

**GOVERNMENT OF ODISHA
HOME DEPARTMENT**

Notification

Bhubaneswar, the ^{2nd} March, 2023

No:HOME-JAIL-RULE-0002-2022/JAILS 8977, In pursuance of the Order No. 33 dated 23.12.2021 passed by the Hon'ble High Court of Orissa in W.P. (C) No. 6610/2006 - filed by Krushna Prasad Sahoo -Vrs- State of Odisha & Others and as per direction of the Hon'ble National Human Rights Commission, New Delhi dated 9th Feb, 2022, the State Government do hereby make the following Rules for payment of compensation to the NOK (Next of Kin) on account of death of prisoners confined in the Jails of Odisha namely:-

1. **Short title and commencement** .- (1) These rules may be called as "Payment of Compensation to the NOK (Next of Kin) on account of Death of Prisoners in the Jails of Odisha Rules, 2023".

(2) They shall come into force on the date of their publication in the Odisha Gazette.

2. **Applicability**.- These rules shall be applicable in case of custodial death of prisoners confined in jail custody of Odisha on or after the date of notification of these rules if such death is attributable to lapses or negligence of the jail authority or any other public servant.

3. Compensation will not be admissible in cases of natural deaths including due to illness.

4. Compensation will also not be admissible in the following cases of deaths, namely,-

- i. death occurs during or after escape from jails or from lawful custody outside the jail;
- ii. death occurs during bail or leave period and after release from jail; and
- iii. death occurs due to suicide.

5. Compensation will be paid to the NOK (Next of Kin) or legal heirs of prisoners on account of custodial deaths, in the following cases, namely,-


- (i) Due to quarrel among prisoners or attack by co-inmate : Rs. 3.00 lakhs; or firing attributable to negligence of Jail Authority;

- (ii) Due to torture and beating attributable to negligence of : Rs. 3.00 lakhs;
Jail Authority;
- (iii) Due to negligence of medical or para medical : Rs. 2.00 lakhs.
officer/staff of Jail.

The amount of compensation so paid under this Rule shall be met from "Odisha Jail Prisoners' Welfare Fund" and thereafter utilize the budget provision with approval of the Government and shall be adjusted towards subsequent compensation, if any, recommended by the Hon'ble High Court or NHRC or OHRC and vice versa.

6. The Senior Superintendent or Superintendent of Jail concerned shall send all relevant reports including the Health Screening Report, Post-Mortem Report, Inquest Report, Medical Treatment History and Reports, Viscera Examination Report, Final Cause of Death Report, Judicial Magisterial Enquiry Report to the D.G. of Prisons & DCS, Odisha for onward submission to the State Government in Home Department for grant of appropriate compensation, as per the provision at Para-5 above.

By order of the Governor


01/03/2023

Additional Chief Secretary to Government

Memo No. 8978 /Jails,

Dated 02.03.2023

Copy forwarded to the DG of Prisons & DCS, Odisha, Bhubaneswar for information and necessary action. He is requested to circulate this Notification among all the Jails of the State.


01/03/2023
Joint Secretary to Government

Memo No. 8979 /Jails,

Dated 02.03.2023

Copy forwarded to the Accountant General (A & E), Odisha, Bhubaneswar/ Finance and Law Department, Government of Odisha/ Registrar (Judicial), High Court of Orissa/Registrar, NHRC, New Delhi/Registrar, Odisha Human Rights Commission, Bhubaneswar /O/o Advocate General, Odisha, Cuttack/ Member Secretary, Odisha State Legal Service Authority, Odisha/All District & Sessions Courts of Odisha/all Collectors and DMs/ all Superintendents of Police for kind information.


01/03/2023
Joint Secretary to Government

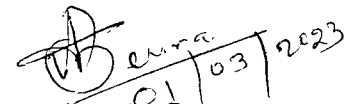
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Memo No. 8980 /Jails,

Dated 02.03.2023

Copy forwarded to N.I.C. Coordinator, Home (HMU) Department with a request to launch this Notification in the Departmental website for information of all concerned.

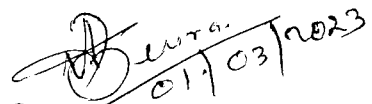

01/03/2023

Joint Secretary to Government

Memo No. 8981 /Jails,

Dated 02.03.2023

Copy forwarded to the Gazette Cell. C/o- Commerce Department, Lokaseva Bhavan, Bhubaneswar for information and necessary action. They are requested to publish this Notification in the next extra-ordinary issue of the Odisha Gazette and supply 100 copies to this Department early.


01/03/2023

Joint Secretary to Government