

## National Human Rights Commission

<b>Diary No</b>	61237	<b>Case / File No</b>	511/1/23/2013
<b>Victim Name</b>	SOMLA NAIK	<b>Registration Date</b>	29/04/2013

**Action List** (Click on Action given in blue color to view details)

Action No.	Action	Authority	Action Date	Due Date	Completion Date
13	<a href="#">Concluded and No Further Action Required</a>	WARANGAL (URBAN), TELANGANA	11/11/2019	18/11/2019	18/11/2019
12	<a href="#">Additional Information Called for</a>	WARANGAL (URBAN), TELANGANA	01/03/2019	01/03/2019	
11	<a href="#">Additional Information Called for</a>	THE CHIEF SECRETARY GOVERNMENT OF TELANGANA, HYDERABAD	01/03/2019	09/04/2019	29/08/2019
10	<a href="#">Additional Information Called for</a>	THE CHIEF SECRETARY GOVERNMENT OF TELANGANA, HYDERABAD	11/12/2018	03/02/2019	
9	<a href="#">Additional Information Called for</a>	THE CHIEF SECRETARY GOVERNMENT OF TELANGANA, HYDERABAD	19/07/2018	13/09/2018	
8	<a href="#">Additional Information Called for</a>	WARANGAL, TELANGANA	12/07/2018	12/07/2018	
7	<a href="#">Relief granted [Compensation, Disciplinary &amp; Prosecution]</a>	THE CHIEF SECRETARY GOVT. OF TELANGANA, HYDERABAD	13/03/2018	07/05/2018	
6	<a href="#">Additional Information Called for</a>	WARANGAL, TELANGANA	19/02/2018	14/03/2018	
5	<a href="#">Additional Information Called for</a>	THE COMMISSIONER OF POLICE WARANGAL, TELANGANA	12/09/2017	10/11/2017	
4	<a href="#">Show Cause Notice Issued (Comments)</a>	THE CHIEF SECRETARY GOVERNMENT OF TELANGANA, HYDERABAD	12/09/2017	10/11/2017	

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[Expand All Action List](#)[Action](#)**Action : Concluded and No Further Action Required(Action No 13)**

<b>Action Date</b>	11/11/2019	<b>Due Date</b>	18/11/2019	<b>Completion Date</b>	18/11/2019
<b>Authority</b>	, WARANGAL (URBAN), TELANGANA				
<b>Proceeding</b>	<p>The case relates to the complaint of Sh. Tejang Chakma alleging that prisoner Somla Naik died on 18.04.2013 due to torture at the Central Prison Warangal, Andhra Pradesh. He was arrested by the Excise Police on 16.04.2013 and was remanded to judicial custody on the same day. The victim was released on 17.04.2013 and the next day, he died.</p> <p>Pursuant to the directions of the Commission, a report dated 08.08.2019 has been filed by the Director General of Prison &amp; Correctional Services, Hyderabad, Telangana wherein it is stated that compensation of Rs.5,00,000/- vide cheque bearing no.676365 dated 12.07.2019 pertaining to the death compensation in respect of Late Sri Somula Naik@ Daravath Somulu, who expired in Central Prison on 18.04.2013 has been handed over to his wife Smt. Daravath Kamala with proper acknowledgement.</p> <p>Since, compensation of Rs.5,00,000/- vide cheque bearing no.676365 dated 12.07.2019 had been paid to the victim's wife namely Daravath Kamala with proper acknowledgement pursuant to the direction of the Commission, no further intervention of this Commission is required in the present case.</p> <p>The case is closed.</p>				
<input type="checkbox"/>					

### Complaint

Diary No	61237	Section	M-3
Language	ENGLISH	Mode	FAX
Received Date	23/04/2013	Complaint Date	23/04/2013

### Victim

<b>Victim Name</b>	SOMLA NAIK	<b>Gender</b>	Male
<b>Religion</b>	Hindu	<b>Cast</b>	Unknown
<b>Address</b>	R/O GUNDLA SINGARAM MANDAL HANAMKONDA,		
<b>District</b>	WARANGAL (URBAN)	<b>State</b>	TELANGANA

### Complainant

<b>Name</b>	TEJANG CHAKMA, COMPLAINTS COORDINATOR		
<b>Address</b>	ASIAN CENTRE FOR HUMAN RIGHTS, C-3/441-C, (2ND FLOOR), JANAKPURI,		
<b>District</b>	WEST DELHI	<b>State</b>	DELHI ( 110058 )

