



Campaign Against Torture <campaignagainsttorture.india@gmail.com>

Show Cause Notice Issued (SCN) - 1053/7/1/2020-ad

1 message

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Fri, Jul 15, 2022 at 4:56 PM

To: cs-haryana@nic.in, cs@hry.nic.in, campaignagainsttorture.india@gmail.com

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Case No. - 1053/7/1/2020-adNATIONAL HUMAN RIGHTS COMMISSION
(LAW DIVISION)

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

Date : 15/07/2022To,
THE CHIEF SECRETARY
GOVERNMENT OF HARYANA, CHANDIGARH
HARYANA HARYANA
Email- cs-haryana@nic.in, cs@hry.nic.in

Sir/Madam,

The case No. 1053/7/1/2020-ad in respect of DHANA KUMAR, was placed before the Commission on 15/07/2022. Upon perusing the same, the Commission directed as follows:

The Campaign Against Torture (CAT) is writing to seek the urgent intervention of the National Human Rights Commission (NHRC) against custodial death of a two under-trial prisoners identified as Ram Dass (35 years) and Sunil Kumar (34 years) under suspicious circumstances in the judicial custody at Ambala Central Jail. The CMS has been checked and it has been found that a separate case has been registered in the Commission regarding death of UTP Sunil Kumar vide case No. 1230/7/1/2022-JCD and the same is under consideration of the Commission.

Vide proceedings dated 06.07.2020 the Commission took cognizance in the matter and directed to District Magistrate, Ambala, and Superintendent of Police, Ambala to submit reports to the Commission within ten weeks. Vide proceedings dated 04.03.2022 the Commission directed to send the file to the Investigation Division for analysis the records and recommendations to the Commission. In response, the Investigation Division submits its analysis and recommendations as under:

i. "This is a complaint case (received from a HRD) regarding death of an UTP named Ramdas aged 30 years on 15-16.06.2020 in the custody of Central Prison, Ambala, Haryana. It is alleged that the UTP was found dead in the isolation ward of the jail on 16/06/2020. The complainant has requested for compensation to the NOK of the deceased & action against the delinquent public servants. On checking the record in CMS, it has been found that a separate case vide No. 1230/7/1/2022-JCD has been registered in the Commission regarding the death of an UTP Sunil Kumar and the same is under consideration.

ii. This case relates to death of UTP Ramdas who remained in jail for only one week. IHSR reveals h/o a old healing wound on the right knee.

iii. Inquest Report reveals ligature mark on the neck & injury marks on knee & right hand.

As per PMR, there were blood stains in nostrils, mouth & ligature mark on the neck. Healed abrasions were noticed on right hand & right knee. The cause of death was "asphyxia due to hanging which is ante-mortem and sufficient to cause death in the ordinary course of nature".

iv. No poison was detected in the viscera. However, FSL report showed presence of ethyl alcohol in the viscera. Based on PMR & FSL report, the FCOD was given as "asphyxia due to hanging which is ante-mortem in nature".

v. The enquiry was conducted by a Judicial Magistrate. The family members of the deceased who were associated with the enquiry did not raise any suspicion on the death. Based on available oral, documentary evidence, the Enquiry Magistrate concluded that the prisoner committed suicide by hanging himself and he did not find any foul play in the death.

vi. Since, the UTP managed to commit suicide in the jail which indicates failure of State to its vicarious responsibility to protect the safety & security of the inmates, the Hon'ble Commission may consider issuing SCN to the Chief Secretary, Govt. of Haryana for compensation to the NOK of the deceased as per the policy of Govt. of Haryana in this regard."

The Commission has considered the material placed on record including recommendation of the Investigation Division. From the perusal of same, it could be seen that UTP Ramdas (aged 30 years) was arrested by the police in a theft case and was sent to Central Jail, Ambala in judicial custody on 07.06.2020. The initial health screening report reveals an old healing wound on right knee. No other injury or ailment has been mentioned. The inquest report reveals ligature mark on the neck of the deceased. Injury marks have been mentioned on knee and right hand of the deceased. It has been opined that the deceased died due to hanging. The family members did not raise any suspicion on the death of the deceased. However, the UTP Ram Dass managed to commit suicide inside the prison which shows that there was no proper watch on the prisoners. The safety and security of the prisoners inside the Jail needs to be protected by the authority concerned, but the Jail Authority has failed in this case. There has been negligence on part of jail officials for which the State is vicariously liable. Therefore, the Commission directs to issue Show Cause notice u/s 18 of the PHR Act, 1993 to the Govt. of Haryana through its Chief Secretary, as to why Commission should not recommend granting immediate compensation of Rs. 5,00,000/- (Rs. Five Lakh Only) to the NOK of the deceased as the UTP committed suicide while in judicial custody. Response within six weeks.

2. This is for your information and further necessary action.

Your's faithfully

Sd/-

K.K. Shrivastava

DEPUTY REGISTRAR (LAW)

M-5 Section

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