

**BEFORE
TRIPURA HUMAN RIGHTS COMMISSION
KUNJABAN, AGARTALA**

**Complaint No. 16 of 2022
Suo-Motu Cognizance**

**In connection with death of UTP Basudeb Tanti of
Purba Sonatala, Bhumihin Colony, PS Khowai.**

FINAL ORDER DATED 02.05.2023

The Commission attention was drawn to a news item published in "Tripura Times" dated 13.12.2022, a daily news paper, wherein it was reported that an 82 years old under trial prisoner namely : Basudeb Tanti (82) was found dead in Khowai Jail on 11.12.2022. The news item further revealed that the UTP was arrested by the Khowai Women Police and he was in jail since November, 2018.

2. Since the report was regarding the death of a person in custody, the Commission directed the I.G. Prisons to inquire into the matter and submit a report to the Commission before 10.01.2023. At the same time, the Superintendent of Police, Khowai District was also directed to conduct an independent inquiry and to submit a detailed report to the Commission before the next date.

3. I.G. Prisons submitted his report on 06.01.2023. The report of I.G. Prisons revealed that Basudeb Tanti, aged about 82 years was lodged in Khowai sub-Jail since 18.11.2022, on trial under POCSO Act. He had undergone medical check-ups on 27.11.2022 and 10.12.2022 by the Medical Officer on duty of Khowai Sub-Jail Dr. Arnab Debbarma. During his first medical check-up he was prescribed vitamins against his complaint of physical weakness and during his subsequent medical check-up on 10.12.2022, one major physical



complaint was recorded in the medical register of the jail and only his blood pressure and pulse rate were found recorded. During the course of enquiry, the medical officer was requested to ensure that other vital signs of the inmate along with specific diagnosis should be recorded in the medical register of the jail instead of recording only the BP and pulse rate.

While examining the various witnesses present on 12.12.2022 related to Basudeb Tanti, it was found that Basudeb Tati was lodged in Ward No. 2 which had a total of 23 inmates on that day. He had collapsed in the toilet of the Ward No. 2 at around 1:15 AM at night and although he was not fully unconscious, he was not able to stand on his own and neither he was able to speak properly-only an indistinct sound was heard coming from his throat, as mentioned by the witnesses, two ward inmates namely: Laxmi Charan Singha and Chandra Joy Debbarma helped the jail staff in lifting him from the toilet and sending him to the Khowai District Hospital. Assistance of a local youth named : Riman Gope was taken for rushing Basudeb Tanti to the hospital in the jail ambulance to prevent any wastage of time, owing to the absence of the ambulance driver in station at that time. The Superintendent, Khowai Sub-Jail was directed to issue show cause upon the said ambulance driver of the jail namely Shri Nidhu Shil and to take appropriate action for his absence in station.

Basudeb Tanti was admitted at the Khowai District Hospital around 1:50 AM and was attended to by Dr. Supriya Debbarma who was the doctor on duty at that time at the Emergency Ward of Khowai District Hospital. As per the observations at the Emergency Ward, Basudeb Tanti was unconscious and was only breathing with very high BP recorded at 220/100. He was put on medication immediately

at the Emergency Ward of Khowai District Hospital but his condition deteriorated within the next half an hour with feeble pulse and not recordable BP. His medical treatment at the Emergency Ward was done on the basis of the diagnosis of his having suffered a stroke, during his medical treatment which showed no improvement in his condition. Arrangements were being made in the Khowai Hospital for referral to AGMC & GBP Hospital for advanced medical treatment but around 2:45 AM Basudeb Tanti expired. During the examination of Dr. Supriya Debbarma who was on duty at the Emergency Ward of Khowai Hospital on 12.12.2022, opined that in all possibility^u, the patient prisoner's advanced age and the winter season has^{ne} been the contributing factors in this case.

During inquiry a large number of witnesses including Superintendent of Jail, Khowai were examined by the I.G. Prisons and other statements were recorded.

