

BIHAR HUMAN RIGHTS COMMISSION

9, Bailey Road, Patna

File Nos. BHRC/Comp. CD-64/15

Case of Chandan Kumar: (Custodial death: Compensation awarded)

08.06.2016

Deceased's mother, brother and uncle present.
Superintendent, Beur Central Jail, Patna Sri Rupak Kumar present.

This is a case pertaining to custodial death of a boy (Chandan Kumar, S/o Bhuneshwar Prasad, village Mushnapar, P.s. Gauri Chak, district Patna) 19 years old. This case reflects the sorry state of affairs in which we find ourselves because of the inherent problems with law and order institutions, and also the courts.

This boy was in judicial custody, had not even been charge sheeted, only a case had been registered against him u/s 401/34 IPC. He was sent to judicial custody on 5.5.2015 and he died on 3/4.7.2015. Admittedly he was subjected to violence by certain prisoners and certain members of the jail staff. Six persons who were also prisoners are facing trial u/s 302 and as an eye-wash 4 people from the junior staff/jail have been subjected to some departmental proceedings. It is unfortunate that these four people who according to the Superintendent were responsible for

protecting the deceased have been let-off with a punishment of withholding of 2 increments with cumulative effect. This is simply shameful and is not acceptable

The Principal Secretary, Home shall personally look into the matter and ensure complete justice. The DIG of the Range shall also look into the matter once again and see whether there was criminal liability of these jail officials and other officers which resulted in the death of the boy.

The mother, brother and uncle of the deceased are present. They appear to be of a very poor background. The mother says that she has 6 daughters out of which 5 are yet to be married and they are within the age group of 16 to 6 years. The only son she has is a labour. They don't have even sufficient land.

In this view of the matter, a compensation of Rs.3 lakh be paid to the mother of the deceased. This amount shall be kept in fixed deposit for a period of 10 years. The mother shall, however, be entitled to take away the interest monthly or yearly as she chooses from the amount so that the money is spent on the welfare of the family. If at any stage, she needs more money for a necessity like marriage of her daughter she will approach DM, Patna. The DM may release the amount from fixed deposit keeping in view the circumstances placed before him.

Copy of this order be given to the (i) deceased's family, (ii) IG, Prison, Patna, (iii) DM, Patna and (iv) Principal Secretary, Home Department for information and necessary action, as the case may be.

Compliance report be filed within eight weeks.

List on 10.08.2016.

(Justice Bilal Nazki)
Chairperson