

# BIHAR HUMAN RIGHTS COMMISSION

*9, Bailey Road, Patna*

**File Nos. BHRC/Comp. CD-189/10**

## **Case of deceased prisoner Md. Adalat (Custodial death-compensation awarded)**

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21.04.2016

Jail Superintendent, District Jail Begusarai present. Dr. Ashok Kr. Gautam present.

The deceased (Md. Adalat, village Khatopur, P.S. Mufassil, district Begusarai) was a 25 year old person, was lodged in the District Jail, Begusarai on 14.4.2009. There was no memo produced with regard to his health check when he was admitted to jail. According to the jail doctor he came to the hospital on 31.08.2010. He was treated for various suspected ailments. He had fever. Since his condition did not improve for few days specialist was called whose opinion was that the patient was suffering from tuberculosis. The man was shifted to hospital where he died on 17.09.2010. The jail doctor has given a detailed written report also.

The post-mortem was carried out and the opinion of the doctor was that the patient died due to cardiac failure. The deceased was 25 years old; he was in jail for a period of one year and five months; he was never treated for any serious ailment. According to the doctor who appeared the tuberculosis could also result in the death by respiratory-cardiac failure.

I do not think that a person of 25 years of age would die of TB within 15 days of diagnosis. Had he suffered from TB he would have complained much earlier as he was in jail from 14.04.2009. The deceased had suffered on account of being in jail and not receiving the due medical attention. Time and again courts have said that jail authorities are custodians of prisoners and they have to take care of their health and well being.

Since 25 years old man has died without history of any serious disease, therefore, I find it a fit case for grant of compensation and also for thorough inquiry by the jail authorities. The deceased's wife appeared. She is a young lady with one girl child; maintaining herself by working as domestic help in various houses. She has no other source of income.

The Government is directed to pay compensation of rupees two lakh (Rs.2,00,000) in favour of the deceased's wife and her eight year old child. The amount shall be kept in the bank account of the widow of the deceased in fixed deposit for 5 years for the time being. She shall be entitled to receive the interest every month for her and welfare of her child. If during the period of 5 years she needs the money for immediate needs, she may approach the DM, Begusarai who may pass appropriate orders keeping in view the circumstances in which such application is made.

The DM is also directed to extend all facilities which are available to a widow under various schemes of the government eligible from the date she became widow.

Copy of this order be given to (i) deceased's wife (ii) Superintendent, Divisional Jail Begusarai (iii) DM, Begusarai, (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 27.06.2016.

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