

BIHAR HUMAN RIGHTS COMMISSION

9, Bailey Road, Patna

File Nos. BHRC/Comp. CD-57/14 & CD-66/14

Case of deceased Shyam Singh: (Custodial death—compensation awarded)

21.01.2016

Father of the deceased present. Superintendent District Jail, Munger present.

The deceased (Shyam Singh of village Mangarappa, P.S. Asarganj, district Munger) was an under-trial prisoner (lodged in Divisional Jail Munger) and had been detained along with his father (Mauji Singh) and some other relatives from 29.12.2010. The incident occurred on 28.05.2014.

I have perused the record, heard the father of the deceased and also the Jail Superintendent. It appears that one night there was no light and a lantern was lighting in the barrack in which the deceased along with his father and other relatives were imprisoned. A snake bit the deceased. When he complained about it to his relatives they informed the jail authorities. The jail authorities took him to hospital (Sadar Hospital, Munger) where he died. On the basis of the record containing post-mortem report and the inquiry report of the Judicial Magistrate it can conclusively be said that the deceased died of snake bite which he received while sleeping in a barrack in jail. When he died he was of 27 years.

When a person is taken into custody and lodged in a jail the jail authorities become his custodians and are duty bound under law and Constitution of India to protect the prisoners, as the prisoners are

themselves handicapped to defend themselves because of the detention. It is the job and duty of the jail authorities to provide them all protection. It is well settled in law that only prisoners' right of free movement is curtailed but all other rights remain intact. Therefore, if a prisoner dies in jail by a snake bite that too at a place which is meant for sleeping, then it's a grave negligence and grave violation of human right.

The deceased has an old father, a young widow and a small girl-child of 6 years. Considering the matter from all angles, the Commission directs the government to constitute an inquiry to fix the responsibility of the persons who were responsible for such negligence and also find out ways so that such incidents do not occur in future in any jail.

The Commission further recommends payment of rupees five lakh (Rs.5,00,000) as compensation. Out of this amount rupees one lakh (Rs.1,00,000) should be paid to the father of the deceased, rupees two lakh (Rs.2,00,000) to the widow of the deceased and rupees two lakh (Rs.2,00,000) should be kept in fixed deposit in the name of the daughter of the deceased till she attains majority. However, the interest earned on the fixed deposit may be used by the mother of the child for welfare and education of the child with specific permission from DM, Munger.

The matter is accordingly closed.

DM, Munger is also directed to extend all the benefits to the widow which are available under various schemes.

Copy of the order be given to deceased's father, Superintendent, District Jail, Munger and Principal Secretary, Home Department for information and necessary action.

(Justice Bilal Nazki)
Chairperson