



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

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**Sent to DG(I), NHRC(DGI) - 1617/36/2/2020-ad**

1 message

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**nhrc.india@nic.in** <nhrc.india@nic.in>  
To: dg-nhrc@nic.in, campaignagainsttorture.india@gmail.com  
Cc: ar4.nhrc@nic.in

Mon, Jun 6, 2022 at 10:10 AM

**Case No.- 1617/36/2/2020-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)

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Date : 06/06/2022

To,  
DG(I), NHRC  
Ministry of Home Affairs  
National Human Rights Commission, New Delhi  
DELHI DELHI  
Email- [dg-nhrc@nic.in](mailto:dg-nhrc@nic.in)

**Subject:** Sent to DG(I), NHRC(DGI) -1617/36/2/2020-ad.

Sir/Madam,

The complaint/intimation dated 14/10/2020, was placed before the Commission on 06/06/2022. Upon perusing the same, the Commission directed as follows:

***The matter relates to allegation of the complainant regarding custodial death of an under-trial prisoner identified as Erva Baswaraj Nagaraju (47 years) , on 14-10-2020, who was in the judicial custody Chanchalguda Central Jail, District- Hyderabad, Telangana.***

***Taking cognizance of the matter on 16.10.2021, the Commission directed the District Collector, District- Hyderabad, Telangana, the Commissioner of Police, District- Hyderabad, Telangana and the Superintendent of Prisons, Chanchalguda Central Jail, District- Hyderabad, Telangana to send the reports, within eight weeks, as per SOP framed by the Commission for cases of judicial custody deaths.***

***Vide direction dated 31.8.2021 ,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 the deceased UTP Erva Baswaraj Nagaraju, aged 47 years, a Tehsildar was caught red handed with bribe of Rs 1 crore and 10 lakhs on 14.08.2020. A case 10/RCO-RRR/2020 was registered against him by the Anti Corruption Bureau (ACB). On 15.08.2020, the deceased was sent to Chanchalguda Central Jail, District- Hyderabad. Reports are silent how many others accused were arrested with deceased. In connection with case No. 10/RCO-RRR/2020, he was given police remand to ACB from 25.08.2020 to 27.08.2020 for three days during his incarceration. On 24.09.2020, on the directions of the office of the DG, ACB, a separate case No. 12/RCO-RRR/2020 was registered against the accused/deceased under the provisions of Corruption Act 1988 and investigated. Accordingly, in this case, he was produced in the court on 06.10.2020.***

**Subsequently, a police remand in case No. 12/RCO-RRR/2020 was sought which was granted from 13.10.2020 to 15.10.2020. On 13.10.2020, the deceased was taken to the office of ACB on remand at 10.00 AM and re-admitted in jail at 6.00 PM as per the conditions set by the court. The deceased supposed to be taken again on police remand on 14.10.2020 but prior to this, he committed suicide. He was found hanging at 3.55 AM on 14.10.2020 and declared dead at 4.30 AM at Osmania Hospital. The duration of death was given 12-18 hours prior to the autopsy and the autopsy was started at 1.45 PM on 14.10.2020. Thus, it indicates that probably the deceased died before 2.00 AM on 14.10.2020. The statement of IO of ACB also clarified that there was no co-accused lodged in Manjeera barrack, Room No 12, 2nd floor where deceased was lodged and committed suicide. Apparently, this clarification was given to refute the allegation of family members in which they alleged that co-accused murdered him. It was imperative to know that how many other accused were arrested by the ACB in case No. 10/RCO-RRR/2020 and 12/RCO-RRR/2020. The four UTPs (businessman) who were also lodged in the same barrack/room were also went to the office of the ACB on 13.10.2020 but the case under which they have been lodged in jail has not been mentioned in the reports. The deceased had already spent more than 50 days in the jail and already faced interrogation of ACB in his initial case from 25.08.2020 to 27.08.2020. Therefore, apparently, depression was not a reason for suicide. Though, thorough magisterial enquiry had been conducted by the Special Executive Magistrate in this matter but the enquiry report was silent about the seizure of ligature i.e. towel, height of the window from where deceased had committed suicide, total number of inmates lodged in the room No. 12 of Manjeera barrack at the time of incident. The wife of the deceased made a statement that on 13.10.2020, the deceased had spoken to his brother-in-law but there was nothing mentioned in the statement of brother-in-law whether deceased had discussed about anything especially related to his remand experience with ACB. Family members alleged serious allegations including murder charges. They also claimed that no ligature mark was present on the body. But at the same time, they also had not alleged other external injury on the body. Contrary to this, autopsy surgeons deposed that there was a ligature mark on the body. Even the Enquiry officer who had conducted the inquest and magisterial enquiry had mentioned in the report that a light ligature mark was present on the body. The autopsy surgeons also confirmed possibility of partial and complete hanging and stated that it is not necessary that the tongue should protrude out. One of the inmates had deposed that prior to sleep on 13/14.10.2020, at around 01:30 AM the deceased asked him for a pen. No CCTV has been installed at the place of occurrence. In the death of the deceased action u/s 174 Cr.P.C was initiated by the police and a final report as death due to hanging has been submitted.**

**The Commission has considered findings of the Investigation Division and the reports available on record and independently observes that UTP Erva Baswaraj Nagaraju, aged 47 years old had committed suicide in the early morning of 14.10.2020 inside the jail while he was under judicial custody. It is being consistently held by the Commission that 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 which furthers fastens for reason of failure on part of State Government to install CCTV system which could have deterrent effect.**

**The Commission also observes that despite serious allegations, the MER was conducted by the Special Executive Magistrate, Hyderabad which is against the provision of Sec. 176 (1-A) Cr.P.C. More so, the enquiry report is silent about the allegations of the family members and negligence, if any, on the part of jail officials. The deceased had already faced interrogation of the ACB for 03 days from 25.08.2020 to 27.08.2020 in initial case registered against him but again he was sent for three days police remand from 13.10.2020 to 15.10.2020 in second case which was registered against him while he was in jail on the direction of the DG ACB. After coming from the interrogation of first day, he had committed suicide which required thorough probe. The deceased, a senior revenue officer was involved in huge bribe case and involvement of other high profile officials/ individual cannot be ruled out and hence judicial enquiry. is invariably required.**

**In view of the above, the Commission directs its Registry to issue notice u/s 18 of the PHR Act 1993 to the Chief Secretary, Govt. of Telangana to show cause as to why the Commission should not recommend a monetary compensation of Rs. 4,25,000/( Rupees Four lakhs Twenty Five Thousand only) to the NoK of the deceased Erva Baswaraj Nagaraju (47 years) , who committed suicide on 14-10-2020, while being in the judicial custody Chanchalguda Central Jail, District- Hyderabad, Telangana. 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.**

**The Commission also directs the Chief Secretary, Govt. of Telangana, to order Judicial Inquiry u/s 176(1A) Cr.PC and submit its report within six weeks.**

**In mean time, the Commission also requests DG(I) to seek Medical Opinion from the Expert on the panel of the Commission to rule out allegations of homicidal death and submit findings within six weeks for further consideration of the Commission.**

2. Accordingly, I am forwarding herewith a copy of the complaint/intimation as an attachment for taking appropriate action in the matter as per the directions of the Commission. It is requested that an Action Taken Report be sent to the Commission within 6 weeks from the date of receipt of this letter.

Your's faithfully

Sd/-

Debindra Kundraa  
ASSISTANT REGISTRAR (LAW)  
M-4 Section  
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CC to

Complainant Details  
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