

KARNATAKA STATE HUMAN RIGHTS COMMISSION

5th Stage, 1-4th Floors, M.S. Building, Bengaluru – 560001

H.R.C No: 7286/10/2/2015

c/w 1051/10/2/2020

Date: 02-12-2020

PRESENT

Justice D.H. Waghela
Chairperson

Shri K.B. Changappa
Member

Shri R.K. Dutta
Member

Informant:

Chief Superintendent,
Central Prison,
Belagavi

V.

Respondent:

1. Addl. Chief Secretary,
Department of Home,
Govt. of Karnataka

OPINION, REPORT AND RECOMMENDATIONS

1. The complaint is registered on the basis of report dated 05-12-2015 of the Chief Superintendent of Central Prison, Belagavi. It is reported that Gangadhara, S/o Tippanna Konti, C.T.P No: 2011, aged about 58 years and R/o Karadiguddi, Belagavi Taluk and District was convicted in S.C No: 277/08 u/s 498 (A), 302 I.P.C and he was sentenced to undergo life imprisonment by V Addl. District & Sessions Court, Belagavi. It is further reported that the prisoner was seriously unwell on 05-12-2015 and hence he was sent to District Hospital,

Belagavi where he was declared 'brought dead' at 06.00 p.m.

- 2.**The inquest was conducted by II J.M.F.C. Court, Belagavi. It is reported that the relatives of the deceased prisoner have not expressed any doubt regarding the cause of his death and there were no external injuries on the body of the deceased.
- 3.**The final opinion submitted by Department of Forensic Medicine, B.I.M.S Hospital, Belagavi; magisterial enquiry report in U.D.R No: 46/2015 u/s 176 (1-A) of Code of Criminal Procedure Code, 1973 and the final opinion of I/c I.G.P of the Commission state that the death was due to pulmonary tuberculosis with pneumonia.
- 4.**Upon perusal of the material placed on record, notice was issued to the Chief Superintendent of Central Prison, Belagavi to remain personally present with medical record pertaining to the deceased prisoner, from the date of his admission into the prison on 22-08-2008 until his death on 05-12-2015. Accordingly, medical reports pertaining to the deceased are received and the statement on oath of aforesaid officer was recorded. Shri Krishna Kumar, Chief Superintendent of Central Prison, Belagavi has stated as under:

*"I am the Chief Superintendent of Belagavi
Central Prison since 2019. I have brought*

the jail and treatment record of deceased C.T.P, Gangadhara Tippanna Konti who died on 05-12-2015. I say from the record that, immediately after the C.T.P was admitted to prison as U.T.P on 22-08-2008, he was treated for fever on 31-11-2008. Thereafter, there is a continuous record of medical treatment of the deceased at the jail hospital. He was being treated for general weakness, fever and abdominal pain. He was having vomiting and loose-motion and the medicines were given for such illnesses. On some occasions, the deceased refused to go to an outside hospital although he was advised to go. From the record, it appears that the deceased was continuously sick and caught bronchial asthma also. It means that the treatment at the jail was not working. On 20-01-2009, he was advised by the jail doctor to stop smoking. It is true that in the jail record, there are regular remarks by the doctor advising to stop smoking. It means that he must have been actually smoking. Beedies are officially sold inside the jail. Even now, beedies are sold and supplied in the prison. It appears from the record that since 2010, the deceased was treated for the same symptoms indicating tuberculosis and he also appeared to have continued smoking.

It is true that treatment at jail hospital did not cure, but failed in curing tuberculosis. It may be that smoking by the deceased continued and he could not recover. It may be that the deceased died in spite of some treatment and he might have recovered if he were living outside or taking treatment.

“The deceased was shifted from jail hospital to outside hospital on 31-05-2011, 30-03-2015, 12-12-2014 etc. On 04-12-2015, the deceased was sent to District Hospital, but he was sent back.”

5.In H.R.C No: 1051/10/2/2020, it is reported that Avinash Sakarama Kamble, U.T.P No: 14809, aged about 31 years and R/o Sthavanidhi village, Chikkodi taluk, Belagavi District died due to B/L elusive pulmonary tuberculosis leading to respiratory failure. The final opinion submitted by Department of Forensic Medicine, B.I.M.S Hospital, Belagavi; 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 I/c I.G.P of the Commission state that the death was due to respiratory failure as a result of lung disease.

6.Therefore, the Commission taking serious note of the deaths due to tuberculosis in the prisons, is constrained to make the following recommendations:

- (a) The Superintendents of prisons in each jail in the State of Karnataka should ensure that the prisoners suffering from tuberculosis are kept in isolation centres to prevent spreading of infection to other inmates of the prison and also ensure that such prisoners are shifted to health care centres or designated hospitals which provide treatment for tuberculosis.***
- (b) It is vividly noticeable that there is a spike in number of deaths in prisons due to tuberculosis and other ailments. It is to be ensured that necessary health screening of new inmates to the prison is done effectively to avoid possible spread of infections in the jail.***
- (c) It is also necessary to conduct periodical health check-ups of inmates of the jail to diagnose the illness and to take measures to provide treatment to the prisoners at an initial stage.***
- (d) The Additional Chief Secretary to Government of Karnataka, Department of Home should issue necessary mandatory circulars instructing the Superintendents of each prison to implement in letter***

***and spirit the above
recommendations.***

7.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.

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

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

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(Shri K.B. Changappa)
Member

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