

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

**Complaint No. 89 of 2023**

**In connection with death of R.I. Convict Babul Das**  
**S/O Lt. Ramani Mohan Das of West Laxmibil,**  
**PS- Bishalgarh, Sepahijala District.**

**FINAL ORDER DATED 26.06.2024**

On 30.11.2023 an R/G vide No. F.II 3/KST/BLG/CON/2023/21840 dated 29.11.2023 was received by the Commission from the Superintendent of Kendriya Sansodhanagar, Bishalgarh informing that one R.I. convict prisoner Babul Das was detained in connection with Bishalgarh PS case no. ST of 1986, U/S 302 read with Section 149 of IPC and he was sent to Rabindra Nath Tagore International Institute of Cardiac Science Hospital, Mukundapur, Kolkata on 15.09.2023 at about 11.00 AM as per advice of the Medical Board of AGMC & GBP Hospital, Agartala for his better treatment. On 31.10.2023 at about 2:57 PM he was admitted at Rabindra Nath Tagore International Institute of Cardiac Science Hospital, Mukundapur, Kolkata as per advice of concerned attending Medical Officer of Rabindra Nath Tagore International Institute of Cardiac Science Hospital, Mukundapur, Kolkata. On 28.11.2023 at about 08:21 PM while he was under treatment at Rabindra Nath Tagore International Institute of Cardiac Science Hospital, Mukundapur, Kolkata the convict Babul Das expired.

2. Since it was death of a person while in custody, the Commission thought it expedient to see the cause of death and the circumstances

under which the death of the convict occurred. As such, the Commission took cognizance of the case and directed the I.G. Prisons to submit a detailed report regarding the death of prisoner Babul Das covering the following information :

- i) To submit a detailed report covering all aspects leading to the death of the prisoner.
- (ii) Initial health screening report of the prisoner for the period under custody.
- (iii) Complete medical treatment report for the period of custody including treatment given as indoor and outdoor patient.
- (iv) Inquest report.
- (v) Post mortem examination report.
- (vi) Videography of post mortem examination.
- (vii) Chemical examination report of viscera.
- (viii) Report with final cause of death based on scientific report.
- (ix) Magisterial Inquiry report in details.
- (x) Details of the U.D. case registered on the death of the convict prisoner.

3. A copy of the communication from the Asstt. Registrar (Law) NHRC in connection with case no 43/23/8/2023-JCD was received by this Commission through e-mail dated 11.12.2023 vide which the NHRC wanted to know the date of taking cognizance of the matter by the State Human Rights Commission about the death of convict Babul Das and accordingly the Tripura Human Rights Commission informed the NHRC that the THRC had already taken cognizance in the matter on 30.11.2023 and on receipt of R/G No. F.II/3/KST/BLG/ CON/2023/21840 dated 29.11.2023 from the Superintendent of Kendriya Sansodhanagar,

Bishalgarh. Since NHRC taken cognizance subsequent to the SHRC, the NHRC transferred the case to SHRC for disposal.

4. The Superintendent of KST, Bishalgarh vide his letter No. F.II/3/KST/BLG/CON/2023/21841-46 dated 29.11.2023 addressed to the officer-in-charge, Bishalgarh PS with copy to the Chairperson, THRC informed that one R.I. convict namely: Babul Das, S/O Lt. Ramani Mohan Das of West Laxmibil, PS- Bishalgarh, District- Sepahijala Tripura was convicted in connection with case no. ST-17 of 1986, U/S- 302/120 (B)/307/149 of IPC & 3 of Explosive Act to suffer further S.I. for 02 years as per order of the Ld. Addl. Sessions Judge, Court No.02, West Tripura, Agartala dated 30.04.2016.

On 15.09.2023 at about 11:00 AM the said patient R.I. convict Babul Das was sent to Dum Dum Central Correctional Home, Kolkata, WB for his better treatment at Rabindra Nath Tagore International Institute of Cardiac Sciences Hospital, Mukundapur, Kolkata, WB as per advice of the Standing Medical Board of AGMC & GBP Hospital, Agartala.

