directions and the concrete steps taken for removal of the deficiencies noticed herein. The report shall specifically indicate the action taken with respect to each of the directions contained in this order.

(iv). The instant writ petition is disposed of so far as the prayer relating to investigation into the circumstances surrounding the death of deceased Rooparam and payment of compensation to his family/petitioner is concerned, the said aspect stands concluded in terms of the directions issued hereinabove. The writ petition, to that extent, accordingly stands disposed of.

(v). However, the deficiencies noticed by this Court in the functioning and facilities of the jail require continuing supervision for ensuring actual compliance. Accordingly, the present writ petition shall be listed after 60 days for compliance of the directions contained in this order. The matter shall be placed before the Court along with the requisite compliance reports, and the competent authorities shall remain conscious that failure to comply with the directions may invite appropriate proceedings, including proceedings for contempt of Court.

(vi). The petitioner shall remain at liberty to avail such further remedies as may be available to him in law, on the basis of the

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)

outcome of the judicial inquiry and the material/evidence that may emerge during the course of the investigation or further proceedings.

28. Stay petition and all pending applications stands disposed of.

29. List the matter for compliance on 30.10.2026.

(FARJAND ALI),J

370/Mamta Tak

Rajasthan High Court Web Copy - Not Official

(Uploaded on 21/08/2026 at 03:41:10 PM)
(Downloaded on 22/08/2026 at 07:45:09 AM)