**Incident**

<b>Incident Place</b>	WARANGAL	<b>Incident Date</b>	18/04/2013
<b>Incident Category</b>	HARASSMENT OF PRISONERS		
<b>Incident District</b>	WARANGAL (URBAN)	<b>Incident State</b>	TELANGANA
<b>Incident Details</b>			

**Cause List**

<b>List No</b>	<b>Case / File No</b>	<b>Listing Date</b>	<b>Category</b>
10	511/1/23/2013	10/05/2019	FOR DIRECTION
9	511/1/23/2013	15/02/2019	FOR DIRECTION
8	511/1/23/2013	19/09/2018	FOR DIRECTION
7	511/1/23/2013	16/05/2018	FOR DIRECTION
6	511/1/23/2013	14/03/2018	FOR DIRECTION
5	511/1/23/2013	17/11/2017	FOR DIRECTION
4	511/1/23/2013	20/01/2016	FOR DIRECTION
3	511/1/23/2013	23/10/2015	FOR DIRECTION
2	511/1/23/2013	09/12/2013	FOR DIRECTION
1	511/1/23/2013	23/07/2013	FOR DIRECTION

### Case Details of File Number: 511/1/23/2013

**Diary No:** 61237

**Name of the Complainant:** TEJANG CHAKMA, COMPLAINTS COORDINATOR

**Complainant Address:** ASIAN CENTRE FOR HUMAN RIGHTS, C-3/441-C, (2ND FLOOR), JANAKPURI,

**Name of the Victim:** SOMLA NAIK

**Place of Incident:** WARANGAL

**Date of Incident:** 18/04/2013

**Action Taken:**

These proceedings should be read in continuation of the earlier proceedings of the Commission dated 13.3.2018. The matter related to the death of a prisoner Somla Naik while in the Central Prison Warangal on 18.4.2013 due to torture. The Commission vide its proceedings dated 12.9.2017 found that the torture meted out to the prisoner amounted to a gross violation of his human rights. Accordingly, the Commission issued show cause notice to the Chief Secretary, Government of Telangana u/s 18 (a) (i) of PHR Act, 1993 to show cause as to why a monetary compensation of Rs. 5 laks should not be recommended to be paid to NOK of the deceased. Pursuant to the directions of the Commission, a letter dated 14.6.2018 from DG of Prisons & Correctional Services, Government of Telangana addressed to the Principal Secretary (Home), (Ser.I) Department, Telangana was received. In the letter, the DG requested the Principal Secretary to accord sanction for an amount of Rs.5 lakhs to be paid to the next of the kin of the deceased UTP Somla Naik @ Dharavath Somulu as per the recommendations of the Commission. It was not known whether the required sanction was accorded or not by the concerned State authorities. The Commission carefully considered the materials on record and took note of the facts and circumstances of the case. At the outset it might be indicated that the matter related to the year 2013. Despite specific directions by the Commission, the required compliance had not yet been furnished. The unresponsiveness of the concerned state authorities was not appreciated by the Commission. In the circumstances, the Chief Secretary, Government of Telangana be directed to ensure payment of the recommended compensation to the next of the kin of the deceased and submit compliance along with proof of payment within six weeks positively.

**Status :** Action Taken On 11/12/2018

**Action Due Date:** 03/02/2019



## Case Details of File Number: 511/1/23/2013

<b>Diary Number</b>	61237
<b>Name of the Complainant</b>	TEJANG CHAKMA, COMPLAINTS COORDINATOR
<b>Address</b>	ASIAN CENTRE FOR HUMAN RIGHTS, C-3/441-C, (2ND FLOOR), JANAKPURI, WEST DELHI , DELHI
<b>Name of the Victim</b>	SOMLA NAIK
<b>Address</b>	R/O GUNDLA SINGARAM MANDAL HANAMKONDA, WARANGAL (URBAN) , TELANGANA
<b>Place of Incident</b>	WARANGAL
<b>Date of Incident</b>	WARANGAL (URBAN) , TELANGANA 4/18/2013
<b>Direction issued by the Commission</b>	These proceedings should be read in continuation of the earlier proceedings of the Commission dated 13.3.2018. The matter related to the death of a prisoner Somla Naik while in the Central Prison Warangal on 18.4.2013 due to torture. The Commission vide its proceedings dated 12.9.2017 found that the torture meted out to the prisoner amounted to a gross violation of his human rights. Accordingly, the Commission issued show cause notice to the Chief Secretary, Government of Telangana u/s 18 (a) (i) of PHR Act, 1993 to show cause as to why a monetary compensation of Rs. 5 lacs should not be recommended to be paid to NOK of the deceased. In response to the notice, a letter dated 7.5.2018 by Principal Secretary to Government (Political) Telangana was received which was addressed to the Principal Secretary, Home Department requesting him to submit the compliance along with proof of payment before the Commission. The Commission carefully considered the contents of the letter. The required compliance has not been furnished. Let a reminder be sent to the Chief Secretary, Government of Telanaga to submit the required compliance along with proof of payment within six weeks positively
<b>Action Taken</b>	<b>Additional Information Called for (Dated 7/19/2018 )</b>
<b>Status on 7/23/2018</b>	Response from concerned authority is awaited.