On the basis of the examination of the various witnesses among the Khowai Jail staff, medical officer, Jail inmates, jail authority etc., it appears that the deceased UTP namely: Basudeb Tanti was physically quite weak and feeble and had to rely to a great extent on the assistance of other inmates even for his day to day activities. During the examination by the medical officers namely: Dr. Supriya Debbarma and Dr. Arnab Debbarma, it was revealed that there was no indication of any externally inflicted trauma, neither were there any injury marks observed on his body by the doctor on duty at the Emergency Ward of Khowai District Hospital on the day of the incident of the death of Basudeb Tati. Moreover, the PM examination report as received from the Superintendent, Khowai Sub-Jail vide letter No. F. 67/KHW/SJ/2022/49 dated 06.01.2023 and subsequent



corrigendum letter No. F. 67/KHW/SJ/2022/50 dated 06.01.2023 shows that the immediate cause of death is due to intra cerebral hemorrhage and vascular hemorrhage.

4. AIGP (Crime) for DGP, Tripura forwarded a detailed report furnished by Superintendent of Police, Khowai on the death of UTP Bashudeb Tati. Salient feature of the report of SP, Khowai are as follows:

On 17.11.2022 at about 2030 hrs Basudeb Tanti (82) S/O Lt. Hotia Tati of Purba Sonatala, PS- Khowai was arrested in connection with Khowai women PS Case No. 2022KHW01 U/S 376 (A B) of IP and Sec 04 of POCSO Act, 2012. He was forwarded to the Ld. Court of Special Judge (POCSO), Khowai district Tripura on 18.11.2022 and was remanded to Judicial Custody (V.C) till 01.12.2022 as UTP No. 402/22.

On 01.12.2022 he was further remanded to Judicial Custody (V C) till 14.12.2022. From the records available at Khowai Sub-Jail, Basudeb Tanti underwent formal medical check-ups on 27.11.2022 and 10.12.2022 at Khowai Sub-Jail premises.

On the intervening night of 11th and 12th December, 2022 at about 0115 hrs Basudeb Tanti went to the toilet and fell down. Some of the co-prisoners heard the sound banging on the bucket inside the toilet and they rushed towards the toilet and saw Basudeb Tanti fell down inside the toilet. They lifted him up and brought him on his bed. Immediately, they called the sentry on duty and the sentry also immediately opened the door and went inside. Basudeb Tanti was not able to speak and stand. So he was immediately shifted to Khowai District Hospital for treatment. The matter was informed to the Superintendent of Khowaai Sub-Jail (SDM Khowai) immediately by



the I/C Khowai Sub-Jail, Jail Warder Sankar Debbarma. On the same night at about 0245 hrs Basudeb Tati expired during treatment in Khowai District hospital.

The matter was also informed to Khowai Police Station and the staff of Khowai PS arrived at Khowai District Hospital immediately. In this regard a case of unnatural death vide Khowai PS U/D Case No. 2022KHW41 dated 12.12.2022 U/s 174 Cr.PC was registered at Khowai PS. The case was endorsed to Inspr. Debasish Nath, I/O of the case in presence of Sri Hemanta Dhar Executive Magistrate (Dy. Collector, SDM Office, Khowai), Jail Warder Sukumar Debbarma of Khowai Sub-Jail, Jail Warder Sudip De of Khowai Sub-Jail, Smt. Prabati Tanti (48) W/O Lt. Parash Tati of Purba Sonatala Bhowmihin Colony Ps Khowai.

No external injury was found on the body of the deceased while inquest was conducted by Inspr. Debasish Nath, I/O of the case, which was recorded in the inquest report.

