

TRIPURA HUMAN RIGHTS COMMISSION
KUNJABAN, AGARTALA
PIN-799006

Complaint No. 15 of 2020

FINAL ORDER DATE 01.12.2022

The Superintendent of Kendriya Sonsodanagar, Bishalgarh communicated a message dated 23.10.2020 informing that one Shankar Debnath an R.I. convict in connection with session trial case No. ST(T-1)/17/2016 died at AGMC & GBP Hospital, Agartala on 22.10.2020 while under treatment and on receipt of that copy, Tripura Human Rights Commission initiated an inquiry and directed the Inspector General of Prisons, Agartala to submit a detailed report.

2. One Smt. Saraswati Debnath, mother of the deceased Shankar Debnath appeared before the Commission on 28.03.2022, submitted a petition stating that her son was not getting due treatment at AGMC & GBP Hospital, Agartala for which she submitted a letter to the Govt. of Tripura for shifting of her son outside Tripura for better treatment. But no action was taken by the Govt. of Tripura and as a result he died at AGMC & GBP Hospital, Agartala on 22.10.2020. Thereafter she submitted another letter to the official of Govt. of Tripura seeking compensation for death of her son.

due to negligence on the part of the officials of the Govt. of Tripura.

3. Considering the gravity of the allegation of mother of the deceased, the Commission passed an order directing the Investigation Wing to conduct a detail inquiry and submit report.

4. Pursuant to order of the Commission, IG (Prisons) submitted report wherein it is reported that on 14.10.2020 the convict was referred to AGMC & GBP Hospital, Agartala as per advice of Medical Officer of Kendriya Sonsodanagar Hospital, Bishalgarh for his better medical treatment. Accordingly, he was hospitalized in Male Medicine Ward of AGMC & GBP Hospital, Agartala. But his life could not be saved inspite of all efforts and he expired on 22.10.2020 at about 1.30 P.M. at AGMC & GBP Hospital, Agartala. The matter was also informed to the family members and to nearest relatives of the convict Shankar Debnath by the authority of the KST, Bishalgarh. Inquest and Post Mortem were conducted on 23.10.2020. The dead body was handed over to the family members and nearest relatives of the convict deceased on 23.10.2020 for disposal of the body. One hired vehicle was also provided for carrying the dead body with family members from AGMC & GBP Hospital, Agartala to the residence of the deceased convict.

5. In this connection a Magisterial inquiry was also arranged. It is revealed from the Magisterial inquiry that deceased convict had a history of Hepatitis –B and HIV which might have the cause of his death.

6. Copy of Post Mortem examination submitted along with Magisterial inquiry report reveals that “The cause of death was septicemia due to peritonitis resulting from hollow viscous perforation in a case of chronic acalculous cholecystitis with cholangitis with retropositive serological test”.

7. The Investigation team of the Commission has submitted report stating that they have inquired in respect to the representation dated 20.10.2020 and 13.11.2020 allegedly submitted by the mother of the deceased convict. In this respect, it is reported that the Home Department, Govt. of Tripura did not receive any representation dated 20.10.2020. On the other hand, they have received one representation dated 13.11.2020 whereas the convict died on 22.10.2020 i.e. after long period of his death. Since no representation dated 20.10.2020 was received by the Home Department, Govt. of Tripura and so we do not find any negligence on the part of the Home Department as well as Health Department, Govt. of Tripura in respect of alleged negligence of treatment of the deceased Shankar Debnath.



Contd...P/4

8. Representation dated 13.11.2020 relates to the claim of compensation for his death to the Govt. of Tripura and so it is unrelated while disposing the instant case.

9. Smt. Saraswati Debnath, the mother of the deceased convict was also examined on oath by the Commission to reveal the allegations made by her about in-action on the part of state officials. She has failed to produce any copy of the representation or any other receipt of her letter dated 20.10.20 allegedly submitted to the Govt. of Tripura. Her statement does not provide any convincing evidence to fix any negligence on state officials or hospital services in respect of the treatment of the deceased.

10. Smt. Debnath stated before the Commission in her statement that her son left behind a minor son namely: Sandip Debnath now aged about 11 years. He is in "Nilajyoti Seva Ashram" an Orphanage Home, Agartala. She has no means to give him proper care and education. She depends on her livelihood on Govt. allowance for widow and she has no other source of income. The Investigation Wing of the Commission also reported the same facts while submitting report.

11. It is the Constitutional obligation of the State to ensure all round welfare of every citizen to protect the human rights such as right to life,

liberty and dignity of every individual. Some assistance though may not be adequate, needs to be given as solace to the only son of the deceased convict who is now staying in an orphanage home in Agartala. The unfortunate boy has lost both the parents and now staying in an orphanage. The widowed grand mother is old and has no property or income of her own to see the future of the boy.

12. Considering the distressed condition of the only son of the deceased convict, the Commission considers it fit to recommend/direct the Home Secretary, Govt. of Tripura to pay Rs. 1,00,000/- (Rupees one lakh) only to Sandip Debnath, minor son of deceased convict as a solace and as a human gesture which will at least partly mitigate his wretched condition as orphan. The payment may be made within one month from the date of receipt of this order so that through this some element of social obligation of the Government can be fulfilled. The amount to be kept in Fixed deposit till he attains majority.

13. Copy of this order be sent to the Chief Secretary, Secretary, Home Department, Govt. of Tripura for information and necessary action and to forward its comments on the report including the action taken or proposed to be taken within one month from the date of receipt of this order.



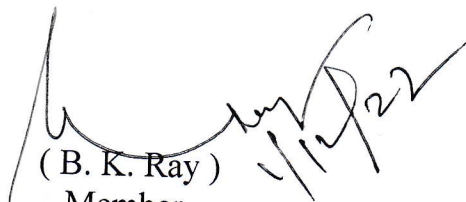
14. Copy of the recommendation be sent to Smt. Saraswati Debnath, the mother of the deceased Shankar Debnath.



(Justice S. C. Das)
Chairperson



(S. C. Saha)
Member



(B. K. Ray)
Member