



Campaign Against Torture &lt;campaignagainsttorture.india@gmail.com&gt;

**Additional Information Called for - 517/11/5/2020-AD**

1 message

nhrc.india@nic.in &lt;nhrc.india@nic.in&gt;

Tue, Oct 11, 2022 at 4:38 PM

To: chiefsecy@kerala.gov.in, campaignagainsttorture.india@gmail.com

Cc: ar4.nhrc@nic.in

**Case No.- 517/11/5/2020-AD**NATIONAL HUMAN RIGHTS COMMISSION  
(LAW DIVISION)

\* \* \*

MANAV ADHIKAR BHAWAN, BLOCK-C,  
G.P.O. COMPLEX, INA, NEW DELHI- 110023  
Fax No.: 011-24651332 Website: [www.nhrc.nic.in](http://www.nhrc.nic.in)

Date : 11/10/2022

To,

THE CHIEF SECRETARY  
CENTRAL STADIUM, MAHATHMA GANDHI ROAD, NEAR, JUNCTION, PALAYAM,  
THIRUVANANTHAPURAM, KERALA  
KERALA KERALA  
695001  
Email- [chiefsecy@kerala.gov.in](mailto:chiefsecy@kerala.gov.in)

Sub : Complaint/Intimation from

DHANA KUMAR  
C-3/441, THIRD FLOOR, JANAHPURI, NEW DELHI  
WEST DELHI , DELHI  
110058  
Email- [campaignagainsttorture.india@gmail.com](mailto:campaignagainsttorture.india@gmail.com) , Mob No- 9667907060**Subject:** Additional Information Called for -517/11/5/2020-AD.

Sir/Madam,

I am directed to say that the matter was considered by the Commission on 11/10/2022 and the Commission has directed as follows.:

The Complainant, in instant case, had alleged about custodial death of an under-trial prisoner identified as Manu Manoj, aged 24 years, on 5-11-2020, while being in the custody of Idukki District Jail at Muttam, Kerala.

Vide proceedings dated 08.08.2022 this Commission has observed/directed as under:-

“The Complainant, in instant case, had alleged about custodial death of an under-trial prisoner identified as Manu M`anoj, aged 24 years, on 5-11-2020, while being in the custody of Idukki District Jail at Muttam, Kerala.

Taking cognizance of the matter on 13.11.2020, the Commission directed the District Collector, District- Idukki, Kerala, the Superintendent of Police, District- Idukki, Kerala and the Superintendent of Prisons, District Jail, Iduki, Kerala to send the reports, within eight weeks, as per SOP framed by the Commission for cases of judicial custody deaths.

Vide direction dated 31.1.2022 ,the matter was referred to DG(I), NHRC for analysis of the reports

available on record and submit its findings for consideration of the Commission.

Pursuant to the direction of the Commission, the Investigation Division of NHRC, after analysis of the case file, has submitted that UTP Mannu Manoj was admitted in Jail on 24.10.2020 in case crime No 1320/20 u/s 376 POC SO Act and SC/ST Act. He remained lodged in the Jail for 12 days. On 5.11.2020, he committed suicide in the jail by hanging with the help of cloth. A suicide note was recovered from the deceased which indicated that his beloved girl-friend had also committed suicide. His initial health screening record revealed that he had normal health at the time of admission in the Jail. According to the post-mortem report, there was an obliquely placed ligature mark on the neck of the deceased. The cause of death was "due to hanging". No poisonous/metallic substances were detected in the viscera of the deceased. Magisterial enquiry was conducted by Judicial Magistrate Kattappana Idukki Kerala. During enquiry, the magistrate recorded the statement of the Jail official, family member of deceased and doctors who conducted the post-mortem and examined the entire relevant records. Father of the deceased stated that jail official killed his son. Enquiry officer ruled out the allegation of the father of the deceased. Enquiry further revealed that prisoner committed suicide in the jail with the help of cloth. Enquiry officer found no person or public servant was responsible for the death of the deceased. Enquiry officer concluded that the death of the deceased was due to hanging and no foul play was found in the death of the deceased.

