

# National Human Rights Commission

New Delhi, India

## Case Details of File Number: 1110/6/11/2010-ad

<b>Diary Number</b>	117691
<b>Name of the Complainant</b>	SUHAS CHAKMA, DIRECTOR
<b>Address</b>	NATIONAL CAMPAIGN FOR PREVENTION OF TORTURE, C-3/441, JANAK PURI, NEW DELHI WEST DELHI , DELHI
<b>Name of the Victim</b>	RAMASIDE DEVIPUJAK
<b>Address</b>	C/O DISTT. JAIL, JAMNAGAR JAMNAGAR , GUJARAT
<b>Place of Incident</b>	DISTT. JAIL, JAMNAGAR JAMNAGAR , GUJARAT
<b>Date of Incident</b>	9/19/2010

**Direction issued by the Commission**

In response to its proceedings of the 5th December 2012, the Commission has received a reply dated the 3rd January 2013, through which an Under Secretary in the Home Department has conveyed the view of the Government of Gujarat that no relief would be justified in this case since there was no prima facie evidence of torture on the late Ramabhai Sidabhai Solanki, who, in its opinion, had "opted for suicide." The Commission is unable to accept this contention. It had not held that the late UTP had been tortured. Instead, it had pointed out that the very fact that a prisoner was able to commit suicide established that there had been a lack of supervision, for which the State was vicariously liable. It is the duty of the State to ensure, through the public servants concerned, that a person in its custody is unable to do harm either to himself or to others. In this case, lax supervision led to an avoidable death, for which the State cannot shirk responsibility. The letter received contains the cryptic statement that "the State is not to tolerate supervisory negligence as well". The Commission takes it that by this the State wishes to convey that it does not and will not tolerate an absence of supervision that could lead to such tragic incidents. The Commission therefore recommends that the Government of Gujarat pay Rs. 1 lakh as relief for the next of kin of the late Ramabhai Sidabhai Solanki. Proof of payment is expected by the 14th March, 2013. Put up on the 21st March, 2013.

**Action Taken** **Relief granted [Compensation, Disciplinary & Prosecution] (Dated 1/17/2013 )**  
**Status on 3/16/2013** Compliance of the Commission's recommendation by the 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: cov.dnhrc@hub.nic.in**

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