

NATIONAL HUMAN RIGHTS COMMISSION
MANAV ADHIKAR BHAWAN, BLOCK-C, G.P.O. COMPLEX,
INA, NEW DELHI- 110023
(L A W D I V I S I O N)

Dated 20/04/2022

Case No. 1781/4/4/2019-AD

To

DHANA KUMAR
C-3/441, SECOND FLOOR
WEST DELHI, DELHI.
110058

Sir/Madam,

With reference to your complaint dated 15/06/2019, I am directed to say that the matter was considered by the Commission on 11/04/2022. The Commission has made the following directions.

The matter rested thus when the Commission received a complaint from one Dhana Kumar of an NGO alleging that UTP Mohamed Hasmat developed some health issue suddenly and was taken to Sadar Hospital, Begusarai, where he died during treatment on 15.6.2019.

The Commission considered the matter on 25.6.2021 when it observed and directed as under:-

"In spite of show cause notice, this Commission had received nothing from the State of Bihar. However, in view of Covid-19 pandemic circumstances, the Commission deemed it fit to give one more opportunity to the Chief Secretary, Government of Bihar for submitting the response to the show cause notice. Registry was directed to issue fresh show cause notice to State of Bihar through its Chief Secretary, to show cause as to why recommendation be not made to the State to pay compensation of Rs. Five lakhs to the next of kin of the deceased. Response within six weeks. It is hereby made clear that if the State is not able to respond within the stipulated time, it will be presumed that the State has nothing to urge in the matter and this Commission will decide the matter accordingly"

Pursuant to the same, Commission received reply from Director General, Prisons, Bihar stating that prisoner Hasmat was in jail for alleged rape of his daughter and nobody from his family came to meet him. He was under depression and committed suicide by consuming toilet cleaner. It was further reported that departmental enquiry was initiated against scavenger and room keeper and both of them were punished by stoppage of three increments. Therefore the case may be closed. If at all Commission comes to any conclusion necessary decision would be taken by the State Government.

The Commission further considered the matter on 25.10.2021 when it observed and directed as under:-

“Perused records. The report disclosed that two of the jail officials had been held guilty of negligence and were punished. This itself shows that there was violation of human rights of the deceased. State is vicariously liable for fault and negligence of its officials and thus State of Bihar is liable to compensate death of the deceased. Hence, acting u/s 18(a) (i) of PHR Act-1993, the Commission recommends compensation of Rs.5,00,000/- (Rupees Five Lakhs only) to be paid to the NoK of the deceased by the State of Bihar through its Chief Secretary. Chief Secretary, Government of Bihar is directed to submit the compliance report along with proof of payment within four weeks.”

The Commission again considered the matter on 25.03.2022 when it observed and directed as under:-

“Despite issuance of categorical directions of the Commission the compliance report for payment of compensation of Rs.5,00,000/- (Rupees Five Lakhs only) to the next of kin of deceased has not been received from the Chief Secretary, Govt. of Bihar. In these circumstances, let non-conditional Summons be issued in the name of the Chief Secretary, Government of Bihar for his personal appearance before the Commission on 28.04.2022 at 11.00 A.M.”

In response, the Inspector General, Prison Administration and Correction Services, Govt. of Bihar vide his communication dated 01.04.2022 has submitted the compliance report. Perusal of the same reveals that an amount of Rs.5,00,000/- (Rupees Five Lacs only) as recommended by the Commission has been paid to Smt. Akhtari Khatoon on 01.04.2022, proof of payment has also been annexed.

The Commission has considered the matter. The amount of monetary relief of Rs.5,00,000/- (Rupees Five Lacs only) as recommended by the Commission has been paid to next of kin of the deceased. Departmental action has also been taken against the delinquent public servants, no further intervention on the part of the Commission is called for and the case is closed.

Let a copy of these proceedings be forwarded to the Deputy Director (Media & Communication), NHRC for information.

This is for your information.

Yours faithfully,

DEPUTY REGISTRAR (LAW)

CC :-

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