



# MAHARASHTRA STATE HUMAN RIGHTS COMMISSION

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## DIVISION BENCH CD Case No. – 204/2010-11

Name of the Deceased : Basappa Balappa Patil

Name of the Intimating Authority : Superintendent  
Kolhapur District Prison  
Bindu Chowk, Kolhapur

Date of death : 17.12.2010

Date : 22<sup>nd</sup> April 2016

Coram : Justice S. R. Bannurmath, Chairperson  
Bhagwant D. More, Member

## O R D E R

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

This is the case of death of an under trial prisoner Basappa Balappa Patil age 45 years, who was arrested on 14.12.2010 by the Gandhi Nagar Police Station of Kolhapur District for the offences u/s. 279, 337 and was remanded to judicial custody and was lodged in Kolhapur District Prison. The report shows that after admission he was sent for medical checkup and the examining Doctor of Kolhapur Civil Hospital did not notice any medical condition and certified that he is fit for judicial custody. However, as per the report of the Superintendent of Kolhapur District Prison on admission, since it was noticed that the deceased had swelling on both legs, he was immediately sent to Civil Hospital. On re-examination since the Doctor suspected ailment connected to liver, medicine was prescribed and he was sent back to the prison. However, on

17.12.2010 as he developed further complications he was referred to Civil Hospital wherein he died on the same day. As such the present report is filed to the Commission. Reports from the Prison Authorities are called for and same has been submitted along with some records.

Today the matter is taken up for hearing, Shri. Awale – Incharge Superintendent of Prison is present with records.

On perusal of the records and especially the medical reports no doubt it is clear that the deceased was suffering from ailments and the cause of death as per the post mortem report indicates due to “**pulmonary edema caused by mitral valve calcification with left ventricle hypertrophy**” and as such same is to be treated as natural (pre existing health issues).

However, during the consideration of the records the Commission has noticed certain lapses / shortcomings and it is deemed fit to direct the Government to look into these issues and take appropriate steps.

At the outset it is to be noted that though the Prison has capacity of 104 male and 21 female prisoners, there is no Doctor appointed to the Prison Hospital. The records disclose that even since 2010-11 only the pharmacist takes care of the patients and if necessary a medical officer from Civil Hospital is called for. It is now stated that it is once in a week the Medical Officer is visiting the Hospital. As per the norms and guidelines by the UNCHR and the National Human Rights Commission every prison must have a permanent Doctor with sufficient staff, medical equipments and medicines. But in the case of Kolhapur District Prison this norm is not followed atleast from 2010 till date. In the present case it is noticed that for want of Doctor it is the pharmacist who has examined and suspected ailment, even though the report of the Medical Officer of Civil Hospital on

14.12.2010 mentions there is no health problem. Fortunately, the pharmacist at the time of admission of the deceased to the Hospital noticed swelling on both the legs and immediately some medicine was prescribed and was sent back to the Prison. However, even on the next date his condition worsened and as such the Jail Staff contacted the then Jail Superintendent for making arrangement of shifting the patient to the Civil Hospital. However, surprisingly the Jail Superintendent took the view that as there may not be any possibility of Police escort available, the patient can be shifted to the Civil Hospital on 18.12.2010 (three days later). However, as on 17.12.2010 the condition was critical he was taken to the Civil Hospital and by evening he expired. Taking into consideration these aspects the Commission prima facie finds that

- 1) **There was a lapse on the part of the Medical Officer of the Civil Hospital on 14.10.2010 when the deceased was taken to the Hospital, inspite of clearly visible symptoms (swelling of both the legs) the Doctor casually stated that the Prisoner is in normal health and sent him back to the Prisoner. Possibly this casual approach was one of the reasons for the aggravation of the ailment resulting in the death within three days.**
- 2) **On going through the records the Commission also finds there was a serious lapse on the part of the then Jail Superintendent. It is to be noted that inspite of the Jail Staff bringing it to the notice of the Jail Superintendent the serious condition of the Prisoner, on assumption that Police Escort may not be available, postponed the prisoner being taken to the Hospital immediately. As such there is a lapse on the part of the then Jail Superintendent.**

- 3) **Most importantly as noted earlier absence of medical officer in the Jail Hospital itself is a serious lapse, which has contributed for the death of the under trial prisoner Basappa Balappa Patil.**

Considering all these aspects the Commission deems it proper to make following recommendations:

- a) **The State should immediately make arrangement for appointment of a regular Doctor and necessary staff to the District Prison, Kolhapur.**
- b) **The State shall issue direction to the Prison Authorities to take report of ailments of the Prisoners very seriously and immediate steps will be taken by shifting the ailing prisoner to the Hospital without any delay, if serious health problems of the prisoner are noticed or brought to the notice of the Jail Superintendent.**
- c) **Since the Commission has found negligence on the part of the Medical Officer of the Civil Hospital and the then Jail Superintendent resulting in deterioration of the health and resulting in the death of the under trial prisoner Basappa Ballappa Patil, the Commission deems it proper to award an interim compensation of Rs. 1,00,000/- to be paid by the State to the legal heir of the deceased within four months from the date of receipt of the order and report compliance thereafter within four weeks.**

**(Bhagwant D. More)  
Member, SHRC**

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