

National Human Rights Commission

New Delhi, India



Case Details of File Number: 108/14/4/2011-AD

Diary Number	157821
Name of the Complainant	TEJANG CHAKMA, COMPLAINTS COORDINATOR
Address	NATIONAL CAMPAIGN FOR PREVENTION OF TORTURE, C-3/441-C, JANAKPURI WEST DELHI, DELHI
Name of the Victim	SILASHO S/O CT. SHISHO
Address	PAIBUNG KHUNOU, P.S. TADUBI SENAPATI, MANIPUR
Place of Incident	MANIPUR CENTRAL JAIL SENAPATI, MANIPUR
Date of Incident	9/21/2011

The matter relates to the complaint of Shri Tejang Chakma, Complaints Coordinator, National Campaign for Prevention of Torture alleging that an under-trial prisoner Silasho s/o Shisho, aged 50, had died in Manipur Central Jail, Sajiwa under mysterious circumstances. The complainant urged the Commission to make an inquiry in the matter. The Commission vide proceedings dated 05/05/2013 recommended the State Government of Manipur through its Chief Secretary to pay compensation of Rs. 2 Lakhs to the next of kin of the deceased under-trial prisoner Silasho s/o Shisho, aged 50 and to submit the compliance report along with proof of payment to the submitted within six weeks. The matter was last considered by the Commission on 16/01/2017. On 16/01/2017, the Commission observed and directed thus:- "The Commission perused the record and observed that Chief Secretary Government of Manipur has not submitted the compliance report along with proof of payment of the monetary compensation of Rs. 2,00,000/- (Rupees Two Lakhs Only) recommended to be paid to the next-of-kin of the deceased under-trial prisoner Silasho s/o Shisho despite reminder dated 12.05.2014 and 29.08.2014. Though the Joint Secretary (Home) Government of Manipur vide a communication dated 15.09.2014 has intimated the Commission in this regard, that the matter has been placed before the State Cabinet Department for taking a decision by the State Cabinet as and when the decision is taken by the State Cabinet it shall be intimated to the Commission. Therefore, the Joint Secretary (Home) Government of Manipur requested for extension of time period of two months with effect from 15.09.2014. However, no reply was received from the State of Manipur, till date. The Commission vide a communication dated 27.07.2015 provided a last opportunity to the Chief Secretary, Government of Manipur to submit compliance report along with proof of payment. However, no report has been received from the Chief Secretary Government of Manipur. The Commission draws the attention of the Chief Secretary Government of Manipur towards the provisions of Section 18(e) of the Protection of Human Rights Act, 1993 which reads as under:- "the Commission shall send a copy of its inquiry report together with its recommendations to the concerned Government or authority and the concerned Government or authority shall, Within a period of one month, or such further time as the Commission may allow, forward its comments on the report, including the action taken or proposed to be taken thereon, to the Commission". The provision of the above said section which clearly states that the State Government is bound to forward its comment on the report/recommendation of the Commission, including the action taken or proposed to be taken thereon. The Commission further draws attention of the Chief Secretary of Manipur that the deceased prisoner has found a nylon rope in the jail for hanging himself which indicates negligence on the part of the prisoner officials. For such negligence the State is vicariously liable and therefore, the human rights of the deceased prisoner as well as his family member have been violated by the public authorities and they are liable to compensate for the same to the next-of-kin of the deceased. In view of the above the Chief Secretary Government of Manipur is asked to submit report/action taken or proposed to be taken on the recommendation of the Commission within 4 weeks positively." Pursuant to the directions of the Commission the Deputy Secretary (Home), Government of Manipur, Imphal has submitted the report dated 25/05/2017 which reveals that the compensation amount of Rs.2,00,000/- (Rupees Two Lakhs Only) has been disbursed to Smt. Zhainai, legal wife/next of kin of the deceased Silasho S/o Late M. Shisho of Phaibung Khunou Vilage, Tadubi PS of Senapati District on 22/12/2015. Proof of payment has also been enclosed. Since the monetary compensation has been paid to the next of kin of the deceased and injured victim, the Commission is not inclined to proceed further in the matter. Hence the case is closed.

Direction issued by the Commission

Action Taken **Concluded and No Further Action Required (Dated 12/7/2017)**
Status on 9/13/2018 The Case is Closed.