On the same day at 1324 hrs post mortem examination was conducted over the body of the deceased by a team of doctors headed by Dr. John Debbarma at Khowai district Hospital. Viscera of the deceased was also collected by the Medical officer during PM examination and handed over to I/O of the case. I/O has seized the viscera and sent to State Forensic Science Laboratory for expert opinion. Video recording of the entire process of post mortem examination was done by the police of Khowai Police station as per norms. From the post mortem examination report of Khowai District Hospital vide no. 61/2022 dated 12.12.2022. Opinion of the Medical Officer who conducted post mortem examination is that :



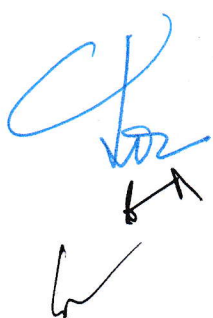
"No external injuries seen over the body at the time of examination".

"Cause of death is due to intra cerebral and intra ventricular hemorrhage".

After the post mortem examination was completed, the dead body of the deceased Basudeb Tanti was handed over to the family members of the deceased. His last rites as per Hindu customs were conducted under guarding of Jail warders and Police personnel of Khowai Police Station.

From the statement of co-prisoners who were sharing the same room with the deceased Basudeb Tanti at Khowai Sub-Jail, it is revealed that, all of them were sleeping when few of them heard the sound of banging on the bucket inside the toilet which is quite unusual kind of sound. So they went toward the toilet and found Basudeb Tanti was fell down inside the toilet and he could not speak and stand. They lifted him and brought him on his bed and informed the sentry on duty. At 0115 hrs the staff of Khowai Sub-Jail shifted Basudeb Tanti to Khowai District Hospital for treatment immediately after the incident. On the same night Basudeb Tati expired at 0245 hrs during treatment at Khowai District hospital.

5. Another detailed report was submitted by the I.G. Prisons Directorate, Agartala on 06.04.2023 in which he enclosed the Magisterial Inquiry report, viscera report and final PM report. In this case, the Magisterial Inquiry was conducted by Sri S.C. Saha, Addl. DM & Collector, Khowai District. He examined a number of witnesses during inquiry and also went through available records regarding this custodial death. Major points which transpired during Magisterial Inquiry are:



i) Inquiry into the cause of death and finding:-

Inquest of the dead body was conducted by the investigating officer Sri Debasish Saha, Inspector of Police at 12:30 PM on 12.12.2023 at Khowai District Hospital, in presence of witnesses including Smt. Parbati Tanti, daughter-in-law of the deceased, Sri Hemanta Dhar, Dy. Collector was present as Executive Magistrate. No external injuries were found on the dead body as per the inquest report.

Subsequently, as per the requisition of Khowai PS and order of SDM, Khowai, PM examination over the dead body of the deceased UTP was done at about 1:24 PM to 2:30 PM on 12.02.2023 by Dr. John Debbarma, MBBS, MD, Forensic Medicine Toxicology, Khowai district Hospital, as per the post mortem certificate. During PM examination Sri Hemanta Dhar, Dy. Collector was present as Executive Magistrate. The PM process was video graphed. After PM examination, viscera was collected and seized and sent to State Forensic Science Laboratory (SFSL). The opinion regarding the cause of death of the UTP was

"intra cerebral & intra ventricular hemorrhage",
as mentioned in the post mortem report.

On examination of the viscera analysis report of the deceased UTP Basudeb Tanti of SFSL dated 10.02.2023, as received on 18.03.2023 from Superintendent of Sub-Jail of SFSL, the result of examination is mentioned to be *"negative"* for the presence of any poisonous substances.

As per the final opinion on the cause of death, Dr. John Debbarma, as mentioned in the PM examination report, opined:

"Cause of death due to intra cerebral & intra ventricular hemorrhage".

As per his statement, investigation by Sri Debasish Saha, Insp. Of Police, I/O in pursuance of the FIR No.2323C-37 dated 12.12.2022 in respect of the death of the UTP, U/S 174 Cr.PC is still in progress and final report will be submitted after completion of the investigation.

ii) Observation:-

From the statements of the witnesses, as mentioned above & records/ documents as appeared during the inquiry, the UTP Basudeb Tanti had fallen in the bathroom of lock up no. 2 of Khowai Sub-Jail on 12.12.2022 midnight at about 12.00 AM. He was taken to the Khowai District Hospital at about 1:35 AM and he was admitted at about 1:50 AM in unconscious condition. He was diagnosed to be having hyper tension (BP-220/100) & Cardio Vascular Attack (CVA), as per the statement of the on duty Medical Officer Dr. Supriya Debbarma. His treatment was started immediately. Seeing his condition, it was planned by the on duty medical officer to refer him to AGMC & GBP Hospital, Agartala. But in the meantime, his condition deteriorated and ultimately he expired at 2:45 AM on 12.12.2022.