The Commission has considered findings of the Investigation Division and the reports available on record and independently observes that though the enquiry magistrate had ruled out any foul play in the matter but the fact remains that the deceased was in the custody of State when he committed suicide (unnatural death) inside the jail. When a person is under the custody of jail, the onus of his/her safety and security lies with the State and in case of any negligence or failure to provide the same on accounts of acts of omission or commission on the part of jail authorities, the State becomes vicariously liable to pay the compensation for the same. Even Hon'ble Supreme Court in Nilabati Behera case has asserted that convicts, prisoners or under-trials are not denuded of their fundamental rights under Article 21 of the Constitution and there is a corresponding responsibility on the police and prison authorities to make sure that persons in custody are not deprived of the Right to Life. The State has a duty of care, to ensure that the guarantee of Article 21 is not denied to anyone. The State must take responsibility by paying compensation to the near and dear ones of a person, who has been deprived of her/his life. This duty of care is strict and admits no exceptions. Hence, the State can not escape its vicarious responsibility on account of acts of omission or commission of its officials for failing to secure the safety & security of the person in their custody.

Having so observed, the Commission directs its Registry to issue notice u/s 18 of the PHR Act 1993 to the Chief Secretary, Govt. of Kerala to show cause as to why the Commission should not recommend a monetary compensation of Rs. 4,50,000/(Rupees Four lakhs Fifty Thousand only) to the NoK of the deceased under trial prisoner, Manu Manoj, aged 24 years, who committed suicide on 5-11-2020, while being in the custody of Idukki District Jail at Muttam, Kerala. The Reply to the show cause notice be given within six weeks positively failing which the Commission shall presume that the State Government has no objection in grant of said compensation and the Commission would be constrained to confirm its recommendation by directing the State Government to submit the compliance report and proof of payment within the specified time period."

No reply is received. However in the interest of justice one more opportunity is granted. Registry is directed to issue fresh reminder of shows cause notice u/s 18 of the PHR Act 1993 to the Chief Secretary, Govt. of Kerala as to why the Commission should not recommend a monetary compensation of Rs. 4,50,000/(Rupees Four lakhs Fifty Thousand only) to the NoK of the deceased under trial prisoner, Manu Manoj, aged 24 years, who committed suicide on 5-11-2020, while being in the custody of Idukki District Jail at Muttam, Kerala. The Reply to the show cause notice be given within six weeks positively failing which the Commission shall presume that the State Government has no objection in grant of said compensation and the Commission would be constrained to confirm its recommendation by directing the State Government to submit the compliance report and proof of payment within the specified time period.

2. It is therefore, requested that the additional/complete report as directed by the Commission in the matter be sent latest by 02/12/2022, for further consideration by the Commission.

3. Any communication by public authorities in this matter may please be sent to the Commission through the HRCNet Portal (<https://hrcnet.nic.in>) by using id and password already provided to the public authorities (click Authority Login), or through Speed Post/ at email-id [cr.nhrc@nic.in](mailto:cr.nhrc@nic.in). **Any Audio/ Video CDs/ pen drives etc. and bulky reports may be sent through Speed Post/ per bearer.**

Your's faithfully

Sd/-

Debindra Kundraa

ASSISTANT REGISTRAR (LAW)

M-4 Section

Ph. No. 011-24663290

Email. [ar4.nhrc@nic.in](mailto:ar4.nhrc@nic.in)

CC to

Debindra Kundraa

ASSISTANT REGISTRAR (LAW)

M-4 Section


Ph. No. 011-24663290

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  2. For latest information about the Commission, visit our website at <https://nhrc.nic.in> .
  3. For lodging/ tracking of complaints and uploading of action taken reports by Public Authorities, HRCNet Portal at <https://hrcnet.nic.in> may be visited.
  4. For general information, follow us at twitter handle ( [https://twitter.com/India\\_NHRC](https://twitter.com/India_NHRC) ) and subscribe YouTube channel of the Commission at <https://www.youtube.com/NationalHumanRightsCommission> .

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## 2 attachments

 **19452-IN-2020.pdf**  
127K

 **DiaryDetails.pdf**  
77K