

20/6/2012

NATIONAL HUMAN RIGHTS COMMISSION
(LAW DIVISION)
FARIDKOT HOUSE
COPERNICUS MARG, NEW DELHI - 110 001

Dated 18/06/2010

Case No. 12380/24/35/09-10

- 6 JUL 2010

To

✓ TEJANG CHAKMA, RESEARCHER
ASIAN CENTRE FOR HUMAN RIGHTS, C-3/441-C,
JANAKPURI,
NEW DELHI, DELHI

Sir/Madam,

With reference to your complaint dated 18/06/2009, I am directed to say that the matter was considered by the Commission on 17/06/2010. The Commission has made the following directions.

The complainant - a NGO - drew the attention of the Commission towards the death of a Dalit Youth identified as Anil Kumar, aged 18 after being denied medical treatment by the doctors at a government-run-hospital in Hamirpur, Uttar Pradesh on 15/06/2009. The complainant prayed as under:-

"Direct the State government of Uttar Pradesh to order a judicial inquiry into the death of Dalit Anil Kumar after being denied medical treatment by the doctors due to his caste at a government-run-hospital in Hamirpur district, and submit a report to the NHRC within four weeks;

Direct the State government of Uttar Pradesh to immediately arrest the doctors of the hospital for denying medical treatment to Anil Kumar and further, take appropriate action under the SC/ST (Prevention of Atrocities) Act against anyone found to be guilty;

Direct the State government of Uttar Pradesh to provide an interim compensation of Rs 10,00,000 (ten lakhs) to the next of kin of the deceased which should be recovered for the guilty doctors; and

Take any other measures which the NHRC deems fit and proper."

Upon perusal, the Commission vide proceedings dated 06/07/2009 directed issue of notice to the DM, Hamirpur as well as CMO, Hamirpur, Uttar Pradesh calling for a report within four weeks.

Pursuant to the directions of the Commission, Chief Medical Officer, Hamirpur vide communication dated 07-10-2009 has forwarded a copy of report dated 16/06/2009 conducted by a joint team of the following officers of the district:-

- 1) Shri Paramlal Verma
Circle Officer,
Rath
- 2) Shri O.P. Singh
SDM,
Rath

3) Dr. P.K. Kansoria
Chief Medical Officer,
Hamirpur.

Joint Committee was constituted vide order dated 15/06/2009 of DM, Hamirpur. During inquiry statements of father of the deceased, Dr. R.K. Katiyar, Medical Officer, Community Health Centre, Rath, Shri Hasmat Ullah, Chief Parmist and Shri Bechan Singh, Ward Boy. During inquiry, as per report the following facts come to light:-

1) "On, 14-06-2009 Shri Anil Kumar (deceased) was cleaning a drainage in front of Shop of Babloo Urai Wale Ki Dukan. Proprietor of the shop was drawing electricity through illegal connection (i. e. by putting up winer) Due to electrocution, deceased was fallen into drainage and was taken to community Health Centre by his fellow Safai Karamcharis.

2) At Community Health Centre, Dr. R.K. Katiyar Medical Superintendent immediately examined and declared him dead. Family members of the deceased were informed. Report further discloses that on getting information about the death of Anil Kumar, family members of the deceased manhandled doctor, used abusive language and locked him in room. Dr. Kataria informed the police. Before police could arrive, hundreds of people gathered and broke the window panes of the building and damaged hospital equipment. Thereafter, police and SDM controlled the unruly crowd with lot of difficulty, removed the doctor to a safe place and dead body was sent for Post Mortem and Panchayatnama. Family members of the deceased were pacified. As per report three criminal cases were registered, such as, crime No. 890/09 u/s 304 IPC against Babloo Mistry, Orai Auto Centre, Rath and Dr. Katiyar, Crime No. 890A/2009 u/s 147/148/332/427/342/336 IPC and u/s 7 Criminal law Amendment Act and u/s 3/4 Public property Damage Act against Ramkhilawan, Prem Chandra, Pappu and Kallu Balmiki & unidentified crowd and crime No. 890/B/09 u/s 147/148/308/504/506 IPC and u/s 7 Criminal Law Amendment Act against Ramkhilawan, Prem Chander, Pappu, Rajinder Prasad, Sukhpal, Shyam, Vinod, Pannalal, Rakesh Kallu, Jagdish for beating up Ismail after the death of Anil Kumar."

As per Post Mortem report, Anil Kumar died due to electrocution and his last rites were performed on 15/06/2009 by family members.

Joint Committee in their report dated 16/06/2009 has concluded that there was no delay in providing treatment to the deceased on the part of doctor or hospital authorities. However, keeping in view prevailing tension, the committee recommended for transfer of doctor.

After perusing the record, the Commission vide proceedings dated 17-12-2009 observed and directed as under:-

"As the allegations contained in the complaint have not been substantiated during joint enquiry, it would be appropriate to call for comments of the complainant.

Further, it is seen from the record, that the deceased was a safai Karamchari and died during performance of duties due to electrocution. In these circumstances, the Commission would like to know from the DM, Hamirpur, Uttar Pradesh whether State of Uttar Pradesh has provided any ex-gratia to the NOK of the deceased or any compensation under the Workmen's compensation Act.

As per PMR, the deceased died due to electrocution. In these circumstances, it would also be appropriate to issue notice to Chairman, Uttar Pradesh State Power Corporation for a detailed report including payment of compensation, if any, as per the existing guidelines of the State of Uttar Pradesh.

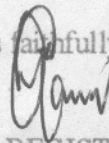
Pursuant to the directions of the Commission, SP, Hamirpur, UP in crime No. 890/09 u/s 304IP Thana Rath, crime No.890 A/09 u/s 147/148/332/336 IPC and u/s 7 Criminal Case Amendment Act, Thana Rath and crime No. 890 B/2009 u/s 147/148/308/504/506 IPC and u/s 7 Criminal Case Amendment Act on completion of investigation charge sheets have been submitted in the Court. Financial assistance of Rs. 35000/- has been provided to the father of the deceased. As the deceased died due to electrocution while working in a shop, no relief is admissible/payable by the Electricity Department.

As the court is now seized of the matter and financial relief has been provided to the father of the deceased, no further action by the Commission is called for. Reports are taken record. The complainant is at liberty to raise his grievance, if any, in the competent court.

The case is closed.

This is for your information.

Yours faithfully,



ASSISTANT REGISTRAR(LAW)