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Case No. 938/1/7/07-08-AD

NATIONAL HUMAN RIGHTS OMISSION  
( L A W D I V I S I O N )

\* \* \*  
FARIDKOT HOUSE  
COPERNICUS MARG, NEW DELHI - 110 001

Dated 18/06/2013

To

THE CHIEF SECRETARY  
GOVT.OF ANDHRA PRADESH, HYDERABAD

20 JUN 2013

Sub : Complaint from

SUHAS CHAKMA DIRECTOR  
NATIONAL CAMPAIGN FOR PREVENTION OF TORTURE,  
C-3/441-C, JANAKPURI  
NEW DELHI DELHI. 110058

Sir/Madam,

I am directed to say that the matter was considered by the Commission on 12/06/2013 and the Commission has directed as follows.

*These proceedings shall be read in continuation of the Commission's earlier proceedings dated 3.1.2013 relating to the death of UTP E. Laxmaiah in the custody of Central Prison, Cherlapally, Hyderabad, Andhra Pradesh. After making an enquiry the Commission issued a notice under section 18 of the Protection of Human Rights Act, 1993 to the government of Andhra Pradesh.*

*No reply to the show-cause notice has been received from the Government of Andhra Pradesh. The Commission, therefore, assumes that the Government has no views on the matter.*

*As observed in the Commission's proceedings dated 3.1.2013, UTP the late E. Laxmaiah was not provided adequate medical treatment in the jail, it, therefore, recommends the Government of Andhra Pradesh to pay a sum of Rs. 3.00 lakhs (Rupees three lakhs only) as relief to the next of kin of UTP, the late E. Laxmaiah.*

*The Chief Secretary, Andhra Pradesh is expected to send the proof of payment within eight weeks.*

It is therefore, requested that the compliance report in the matter be sent to the Commission latest by 20/08/2013, so that the same could be placed before the Commission.

Yours faithfully,

  
ASSISTANT REGISTRAR (LAW)

CC To,

NNNN  
NNNN



**SUHAS CHAKMA DIRECTOR**  
**NATIONAL CAMPAIGN FOR PREVENTION OF TORTURE,**  
**C-3/44 1-C, JANAKPURI**  
**NEW DELHI, DELHI.**  
**(Pin Code-110058)**



# National Human Rights Commission, New Delhi, India

## Case Details of File Number: 938/1/7/07-08-AD

Diary Number	132573
Name of the Complainant	SUHAS CHAKMA DIRECTOR
Address	NATIONAL CAMPAIGN FOR PREVENTION OF TORTURE, C-3/441-C, JANAKPURI NEW DELHI , DELHI
Name of the Victim	10 PRISONERS - D. BHASKAR (32 YEARS)
Address	& OTHERS CHERLAPALLY JAIL HYDERABAD , ANDHRA PRADESH
Place of Incident.	CHERLAPALLY JAIL HYDERABAD , ANDHRA PRADESH
Date of Incident	1/1/1991

### Direction issued by the Commission

The complainant, an officer bearer of a NGO named National Campaign for Prevention of Torture has sent a complaint referring a newspaper report of Hindu dated 27.10.2007 has alleged that at least 10 persons have died at Cherapally Jail in Hyderabad. He has alleged that a life convict named D. Bhaskar aged 32 years was beaten to death by the jail staff. He has further alleged that in the night of 25.10.2007 an under trial prisoner named Sanjeeva died at the Osmania General Hospital while undergoing treatment for fever. He has further alleged that an under-trial prisoner named as Laxman was admitted in Gandhi Hospital in Hyderabad for abdominal pain. He has further alleged that most of the persons died in 2007 belonged to poor and underprivileged class of the society. They died from easily preventable diseases like fever and abdominal pain. It shows that they were not given proper medical facilities in the jail. He has further alleged that Cherlpally jail has been accommodating with 2000 persons with only 50 beds and two dorctors in the hospital which is highly inadequate. The Commission on 14.11.2007 called for report from IG Prisons, Andhra Pradesh within four weeks. In response to the Commission's proceeding the Director General and Inspector General of Prisons, a Correctional Services, Andhra Pradesh vide communication dated 22.12.2007 submitted that convict prisoner D. Bhaskar was admitted in the prison on 25.7.2006 to undergo life imprisonment in SC No. 322/05 u/s 302/376 IPC. He complained of head ache and vomiting. He was admitted in jail. On worsening of his condition he was admitted to Osmania General Hospital, Hyderabad where he was declared dead. He has further submitted that concerning the allegations of beating of the deceased by Jailor R.K. Harinath, Head Warder Sri K. Venkateswara Rao and two warders Sri M. Anjaneyulu and Sri D. Srinivasa Reddy a case crime No.528/07 u/s 302 IPC Police Station Kushaiguda was registered pending investigation. Jailor R.K. Harinath was sent to jail and other errant jail officials obtained anticipatory bail from the higher authority. He has further submitted that under trial prisoner G. Sanjeev and E. Laxmaiah complained of fever and loose motion. They were treated in the jail hospital and their condition becoming worsen, they were shifted to Osmania General Hospital and Gandhi Hospital respectively where they expired on 25.10.2007 during the course of medical treatment. He has further submitted that the Government vide its order dated 10.12.2007 recently sanctioned the posts of civil Asstt. Surgeon and other para medical staff besides equipment as detailed in the report. The report of the Supdt., Central Prison, Cherlapalli has also sent along with the inquest, post-mortem and magisterial enquiry report. The inquest and post-mortem report reveal 22 ante mortem injuries on the body of D. Bhaskar. The post-mortem report indicates the cause of death probably due to polytrauma. An incomplete post-mortem report is sent to the Commission. The copy of the FIR has also

been sent. The report of the IG Prisons dated 12.12.2007 is also incomplete because the complainant has alleged death of D. Bhaskar aged 32 years, Sanjeev aged 24 years and under trial Laxman. But the copies of inquest and post-mortem report has been sent of life convict D. Bhaskar only. Thus, the Commission is unable to reach to a logical conclusion on the basis of the incomplete records. The copy of the complaint be again transmitted to DGP and IGP Correctional Services, Andhra Pradesh and DM, Hyderabad for sending para wise reports along with the inquest, postmortem and magisterial enquiry report into each death along with an explanation as to why intimation into each alleged custodial death was not sent to the Commission. Response within four weeks.

**Action Taken****Status on 9/10/2009****Additional Information Called for (Dated 5/8/2008 )**

Response from concerned authority is awaited.

**Note:** For further details kindly contact **National Human Rights Commission, Copernicus Marg, New Delhi, PIN 110001 Tel.No. 23385368 Fax No. 23384863 E-Mail: covdnhrc@hub.nic.in**

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