

News

In compensation for the death of a 19-year-old in police custody, the Delhi High Court has ordered ₹18 lakh.



The Court ruled that the State was required to provide compensation to the victim's family in the event of an unnatural death in police custody, including suicide.

On Wednesday, the **Delhi High Court** ordered the **Delhi government** to compensate the

father of a 19-year-old who died unnaturally while being held by the **Karawal Nagar police with ₹18.44 lakh [Shyam Sunder v. State NCT of Delhi].**

Justice Sachin Datta noted that individuals in detention are still protected by Article **21 (right to life) of the Constitution and held that an unnatural death in custody**, even if it is due to suicide, is not a private act separate from State accountability. Even if it is a suicide, an unnatural death in custody is not a private act unrelated to state accountability; rather, it is a failure on the part of those in charge of safekeeping. The State cannot avoid accountability by claiming there is no direct blame or by citing statutory schemes. The Court noted that the unnatural nature of custodial death entails accountability and requires the Court to provide redress in the form of compensation.

Sachin Datta, Justice

The Court further stated that a custody death necessitates examination because it affects the legitimacy of the legal system as a whole and cannot be reduced to a personal sorrow. Custodial death strikes at the core of the rule of law and is not only a personal sorrow but a systemic issue. When someone is taken into the State's custody after being deprived of their freedom, the authorities have an increased responsibility to protect them. Any incident that results in death while a person is in custody, regardless of the cause—violence, carelessness, unexplained circumstances, or even suicide—needs to be investigated by the courts since it affects both the person's dignity and the legitimacy of the legal system.

In January 2018, Shyam Sunder filed a plea with the court asking for compensation for his adopted son Deepak's death while in police custody.

The petition claims that Deepak was held at the Karawal Nagar Station on January 15, 2018, in relation to a FIR.

Shyam Sunder claimed that he was also arrested for a few hours before being freed that same day when he went to see his kid.

Sunder stated that he and his kid had both been beaten at the police station. Additionally, he asserted that police officers sought payment for Deepak's release.

The following day, Deepak was brought to Guru Tegh Bahadur Hospital. Upon arrival, he was pronounced dead. According to Sunder, he got a call stating that his son had committed suicide.

Asphyxia from ante-mortem hanging was identified as the cause of death in the post-

mortem.

Shyam Sunder argued before the High Court that the State should reimburse him because his kid died unexpectedly while in custody.

The request was rejected by the Delhi government. It contended that not all custody deaths result in compensation.

The argument was dismissed by the Court. It concluded that the State, as the guardian of life and liberty, was obligated to compensate the deceased's next of kin for the infringement of his **rights under Article 21 and that the unnatural custodial death drew public law obligation.**

The Court used the multiplier approach to determine the compensation. It calculated **Deepak's monthly salary at ₹12,000, multiplied by 18, and added 40% for potential future earnings. It came to a compensation figure of ₹18.44 lakh, which included customary amounts for burial costs and loss of estate.**

The Delhi government was ordered by the court to make the payment within eight weeks.

The petitioner was represented by Senior Advocate Trideep Pais, along with attorneys Sanya Kumar, Chiranjeev Singh Marwaha, Saloni Ambastha, Sakshi Jain, and S Abinaya.

The respondents were represented by CGSC Premtosh K. Mishra, along with attorneys Shrey Sharma, Anubhav Upadhyay, and Arpit Bansal.