

NATIONAL HUMAN RIGHTS COMMISSION
(LAW DIVISION)
MANAV ADHIKAR BHAWAN, BLOCK-C, G.P.O. COMPLEX,
INA, NEW DELHI- 110023

Dated 04/09/2015

Case No. 177/6/23/2012-AD

- 6 09 2015

To

TEJANG CHAKMA, COMPLAINTS COORDINATOR
NATIONAL CAMPAIGN FOR PREVENTION OF
TORTURE, C-3/441-C, JANAKPURI,
WEST DELHI, DELHI.

Sir/Madam,

With reference to your complaint dated 02/02/2012, I am directed to say that the matter was considered by the Commission on 02/09/2015. The Commission has made the following directions.

An intimation dated 20.1.2012 was received from the Control Incharge, Office of SP (Rural), Surat, Gujarat regarding the death of UTP Natwarbhai Patel, 29 years in the custody of Sub Jail, Olpad, Surat on 19.1.2012.

On the above intimation, the Commission called for requisite reports from the concerned authorities.

Shri Tejang Chakma and Upendra Kumar had sent separate complaints in the matter seeking Commission's intervention and appropriate action. The said two complaints were clubbed together with this case.

As per report, the deceased prisoner was lodged in the jail since 22.12.2011. On 19.1.2012, at about 7 AM, the guard incharge of the jail found the deceased dead due to hanging with the rope tied with toilet door frame.

During inquest, the witnesses opined that the deceased committed suicide by hanging. The post mortem report revealed ligature marks around the neck. The cause of death was opined to be Asphyxia due to hanging. A magisterial enquiry regarding the death of the above named prisoner was conducted by the Principal Civil Judge and Judicial Magistrate, First Class, Olpad. During enquiry, the Magistrate examined wife and two brothers of the deceased besides others and they had raised no suspicion on the death of the deceased. The Magistrate concluded that the deceased committed suicide by hanging himself from the door frame of the toilet with the help of a rope. There was no foul play in the matter.

After careful consideration of reports on record the Commission vide proceedings dated 12.6.14 observed and directed as under :-

"As the prisoner was in the care and protection of the State, the State was responsible for his protection and safety during its custody in the jail but the jail officials who were employees of the State Government failed to ensure the protection and safety of the prisoner. For the above reasons, the Commission directs that a notice be issued to the State Government of Gujarat through its Chief Secretary to show cause within six weeks as to why monetary relief/compensation in a sum of Rs. 3,00,000/- (Rupees Three Lakhs)

be not directed to be paid by the State Government of Gujarat to the next of kin of the deceased prisoner Natwarbhai Patel S/o Jagjeevanbhai Patel."

As reply to the Show Cause Notice issued by the Commission was not received despite sufficient opportunity being provided the Commission vide proceedings dated 2.3.15 observed and directed as under :-

"Despite sufficient opportunities having been given to the State Government of Gujarat, no response has been received from its Chief Secretary. The silence of the State Authorities is no answer to the effect of commission of suicide by the deceased UTP due to lack of vigilance and alertness inside the jail custody. Admittedly, the jail authorities of the Sub Jail, Olpad have failed to ensure safety of the prisoner inside the jail who finding the loopholes in the vigilance on the prisoners could manage to end his life. For the loss of life, the State is now under strict liability to make compensation. Accordingly, let the Chief Secretary to the Government of Gujarat make a payment of compensation of Rs. 3 lakhs as recommended to the next of kin of the deceased prisoner and submit compliance with a proof of payment within six weeks positively. The compliance report should also indicate action, if any taken against the officials found to be negligent and further steps taken to prevent repetition of such incidents in future."

SP, Surat(Rural), Gujarat vide communication dated 21.4.15 has submitted compliance report alongwith proof of payment. According to the report a sum of Rs.3.00 lakhs as per recommendations of the Commission has been paid to the daughter of the deceased. A copy of the proof of payment has also been submitted. In regard to steps taken to prevent such repetitions of such incidents in future as per the report a letter has been written by the Office of the Home Department, Gandhi Nagar to the jail authorities so as to instruct the appropriate authority for the same.

As the compliance report alongwith proof of payment and steps taken to prevent repetitions of such incidents in future has been submitted by the State of Gujarat, no further action by the Commission is called for. Reports are taken on record. The case is closed.

A copy of this proceedings be sent to the Dy. Director(Media & Communication) of the Commission.

LINKED WITH MAIN FILE NO.121/6/23/2012-JCD.

This is for your information.

Yours faithfully,


ASSISTANT REGISTRAR(LAW)