

KARNATAKA STATE HUMAN RIGHTS COMMISSION

1-4th Floor, M. S. Building, 5th Stage, Bengaluru-560 001

H.R.C. No. 3887/10/9/2020

Date: 10.05.2022

PRESENT

Justice D. H. Waghela
Chairperson

Shri K. B. Changappa
Member

Shri R. K. Dutta
Member

Informant: In-charge Superintendent
District Prison
Davanagere

V.

Respondent: Addl. Chief Secretary,
Department of Home,
Govt. of Karnataka

OPINION, REPORT AND RECOMMENDATIONS

1. The complaint is registered on the basis of g-mail intimation dated 12.11.2020 of the In-charge Superintendent, District Prison, Davanagere. It is reported that Shri Devaraja, U.T.P. No. 1057/2019, S/o Bandi Shivanna, aged about 49 years and R/o Besige Ramachandrapura Village, Tipaturu Taluk, Tumakuru District, was accused in C.C. No. 2237/2019, U/s 457, 380 of I.P.C. on the file of II J.M.F.C., Davanagere and was remanded to judicial custody on 19.09.2019. The U.T.P. was suffering from illness and was treated at District Government Hospital, Davanagere on several occasions. On 11.11.2020 at 9:50 p.m. the U.T.P. was sent to District Government

Hospital for emergency treatment and the doctors at the hospital upon examination, declared him dead at 9:57 p.m.

2. Upon issuance of notices to the Superintendent, District Prison, Davanagere, post-mortem report, magisterial enquiry and inquest reports were received.

3. The inquest was conducted by the III Additional Civil Judge and J.M.F.C., Davanagere. It is reported that the statements of elder brother and younger brother of the deceased have been recorded and they have not expressed any doubt regarding the death and no external injuries were found over the body of the deceased. It is further reported that the deceased was suffering from long-term stomach pain and he was in the habit of consuming alcohol occasionally and cause of death was due to “septicaemic shock consequent upon peritonitis”.

4. The post-mortem conducted by the Chittigere Government Hospital, Davanagere, reported that no fresh wound or external injuries were seen over the body of deceased and the cause of death was due to “septicaemic shock consequent upon peritonitis”.

5. The magisterial enquiry report in U.D.R No: 10/2020 u/s 176 (1-A) of Code of Criminal Procedure Code, 1973 and the final opinion of A.D.G.P. of the Commission state that the death is due to “septicaemic shock consequent upon peritonitis”.

6. Upon perusal of the material placed on record, the Commission called upon a forensic medicine expert to give expert opinion regarding cause of death and circumstances surrounding the death of deceased. Dr. Satish K. V. Professor and H.O.D., Bangalore Medical College and Research Institute, Bengaluru submitted expert opinion dated 20.09.2021 and his statement on oath is recorded. Dr. Satish K. V. has stated as under:

“I am M.B.B.S. M.D. (Forensic Medicine) and having 22 years of experience. I have read the papers related to the death of Shri Devaraja, aged 49 years who died on 11-11-2020 as an under-trial lodged in Davanagere District Jail.

I have given my written opinion dated 20-09-2021 and it is placed on record. Besides the final opinion therein, I say that the reasons for peritonitis in the patient concerned are not clear. Besides that the videography of the post-mortem clearly indicates blunt force impact on abdomen which should have been ascertained by investigation. The internal injury found in this case could only be by an impact from outside. Because the internal wound was infected, the age of the injury could not be ascertained. It appears that peritonitis was caused because of such injury from outside. The peritonitis could have resulted after the injury within 48 hours or up to few weeks, depending upon immunity of the person and treatment given to him. Intake of alcohol could deteriorate or precipitate the condition of peritonitis. In this case, there is no mention of perforation. In the facts of this case, the deceased is stated to have been alcoholic. However in jail, since more than a year, his supposed intake of alcohol being nil, alcoholism could not be directly related to peritonitis. In the history of the case, it is indicating that he was taken for pain in his stomach at least 5 times for about a month and treated. The external impact mentioned earlier could be prior to some days of his death. There was already a plaster on the abdomen, which showed that adhesive plaster was applied for treatment. Our findings on the pictures taken out from the

videography are that showed the damaged part of the intestine. There appears to be gangrene and necrosis on the damaged part of intestine and abdominal wall. In my opinion, if the internal injury and damage were properly treated in time, the death of the deceased could have been avoided”.

7. Upon perusal of records and expert opinion placed before the Commission, it is clear that the deceased U.T.P. Shri Devaraja, died naturally. However, his death could have been prevented if the internal injury and damage were properly treated in time, by providing adequate medical treatment and regular health check-up in prison. The prison authorities and the officers in charge of the prison have been remiss in protecting and preserving life of the detinue. The medical facility in the prison appears to have been clearly inadequate and insufficient to treat the inmates in the prison.

8. Unfortunately, even though Article 21 of the Constitution obliges to ensure safety of all persons, little appears to have changed on the ground as far as prisoners are concerned and this Commission is once again required to deal with issues relating to prisons in the state and their reform.

9. Therefore, the Commission is taking serious note of deaths in the prisons, and is constrained to make the following recommendations:

- (a) It is necessary to conduct periodical health check-ups of inmates of the jail to diagnose illness and to take measures to provide treatment to the prisoners as soon as and as long as required.
- (b) The Additional Chief Secretary to Government of Karnataka, Department of Home should re-issue necessary mandatory circulars

instructing the Superintendents of each prison to implement in letter and spirit the above recommendation.

10. It may be appropriate to point out at the end that under the provisions of Section 18(e) of The Protection of Human Rights Act, 1993, the State Government or the authority concerned is duty bound to forward within a month, its comments on this report and also report the action taken or proposed to be taken. It is hereby brought to kind notice of the authorities concerned that, under the provisions of Regulation 22 of the Karnataka State Human Rights Commission (Procedure) Regulations 2007, if any application seeking modification or review of order or proceeding passed by this Commission is received, it may be considered by the Commission for appropriate order.

11. A copy of this Opinion, Report and Recommendations shall be sent to the informant and respondent forthwith.

Sd/-
(Justice D. H. Waghela)
Chairperson

Sd/-
(K. B. Changappa)
Member

Sd/-
(R. K. Dutta)
Member

KGM