

**Policy for Ex gratia Payment on
Account of Death of Prisoners.**

Government of Gujarat

Home Department

Resolution No. NHR/102022/4/H.R.

Date: 28 AUG 2024

Read : NHRC letter No. L-19/12/2022-Law, dated 2nd May, 2022.

Preamble

Hon'ble National Human Rights Commission, New Delhi has informed the State Government about policies put in practice by some State Governments to give ex gratia payment in case of custodial death. The National Human Rights Commission (NHRC) has also recommended to the State Government to consider the same and come up with a policy for the State. The subject of bringing in a policy for providing ex gratia payment in case of custodial death was under consideration. After careful consideration, the State Government, hereby resolves the following policy for the subject.

Resolution

1. The ex gratia payment in case of custodial death will be permissible only in cases as below:

- i. Death attributable to torture or negligence of Jail Authority/personnel:
Rs.5 lakhs.
- ii. Death attributable to negligence of medical or para medical personnel:
Rs.5 lakhs.

The ex gratia payment thus eligible shall be payable to the Next of Kin (NoK) or the legal heir of the demised prisoner.

2. However, the concerned Jail Superintendent/Authority shall make a self-contained proposal in each case, along with clear recommendation as per this policy. The proposal shall essentially include Health Screening Report, Post-Mortem Report, Inquest Report, Medical Treatment History and Reports, Viscera Examination Reports, Final Cause of Death Report, Judicial Magisterial Enquiry Report and any other relevant documents. The case shall be submitted through the Director General, Prisons and he/she shall also be required to make a clear recommendation in each case. The ex gratia payment proposal will be approved by the state Government on merit of the case.

3. The ex gratia payment will be paid from the following account head.

Payment of compensation/or decretal amount

046 2062 00 104 03

4. Ex gratia payment in any custodial death will be admissible from the date of this resolution.

By order and in the name of Governor of Gujarat,



(Monika R. Bheda)

Deputy Secretary to Government,
Home Department

To,

1. The Secretary to the Hon'ble Governor of Gujarat, Raj Bhavan, Gandhinagar.
2. The Principal Secretary to the Chief Minister.
3. The Personal Secretaries to all Ministers/ Ministers of States.
4. The Personal Secretary to Leader of Opposition, Gujarat vidhansabha, Sachivalaya, Gandhinagar.
5. The Personal Secretary to Chief Secretary, Sachivalaya, Gandhinagar.

6. The Personal Secretary to Additional Chief Secretary, Home Department, Sachivalaya, Gandhinagar.
7. The Personal Secretary to Secretary, Home Department, Sachivalaya, Gandhinagar.
8. The Registrar, National Human Rights Commission, New Delhi.
9. The Registrar, Gujarat High Court, Ahmedabad.
10. The Registrar, Gujarat Human Rights Commission, Gandhinagar.
11. All Judicial Magistrates.
12. All Metropolitan Magistrates.
13. Director General of Police, Gandhinagar, Gujarat.
14. All Collectors/ District Magistrates.
15. All Police Commissioners.
16. Additional Director General of Police, Prisons and Correctional Administration, Ahmedabad.
17. All Superintendent of Police.
18. Section Officer, IT Branch, Home Department. (Request to publish the Resolution on the department's website).
19. Dy.S.o. Select File-2024.
20. Branch Select File-2024.