

File No. : CD 24 of 2017JCD

Date : .17.08.2022

This proceeding was initiated on intimation received from the Superintendent District Jail, Araria regarding custodial death of U.T.P Musai Paswan while in custody of District jail, Araria.

Cognizence was taken and after detail enquiry, the State Commission vide a detail order 12-05-2022 has come to following finding:-

Deceased U.T.P. died due to CR failure due to liver cirrhosis, a serious illness, but no prompt action was taken by the Administration inspite of advice of Doctors for treatment at higher institute. Had prompt action be taken in time, he may be saved even for few more days.

A Prisoner has also a right to life as provided under constitution of India. Since he was in jail custody, it is the duty of Jail Administrative and District Administration to provide all possible medical facilities and that can not be denied on account of technicalities. As such it is clear case of Administrative negligence in the treatment leading to death of deceased prisoner.

Accordingly the State Commission had issued following direction:-

Considering the discussions made above, next of kin deceased U.T.P. are entitled for compensation.

As such let a show cause notice be issued to the Chief Secretary Government of Bihar to show cause within 10 weeks as to why a compensation of Rs. 1,00,000/- (One Lakh) be not paid to the next of kin of the deceased U.T.P.

At the same time copy of order be communicated to the Additional Chief Secretary (Home) for issuance of SOP for ensuring that once a patient prisoner is referred for treatment at any higher Institute , all possible steps be taken for his immediate transfer (preferably within 2-3 days) to the reported Institution in future otherwise purpose behind reporting him to specialized institution shall be frustrated.

Inspite of above directions vide order dated 12-05-2022, neither showcause has been received nor any compliance report has been submitted. It suggests that the State Government has nothing to say.

Accordingly the above order is confirmed, the State Government is directed to pay Rs. 1,00,000/- (One Lakh) only to the NOK of the deceased within a period of two months and submit compliance report with regard to payment of above amount and Home Department has also to submit compliance regarding recommendation for issuance of SOP as directed in earlier order.

Put up on 25.11.2022.

Let a copy of above order be sent to the Chief Secretary and Addl. Chief Secretary Home for information and necessary action.

(Justice Vinod Kumar Sinha, Retd.)

Chairperson