

**KARNATAKA STATE HUMAN RIGHTS COMMISSION**

1-4<sup>th</sup> Floor, M.S Building, 5<sup>th</sup> Stage, Bengaluru-560001

**H.R.C. No:** 6156/10/19/2015 c/w  
6227/10/19/2015

Date: 19-05-2022

**PRESENT**

Justice D.H. Waghela  
Chairperson

Shri K.B. Changappa  
Member

Shri R K Dutta  
Member

**Informant:** Superintendent of Police,  
District Prison,  
Mangaluru.

**V.**

**Respondent:** The Director General of Prisons and  
Correctional Services,  
Govt. of Karnataka.

**OPINION, REPORT AND RECOMMENDATION**

- 1) These two cases are arising from the same incident of riot in Mangalore jail, in respect of which FIR No's 92/2015 and 93/2015 dated 03.11.2015 were registered. The cognizance of violation of Human Rights in the cases was taken by this Commission as well as

by the National Human Rights Commission. By letter dated 18.06.2018 the National Human Rights Commission has informed this Commission that, in response to show cause notice u/s 18 of Protection of Human Rights Act, 1993 vide proceeding dated 27.11.2017 of the Commission regarding payment of compensation of Rs. 3,00,000/- each to the NOK of the deceased both UTP, the Principal Secretary to the Government, Home Department(PCAS) Government of Karnataka, Bengaluru, vide communication dated 20.02.2018 had submitted reply that the Government in principal had agreed for payment of compensation of Rs. 3,00,000/- each to the NOK of both the deceased prisoners. Necessary action was being taken for payment of compensation.

- 2) The Commissioner of Police, Mangalore had not submitted status report regarding progress made in the investigation of FIR No. 92/15 and 93/15 PS Barke dated 02.11.2015.

3) Accordingly, to the letter dated 8/18.06.2018 of the NHRC vide proceeding dated 16.05.2018, the Commission (NHRC) directed as under:

*“In the above circumstances the Commission recommends to pay Rs. 3,00,000/- each to the NOK of both the deceased prisoners namely Madur Yusuf and Ganesh Shetty.*

*“The Chief Secretary Government of Karnataka, Bengaluru is directed to submit compliance report within six weeks alongwith proof of payment.*

*“Let a reminder be sent to the Commissioner of Police Mangaluru to submit status report with respect to the progress made in the investigation of FIR No. 92/15 and 93/15 PS Barke dated 02.11.2015 within six weeks without fail.”*

4) Subsequently, by letter dated 28.12.2018 the National Human Rights Commission has informed this Commission that,

*“The complaint dated 04.11.2015 received from COMMISSIONER OF POLICE in respect of MADUR YUSUF AND GANESH SHETTY, was placed before the Commission on 26.10.2018. Upon perusing the complaint, the Commission directed as follows.*

*“The proceedings shall be read in continuation of earlier proceedings of the Commission dated 16.08.2018 inter-alia where the Commission observed and directed as under:*

*“The matter relates to payment of compensation to the NOK of deceased UTPs Madur Yusuf and Ganesh Shetty who died on 02.11.2015 while they were in custody of District Jail, Mangalore.*

*“Vide proceedings dated 16.5.2018, the Commission directed as under:*

*“In the above circumstances, the Commission recommends to pay Rs.3,00,000/- each to the NOK of both the*

*deceased prisoners namely Madur Yusuf and Ganesh Shetty.*

*“The Chief Secretary, Govt. of Karnataka, Bengaluru is directed to submit compliance report within six weeks alongwith proof of payment.*

*“Let a reminder be sent to the Commissioner of Police, Mangalore to submit status report with respect to the progress made in the investigation of FIR No. 92/15 and 93/15 PS Barke dated 02.11.2015 within six weeks without fail.*

*"In response, the Secretary, Home Deptt, Govt. of Karnataka, Bengaluru vide communication dated 15.5.2018 forwarded copy of report dated 8.2.2018 of the Addl. Director General Prisons, Bengaluru which revealed that in view of over-crowding and lack of adequate staff and other prevailing conditions in prison, the incident has occurred. There is no involvement whatsoever of the prison officials in*

