

21.02.2022

This proceeding was initiated on intimation received from the Superintendent Special Central Jail, Bhagalpur regarding custodial death of Convict Maqsud Alam aged 95 years while in custody of Special Central Jail, Bhagalpur during treatment at JLNMCH Bhagalpur on 18.07.2020.

From perusal of record it appears that the deceased entered into the Jail on 12.04.2020. At the time of entry in Jail as per Health Screening Report he was having Hyper tension, Diabetes and other diseases. Record further discloses that for the above diseases he was under treatment at Jail Hospital and later on at JLNMCH, where finally he died on 18.07.2020.

As per Postmortem Report cause of death was due to Heart disease. Even after receipt of Histo-pathological Examination, final opinion regarding cause of death is "Disease of heart."

An enquiry was also conducted by Executive Magistrate who also concludes as follows : "Prisoner died during treatment due to natural disease."

State Commission has also obtained opinion of Dr. Binoy Kumar, Additional Professor, Department of Forensic Medicine and Toxicology AIIMS Patna who also opined :-

- (i) Patient died during treatment due to heart disease.
- (ii) No any element of medical or administrative negligence could be found. However he has pointed out that undue delay in transportation of patient after the referral of patient by the doctors to higher centre, have been observed repeatedly by Jail Administration.

This file was also placed before Investigation Division of BHRC for analysis of the materials available on the record and a report has also been received. The Investigation Division has come to the following opinion :-

"Based on the perusal of the records like Inquest, Magisterial Enquiry Report, PM Report, Histo-pathological Report and Expert medical opinion, we are of the opinion that the U.T.P. Maksud Alam, S/o Late Md. Yusuf 95/M, R/o Village Mathhoi, P.S.Desari, District Vaishali died due to natural causes

as he was suffering from Heart disease (CAV) disease with predisposing factors like HTN, DM and complications of old age. There is nothing on the record to suggest any element of medical or administrative negligence on the part of Jail Administration.

As discussed above there is consistent finding that death of deceased prisoner was due to disease.

No administrative negligence of Jail Administration was found except as pointed out by FMT expert that there is delay in referral to higher centre as the deceased prisoner was referred to higher centre for further treatment by JLNMCCH but patient died at JLNMCCH on 18.07.2021 leading to inference, no steps were taken by the administration to send him to higher Centre. However in the present case that was not due to delay in sending higher centre.

Above laxity on the part of Administration are noticed in several cases. In some cases it was brought to the knowledge of Jail Administration also but is of no avail.

However apart from that, steps for timely treatment have been taken by Jail Administration referring the deceased prisoner to JLNMCCH. Earlier response was also called for from the NOK of the deceased prisoner but the same has not been received till the date fixed.

As such transmitting a copy of order to the Chief Secretary, Addl. Chief Secretary Home, their attention is drawn towards delay in referral of the prisoner under treatment to the higher centre, with hope and expectation that concrete directions be issued to the District and Jail Administration to avoid its repetition in future.