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**HIGH COURT OF TRIPURA**
**AGARTALA**

**WP(C) No.710 of 2026**

The Inspector General of Prisons, Tripura, Home (Jail) Department, Government of Tripura.

……. Petitioner(s).

V E R S U S

1. The Tripura Human Rights Commission, represented by its Secretary, Kunjaban, Agartala, Pin-799006, P.S.-N.C.C., District-West Tripura.

2. Smt. Durpati Debbarma, W/O. deceased convict Dilip Debbarma, resident of Mohan Chandra Para, P.S.-Jirania, West Tripura, Pin-799045.

……Respondent(s).

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For Petitioner(s) : Mr. Dipankar Sarma, Addl. G.A.

For Respondent(s) : Mr. Somik Deb, Sr. Advocate,
Mr. Abir Baran, Advocate,
Ms. Rijuka Roy Barman, Advocate.

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**HON'BLE THE CHIEF JUSTICE MR. M.S. RAMACHANDRA RAO**
**HON'BLE MR. JUSTICE BISWAJIT PALIT**

CAV reserved on : **22.09.2026**.

Judgment delivered on : **11.11.2026**.

Whether fit for reporting : **YES**.

**JUDGMENT & ORDER**

***(M.S. Ramachandra Rao, C.J.)***

Heard Mr. Dipankar Sarma, Addl. Government Advocate appearing for the petitioner and Mr. Somik Deb, Senior Counsel assisted by Mr. Abir Baran, counsel appearing for the respondents.

2. The Inspector General of Prisons, Tripura, Home (Jail) Department, Government of Tripura (hereinafter referred to as 'petitioner') has filed the instant Writ Petition challenging the orders dt.16.12.2025 and dt.31.07.2026 of the Tripura Human Rights Commission (1st respondent) in Complaint No.81 of 2024.

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3. One Dilip Debbarma had been convicted in connection with Case No.S.T. 39(T-I) 15 under Sections 366/376(2)(F) of the Indian Penal Code,1860 and had been sentenced to suffer Rigorous Imprisonment for 12 years and to pay a fine of Rs.10,000/- and in default to suffer further Simple Imprisonment for 3(three) months as per judgment rendered on 27.02.2016 by the Additional Sessions Judge (Court No.5), West Tripura, Agartala.

4. He was serving sentence in the Kendriya Sansodhanagar, Bishalgarh (Prison).

5. While in judicial custody, on 23.10.2024 at 9 a.m., he was found hanging from an exhaust fan in a toilet adjacent to the Interview Room in the Prison.

6. The respondent No.2 in the Writ Petition is his widow.

7. As the death of the prisoner occurred when he was in custody, the Tripura Human Rights Commission took cognizance and directed the I.G. (Prisons) to furnish information in the form of a report on all aspects leading to his death, and sought the Inquest Report, the Postmortem Examination Report and also report with regard to the final cause of death and also the Magisterial Inquiry Report.

8. These documents were submitted by the I.G. (Prisons) on different dates.

9. The Judicial Magistrate First Class, Court No.3, Agartala, West Tripura also submitted a Final Report (Case No.Misc. 5995 of 2024) under Section 196 (1A) of BNSS, 2023 into the cause of death of the convict on 23.10.2024. In that report, he recorded a finding that the death was on account

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of suicide caused by hanging, but he also made an observation that there can be no culpability attributed to the Jail Authorities, staff or inmates.

10. This document was sent by the petitioner to the Tripura Human Rights Commission (for short 'the Commission') on 17.12.2024.

**The Order dt.16.12.2025 of the Commission**

11. The Commission passed a Final Order on 16.12.2025 also opining that the death of the convict was on account of suicide.

It recorded a finding that in the Prison there was a German Shepherd dog deployed, that the evidence before the Commission revealed that there was an office order passed for maintaining the said dog, and the deceased, being a R.I. Convict, was asked to clean the dirty material of the dog every day.

According to the Commission, the Jail Authorities, on regular basis, deployed the deceased for this purpose. In its opinion, engaging *only the* deceased for that particular job indicated discrimination against him.

It also referred to the inquiry by its Member, who submitted a report that a Warder by name Raju Debbarma did not discharge his duty properly by keeping full watch upon the deceased convict when the convict was discharging the cleaning work; and that the said Raju Debbarma was sitting in the room of control unit of CCTV, though the particular area where the convict was performing cleaning work of the dog's room, was beyond the CCTV camera coverage. The Commission held that if Raju Debbarma had been serious in his duties, making proper surveillance in the work of the convict, the suicide could have been prevented. It, therefore, held that there was negligence in performance of duty of Raju Debbarma *prima facie*.

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It also opined that the Jail Authorities of the Prison deployed only the convict to clean the dirty materials of the dog every day and that such action of the Jail Authorities made him disappointed and depressed and because of the same, he committed suicide by hanging.

It held that the suicide was caused not only because of the negligence of duty of the Warden Raju Debbarma, but also was a result of discrimination shown by the Jail Authorities, and so it made the Jail Authorities responsible for the death of the deceased.

It recorded that no other R.I. Convict was asked to clean the dirty materials of the dog's room except the deceased.

Accordingly, it opined that the death of the deceased had resulted due to constant humiliation, unfair treatment and arbitrary attitude of the Jail Authorities creating an environment which forced the convict to commit suicide while he was in custody as a convict prisoner.

According to the Commission, he was subjected to overtly oppressive acts, which amounted to discrimination and his right to lead a dignified life and to get fair and non-discriminatory treatment under Articles 14 and 21 of the Constitution of India was violated.

