

National Human Rights Commission

Diary No	14912/IN/2020	Case / File No	2383/18/8/2020-AD
Victim Name	GOPALRAM PASWAN	Registration Date	07/09/2020

Action List (Click on Action given in blue color to view details)

Action No.	Action	Authority	Action Date
4	Additional Information Called for	THE DIRECTOR GENERAL OF POLICE GOVT OF ODIHA, OFFICE OF D.G.P., STATE POLICE HEADQUARTERS, BAKSHI BAZAR, CUTTACK, ODISHA	10/03/2022
3	Show Cause Notice Issued	THE CHIEF SECRETARY GOVT. OF ODISHA, 3RD FLOOR, STATE SECRETARIAT, SACHIVALAYA MARG, BHUBANESWAR, ODISHA.	10/03/2022
2	Sent to DG(I), NHRC	KORAPUT, ODISHA	30/07/2021
1	Action Taken Report Called for	THE DISTRICT MAGISTRATE ,	08/09/2020

[Expand All Action List](#)[Action](#)**Action : Additional Information Called for(Action No 4)**

Action Date	10/03/2022
Authority	THE DIRECTOR GENERAL OF POLICE, GOVT OF ODIHA, OFFICE OF D.G.P., STATE POLICE HEADQUARTERS, BAKSHI BAZAR, CUTTACK, ODISHA
Proceeding	<p>Shri Dhana Kumar, Coordinator, Campaign against Torture in his complaint dated 04.9.2020 to the Commission alleged that one Gopal Ram, died as a result of torture at Jeypore Sadar Police Station in Korapur District, Odisha.</p> <p>Pursuant to the directions of the Commission, the requisite reports in the matter have been received.</p> <p>The police claimed that deceased Gopal Ram was detained in Jeypore Sadar Police Station for interrogation in connection with case No.160/2020 u/s 20(b) (ii) (c) of NDPS Act. In the intervening night of 29th/30th August, 2020, while in police custody, he went inside the toilet of the police lock up and made an attempt to commit suicide by hanging with the help of a rope made by him from blanket. The Sentry on duty noticed this and took the accused to DHH, Koraput at Jeypore where he was declared dead by the Medical Officer.</p> <p>The post mortem report of the deceased revealed a ligature mark on his neck. The cause of</p>

death was given as combined effects of asphyxia and venous congestion as a result of ante mortem hanging. In another report, the doctors have further clarified that in their opinion, it appears to be a case of partial hanging in the given circumstances.

The facts and circumstances leading to the death of the deceased was inquired into by Civil Judge-cum-SDM, Jeypore. The family members of the deceased stated before the Magistrate that the death of the deceased might be due to use of excess power by the concerned police while he was in their custody. The police officials of the concerned police station, the doctor who attended the deceased at DHH, Koraput, the Autopsy Surgeons and independent witnesses were also examined and their statements were recorded by the Magistrate. On consideration of the statements of the witnesses and other evidence, the Magistrate was of the view that deceased Gopal Ram, who was arrested by the police in an NDPS Act, attempted to commit suicide by hanging inside the toilet of the police station between 01.40 A.M. to 02.00 A.M. on 30.8.2020 and the same was noticed by the sentry on duty. Instead of taking him to the hospital immediately for prompt medical aid, there was reasonable delay in taking him for treatment at DHH, Koraput, Jeypore. The deceased was taken to the hospital only at 06.15 A.M., where the attending doctors declared him dead. Though, the Magistrate did not find any foul play in the death of the deceased, but found negligence on duty on the part of on duty officers, like the DCO Sri Sapan Kumar Sarkar, who was on sleep and the Sentry Guard, Jagabandhu Majhi, who was absent for half an hour in his guard duty on the relevant date and time of incident on 30.8.2020. He further held that if the above officials were vigilant towards their respective duties, the deceased could not have got an opportunity to commit suicide inside the police station.

Commission has gone through the magisterial enquiry report of the incident and agrees with its findings where it is established that the police officials on duty were negligent and also did not provide prompt medical care to the deceased. For these lapses on the part of the police, the State is vicariously liable for the death of the deceased as it is also the responsibility of the State to take all precautionary measures to ensure that a person under its custody does not try to harm himself. Hence, a Notice u/s 18 of the Protection of Human Rights Act, 1993 be issued to the Govt. of Odisha through its Chief Secretary to Show Cause within six weeks as to why an amount of Rs. Five Lakhs be not recommended to be paid to the next of kin of the deceased Gopal Ram.

DGP, Odisha is also directed to initiate departmental action against the erring police officials in this case and inform the status of the departmental enquiry to the Commission within six weeks.

Put up after six weeks.

[Complaint](#)

Diary No	14912/IN/2020	Section	DB-2
Language	ENGLISH	Mode	HRCNET/ONLINE
Received Date	04/09/2020	Complaint Date	04/09/2020

Victim

Victim Name	GOPALRAM PASWAN	Gender	Male
Religion	Unknown	Cast	Unknown
Address	KORAPUT, ODISHA		
District	KORAPUT	State	ODISHA

Complainant

Name	DHANA KUMAR		
Address	C-3/441, THIRD FLOOR, JANAKPURI, NEW DELHI		
District	WEST DELHI	State	DELHI (110058)

Incident

Incident Place	JEYPURE SADAR PS, KORAPUT, ODISHA	Incident Date	29/08/2020
Incident Category	ALLEGED CUSTODIAL DEATHS IN POLICE CUSTODY		
Incident District	KORAPUT	Incident State	ODISHA
Incident Details			