

BIHAR HUMAN RIGHTS COMMISSION

9, Bailey Road, Patna

File No. BHRC/Comp. CD-95/15

Case of deceased prisoner Tuntun Yadav (Case of compensation)

28.07.2016

Father of the deceased present.

This Commission passed an order on 08.06.2016 which is produced below:-

“Deputy Superintendent, Sub Jail Bikramganj, Sasaram present. Dr. Sri Bhagwan Singh, Sadar Hospital, Sasaram present.

This is a case pertaining to death of a prisoner who was accused in a case u/s 147, 148, 386 IPC. He was admitted to jail on 31st August 2012. He became ill on 28.9.2012 and the jail doctor referred him to Superintendent, Sadar Hospital Sasaram. He was treated but he died on 29.9.2012.

The medical records maintained by the jail reveal that the deceased was seen by the Jail Doctor on 19.9.2012, 24.9.2012, 25.9.2012, 26.9.2012 and 27.9.2012. The doctor did not make any diagnosis and also did not suggest any treatment but gave general drugs for de-worming, vitamins and enzymes. One of the doctors, namely, Dr. Sri Bhagwan Singh who conducted the post-mortem explained the post-mortem report and submits that there was evidence found in the brain and stomach of the deceased which led the

doctors to believe that the deceased had died of cerebral malaria or encephalitis. He also submits that when he was admitted to Sadar Hospital the doctors at Sadar Hospital had asked for investigation to rule out Malaria and typhoid but these tests could not be carried as he died before that.

The doctor is also of the view that a 25 year old person could not have died of malaria, typhoid, cerebral malaria or encephalitis immediately after getting indisposed. These diseases are not caused suddenly and they will manifest in various symptoms much before the death. Had he been treated on time he could have been saved.

In this view of the matter, the Commission feels that the jail authorities have been negligent in protecting the life of the deceased inside the jail and the matter deserves to be looked into by the government for fixing the responsibility.

A copy of this order be sent to Principal Secretary, Home and IG, Prisons.

In view of what has been stated hereinabove, a case for compensation is also made out but it is not known to the Commission as to who are the dependants of the deceased.

Therefore, the next-of-kin of the deceased shall be summoned through the Superintendent, Sub Jail Bikramganj, Rohtas.

List on 28.7.2016.”

In pursuance of this order the father, Sri Bharat Yadav, of the deceased (Tuntun Yadav, village Saraiya, P.S. Kachhwan, district Rohtas) has appeared before the Commission. He submits that he

belongs to BPL family. After the death of his son in the jail he is left with one son and daughter. Daughter is married. The widow of the deceased has married the second son of the petitioner and is now expecting, therefore, she can not attend the Commission. He submits that the deceased was young, died at the age of 25 and has also a daughter aged 5.

Since the Commission has come to the conclusion that the death of the deceased was caused due to gross negligence of the doctor while the deceased was in custody, therefore, the family is entitled to compensation.

Compensation of rupees three lakh (Rs.3,00,000) is directed to be paid to the family. Out of this amount rupees one lakh (Rs.1,00,000) should be paid to the father of the deceased; rupees one lakh (Rs.1,00,000) to the widow of the deceased and rupees one lakh (Rs.1,00,000) shall be kept in fixed deposit in the name of the daughter of the deceased till she attains majority.

If any amount is needed to be used from the compensation awarded to the minor child for her welfare, the mother can move the concerned DM (DM, Rohtas) who may pass appropriate orders after taking into consideration the pleas made before him. All the amounts shall be paid through cheques and shall be credited to their accounts within three weeks.

Copy of this order be given to (i) father and widow of the deceased, (ii) DM, Rohtas, (iii) Superintendent, Sub Jail, Bikramganj, Rohtas & (iv) Principal Secretary, Home for information and necessary action, as the case may be.

Compliance report be submitted by 8.09.2016.

(Justice Bilal Nazki)
Chairperson