

# **BIHAR HUMAN RIGHTS COMMISSION**

**9, Bailey Road, Patna – 15**

File No **BHRC/COMP. CD-3308/12**

## **Case of Tuntun Thakur**

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The deceased had been imprisoned in Shaheed Khudiram Bose Central Jail, Muzaffarpur from July 2001 undergoing imprisonment for life. He died while in jail on 30<sup>th</sup> April, 2012. The IG and DIG Prisons were heard. Record was perused. The deceased's wife and her advocate were also heard. He submits it is a case either of willful killing by those who had the custody of the deceased or death occurred due to negligence of the jail authorities. On the last occasion we had summoned the health record of the deceased as he was in jail for more than a decade. Record has been produced which shows that he complained for the first time about the problem relating to health on 5<sup>th</sup> January, 2007. From January 2007 before 30<sup>th</sup> April, 2012 he had complained on two occasions. Record shows that deceased always complained of minor ailments like cough and cold, skin infection, pain in body, loose motion, gastritis, fever etc.

According to the record of the jail on 30<sup>th</sup> April, 2012 he fell in the bathroom and became unconscious and was taken to hospital. The hospital declared him 'brought dead'. The doctor who conducted the post-mortem gave the opinion, "the deceased died due to the disease of liver, lungs and heart. However, final opinion will be given after receipt of histopathological report". It seems thereafter there is no other opinion of the doctor available. The magistrate had also conducted the inquiry in which he had recorded the evidence that the deceased had not complained of

any serious illness during 11 years of his detention. The health record maintained by the jail does not show that he had any serious problem and it is highly improbable that a person who was for 11 years with jail authorities had not complained of disease which could result in his death due to ailment of liver or lungs. Either the report of the doctor is incorrect or the medical record of the hospital is incorrect. A person would not die of liver and lung disease unless he had suffered such ailments for some time. Therefore, it is a case fit for grant of compensation. The deceased was an old man but he has a wife and four children including a dependent child who had also made appearance before the Commission. In these circumstances, the government is directed to pay an amount of Rs. two lakh as compensation to his wife and son named Ratnesh Kumar. This compensation should be exclusively to the wife and said Ratnesh Kumar.

It is seen that the person who are being given compensation by this Commission are very poor and illiterate. There are always chances that some people may exploit them and take away major share of the compensation. Therefore, it is directed that whenever compensation is paid by the government on the direction of the Commission that should be directly transmitted to the bank accounts of the person concerned. The person should be asked to open a bank account for this purpose. In appropriate cases where there are minor children government may also put the restrictions of putting money in fixed deposit so that the minors are maintained from the interests incurring on such deposits.

*Date: 8.7.2014*

***(Justice Bilal Nazki)***  
*Chairperson*