

BIHAR HUMAN RIGHTS COMMISSION

9, Bailey Road, Patna

File Nos. BHRC/Comp. CD-13/16

Case of Bihari Kewat: (Custodial death: Compensation awarded by BHRC)

21.10.2016

Superintendent, Sub Divisional Jail, Hilsa Nalanda present.
(Deceased named Bihari Kewat, s/o Chandu Kewat, village Doctor English, P.S. Giriyak district Nalanda).

The Commission passed the following order on 22.09.2016:-

“Deceased’s wife present. Assistant Jailor Sri R.B. Das present. DCLR, Hilsa Sri Ravi Pd. Chaudhary present.

The deceased was admitted in the jail on 29.08.2015. The health screening report of the prisoner shows no disease but it appears that after admission in the jail he was not feeling well and he was referred to Sub Divisional Hospital on 10.10.2015. Thereafter he was referred to PMCH, Patna on 13.10.2015. Then he was discharged from the hospital but his condition again worsened and he was sent back to the hospital on 21.10.2015 where he died on 15.12.2015. The post-mortem report is sketchy but it appears that he was suffering from tuberculosis and had TB been treated in time he could not have died at the age of 23.

The victim is supposed to have been an under-trial prisoner facing trial u/s 392 IPC. The offence was

allegedly committed in 2015 and he was in jail as an under-trial prisoner.

The wife of the deceased has also appeared. She submits that she is a poor lady, has two small children, sells vegetables and makes a living. A detailed order will be passed on the next date of hearing when copies of the medical record and charge sheet that was filed against the deceased are produced.

In the meantime, the DM, Nawada is directed to sanction pension as a widow to the deceased's wife and also extend all benefits to her which are available to such persons under different schemes.

List on 21.10.2016.”

The Jail Superintendent has produced the records. Immediately after his admission in the hospital on 29.8.2015 he had complained of illness but he was not taken to hospital and the doctor who saw him on 8.10.2015 almost after two months of admission wrote on prescription abnormal behavior and weakness. He thought it was a case of psychosis but ultimately in October 2015 he was diagnosed to be a case of Tuberculosis but it appears that at that time his health could not be recovered and he eventually died on 30.12.2015. The medical record maintained by the jail doctors shows gross negligence in the treatment of the prisoner who lost his life on account of lack of treatment.

In this age of developed medicine no person should lose his life at the age of 23 with Tuberculosis. His wife was examined last time. She is a poor lady therefore, she needs to be compensated.

In these circumstances, the Commission directs that a compensation of Rs.2.50 lakh be paid to the mother of the deceased. The amount shall be kept in Fixed Deposit in the bank for 5 years and the lady shall be allowed to receive interest from the amount on monthly or quarterly or annual basis as she chooses. If she needs money in lump sum she can give an application to DM, Nalanda who may disburse the amount keeping in view the needs explained to him.

Compliance report be filed by 12.12.2016.

Copy of this order be sent to (i) Deceased's mother (ii) IG, Prisons, (iii) DM, Nalanda and (iv) Principal Secretary, Home for information and necessary action as the case may be.

(Justice Bilal Nazki)
Chairperson