



MAHARASHTRA STATE HUMAN RIGHTS COMMISSION, MUMBAI

9, Hajarimal Somani Marg, Opp. Chhatrapati Shivaji Maharaj Terminus,
(CSMT) Mumbai – 400 001



Tel : 022-22092857

E-mail: court1-mshrc@mah.gov.in

No. MSHRC/AMB/04/2026/ **3689**
Date: April 2026
12/5/2026

To,

1. The Additional Director General of Police
Protection of Civil Rights, Mumbai
2. The Dy. Secretary
Desk Officer,
Pol – 14, Home Department
Mantralaya, Mumbai
3. The Superintendent
Kolhapur Central Prison
Kolhapur
4. The District Magistrate
Kolhapur
5. The Superintendent of Police
Kolhapur

Sub: Order in CD Case No. 202/2017 dated 24.03.2026
(Pronounced on 06.04.2026)

I am directed to intimate to you to comply with the orders / directions of the Commission.

You are requested to comply with the orders within one month or as specified in the order. The compliance report be kindly submitted to this office as per Section 18 (e) of the Protection of Human Rights Act, 1993 r/w. Regulation 22 to 24 of the Maharashtra State Human Rights Commission (Procedure) Regulations, 2011.

Encl. Order copy (06 Pages)


(Pradeep Kumar Dange, IAS)
Secretary



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MSHRC/SK/ /2026/

Date: 11

Division Bench
AMB/CD Case No. 202/2017 | 3689

Name of the Respondent: 1. The Superintendent,
Central Prison, Kolhapur.

2. The District Magistrate,
Kolhapur.

3. The Superintendent of Police,
Kolhapur.

Name of the Deceased : Jaydeo Namdev Hazare

Date of Death : 26.10.2017

Reserved On : 24.03.2026

Pronounced On : 06.04.2026

Coram : Justice, A.M.Badar, Chairperson
Shri Sanjay Kumar, Member

ORDER

(per: Sanjay Kumar, Member)

1. This case was initiated on the basis of information provided by Superintendent Central prison, Kolhapur, Kalamba. The case is related with custodial death of convicted prisoner Jaydeo Namdeo Hajare, 52 yrs, at Kalamba prison, on 26.10.2017. Jaydeo Namdeo Hajare was arrested by Vairag Police Station on 07.08.2014 in Cr. No. 130/2014 u/s 302 IPC. Hon'ble session Court, Barshi, Solapur

convicted the said prisoner on 09/05/2015 by awarding life imprisonment. He was transferred to Kalamba prison 09.05.2015 from Solapur District Prison and kept at Barrack no. 4 of the Prison Hospital. On 26.10.2017 he committed suicide outside of barrack no 4 on eastern wall by hanging to a nail with the help of elastic band of underwear.

2. NHRC has also taken the cognizance to the communication by Respondent and registered the case at NHRC, as case no 2020/13/14/2017-JCD. Later, NHRC vide its communication dated 05.03.2019 informed the State Commission that as State Commission has taken cognizance of the case prior in point of time, the case at NHRC is closed.
3. In pursuant to this case, reports regarding the death of the prisoner Jaydeo Namdeo Hajare (hence, deceased) was called from the Respondents. Accordingly various reports, including Magisterial Enquiry Report, Post Mortem Report, Report of final Cause of death and explanation from ADG Prison and Correctional Services, MS about precaution taken by prison officials for deceased were submitted by the respondents.
4. Death report of deceased, Jaydeo Namdeo Hajare, submitted by the Superintendent, Central Prison Kolhapur to NHRC vide its letter dated 12.02.2018 revealed that deceased was operated for appendicectomy on 23.06.2015 at Govt, CPR Hospital, Kolhapur. During incarceration deceased suffered from intermittent abdominal pain since July 2015, for which he was provided with timely treatment at Prison Hospital or at referred hospital. He was also evaluated by visiting psychiatrist on 31.03.2017 and diagnosed

with "Somatic Depression", for which antidepressant drug was prescribed. For his ailment he was kept at Prison Hospital barrack no 4 along with other patients.

5. Post mortem report mentioned no serious injuries other than injuries related with hanging. Other injuries explained in the Postmortem notes are in the nature of contused abrasion, abrasion, Postmortem abrasion, all injuries are 4-5 days old and simple in nature and no way attributed to custodial violence. Autopsy surgeons have attributed hanging as cause of death of deceased. The Final Cause of Death was certified by the Assistant Professors, Department of Forensic Medicine, Government Medical college and Hospital, Miraj as Hanging.
6. Sub Divisional Magistrate, Gadinhglaj Division, Gadinhglaj, Kolhapur dist, Conducted Magisterial enquiry and concluded "from the evidence placed before me, I am of the opinion that Jaydeo Namdev Hazare who died on 26.10.2017 at Central Prison Kolhapur, Kalamba died due to hanging". During enquiry the Executive Magistrate has examined and recorded the statements of treating doctors, inmates and guards of the prison. None has submitted anything which creates suspicion about the death of the deceased.
7. Additional Director General Prison and Correctional Services, MS in his submission dated 18/12/2025 mentioned that due care for the security and protection of deceased was taken by the prison officials while he was incarcerated in Barrack no.4, prison hospital. He was provided with medical treatment as per advice of the medical officials of prison both inside prison and at referred



