



MAHARASHTRA STATE HUMAN RIGHTS COMMISSION

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DIVISION BENCH CD Case No. – 36/2010-11

Name of the Intimating Authority : Superintendent
Thane Central Prison
Thane

Name of the Deceased : Sujit @ Navab Madansingh Rathod

Date of Death : 21.05.2010

Date : **24th October 2016**

Coram : **Justice S R Bannurmath, Chairperson**
M.A. Sayeed, Member

O R D E R

(Per : Justice S.R. Bannurmath, Hon'ble Chairperson)

This case is registered on receipt of the information of death of a UTP Sujit @ Nawab Mansingh Rathod aged 30 years while in the custody of Thane Central Prison.

Shri. Dinesh Paithankar- Executive Magistrate and Shri. Ravindra Tonage – Jailor are present and have produced the records.

On perusal of the records it is seen that the deceased UTP was in the custody of the Prison from 18.03.2010. The records show that on 08.05.2010 he complained of body ache and giddiness and as such was treated on OPD basis regularly. However, on 19.05.2010 since there was no improvement and there was also complaint of severe breathlessness and sweating he was immediately referred to

Civil Hospital Thane and from there to J J Hospital, Mumbai for further investigation and treatment. But not responding to the treatment he died on 21.05.2010 while in the hospital itself.

After informing the relatives and performing the mandatory requirements including autopsy, magisterial inquiry etc the matter is reported to National Human Rights Commission initially and on transfer the matter is placed before this Commission. The perusal of the records especially the autopsy report shows that the deceased had pre existing heart problem. The report shows that his heart was enlarged and there was already replacement of mitral valve with artificial valve, myocardium and endocardium were found to be not intact. As such prima facie the death appears to be natural i.e. due to pre existing heart condition.

In such case it would have been proper to close the case. However, on perusal of the records the Commission finds there is total disregard to the guidelines issued by the National Human Rights Commission, by the Jail Authorities as well as the Jail Medical Officer. It is mandatory as to maintaining health screening report as soon as a prisoner is admitted to the prison.

In the present case on perusal of the health Screening Form, it shows total negligent or indifferent / casual attitude on the part of the Prison Medical Officer. It is to be noted that though at the time of admission to the prison itself the deceased was suffering from serious heart ailments and in fact his mitral valve was already replaced, the health screening report does not indicate the same, on the other hand

to the question whether he was suffering from any illness “answer is written as **NO**”. Similar are the entries in respect of previous history of illness in other columns. As per the Commission this is a serious lapse and casual approach by the Medical Officer of the Prison. Similarly, in the report of the Jail Authority filed to the Commission it is stated that immediately after shifting the deceased to the Hospital his relatives were informed, but the detailed Magisterial Inquiry by Sub Divisional Magistrate shows that the mother of the deceased has complained about non information till the death of the prisoner.

As such the Commission deems it proper to make following recommendations

- A) The Inspector General of Prison, Pune is directed to issue proper directions to all the Prisons regarding proper health screening of the Prisoners at the time of admission to the Prison and directions to all the Medical Officers of the Prisons to examine the prisoner properly and make accurate entries in the screening report and especially if he is known case of any pre-existing health problems.**
- B) The Inspector General of Prison, Pune is directed to issue proper directions to all the Prison Authorities to contact and intimate the known close relative of the prisoner, as soon as he is found to be sick and there is need of his hospitalization.**

C) The Inspector General of Prison is directed to send copies of all the guidelines issued by NHRC especially regarding custodial death case and see that they are followed in letter and spirit.

D) Copy of the order be also sent to the Principal Secretary, Health Department, Mantralaya, for proper instructions, compliance of the recommendations and to submit action taken report within six weeks from the date of receipt of the order.

**(M.A. Sayeed)
Member, SHRC**

**(Justice S. R. Bannurmath)
Chairperson, SHRC**