

**File No.- 2763/4/35/2020-JCD & 3860/4/23/2020-JCD**

03.03.2022

Case No. 2763/4/35/2020-JCD was initiated on intimation received from the Superintendent ShahidKhudiram Bose Central Jail, Muzaffarpur of death of convicted prisoner LaluSahni alias RajendraSahni aged about 86 years while in custody of ShahidKhudiram Bose Central Jail, Muzaffarpur during treatment at SKMCH, Muzaffarpur.

Later on File No. 3860/4/23/2020-JCD was also initiated regarding custodial death of convicted prisoner LaluSahni alias RejendraSahni.

Since both the above proceeding relates to custodial death of deceased convict LaluSahni as such both the proceedings were amalgamated.

Health Screening Report of the deceased convict at the time of entry in Jail does not show that he was suffering from any disease at that time of entry in Jail

Proceeding is pending for final hearing after receipt of expert medical opinion and opinion of the Investigation Division of BHRC.

However, on perusal of record, it appears that a letter of Assistant Registrar (Law) of NHRC dated 15.07.2021 is kept at page 103-106, from which, it appears that NHRC has taken cognizance of the custodial death of deceased convict on 29.07.2020, whereas the State Commission has taken cognizance on 09.09.2020, as such NHRC continues to proceed in the present matter and matter is pending before it.

Since the NHRC has proceeded in the matter and inform about the same, in order to avoid multiplicity of proceeding and to avoid any scope of two different order, the State Commission is not inclined to proceed with the matter.

Accordingly both proceedings are closed.

Let a copy of order be communicated to the Registry of NHRC for information.

**File No.- 1480/4/32/2020-JCD**

04.03.2022

This proceeding relates to custodial death of U.T.P. AmodRai while in custody of District Jail, Vaishali.

Almost all the relevant required reports have been received and at present the case is pending for filing response by the NOK of the deceased U.T.P. AmodRai .

In the meantime, office has produced a web copy of the order dated 30.12.2021 of NHRC in a proceeding relating to death of U.T.P. AmodRai in Case No. 3209/4/39/2019-JCD. From which it appears that NHRC has passed the following order.

"The magisterial enquiry reveals that cause of death was electrocution and there was failure on the part of the jail authority in maintaining the electrical installations and appliances. The Superintendent of Sub-jail, Hajipur had also submitted desired reports, Health Screening Report and Medical Treatment record. The reports submitted before the Commission apparently made out a case of vicarious liability of the Government of Bihar for failure of the jail authorities to maintain the electrical installations in the jail in safe and secured manner, resulting in the electrocution of an inmate. It amounted to violation of Human Rights of the inmates, who were denied safe lodging facilities in the jail. So a SCN under section 18 (a) of PHR Act 1993 was issued to the Government of Bihar, through its Chief Secretary, to file a response as to why the Commission should not consider and recommend a compensation of 5 Lakhs (Rupees Five Lakh) to be paid to the next of kin of deceased inmate. The Director General of Prisons and Correctional Services, Bihar has submitted that based on the Magisterial Enquiry Report no case of compensation is made out and the death was merely accidental in nature. The reply filed has got no merit. The Jail Authorities has failed to maintain electrical installations and electrical appliances in an appropriate manner leading to death by electrocution of inmate. The same was also found to be opined in the MER. Merely terming it accidental death; the Govt. cannot escape from its vicarious liability. The reply filed is without merit. A recommendation is hereby to the Government of Bihar made through its Chief Secretary to pay a compensation of Rupees Five Lakhs to the NOK of deceased in a period of four weeks. The Chief Secretary, Govt. of Bihar will ensure personal indulgence in the matter and ensure the disbursement within the stipulated time and inform the Commission of the compliance. Put up after four weeks".

Since the NHRC after perusal of record found it to be case of violation of Human Rights of the inmates who were denied safe lodging facilities in jail and found it a cause vicarious liability of the Government of Bihar for failure of the Jail Authorities to maintain the electrical installations in the jail in safe and secured manner and recommended for payment of Rs. 5 Lakhs to the NOK of the deceased, as such the State Commission is not inclined to proceed further in the present case.

Accordingly this proceedings are closed.

**(Justice Vinod Kumar Sinha, Retd.)**  
**Chairperson**

