

## BIHAR HUMAN RIGHTS COMMISSION

*9, Bailey Road, Patna*

**File Nos. BHRC/Comp. CD-47/13**

### **Case of deceased prisoner Manoj Kr. Singh (Custodial death- Compensation awarded)**

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08.03.2016

Dr. Sanjeev Kumar present.

Deceased (Manoj Kr. Singh, village Paktola Bhatollia, P.S. Dumra, district Sitamarhi) was a 55 year old. He was undergoing sentence in District Jail Sitamarhi from 26.11.2012 in a case GR No. 1468 of 2009. He became ill and eventually was referred to Sadar Hospital Sitamarhi on 24.5.2013. The medical board of the Civil Surgeon and some other doctors examined him and referred him for better treatment to SKMCH Muzaffarpur. While he was on his way to SKMCH in private ambulance he died near Runi Saidpur.

From the record it was found that deceased was suffering from diabetes and the Commission found it surprising that a 55 year old died, when he had no disease except diabetes, and was under treatment of jail doctor for almost a year. Therefore, doctor was called who explained that he himself is not able to comprehend the reason of the death of the deceased. He submits that when he referred him to Sadar Hospital Sitamarhi he found that the deceased was growing weak and he was not able to understand the reason therefore he referred him to Sadar Hospital. The doctor admits that the deceased was suffering from diabetes but there were no arrangements in the jail hospital even for testing the blood sugar. He was administered medicines without knowing the blood sugar levels. There is strong apprehension that he died of hypo-glycaemia.

The doctor submits that even a glucometer which is readily available these days is not available in the jail not to speak of a full fledged laboratory. We have not even the record pertaining to the blood sugar levels on the day he died or even prior to his death. One Dr. Sanjay Kumar was examined by the judicial magistrate who examined deceased at SKMCH the post-mortem, stated that when the deceased was brought to SKMCH he was already dead.

The final opinion of the doctors with regard to the death, "According to PM Examination finding & Hist-pathological report of the deceased vide no-480/13 Dated – 13-06-2013 of Pathology Department of SKMCH, Muzaffarpur. The cause of death is due to disease of Lung i.e. focal Alvelolites." Focal Alvelolites cannot be caused by diabetes according to the doctor present. The deceased was under the treatment of the doctor in the jail for a long time before the date of his death and the doctor was sure that the patient was only suffering from diabetes.

There appear to be only two possibilities, either prisoner died of mistreating diabetes or he died of a disease which was never diagnosed because of lack of care and facilities.

These circumstances beyond doubt show that negligence has taken place at some level whether institutional or individual which has caused premature death of the deceased. It is submitted by the doctor that even a glucometer is not available in the jail – may be the position is same in all other jails.

Prevalence of diabetes in India is highest in the world. Therefore, it is directed that all jail hospitals should be provided laboratories to test for diabetes and other ailments. The Commission is conscious of the fact that it may take time to do so therefore glucometer must be made available to

all jails immediately and within a period of three months all prisoners whether convicts or under-trial beyond the age of 40 should be tested for diabetes. This process should be completed within a period of two months.

Coming to the present case the Commission is of the view that the deceased died of negligence therefore it directs compensation of Rs. three lakh to be paid to the deceased's family. The deceased's family includes his widow and two minor children. One lakh each shall be paid to two minor children and widow. The share of the minor children shall be kept in fixed deposit till the minors attain majority. However, the mother can utilize the interest earned on those deposits for welfare and education of the child with permission of DM, Sitamarhi. The DM is also directed to extend all benefits to the widow which are available under various schemes of the State and Central Government.

The Government may also consider holding a detailed inquiry into the circumstances which lead to prisoner's death.

The matter is disposed of.

Copy of the order be sent to (i) deceased's family, (ii) IG, Prisons, (iii) DM, Sitamarhi (iv) Superintendent, District Jail, Sitamarhi and (v) Principal Secretary, Home for information and necessary action, as the case may be.

***(Justice Bilal Nazki)***  
***Chairperson***