

BIHAR HUMAN RIGHTS COMMISSION (BHRC)

9, Bailey Road, Patna

File No. BHRC/CD-133/14

Case of Death of Harinandan Rai due to criminal negligence: Compensation awarded

31.01.2020

Next-of-kin of deceased's family, Navin Kumar, present with his Advocate, present. Superintendent, Khudiram Bose Central Jail, Muzaffarpur, Sri Rajeev Kumar Singh also present.

Heard and perused the materials available in the file.

The present case relates to the death of a convict, Harinandan Rai, S/o Saryug Rai of village Belakhap, P.S. Parihar, District Sitamarhi during his incarceration.

Deceased Harinandan Rai was a prisoner serving life-sentence passed in Session Trial No.-148/10 in Shaheed Khudi Ram Bose Central Jail, Muzaffarpur for serving his sentence. On the fateful day of 01.12.2014 at around 2:40 PM while he was working in wheat mill situated in Central Jail, Muzaffarpur, there being disruption of power supply, then suddenly when power came back, the wheat grinding machine began to operate on its own and the deceased prisoner's clothes were caught unawares to the shaft of the machine and due to abrasion and tossing and turning he received fatal injuries. He was immediately sent to S.K.M.C. Hospital, Muzaffarpur for treatment and died after sometime. Report (MER) placed on file says that the **deceased had no prior training for operating the machinery and at the time of the incident neither security personnel nor technical man was provided to assist the deceased nearby inside the mill situated inside the Central Jail, Muzaffarpur. All this shows sheer criminal negligence on the part of the jail authorities.**

On the recommendation of the Commission, prompt action was taken by the jail authorities to provide security for all; and, all the electric boards, wires and switches were covered up. Steps have been taken to prevent any such untoward incidence in future by blocking the way to dangerous locations in the precincts.

At the time of death, the prisoner was 45 years. He is survived by wife Kupiya Devi (present age 45 years). He has two sons, namely,

- (i) Navin Kumar (age 22 years who is a labourer and married)
- (ii) Dilip Kumar (age 16 years, a labourer and is unmarried)

and three daughters:

- (i) Poonam Kumari (20 years, married)
- (ii) Amrita Kumari (18 years, unmarried)
- (iii) Mintu Kumari (17 years unmarried)

The family has 5-6 kattha land and a semi-kutchha house. Since the family is very poor and especially keeping in mind that the deceased has two unmarried daughters and death occurred due to criminal negligence on the part of the jail authorities, **Commission deems it fit to provide compensation of rupees one lakh (Rs.1,00,000) to deceased prisoner's wife Kupiya Devi to be directly paid into her account. The compensation amount be paid within six weeks i.e. 19.03.2020.**

Compliance report must be filed by **26.03.2020**.

Copy of this order be given to (i) Kupiya Devi, wife of the deceased (ii) Addl. Chief Secretary, Home, Bihar, Patna (iii) IG, Prisons, Patna (iv) DM, Sitamarhi (v) DM, Muzaffarpur and (vi) Superintendent, Khudiram Bose Central Jail, Muzaffarpur for information and necessary action as the case may be.

List on 26.03.2020.

(Ujjwal Kumar Dubey)
Acting Chairperson