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Note: For further details kindly contact **National Human Rights Commission, Manav Adhikar Bhawan Block-C, GPO Complex, INA, New Delhi - 110023**

For Complaints : Tel.No. 24651330, 24663333. Fax No. 24651332 E-Mail: cr[dot]nhrc[at]nic[dot]in
नोट: अन्य जानकारी हेतु कृपया संपर्क करें **राष्ट्रीय मानव अधिकार आयोग, मानव अधिकार भवन, ब्लॉक-सी, जी.पी.ओ. कम्प्लेक्स, आई.एन.ए., नई दिल्ली - 110023,**
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New Delhi, India

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Address	NATIONAL CAMPAIGN FOR PREVENTION OF TORTURE, C-441-C, JANAKPURI, WEST DELHI, DELHI
Name of the Victim	SILASHO S/O LATE. SHISHO
Address	R/O PAIBUNG KHUNOU, PS. TADUBI, SENAPATI, MANIPUR
Place of Incident	MANIPUR CENTRAL JAIL IMPHAL, MANIPUR
Date of Incident	9/21/2011
Direction issued by the Commission	These proceedings shall be read in continuation of the earlier proceedings. Shri Tejang Chakma, Complaints Coordinator, National Campaign for Prevention of Torture made a complaint alleging that an under-trial prisoner Silasho s/o Shisho, aged 50, had died in Manipur Central Jail, Sajiwa under mysterious circumstances. The complainant urged the Commission to make an inquiry in the matter. Vide proceedings dated 5/5/13, the Commission recommended to the State of Manipur through its Chief Secretary to pay compensation of Rs. two lakhs to the next of kin of the deceased under-trial prisoner Silasho s/o Shisho, aged 50,. The compliance report along with proof of payment was to be submitted within six weeks. The requisite report has not yet been received. Issue a reminder to the Chief Secretary, Government of Manipur to submit the requisite proof of payment within 6 weeks.
Action Taken	Additional Information Called for (Dated 4/16/2014)
Status on 5/12/2014	Response from concerned authority is awaited

Note: For further details kindly contact National Human Rights Commission, Manav Adhikar Bhawan Block-C, GPO Complex, INA, New Delhi - 110023

Tel.No. 24651330 Fax No. 24651329 E-Mail: [covdnhrc\[at\]nic\[dot\]in](mailto:covdnhrc[at]nic[dot]in), [lonhrc\[at\]nic\[dot\]in](mailto:lonhrc[at]nic[dot]in)

नोट: अन्य जानकारी हेतु कृपया संपर्क करे राष्ट्रीय मानव अधिकार आयोग, मानव अधिकार भवन, ब्लॉक-सी, जी.पी.ओ. कम्प्लेक्स, आई.एन.ए., नई दिल्ली - 110023,

फोन नं. 24651330 फैक्स नं. 24651329 ई-मेल : [covdnhrc\[at\]nic\[dot\]in](mailto:covdnhrc[at]nic[dot]in), [lonhrc\[at\]nic\[dot\]in](mailto:lonhrc[at]nic[dot]in)

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These proceedings shall be read in continuation of the earlier proceedings. Shri Tejang Chakma, Complaints Coordinator, National Campaign for Prevention of Torture made a complaint alleging that an under-trial prisoner Silasho s/o Shisho, aged 50, had died in Manipur Central Jail, Sajiwa under mysterious circumstances. The complainant urged the Commission to make an inquiry in the matter. Vide proceedings dated 17/9/12, the Commission considered the material placed on record and issued a notice to the Government of Manipur requiring it to show cause why monetary relief u/s 18 of PHR Act be not given to the next of kin of the deceased. In response the Commission has received the reply dated 22/10/12 from the Under Secretary, Government of Manipur that the jail department has refuted that there was any negligence on the part of the jail officials. The report dated 6/10/12 from the Supdt., Manipur Central Jail, Imphal / Sajiwa mention that a nylon mosquito net is issued to the prisoner which was used by him to commit suicide by hanging. Nylon rope was not used by the prisoner that could indicate negligence of the jail officials. Hence monetary compensation may not be granted to the NOK of the deceased. The Commission has considered the material placed on record. Vide proceedings dated 17/9/12, the Commission observed that the deceased prisoner could find a nylon rope in jail for hanging himself indicates negligence on the part of prison officials. For such negligence, the State is vicariously liable. The contention of the State to deny the financial relief to the NOK of the deceased, on the ground, that the prisoner had used the nylon net issued to him and not the nylon rope to hang himself does not absolve the prison authorities. The fact remains that the prisoner committed suicide by hanging, using nylon net by converting it to a rope. The Commission is of the opinion that the detaining authority had not taken adequate precaution to prevent the prisoner from harming himself. For this breach of duty in taking care of the prisoner, the State must bear liability. The Commission, therefore recommends to the State of Manipur through its Chief Secretary to pay compensation of Rs. 2 Lakhs the next of kin of the deceased under-trial prisoner Silasho s/o Shisho, aged 50,. The compliance report along with proof of payment to be submitted within six weeks.

Direction issued by the Commission

Action Taken	Relief granted [Compensation, Disciplinary & Prosecution] (Dated 5/7/2013)
Status on 7/6/2013	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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