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**Note:** For further details kindly contact **National Human Rights Commission, Manav Adhikar Bhawan Block-C, GPO Complex, INA, New Delhi - 110023**

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**नोट:** अन्य जानकारी हेतु कृपया संपर्क करें **राष्ट्रीय मानव अधिकार आयोग, मानव अधिकार भवन, ब्लॉक-सी, जी.पी.ओ. कम्प्लेक्स, आई.एन.ए., नई दिल्ली - 110023,**

**शिकायतों के लिए : फोन नं. 24651330, 24663333 फैक्स नं. 24651332 ई-मेल : [cr\[dot\]nhrc\[at\]nic\[dot\]in](mailto:cr[dot]nhrc[at]nic[dot]in)**

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### Case Details of File Number: 511/1/23/2013

<b>Diary Number</b>	61237
<b>Name of the Complainant</b>	TEJANG CHAKMA, COMPLAINTS COORDINATOR
<b>Address</b>	ASIAN CENTRE FOR HUMAN RIGHTS, C-3/441-C, (2ND FLOOR), JANAKPURI, WEST DELHI , DELHI
<b>Name of the Victim</b>	SOMLA NAIK
<b>Address</b>	R/O GUNDLA SINGARAM MANDAL HANAMKONDA, WARANGAL , TELANGANA
<b>Place of Incident</b>	WARANGAL WARANGAL , TELANGANA
<b>Date of Incident</b>	4/18/2013
<b>Direction issued by the Commission</b>	These proceedings should be read in continuation of the earlier proceedings of the Commission dated 19.2.2018. The matter related to the death of a prisoner Somla Naik while in the Central Prison Warangal on 18.4.2013 due to torture. The Commission vide its proceedings dated 12.9.2017 found that the torture meted out to the prisoner amounted to a gross violation of his human rights. Accordingly, the Commission issued show cause notice to the Chief Secretary, Government of Telangana u/s 18 (a) (i) of PHR Act, 1993 to show cause as to why a monetary compensation of Rs. 5 lacs should not be recommended to be paid to NOK of the deceased. In response to the same, a report dated 13.11.2017 was received from the DG of Prisons and Correctional Services, Government of Telangana. The substance of the reply was that the prisoner was discharged from the Prison Hospital on 18.4.2013 and released together with his co-accused. According to the reply, the prisoner died after release only on bail at about 11.30 am on 18.4.2013. It was reported that the prisoner was given necessary medical treatment during his stay in the prison. The prisoner's relative brought the dead body of the prisoner in an auto rickshaw claiming that the prisoner was dead in prison, perhaps with the intention to get certain benefits by wrongly accusing the prison officials. The report concluded that since the prisoner died outside the Central Prison after his release, there was no justification for payment of any compensation to the next of the kin of the deceased. The Commission carefully considered the contents of the reply and took note of fact and circumstances of the case. It might be indicated that the expert on the panel of the Commission in his opinion held as follows:- "Several inconsistencies are noted in the treatment record of the MGM Hospital and also Prison Hospital. The possibility of the fabricated medical treatment record at the Prison Hospital cannot be ruled out and the same may be investigated. The observation that the deceased at the time of his release was unable to walk on his own also suggest the possibility of him to sustain the injuries while in the custody." In view of the reply furnished by the DG of Prisons and Correctional Services was not acceptable. In the circumstances, the Commission would like to recommend a sum of Rs. 5 lacs as monetary compensation to be paid to the next of the kin of the deceased by the Chief Secretary, Government of Telangana and submit compliance along with proof of payment within six weeks positively.
<b>Action Taken</b>	<b>Relief granted [Compensation, Disciplinary &amp; Prosecution] (Dated 3/13/2018 )</b>
<b>Status on 4/21/2018</b>	Compliance of the Commission's recommendation by the concerned authority is awaited.

