

BIHAR HUMAN RIGHTS COMMISSION

9, Bailey Road, Patna

File Nos. BHRC/Comp. CD-05/16

Case of Bittu Kr. Yadav: (Custodial death: Compensation awarded by BHRC)

21.10.2016

Deceased's mother present with her counsel.
Superintendent District Jail, Begusarai, Sri Rajeev Kr. Singh present.

This is a case of an under-trial prisoner (Bittu Kumar s/o Upendra Yadav village Gurdaspur P.S. Barauni Distt. Begusarai) who according to the records was 31 years old when he died on 31st October 2015. Unfortunately, this person appears to be victim of our slow system of justice. He was accused of offences u/s 307 read with 34 IPC and also with section 27 of the Arms Act in the case.

In Khudiganj P.S. Case No.22/2013 it appears that he did not get trial completed in 6 years and was not even bailed out and therefore he took his own life by pouring kerosene over himself from the lantern which is provided to the prisoners in the jail. This incident happened on 15.08.2015 and according to the doctor who referred him to the hospital he had only 18% burn injuries. He remained in hospital for 2½ months and eventually died.

These facts disclose the following:-

- (i) That our judicial system could not come to the rescue of this person and could not decide his case within six years which perhaps led him to eventually commit suicide. Who knows whether he was guilty or innocent?
- (ii) That jail authorities and government are negligent and even in this age of electronics they are providing lanterns with kerosene oil to the prisoners for lighting. An emergency light of a few hundred rupees could be provided to the prisoners but it appears that nobody is really sensitive to the rights of the people.
- (iii) That even for 2½ months after incident he did not get proper treatment, therefore, he died of burn injuries of mere 18% but the injuries could have been treated within 2½ months.

The Commission had called his next-of-kin and its is submitted by the counsels appearing along with deceased's mother a widow; that she has another son and a daughter. She is living with her unmarried daughter as the other son is living separately. She gets a widow pension as she belongs to BPL category.

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, Begusarai who may disburse the amount keeping in view the needs explained to him.

The Commission further directs that government will immediately stop having lanterns with kerosene old in all jails and shall make arrangements for electronic emergency lights in all jail barrack. Prisoners shall not be exposed at any cost to any kerosene or other inflammable substances and steps in these directions shall be carried by the government within a period of three months.

Compliance report be filed by 12.12.2016.

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

(Justice Bilal Nazki)
Chairperson