

BIHAR HUMAN RIGHTS COMMISSION

9, Bailey Road, Patna

File No. BHRC/Comp. 2493/15

(Suo Motu Cognizance)

Case of Arvind Kr. Yadav (Unfit for jail mentally challenged man chained in hospital instead: Compensation awarded)

17.06.2016

Addl. DM, Araria, Sri Amod Kr. Saran present.

This case was taken suo motu by order dated 9.06.2015. The order is reproduced:-

“In Hindustan Times, Patna edition, dated 9th June, 2015 it is reported under headline “Unfit for jail mentally challenged man chained in hospital instead”. It appears from the news report that a person who was mentally challenged was referred to hospital where he was chained. The report suggests that the District Magistrate, Araria, Sri Narendra Kr. Singh is aware of the facts of the matter.

Therefore, let the District Magistrate be contacted by the Deputy Secretary on phone and inform him that Commission has taken cognizance of the matter. The District Magistrate shall send a report in writing by 12th of June, 2015 positively.

Copy of the news report shall be annexed with the file.”

During the inquiry, the facts as narrated in the newspaper report found materially true and all persons involved have their share of blame particularly the doctors who were responsible for chaining the person. The photographs published depicts that the person was chained in such a way that all his four limbs were

stretched on the floor to the maximum. In such a posture, he could not have made any movement and he would have been in a very painful and uncomfortable state.

Chaining of mentally challenged person is otherwise barred by law in this country and if it is done by the doctors it becomes shameful, unfortunate and painful.

The Commission is surprised to notice that such doctors are in the profession. During these proceedings, the Commission has taken care of ensuring proper treatment to the person and he is now in his house at Araria. So far no action has been taken against anybody responsible for chaining this victim. The matter is referred to MCI who may look into the matter and take appropriate action.

In the meantime, DM, Araria is directed to pay a compensation of Rs.25,000 (rupees twenty five thousand) to the victim. This shall be done within a period of four weeks.

Copy of this order be sent to (i) Director, MCI, (ii) DM, Araria and (iii) the victim's family for information and necessary action, as the case may be.

List on 25.07.2016.

(Justice Bilal Nazki)
Chairperson