No external injury was noticed in his person at the time of admission in the hospital or even during the inquest and post mortem. He was 82 years of age and was looking frail since time of his entry in the jail custody. Visiting doctor conducted his initial health screening on 27.11.2022 and subsequent health check up on 10.12.2022. Though no specific health issue was mentioned in the screening report or in the sick register, UTP Basudeb Tanti was



having low appetite and general weakness, during his stay in the sub-jail.

As per statement of the witnesses & inquest report, post mortem report, no external injury was noticed. As per the viscera analysis report it was negative for presence of any poisonous substances. As per the final opinion of the concerned doctor in the post mortem report:

"cause of death is due to intra cerebral & intra ventricular hemorrhage".

No foul play was noticed in the entire incident leading to the death of the UTP. No lack of attempt to save his life, after he fell down in the bathroom on 12.12.2022 night at Lock Up No. 2 of Khowai Sub-Jail was also noticed during the inquiry.

6. Dr. Monica Debbarma, Sr. Scientific officer, State Forensic Science Laboratory, Govt. of Tripura, after analyzing the viscera by Physico-chemical and Chromatographic (TLC) methods opined:

"Negative for the presence of common organophosphorous, Organochloro, Carbamates and Pyrethroids group of pesticides, Benzodiazepines group of drugs and Ethyl alcohol".

7. Regarding the final opinion, cause of death of UTP Basudeb Tanti Dr. John Debbarma, MBBS, MD, Forensic Medicine Toxicology, Khowai District, Hospital gave opined as :

"After examination ^{of} the reports of Chemical analysis of viceras from SFSL (Report No. SFSL 26/23/Tox/12/23 dated 10.02.23), I am of the opinion that cause of death is due to intra cerebral and intra ventricular hemorrhage".

8. From all the reports submitted by the I.G. Prisons, DGP, Tripura, Magisterial Inquiry report of ADM, Khowai, Viscera analysis report



from SFSL, Tripura and final cause of death as given by doctors, it is established that UTP Basudeb Tanti, aged 82 years, was of frail health and had fallen on the bathroom of Lock Up No. 2 of Khowai Sub-Jail on 12.12.2022 midnight at about 1200 hrs. He was taken to Khowai District Hospital immediately and then was referred to AGMC & GBP Hospital, Agartala. In the meantime, his condition deteriorated and ultimately he expired at 2:45 AM on 12.12.2022.

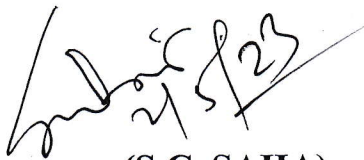
From all the reports it further appears that there was no foul play in the death of UTP Basudeb Tanti.

9. In consideration of the above observations, the case stands disposed of.

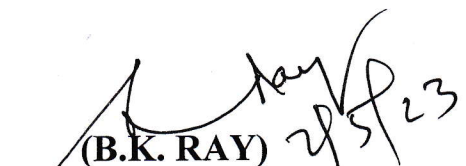
10. Copy of this order should be sent to the Secretary, Home Department, Govt. of Tripura for information.

11. A copy of this order should also be sent to the I.G. Prisons, Agartala.

12. Further, a copy of this order should be sent to the Chief Secretary, Govt. of Tripura and DGP, Tripura for information.


(S.C. SAHA)
MEMBER


(JUSTICE S.C. DAS)
CHAIRPERSON


(B.K. RAY)
MEMBER