

File No. BHRC/Comp. CD-117/15

Case of Sundar Mahaldar: (Custodial death: Compensation awarded by BHRC)

29.09.2016

Deceased's son Raju Mahaldar present. Superintendent, Divisional Jail Katihar present.

This is a case of a 70 year old under-trial prisoner (Sundar Mahaldar, s/o Mohan Mahaldar, village Madhura, P.S. Kodha distt. Katihar) who was admitted in Katihar Divisional Jail on 21.05.2015 and died on 1.10.2015 in the Sadar Hospital Katihar.

It appears from health screening made at the time of admission in the jail that the deceased had history of cough. In spite of recording that the patient had history of chronic cough and dyspnea it appears that he was not treated properly. Record shows that he was seen by the doctor in the jail on 20.09.2015 for the first time and some tablet was prescribed. Thereafter, on 29.09.2015 he was rushed to hospital after he had bleeding from mouth. He died in Sadar Hospital, Katihar within a day.

The doctor who had seen him at the time of admission in the jail had written letter to the Civil Surgeon, Katihar requesting that the patient's X-Ray and several other tests be carried for TB. The Medical Officer of the jail also requested that the prisoner be examined by physician but it appears that nobody took the report of the Medical Officer seriously which resulted in the death of the prisoner within six months. The findings of the magistrate are reproduced.

Inquiry was made by the magistrate. The magistrate has given a finding:-

“On perusal of the statements of the inquiry witnesses, examination & verification of the records of medical treatment, documents aforesaid and considering the facts & circumstances of the matter, I am of the opinion that there is an inadequacy of the medical treatment provided to the deceased. Ext.1 – Health screening report dt. 21.05.2015 of the prisoner Sunder Mahaldar shows that chronic cough & dyspnea was detected to the prisoner at the time of the admission of the prisoner in the Jail. Ext.2 – The copy of letter dt.14.09.2015 sent by the medical officer Mandal Kara Katihar to Civil Surgeon Katihar, and this Ext.2 shows that the medical officer of Jail, requested to the Civil Surgeon Katihar, for chest X-Ray sputum AFB, ECG & test for tuberculosis and he advised for physician opinion. But the report of the medical treatment shows that the prisoner was only provided tablets amlokine,

derifyline & utherea ointment. Lastly when the condition of the prisoner became critical, he was referred to the Sadar hospital where the blood started coming out from his mouth resulting which he succumbed to death. I am of the constraint view that if the tuberculosis would be ruled out and adequate & proper treatment provided to the prisoner Sunder Mahaldar, the consequences might have been otherwise”

In view of the report of the magistrate and in view of the record it becomes amply clear that the prisoner did not get the medical treatment he deserved in the jail. Therefore, it is a death caused by negligence of the authorities.

The Principal Secretary, Home is directed to fix the responsibility of the person involved particularly when the Medical Officer on the first day had pointed out that the prisoner was serious and no serious and needed advanced medical care.

Raju Mahaldar, son of the deceased present submits that the deceased has three sons and a daughter. All children are married and are doing their own jobs though all of them are below poverty line. The Commission feels that this is a fit case for grant of compensation to the widow of the deceased. It is submitted that the widow is about 55 years old; she is getting widow pension of Rs.400 per month.

A compensation of rupees one lakh (Rs. 1,00,000) is sanctioned in her favour which shall be deposited in her account and can be kept in fixed deposit for 5 years. The widow of the deceased shall be entitled to withdraw monthly interest on the amount for her maintenance. After 5 years the matter regarding mode of payment to deceased's widow shall be decided by DM, Katihar keeping in view the need and circumstances.

Compliance report be filed by 17.11.2016.

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

(Justice Bilal Nazki)
Chairperson