

Watchdogs International through its President

Vs

Union of India and Others

Writ Petition (Crl.) No. 402 of 1994

(G.N. Ray, G.B. Pattanaik JJ)

03.09.1997

ORDER

This case reveals a sorry state of affairs within Tihar Jail. It appears that some criminals termed as "Munshi Kedis" stated to be authorised to supervise the movements of prisoners in the jail, severely assaulted the deceased inside Tihar Jail resulting in his death. The counsel for the Union of India has failed to produce before us any legal sanction for appointment of such Munshi Kedis. After the death of Raj Kumar within Tihar Jail, inquest under Section 176 CrPC was conducted by the Sub-Divisional Magistrate, Punjabi Bagh. It has been indicated in the said report that the said Raj Kumar had died due to the injuries sustained by him during the course of beating in Jail No. 4, and there was delay and apparent carelessness in giving prompt medical attention to the deceased Raj Kumar. Raj Kumar was shuttled from one hospital to another and considerable time was taken by such process. The Magistrate has suggested that the matter should be inquired into and remedial action should be taken. In the report, the Magistrate has also indicated that Raj Kumar had died in jail custody on account of criminal misuse of the position by the convicts termed as "Munshi Kedis". Therefore, the system of "Munshi Kedis" should be reviewed. In the affidavit, it has been mentioned that the recommendations of the Magistrate have been accepted by the Government and appropriate direction has been issued to the IG (Prisons), Secretary (Medical) and Commissioner of Police to take follow-up action. The full text of the report has not been produced before this Court and the directions given pursuant to such report have also (sic not) been filed before the Court. The Inspector General (Prisons) at Tihar Jail is directed to file an affidavit personally indicating the full details under what authority the "Munshi Kedis" are working or had been working in the jail and what steps have been taken to prevent the misuse of power or authority given to Kedis and cases of assault by the convicts known as "Munshi Kedis". Let such affidavit be filed within a fortnight from today. The question of granting suitable compensation to the heirs of deceased Raj Kumar will be considered at a later stage. List the matter after two weeks.