

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

Dated 21/05/2011

Case No. 87/10/13/08-09-AD

To

24 MAY 2011

THE DIRECTOR  
NATIONAL CAMPAIGN FOR PREVENTION OF TORTURE,  
C-3/441-C, JANAKPURI  
WEST DELHI, DELHI.  
(Pin Code -110058 )

Sir/Madam,

With reference to your intimation dated 04/06/2008, I am directed to say that the matter was considered by the Commission on 11/04/2011. The Commission has made the following directions.

*The amount of Rs.three lakhs which was recommended by the Commission as monetary relief to the next of kin of Srinivas has been paid to Sri Markondappa next of kin of deceased Srinivas. The proof of payment has also been received.*

*Since the recommendation of the Commission has been complied with, the case is closed.*

This is for your information.

Yours faithfully,



DEPUTY REGISTRAR(LAW)

Speed Post

Case No. 87/10/13/08-09/FC  
NATIONAL HUMAN RIGHTS COMMISSION  
(Law Division / Full Commission Branch)

Deputy Registrar (Law)  
Tel No. 011-23386932  
Fax No. 011 23386521

FARIDKOT HOUSE  
COPERNICUS MARG  
NEW DELHI-110001

Dated 29<sup>th</sup> Sept., 2010

To  
The Chief Secretary,  
Govt. of Karnataka,  
Bangalore.

Subject: Complaint of Shri Suhas Chakma, Director, National Campaign for prevention of Torture, New Delhi

Sir,

I am directed to say that the matter was considered by the Commission during its sitting on 15.09.2010 at Bangalore, when it inter-alia observed and directed as under:-

*"The Commission received a complaint dated 4th June, 2008 from National Campaign for Prevention of Torture, New Delhi inter-alia alleging that one Srinivas was picked up by the police of P.S. Kolar Rural on 24th April, 2008 and he subsequently died due to torture at the hands of the police. A report in this regard was called for. There is no magisterial enquiry conducted in the instant case. However, inquest was done by the Executive Magistrate and, therefore, the magisterial enquiry was not conducted. Anyway, that position is not correct because only during the magisterial enquiry the Magistrate will have an occasion to record the statements of the witnesses and render his opinion about the manner in which the incident took place.*

*It appears that initially the police claimed that the prisoner fainted possibly on account of having taken rat poison. He was taken to the hospital and according to the police he ran away from the hospital and ultimately he met with an accident and died. The post mortem report supports that he died due to multiple injuries. Interestingly in this case there is a report which indicated no poison detected from the viscera. Therefore, it is clear that the version of the police for taking the prisoner to the hospital is not correct. There may be something fishy in the matter and, therefore, now the State has decided to reopen the case and the enquiry has been handed over to CID.*

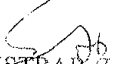
*From the facts narrated above, it is clear that there is an act of negligence on the part of the State to protect the life of the prisoner in so far as he was allowed to run away from the custody. There is an act of negligence and the State is responsible for the death of the prisoner. In our opinion, it is a fit case where monetary relief is required to be granted to the next of kin of the deceased Srinivas. The representative of the State Government has agreed for grant of relief in the instant case by way of monetary relief. Therefore, we recommend to the Government of Karnataka to pay an amount of Rs.three lakhs to the next of kin of deceased Srinivas.*

...2..

*Compliance report and proof of payment be submitted to the Commission within six weeks. The investigation report which may be submitted by the CID be forwarded to the Commission."*


It is, therefore, requested that the compliance report with proof of payment and investigation report submitted by CID be sent to the Commission by **14.11.2010** for its further consideration.

Yours faithfully,

  
DEPUTY REGISTRAR (LAW)

Copy to:

Shri Suhas Chakma,  
Director,  
National Campaign for Prevention of Torture,  
C-3/441-C, Janakpuri,  
New Delhi - 110058.

ISSUED  
  
29 SEP 2010