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## National Human Rights Commission New Delhi, India

### Case Details of File Number: 511/1/23/2013

Diary Number	61237
Name of the Complainant	TEJANG CHAKMA, COMPLAINTS COORDINATOR
Address	ASIAN CENTRE FOR HUMAN RIGHTS, C-3/441-C, (2ND FLOOR), JANAKPURI, WEST DELHI, DELHI
Name of the Victim	SOMLA NAIK
Address	R/O GUNDLA SINGARAM MANDAL HANAMKONDA, WARANGAL, ANDHRA PRADESH
Place of Incident	WARANGAL WARANGAL, ANDHRA PRADESH
Date of Incident	4/18/2013

On 23.4.2013 the Commission received a complaint from Shri Tejang Chakma Coordinator Asian Centre for Human Rights, Jankapuri, New Delhi to the effect that a prisoner Somla Naik died on 18/4/2013 due to torture at the Central Prison Warangal. It was intimated that he was arrested by the Excise Police on 16.4.2013 on the charge of possessing illicit distilled liquor. He was remanded to judicial custody on the same day and released on 17.4.2013 and the next day he died. The Commission examined all the relevant reports relating to the death of the deceased as furnished by the state authorities. The health screening report of the deceased dt 17.4.2013 of the deceased indicated that he had a history of being alcoholic withdrawal symptoms and severe alcoholic intoxication as per the treatment record the deceased before being admitted in the prison was examined by the Doctor of MGM Hospital Warangal. After admission in the prison he was admitted in the central prison and was provided treatment for withdrawal symptoms till his release. The medical certificate dt. 16.4.2013 issued by MGM Hospital did not show any external injury on the body of the deceased. As per the orders passed by the additional JMFC Warangal dt. 17/4/2013 the deceased Somla Naik was released on bail. However, there were no records available showing the formal release of the deceased from the jail and the Jail Superintendent vide letter dt. 27/2/2014 was requested to provide a copy of the document about the release of the UTP, but no document could be furnished. As per the reports of the Superintendent Warangal the deceased died outside after his release from the jail hence no postmortem inquest and magisterial enquiry report was conducted. The cause of death was not known. The prisoner died within two hours of his release. A magisterial enquiry into the matter was got conducted by the SDM and RDO, Warangal. During enquiry the enquiry officer recorded the statements of all the relevant witnesses including the statements of the wife of the deceased. The enquiry officer concluded that the UTP 2422 Dharawath Somani (Somulu) was suffering with illness right from his admission in the jail till his discharge. According to him on the date of release he was under treatment and was capable to walk only with the help of some assistance. Till he borrowed an auto to go to his village Gundlasingam he was alive. But when the auto reached his village he was found dead. Thereby the concerned Police Matwada registered a case Crime No. 135/2013 u/s 174 Cr.P.C. Thereafter altered section of law u/s 302 IPC because the post mortem report revealed the death was due to cardiac arrest as a result of compression over the neck. The efforts were continuing to unearth clues and establishing accusation against real culprits. Pursuant to the directions of the Commission, the matter was referred to the expert on the panel of the Commission for his examination and opinion. The expert after examining the material on record opined as follows:- "Several inconsistencies are noted in the treatment record of the MGM Hospital and also Prison Hospital. The possibility of the fabricated medical treatment record at the Prison Hospital cannot be ruled out and the same may be investigated. The observation that the deceased at the time of his release was unable to walk on his own also suggest the possibility of him to sustain the injuries while in the custody." The Commission carefully considered the materials on record and took note of facts and circumstances of the case. Admittedly the deceased was in the care and custody of the state. During his custody in the prison the deceased did not lose his right to life as guaranteed under Article 21 of the constitution. But the circumstances established on record indicated that the deceased did not have a normal and natural right to life and the nature of his death did not rule out torture of the deceased while in the judicial custody. The torture meted out to him resulted in the cardiac arrest and ultimately the death of the deceased. The inconsistency noticed in the treatment record itself testified that the prison authorities wanted to suppress the truth. Therefore there was a clear case of foul play in the death of the deceased. In the circumstances, the Chief Secretary, Govt. of Telangana be directed to show cause u/s 18 (a) (i) of PHR Act, 1993 as to why a compensation of Rs. 5 Lakhs should not be recommended to be paid to the NOK of the deceased within six weeks positively. The Chief Secretary further be directed to cause an investigation into the tampering of the medical treatment record of the prisoner be conducted as found by the expert on the panel of the Commission and submit the report within the said period. The Commissioner of Police Warangal, Telangana be directed to furnish the status of case FIR No 135/13 PS Matwada. Response within the said period.

#### Direction issued by the Commission

Action Taken  
Status on 9/19/2017

Additional Information Called for (Dated 9/12/2017 )  
Response from concerned authority is awaited

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