Accordingly, on 31.10.2023 at about 2:57 PM the said patient R.I. convict was admitted at Rabindra Nath Tagore International Institute of Cardiac Sciences Hospital, Mukundapur, Kolkata (CABG-C at 1216-A Ward) as advised by the concerned attending Medical Officer of Rabindra Nath Tagore International Institute of Cardiac Sciences Hospital, Mukundapur, Kolkata.

But on 28.11.2023 at about 08:21 PM in ITU 09-05 said prisoner Babul Das expired during his medical treatment at Rabindra Nath Tagore International Institute of Cardiac Sciences Hospital, Mukundapur, Kolkata. The death certificate was issued by concerned

Medical Officer of Rabindra Nath Tagore International Institute of Cardiac Sciences Hospital, Mukundapur, Kolkata.

In view of the above, the officer-in-charge Purba Jadavpur Police Station was requested by the Superintendent of KST to arrange for taking necessary action regarding postmortem examination & Inquest over the dead body of deceased convict Babul Das at Rabindra Nath Tagore International Institute of Cardiac Sciences Hospital, Mukundapur, Kolkata as per norms and also to collect original Inquest Report, Post Mortem Examination Report, Histopathological Report, Chemical Examination of Viscera, Final Cause of Death Report and CD of video recording during the post mortem examination and other related reports and send the same to Superintendent of KST, Bishalgarh for taking next course of action from his end.

5. I.G. Prisons vide his letter dated 08.09.2023 addressed to the OSD, THRC informed that Smt. Ratna Rani Das W/O Lt. Babul Das filed a write petition vide no. WP (C) 432 of 2023 before the Hon'ble High Court of Tripura for proper medical treatment of her husband Babul Das. In connection with the aforesaid case, the Hon'ble High Court of Tripura passed an order dated 04.09.2023 and directed the (i) State of Tripura (ii) The Deputy Secretary, (Home) Jail Department (iii) The Inspector General of Prisons (iv) The Superintendent, Kendriya Sansodhanagar (v) The District Magistrate & Collector, Sepahijala District as follows:-

*"Heard Mr. P. Roy Barman, learned senior counsel assisted by Ms. A. Debbarma, learned counsel appearing for the petitioner. Also heard Mr. D. Bhattacharya, learned G.A. appearing for the respondents-State.*

*Mr. Bhattacharya, learned G.A. has submitted that the State has taken all measures to shift the convict, the husband of the petitioner to the concerned hospital for his better treatment.*

*In view of this, it is expected that the convict shall be shifted to the concerned hospital, i.e. Rabindranath Tagore International Institute of Cardiac Sciences, Kolkata within a period of 15 days from today.*

*Needles to say, the convict will be in the custody of State authority concerned.*

*However, the wife of the convict may remain present in the concerned hospital during the period of his treatment. However, her visitation is restricted to the advice of the concerned doctor.*

*With the aforesaid direction, the instant petition stands disposed”.*

6. Following the above order of the Hon'ble High Court the R.I. convict Babul Das was shifted firstly to Dum Dum Central Correctional Home, Kolkata, WB temporarily and then to Rabindra Nath Tagore International Institute of Cardiac Sciences Hospital, Kolkata as referred by the Standing Medical Board, AGMC & GBP Hospital, Agartala.

I.G. Prisons also issued a letter vide no.F.X-677/IGP/2023/6832-39 dated 08.09.2023 to the Chairman, NH Rabindra Nath Tagore International Institute of Cardiac Science, 124 Eastern Metropolitan Bypass, Mukundapur, Kolkata West Bengal which is quoted below:

*“With reference to the subject cited above, I would like to inform you that one patient convict namely Sri Babul Das S/O Lt. Ramani Mohan Das of West Laxmibil, office Tilla, PO and PS- Bishalgarh, Sepahijala, Tripura is under medical treatment in the Hospital of Kendriya Sansodhanagar Tripura, Bishalgarh and referred to AGMC & GBP Hospital, Agartala from time to time. In pursuance of case No.*

*W.P. © 432 of 2023 filed by Smt. Ratna Rani Das before the Hon'ble High Court of Tripura, for his better medical treatment.*

