

BIHAR HUMAN RIGHTS COMMISSION

9, Bailey Road, Patna

File Nos. BHRC/Comp. CD-57/15

Case of deceased prisoner Dinesh Sah (Custodial death-compensation awarded)

20.04.2016

Deceased's wife and his father present. Superintendent, District Jail, Samastipur, Sri Nand Kishore Rajak present.

This case relates to a convict (Dinesh Sah of village Muradpur, P.S. Rosera, district Samastipur) lodged in Divisional Jail Samastipur who died on 8.06.2015. He had been lodged in jail on 7.8.2013 and was serving the sentence. Suddenly on the day of his death he became unconscious and was shifted to Sadar Hospital Samastipur. The doctors examined him at about 7 P.M.. He recorded the blood pressure of the deceased as 240/140. Within three hours by 10 P.M. the patient died.

The patient had been brought to hospital in an unconscious state. According to the jail records he was 55 years on the day of his death. His father submits that he was only 49 years when he died and his father is only 70 years old as of now. Post-mortem was conducted. The magistrate also conducted an inquiry. The findings with regard to the death of the deceased were "Cardio-respiratory failure due to huge intra cerebral bleed due to hypertension".

According to the jail records when he was admitted in jail two years prior to his death his blood pressure was recorded as 130/86 which

shows that the deceased had no problem regarding his blood pressure when he was admitted to hospital. The hospital records of the jail also were examined and they don't disclose that he was ever treated for hypertension but when he was shifted to hospital in an unconscious state his blood pressure was 240/140.

Obviously for a period of two years the disease of the deceased went unnoticed. The jail authorities are custodians of the inmates of the jail whether they are undertrials or convicts. This is settled principal of law that a person who is a prisoner does not lose his fundamental and human rights and they have to be protected at any cost. The prisoner was only deprived of his right to movement because of conviction but his other rights were intact.

The deceased's father is an old person. He has no income of his own. He submits that he had worked in private company and since long he is not doing any work and in fact is not capable of doing any work because of old age. The deceased's wife submits that she has three daughters and a son who is minor. All the children are school going. She also submits that although her husband died in 2015 she is not even receiving the pension which is paid to widows. The father of the deceased who is above 70 submits that he has also not received his old age pension.

The DM, Samastipur is directed to grant pension to the deceased's father from the date he became eligible for old age pension and also to the widow of the deceased from the date she became eligible for the pension under the relevant scheme.

Since, admittedly, the prisoner had died because of negligence of the jail authorities and not providing him treatment at appropriate time therefore the state is responsible for compensating the deceased's family. A compensation of Rs.2 lakh is sanctioned. Out of this amount Rs.1.50 lakh shall be deposited in the name of the widow of the deceased in a bank in fixed deposit for 5 years. She shall be entitled to receive the interest on the amount every month which shall be spent by her on her and her children's welfare. In case she needs money within the period of 5 years she may apply to DM, Samastipur who may pass appropriate orders keeping in view the facts and circumstances in which such application is made.

The remaining fifty thousand rupees (Rs.50,000) shall be paid to the deceased's father who is of advanced age and who is also expected to spend the money for needs of the whole family.

Copy of this order be given to (i) deceased's wife and his father, (ii) Superintendent, Divisional Jail Samastipur (iii) DM, Samastipur, (iv) IG, Prisons and (v) Principal Secretary, Home for information and necessary action as the case may be.

Compliance report be submitted within two months.

List on 24.06.2016.

(Justice Bilal Nazki)
Chairperson