

BIHAR HUMAN RIGHTS COMMISSION

9, Bailey Road, Patna

File Nos. BHRC/Comp. CD-97/15

Case of Pyare Yadav: (Custodial death: Compensation awarded by BHRC)

23.09.2016

Superintendent, District Jail Bettiah, West Champaran Sri Ramesh Prasad present.

It is a case of custodial death of a prisoner (Pyare Yadav, s/o Dholar Yadav, village Chuhadi, P.S. Chanpattia, district West Champaran) who was between 55-65 years of age. He was admitted in jail on 13.08.2015. On that day the doctor who screened him noted "cough with blood" although he was 5'6" in height he weighed only 45 Kgs.

The matter was inquired into by the Judicial Magistrate, W. Champaran. The deceased was only for a few days in jail and was then taken to the M.J.K. Hospital Bettiah on 18.8.2015 although it was noted while medical screening that he was coughing blood on 13th it appeared that he was not properly treated for 5 days and after 5 days when he reached hospital he died.

The magistrate who conducted the inquiry observed:-

“On the basis of the documents on record, facts and circumstances interview made with the jail inmates, deposition of witnesses on being summoned it is evident that the deceased ‘pyare Yadav’ was in custody in relation to case T.R. no.871/15. A visit was made in the jail premises on 31.10.2015 and in particular ward no.7 was visited so as to appraise the true narration of the events relating to the death; the jail authorities were instructed to stay aloof from the interview with jail inmates as a result they departed from the place of interview. The perusal of records and deposition of witnesses particularly the family members of deceased ‘Pyare yadav’ do not indicate use of force or assault on the deceased which can be attributed to the cause of death. However, the deceased was sick and an old person and needed medical care, his condition deteriorated from the time he was brought in jail. The condition of medical facilities within jail premises is not good and considering the seriousness of illness of the deceased he was referred for medical facilities within jail premises is not good and considering the seriousness of illness of the deceased he was referred for medical treatment at M.J.K. Hospital Bettiah and despite being provided escort and transportation quickly by the jail superintendent the deceased could not be saved due to lack of medical care.”

Since there is a report of the magistrate on the basis of evidence that he was not given proper treatment in the jail because of absence of facilities in the jail. Therefore, I think it is a fit case in which compensation can be granted.

If the facilities were not in the jail then the jail administration should have referred the deceased to Sadar Hospital immediately after he was admitted in the jail. They waited for 5 days and shifted him to hospital only when he was already dying.

It appears that the deceased has grown-up children and a widow. The District Magistrate is directed to look into matter and grant widow pension and other benefits to the widow of the deceased that may be available to her under law. In addition to this a compensation of Rs.25,000 (rupees twenty-five thousand) is granted to widow of the deceased which shall be paid to her within four weeks.

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

Compliance report be filed in six weeks.

List on 10.11.2016.

(Justice Bilal Nazki)
Chairperson