*Accordingly, the Standing Medical Board, AGMC & GBP Hospital, Tripura examined the patient convict Babul Das and suggested to refer to the higher centre at Kolkata for his better medical treatment and the Government of Tripura also approved that the treatment will be made to the Rabindranath Tagore International Institute of Cardiac Sciences, Kolkata under U.O 352/Secy/Home (Jail) dated 23.08.2023. And the Hon'ble High Court of Tripura passed an order dated 04.09.2023 and directed to the respondent that*

*"it is expected that the convict shall be shifted to the concerned hospital, i.e. Rabindra Nath Tagore International Institute of Cardiac Science, Kolkata within a period of 15 days from today"*

*Copy enclosed herewith. Accordingly, the said patient convict will attend at Rabindranath Tagore International Institute of Cardiac Sciences, Kolkata for availing better medical treatment purpose.*

*In view of the above, you are therefore, kindly requested to take up the medical treatment of the convict patient Sri Babul Das as advised by Standing Medical Board, AGMC & GBP Hospital, Agartala and as well as Hon'ble High Court of Tripura, so that the dignity of basic human rights shall remain upheld. The Home (Jail) Department, Government of Tripura will borne the entire medical expenditure as approved the Government vide U.O. 352/Secy/Home (Jail) dated 23.08.2023. The fund will be placed at your disposal immediately on receipt of all bills and vouchers from your end as per Delegation of Financial Powers Rules Tripura, 2019 issued from Finance Department, Government of Tripura".*

7. Following the order of the Hon'ble High Court R.I. convict Babul Das was sent to Rabindra Nath Tagore International Institute of Cardiac Sciences Hospital, Mukundapur, Kolkata where during treatment he expired on 28.11.2023 at about 08:21 PM in ITU. After long persuasions, Postmortem examination report, Inquest report, Chemical examination report of viscera etc. were collected by staff of Kendriya Sansodhanagar Tripura, Bishalgarh from Rabindra Nath Tagore International Institute of Cardiac Sciences Hospital, Mukundapur, Kolkata and copies were forwarded to the THRC by the Head of Office, Prisons Directorate, Tripura, Agartala.

8. Dr. Shivangi Jain of Rabindra Nath Tagore International Institute of Cardiac Sciences Hospital, Mukundapur, Kolkata issued death certificate No. 17427 and is quoted below:

*"Patient ID / Serial No. (BHT) – 17510001217031, S/W/D of- Lt. Ramani Mohan Das, Age- 64 years/ 9 months, Sex – M, Religion- Hindu, Address – Pashim Laxmibill, Laxmibil Bishalgarh, Sepahijala, Tripura, India PIN-799102 was admitted in this hospital on 31.10.2023 are expired on 28.11.2023 at 8:21 PM the cause of death being Septic shock with acute Kidney injury chronic liver disease hypermagnisimea, in a status post coronary artery bypass grafting".*

9. The postmortem on the dead body of Babul Das was conducted by a team of doctors namely: (i) Dr. Sandip Mukhopadhyay, (ii) Dr. Sayak Sovan Dutta both of MBBS, MD (FMT) Associate Professor, Dept. of FMT, N.R.S. Medical College and (iii) Dr. Deepmalya Sengupta, Assistant Professor, Dept. of FMT, NRS Medical College, Kolkata. As to the cause of death, they opined as follows:

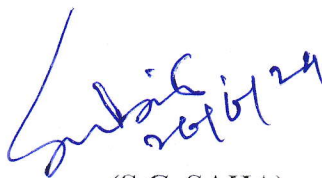
*"Death was due to effects of diseased conditions of the body involving above noted organs-a natural cause".*

10. It appears from various reports available on record that deceased R.I. convict Babul Das S/O Lt. Ramani Mohan Das died a natural death due to multi organ failure and there was no violation of his human rights by anybody. Farther, there was no allegation of any violation of human rights from anybody including his relatives.

11. In the circumstances, the Commission considers it appropriate to dispose of the case at this stage.

12. Copy of this order be sent to the Chief Secretary, Govt. of Tripura and Secretary, Home Department (Jail), Govt. of Tripura for information.


13. Copy of this order also be sent to the I.G. Prisons for information.



(S.C. SAHA)  
MEMBER



(JUSTICE S.C. DAS)  
CHAIRPERSON



(B.K. RAY)  
MEMBER