



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

**Concluded and No Further Action Required(CLD) - 731/4/5/2019-ad**

1 message

nhrc.india@nic.in <nhrc.india@nic.in>  
To: campaignagainsttorture.india@gmail.com  
Cc: ar5.nhrc@nic.in

Wed, Jun 8, 2022 at 12:32 PM

**Case No.- 731/4/5/2019-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 : 08/06/2022

To,

Complainant Email \* :  
BHAGALPUR BIHAR  
Email- [campaignagainsttorture.india@gmail.com](mailto:campaignagainsttorture.india@gmail.com)

DHANA KUMAR  
C-3/441, THIRD FLOOR, JANAKPURI, NEW DELHI-110058, INDIA  
WEST DELHI , DELHI  
110058  
Email- [campaignagainsttorture.india@gmail.com](mailto:campaignagainsttorture.india@gmail.com) , Mob No- 9870564190

**Subject:** Concluded and No Further Action Required(CLD) -731/4/5/2019-ad.

Sir/Madam,

With reference to your complaint/intimation dated 20/02/2019. I am directed to say that the matter was considered by the Commission on 08/06/2022. The Commission has made the following directions:

***The Commission has received a complaint from Sh. Dhana Kumar coordinator, Campaign Against Torture (CAT) alleging that the deceased Munna Yadav died due to the negligence of jail administration in his treatment. He requested for legal action against the delinquent officers and compensation to the family of deceased. The Commission also received intimation from Supt. Central Jail Bhagalpur, which reveals that on 14.09.2017 UTP Munna Yadav s/o Arun Yadav r/o village Vikarmsahila Colony PS Kehalgaon, Dist Bhagalpur, Bihar was admitted to this jail. On 12.02.2019 he was admitted in JLNMCH, Bhagalpur for better treatment, where he died on 17.02.2019.***

***Vide proceedings dated 22.01.2022 the Commission directed as under:***

***"The Commission has considered the material placed on record including recommendation submitted by the Investigation Division of the Commission. The 25 years old UTP Munna Yadav was admitted to the jail with Initial Health Screening as normal, however, during sickness he was referred to PMCH Patna. The police escort was provided by the SSP Bhagalpur on 23.12.2018 and on the same day the said UTP was sent to the PMCH Patna. On 12.01.2019, he was referred to IGIMS Patna/AIIMS N. Delhi for treatment***

**by doctor at PMCH Patna, however, the SSP Bhagalpur did not provide police escort despite various request reminders dated letter dated 22.01.2019, 24.01.2019 and 28.01.2019. Due to non availability of police escort, the said UTP was not sent to JLN MCH Bhagalpur/jail hospital for life saving treatment. Though the Judicial Magistrate did not find negligence or foul play in the death of UTP, it is evident that the Jail superintendent wrote several communications to the SSP, Bhagalpur, however, the prisoner was not taken to the higher center due to unavailability of police escort. Had he been provided specialized treatment in time, his life could have been prolonged. Family members of the deceased were also not examined during the magisterial enquiry. As the prisoner was under the custody of the jail, the State is vicariously liable for his the safety and security but in the instant case the state failed in its duty. Therefore, issues Show Cause notice u/s 18 of the PHR Act, 1993 to the Govt. of Bihar through its Chief Secretary, as to why Commission should not recommend a compensation of Rs. 3,00,000/- to the NoK of convict prisoner The subsequent report received from Jail Superintendent revealed that the SSP Bhagalpur requested several times for police escort for the said UTP as he was referred to IGIMS Patna/AIIMS N. Delhi by doctor at PMCH Patna. But due to the non availability of police escort, the said UTP could not be sent IGIMS Patna/AIIMS N. Delhi for specialized treatment. It is clear that there was delay in providing specialized treatment to the deceased due to the non-availability of police escort by the SSP Bhagalpur. Had he been provided specialized treatment in time, his life could have been prolonged. Family members of the deceased were also not examined during the magisterial enquiry."**

**In response, the Inspector General, Prisons and Reforms Services, Bihar vide communication dated 07.03.2022 submits the response to the show cause notice. It is submitted that vide letter dated 22.01.2019, 24.01.2019 and 28.01.2019 the SSP, Bhagalpur was requested to provide escorts police force, however, due to preparation for Republic Day on 26.01.2019, police force was not available. After republic day, police escort was made available and the deceased prisoner was sent to JLN MCH, Bhagalpur on 28.01.2019 for treatment from where the prisoner was discharged and back to jail hospital. Again under security of police escort, the deceased was taken to JLN MCH, Bhagalpur on 04.02.2019 and from he was taken to IGIMS, Patna from where he was discharged and back to jail hospital. Again on 12.02.2019 he was taken to JLN MCH, Bhagalpur. It is submitted that the Enquiry Magistrate did not find any negligence. The deceased was provided treatment time to time and no foul play or negligence was occurred during treatment. Hence, there is no justification to recommendation of compensation to the NOK of deceased prisoner.**

**The Commission has considered the material placed on record. The Commission issued show cause notice on consideration that deceased UTP could not be referred to JLN MCH hospital as he was not provided police escort for life saving treatment. However, the reply to the Commission's notice, it is informed that on 26.01.2019 police escort could not be provided due to insufficient police force, however, the police escort was provided to deceased UTP on 28.01.2019 to be admitted to JLN MCH hospital where he was given treatment and discharged on 04.02.2019 and brought back to jail hospital. The report further reveals that again on 04.02.2019 the deceased UTP was provided police escort and taken to specialty hospital JLN MCH and discharged on 12.02.2019. On same date, the UTP was again provided police escort to be taken to JLN MCH when his health deteriorated. From the perusal of report, it is apparent that on 26.01.2019 the police escort was not available due to additional police force deployment in view of Republic Day and victim could not be taken to higher medical centre, however, on next day he was provided police escort, taken to the higher centre where he was given treatment and discharged to the jail hospital. Thereafter, on every date, the police escort was provided to the UTP. In view of facts submitted in the reply, the Commission is of the opinion that no negligence can be attributed to the jail authorities. Hence, the Commission withdraws its show cause notice u/s 18 Protection of Human Rights Act, 1993. The case is closed. Inform the complainant accordingly.**

This is for your information.

Your's faithfully

Sd/-

K.K. Shrivastava  
DEPUTY REGISTRAR (LAW)

CC to

---

1. This is a system generated email sent using email-id [nhrc.india@nic.in](mailto:nhrc.india@nic.in). However, this email-id cannot be used to send any communication to the Commission. If needed, the email-id [cr.nhrc@nic.in](mailto:cr.nhrc@nic.in) may be used to send communications to the Commission, mentioning the case number mentioned above.
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> .

---

**2 attachments****2174-IN-2019.pdf**

40K

**DiaryDetails.pdf**

75K