*commission of the said crime. Hence, it may not be considered for award of any compensation to the NOK of the each deceased. It was further submitted that the case is already pending before the Karnataka State Human Rights Commission and action is being taken to furnish replies to the Commission that all steps will be taken to improve the living conditions of the prisons.*

*“The Secretary, Karnataka State Human Rights Commission, has not intimated the date of cognizance of case No. HRC 6156/10/22-2015-JCD (SB-ii) c/w HRC 6227/10/19/2015-JCD (SB-III and status of the proceedings.*

*“The Commissioner of Police, Mangalore City, vide communication dated 8.6.2018 has submitted report which reveals that in Mangalore Barke PS Crime No. 92/2015, charge sheet has been submitted in the Court against 11 accused persons and the case is*

*pending trial in the Addl. Sessions Court, Mangalore. About Mangalore Barke PS Crime No. 93/2015, it has been stated that in the case, charge sheet against 12 accused persons has been submitted and the same is pending trial in the Addl. Sessions Court, Mangalore.*

*“In the Circumstances, the Principal Secretary, Home Department, Government of Karnataka, Bangaluru is directed to intimate the date of cognizance taken by the Karnataka State Human Rights Commission In case No. HRC 6156/10/22/2015 JCD (SB -II) c/w HRC 6227/10/19/2015-JCD (SB - III).*

*"In response, the Under Secretary, Home Department, Government of Karnataka vide his communication dated 06.10.2018 has submitted the report together with the report of Registrar, Karnataka State Human Rights Commission. Perusal of the same reveals*

*that the State Commission has taken cognizance in the matter on 03.11.2015.*

*“The Commission has considered the matter. The National Human Rights Commission has taken cognizance in the matter on 12.11.2015. Now, it has been informed that the Karnataka State Human Rights Commission has taken prior cognizance in the matter on 03.11.2015. Since, the State Commission has taken prior cognizance in the matter, Show Cause Notice issued in the matter and recommendations made thereof stands recalled/withdrawn and the case is closed. The parties be informed accordingly.*

*“Accordingly, I am forwarding the complaint, in original, to you for its disposal at your end.”*

- 5) In the above facts and circumstances, it is unnecessary and inexpedient to hold any fresh enquiry into the incident of riots wherein both the deceased prisoners are reported to have received 71 and 35

wounds and FIR is registered against indefinite number of accused prisoners. It would also be unnecessary and inexpedient to assess the loss caused to the members of family and next of kin of the deceased, in view of the fact that the National Human Rights Commission has, at one stage already determined and recommended to pay Rs. 3,00,000/- each by way of interim compensation. The communication dated 15.05.2018, forwarding report of Director General of Prison (referred to herein above in National Human Rights Commissions letter dated 8/18.06.2018) already revealed that, in view of over-crowding and lack of adequate staff and other prevailing conditions in prison, the incident had occurred. It cannot be disputed that the protection of right of life even in the prison is primary responsibility of the State and in the facts of the present case, the State has clearly appeared to have failed in protecting the right to life of the deceased prisoner.

- 6) Therefore, adopting the view and respecting the recommendation of the National Human Rights Commission, and in view of the lapse of number of not

less than 7 years in initiation and conclusion of the proceeding, the Commission is constrained to recommend that:

- a) The Director General of Prisons should, after holding an appropriate enquiry into the names and address of the next of kin of each of the deceased prisoner, pay to each set of them, by equally dividing among them the sum of the sum of Rs. 3,00,000/- with interest @ 9% p.a from 01.01.2015 till the month of actual payment of amounts. And proof of actual payment to the beneficiaries should be submitted to this Commission by way of an Action Taken Report.
- b) The Director General of Prisons should report to this Commission the steps taken to improve the conditions in the Mangalore prison, particularly in respect of the over-crowding, lack of adequate staff and other prevailing conditions in prison, for ensuring the protection of human rights of the prisoners.

- 7) It may be appropriate to point out at the end that under the provisions of Sec.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 2020, 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.
- 8) 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/-  
(Shri R. K. Dutta)  
Member