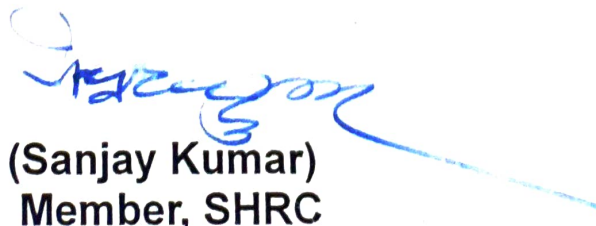
Hospitals. Prison constable Suryakant Thombare was deployed at Prison Hospital, for security of the deceased, as per the manual, convicted prisoner Salam Rafiq Alam Hayat sheikh was assigned the job. ADG has concluded that he did not find any mistake or negligence on the part of the Prison officials. However, he has recommended reward of the compensation as per GR dated 28.04.2025 for the kin of the deceased.

8. It is established that death of the deceased was due to hanging. No evidence of abetment or custodial violence compelling deceased to commit suicide was found. The record also suggests that deceased was provided with timely and adequate medical treatment.
9. Although, in this case, on the basis of report and enquiry, it was inferred that the death was suicidal, however, it is a fact that the safety and security of the Prisoner is the responsibility of the concerned Prison authority. There is a great responsibility on the prison authorities to ensure that the citizen in its custody is not deprived of his right to life. His liberty is in the very nature of things circumscribed by the very fact of his confinement and therefore his interest in the limited liberty left to him is rather precious in case of prisoner, especially more in case of a person suffering from Somatic Depression.
10. The duty of care on the part of the State is strict and admits no exceptions. Any incident affecting the life of individual including suicide under the custody of Police or Prison Authority, where he is kept for safety, security and protection, for any lapse, intentional or otherwise. State is vicariously liable for the same.

11. Following the welfare concept, even in motor accidents and other acts of fatal accidents, the concept of 'No Fault Liability' is emerging, to keep a track with the doctrine of 'Strict Liability' by analogous principle. This should be applied in the case of custodial death, including suicide, while in judicial custody. The next of kin and other dependent family members suffer because State failed in providing security to their breadwinner. The duty to take care and protection of prisoner in custody lies with the State, and in this case Jail Officer failed to do so. State being *parens patriae* of its citizens, is vicariously liable to pay compensation to the next of kin (NOK) of deceased.
12. It is now a well-accepted proposition in most of the jurisdictions that monetary or pecuniary compensation is an appropriate and indeed an effective and sometimes perhaps the only suitable remedy for redressal of the Infringement of the fundamental right to life of a citizen and the State is vicariously liable for their acts. The objective is to apply balm to the wounds.
13. The State Commission is of considered view that kin of the deceased should be paid compensation for the lapses in keeping the deceased safe and secure. While awarding the compensation to next of the kin of the deceased, the State Commission has accepted the amount - prescribed in the GR Issued by Government of Maharashtra on April 28, 2025 in regard with suicide committed by the prisoner in custody.
14. **In view of the above, the State Commission, by invoking its powers under Section 18 of the Protection of Human Rights Act, 1993, makes the following recommendations:**



- a. The State is recommended to pay a compensation of Rs. 1,00,000/- (One Lakh) to the next of kin of the deceased (Shri. Jaydeo Namdeo Hazare) within 8 weeks from the date of receipt of this order. In case of failure, the State shall be liable to pay interest on the amount of compensation at the rate of 8% simple interest per annum until full realization of the amount.
- b. The Learned Secretary attached to the Commission shall forward a copy of this order to the Deputy Secretary, Desk Officer, Pol-14, Home Department, Government of Maharashtra, the Nodal Officer for the State appointed by GR dated 04.02.2026; the Additional Director General of Police, Protection of Civil Rights (PCR), Maharashtra State, the Nodal Officer for the Police Department appointed by GR dated 04.02.2026; for compliance in accordance with Section 18(e) of the Protection of Human Rights Act, 1993, read with Regulations 22 to 24 of the Maharashtra State Human Rights Commission (Procedure) Regulations, 2011.
- c. The Office is directed to inform the next of kin of the deceased prisoner about this order.
- d. With these recommendations, Case No. 202/2017 stands closed and disposed.



(Sanjay Kumar)
Member, SHRC



(Justice A.M. Badar)
Chairperson, SHRC