

## BIHAR HUMAN RIGHTS COMMISSION

9, Bailey Road, Patna

**File Nos. BHRC/Comp. CD-127/14**

### **Case of Ritesh Singh (Custodial death—compensation awarded)**

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25.04.2016

Deceased's (Ritesh Singh, village Khangaon purab, P.S. Pandaul, district Madhubani) mother, his three children and his brother present. Superintendent, District Jail Madhubani present.

A detailed order was passed in this case on 19.01.2016:-

“Jail Superintendent, Madhubani present. Superintendent, DMCH with Assistant Professor, DMCH present.

I have heard the officers concerned and perused the record. When the deceased was admitted in jail on 13.09.2012 he was not suffering from any ailment according to the screening carried out by the jail authorities. He was 28 years old at that time. After sometime, he became ill. He was treated in the jail hospital then he was admitted in DMCH on 28.02.2014. He remained under the treatment of doctors of the Medical College till his death on 20<sup>th</sup> October 2014.

I have perused the record of the Superintendent, DMCH. It only shows that the deceased was being treated of TB but there is no record to show that the TB had been confirmed by any investigation. Normally, a person aged 29 years should not die of TB, if it is diagnosed almost a year before his death. The Assistant Professor who conducted the post-mortem submits that from the body some lung tissue was extracted in the post-mortem and sent for histo-pathological investigation. It was reported that the deceased had cancer of lung “alveolar rhabdo myosarcoma”. The post-mortem report in the opinion of the doctor who conducted the post-mortem conclusively proves

that the deceased was mis-diagnosed in the hospital and was mistreated for 8 months which perhaps resulted in his death. Before the final orders are passed, the Commission would also like to know the point of view of the legal heirs of the deceased.

The Jail Superintendent will find out the legal representatives of the deceased and direct them to appear before the Commission on the next date of hearing.

A copy of this order shall be sent to the legal heirs through Jail Superintendent. On the next date the legal heirs and the Jail Superintendent shall appear. Doctors need not appear on that date.

List on 18.02.2016.”

After this order was passed legal heirs were summoned. On last occasion the brother of the deceased and mother of the deceased appeared. Superintendent, Madhubani jail who is present submits that he tried to contact the maternal grandparents of the children but they have not turned up.

I have talked to the children; one of them namely Vivek Kumar Singh is capable of answering the questions. He submits that he is living with his uncle at Delhi and going to school and reading in Std. IV. The other children are also present and are aged 7 years, as they are twins. It appears to the Commission that the children are being taken care of by their uncle and also by the grandmother. The Commission hopes that the children also will receive care and education since they have lost both parents at young age. Therefore, it is the responsibility of the society to look after their lives so that they turn out to be good citizens in future.

In order to help them the State Government is directed to pay compensation of Rs.2.25 lakh; in all being Rs.75,000 to each. Their uncle shall open an account as guardian of these children in a bank and the

money will be transferred to the bank. The amount shall be kept in fixed deposit for a period of 10 years and shall be available for use after 10 years by the children. The guardian/uncle is however authorized to draw interest on the amount whenever he needs for spending exclusively on the welfare of the children. If during the period of 10 years the uncle/guardian needs more money than the interest earned, for the welfare of the children, he will apply to DM, Madhubani who may pass appropriate orders keeping in view the circumstances in which such application is made.

Copy of this order be given to (i) deceased's brother (ii) Superintendent, Madhubani Jail (iii) DM, Madhubani, (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 30.06.2016.

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