



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

Concluded and No Further Action Required - 1112/20/29/2019-AD

1 message

nhrc.india@nic.in <nhrc.india@nic.in>
To: campaignagainsttorture.india@gmail.com
Cc: ar3.nhrc@nic.in

Mon, Sep 19, 2022 at 1:19 PM

Case No.- 1112/20/29/2019-AD

NATIONAL 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 : 19/09/2022

To,

DHANA KUMAR
C-3/441, SECOND FLOOR
WEST DELHI , DELHI
110058
Email- campaignagainsttorture.india@gmail.com , Mob No- 9870564190

Subject: Concluded and No Further Action Required -1112/20/29/2019-AD.

Sir/Madam,

With reference to your complaint/intimation dated 07/06/2019. I am directed to say that the matter was considered by the Commission on 19/09/2022. The Commission has made the following directions:

This case pertains to a complaint regarding the custodial death of remand prisoner Amrit Lal @ Amra aged 40 years on 6.6.2019 while in the custody of Sub-jail, Jhadol Udaipur, Rajasthan.

Vide its proceedings dated 12.5.2021 the Commission observed and directed thus:-

The Commission has perused the reports and noted the observations of the Investigation Division. It is observed that on 5.6.2019 at about 6.PM, the deceased committed suicide by hanging himself to the iron gate of the cell with the help of his towel. It is also noted that at 6 PM i.e the time of death of the deceased, there is sufficient light during the month of June, and the iron door of the cell was not situated in a secluded place which could not be monitored. Moreover, during the said time, other prisoners were having their dinner and moving around which makes it even rare that the incident could go unnoticed. The Commission laments the untimely loss of a life which could have been easily protected had proper vigil and due care caution been maintained by the jail authorities.

"In these circumstances, the Commission considers this case to be a fit case for considering recommendation for payment of compensation to the victim for violation of his human rights. Therefore, issue notice u/s 18a(i) of PHR Act, 1993 to the State of Rajasthan through the Chief Secretary, to show cause as to why recommendation be not made to the State to pay compensation of Rs. Two Lakh (Rupees 2,00,000/- only) to the next of kin of the deceased victim who has also left behind a pregnant wife with no means

of survival owing to the negligence of the jail administration"

In pursuance of the same Commission received reply from Addl. Chief Vigilance Commissioner, Government of Rajasthan dated 19.8.2021 stating that prisoner entered high security cell through toilet and hanged himself to iron door by making rope out of towel. As wall of high security jail were high and as there were toilet and bathroom adjoining the cell, nobody could notice the prisoner hanging himself. Therefore there was no negligence or fault on part of jail officials.

Deceased being prisoner was under care and custody of State government and it was duty of the State government to look after the prisoner and also to see that he did not endanger his life. This Commission has already held thus :- "at 6 PM i.e the time of death of the deceased, there is sufficient light during the month of June, and the iron door of the cell was not situated in a secluded place which could not be monitored. Moreover, during the said time, other prisoners were having their dinner and moving around which makes it even rare that the incident could go unnoticed. The Commission laments the untimely loss of a life which could have been easily protected had proper vigil and due care caution been maintained by the jail authorities".

Vide its proceedings dated 8.9.2021 the Commission observed and directed thus:-

Reasons mentioned in reply dated 19.8.21 do not hold any water. Hence reply is to be brushed aside. Under the circumstances, State government is vicariously liable to pay monetary compensation of Rupees Five Lakhs to the next of kin of deceased for the negligence on the part of jail officials.

Accordingly, Commission recommends to the State Government of Rajasthan through its Chief Secretary to pay a sum of Rupees Five Lakhs to the next of kin of deceased Amrit Lal. Compliance report along with proof of payment be submitted within four weeks".

In pursuance of the same, Commission received correspondence from Addl. Chief Vigilance Commissioner, Rajasthan praying for review of recommendation amount of Rs. Five Lakhs to be paid to NoK of the deceased as Commission had issued show cause notice for an amount of Rs. Two Lakhs.

Vide its proceedings dated 17.2.2022 the Commission considered the matter, observed and directed thus:-

Perused record. Under the circumstance, Commission recalls its recommendation dated 8.9.2021 awarding compensation of Rs. Five Lakhs to the NoK of the deceased and recommends the State of Rajasthan through its Chief Secretary to pay a sum of Rs. Two Lakhs to the NoK of the deceased Amrit Lal. Compliance report along with proof of payment be submitted within four weeks. Put up thereafter.

Vide its proceedings dated 1.7.2022 the Commission considered the matter, observed and directed thus:-

"In pursuance of the same, Commission has not received compliance report along with proof of payment. Willful disobedience of its recommends is viewed seriously by the Commission. Hence, Commission is constrained to invoke coercive steps u/s 13 of PHR Act-1993 and directs its Registry to issue conditional summons for personal appearance of Chief Secretary, Government of Rajasthan before the Commission on 26.8.2022 along with compliance report and proof of payment. In case the requisite report is received on or before 17.8.2022, his personal appearance shall stand dispensed with".

In pursuance of the same, Commission has received compliance report along with proof of payment. Now nothing remains to be interfered by the Commission. The report is taken on record and the case is closed.

This is for your information.

Your's faithfully


Sd/-

Mukesh
DEPUTY REGISTRAR (LAW)
M-3 Section
Ph. No. 011-24663317
Email. ar3.nhrc@nic.in

CC to

1. This is a system generated email sent using email-id 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 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) and subscribe YouTube channel of the Commission at <https://www.youtube.com/NationalHumanRightsCommission> .

2 attachments

 **6508-IN-2019.pdf**
261K

 **DiaryDetails.pdf**
75K