It therefore recommended that compensation of Rs.4,00,000/- be paid to the second respondent and her children within 30(thirty) days from the date of receipt of its recommendation by the petitioner.

It also recommended appropriate departmental inquiry against the Warder Raju Debbarma and other staffs of the Prison for dereliction of duties and for causing humiliation and discrimination against the deceased because of which he committed suicide.

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It recommended that Jail Authorities should issue necessary instructions to prevent repetition of such incident in the future. It permitted the Government to recover the amount of compensation awarded by it from the officers/staff responsible behind the suicide incident of the convict.

The Action Taken Report by the Jail Authority was directed to be sent to the Commission within one month. It then adjourned the matter to 03.02.2026.

**The subsequent events**

12. The petitioner then wrote a letter on 31.01.2026 to the Secretary of the Commission stating that in connection with its recommendation, necessary process had been initiated from his end, and requested further period of three months for submission of the Action Taken Report.

13. Subsequently, on 20.02.2026 the petitioner again wrote to the Commission stating that final inquiry report of the Commission (i.e., the order dt.16.12.2025) containing its recommendation had not been sent to the State Government.

14. The Commission, however, replied on 25.02.2026 to the petitioner stating that the order passed by the Commission on 16.12.2025 is in accordance with Section 18 of the Protection of Human Rights Act, 1993. The Commission also enclosed the copy of the said order along with the said letter to the petitioner. However time was granted up to 02.05.2026 for compliance of its recommendations.

15. It appears that in the meantime, the final report of the Judicial Magistrate First Class (Court No.3), Agartala, West Tripura in Misc. No.5995 of 2024 (referred to at para 9 supra) became available to the State Government

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when the Deputy Superintendent of the Kendriya Sansodhanagar, Tripura forwarded it to the Nodal Officer, Prisons Directorate, Agartala on 31.3.2026.

16. On the basis of the said report, the petitioner, on 10.07.2026 wrote to the Commission seeking reconsideration/ review of its order dt.16.12.2025 in Complaint No.81 of 2024 contending that in the Magisterial Inquiry Report in Misc. No. 5995 of 2024, the Judicial Magistrate First Class (Court No.3), Agartala, West Tripura had held that there was no evidence of negligence or foul play by any employee of the Jail Authorities.

**The initial order dt.13.7.2026 of the Commission**

17. The Commission by a separate order dt.13.07.2026 rejected the request for review made by the petitioner, but opined that it is inclined to give an opportunity to the petitioner to represent his case by appearing before the Commission on 17.7.2026 and posted the matter to that date.

18. After quoting Section 18 of the Act and referring to Clause (e) thereof which enabled the Commission to send a copy of its inquiry report together with its recommendations to the concerned Government or authority, and for the said Government to forward its comments on its report within one month including the action taken or proposed to be taken thereon to the Commission, it held that its order dt.16.12.2025 in Complaint No.81 of 2024 was passed after hearing all the parties and recommendation to pay Rs.4 lakhs as compensation to the legal heirs of the deceased convict was made, and a direction was given to submit the action taken report by 03.02.2026. It also noted that within the time of one month, nothing was done though time was granted up to 02.05.2026 for compliance of its recommendations.

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19. It was on the opinion that its recommendation was binding on the State Government and review is not permissible under Clause (e) of Section 18 of the Act.

**The order dt.31.7.2026 of the Commission rejecting the Review**

20. Thereafter, the matter was heard on 20.7.2026 and by another final order on 31.07.2026. The Commission rejected the review request made by petitioner.

21. The Commission referred to the Magistrate's power under Section 196 of the BNSS and held that the Magistrate had power to hold inquiry only with regard to the cause of death, and the Magisterial inquiry was limited to whether there is an allegation of abetment to commit suicide or homicide and other aspects were not covered in the investigation of the Magistrate.

It observed that when a prisoner commits suicide inside the jail and the prison authority has failed to prevent him from committing suicide, they cannot avoid their responsibilities.

After referring to certain judgments of the Delhi High Court and Madras High Court, it held that the recommendation as contemplated under Section 18 of the Protection of Human Rights Act, 1993, when made after following the elaborate procedure laid down in the Act, assumed the character of an adjudicatory order and would bind the Government.

It held that the petitioner had not complied with the order of the Commission to implement the recommendation within the statutory period or within the period as allowed by the Commission, and the petition for review of

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the order was also not filed within the period of limitation, as provided under Section 18(e) of the Act.

It held that application for review cannot be entertained only on the basis of an order of a Judicial Magistrate.

It thus rejected the review petition and directed the petitioner to implement the recommendation of the Commission immediately and directed listing of the matter on 09.09.2026.

**The instant Writ Petition**

22. Assailing the same, this Writ Petition is filed.

23. In the Writ Petition prayer, though the order dt.16.12.2025 is also assailed, in the pleadings, there is a challenge only to the order dt.13.07.2026 and the final order dt.31.07.2026 rejecting the review petition. However we shall consider the challenge to all these orders.

24. We may point out that in the statute, i.e. the Protection of Human Rights Act, 1993, Chapter-V deals with constitution of the State Human Rights Commissions.

25. Under Section 29 of the Act, provisions of Sections 9, 10, 12 to 18 relating to the National Human Rights Commission are made applicable to State Commission also.

26. Regulations have been framed under sub-section (2) of Section 10 read with Section 29 of the Act by the Tripura Human Rights Commission.

27. Regulation 15 requires the Commission to send a copy of its inquiry report together with its recommendations to the State Government; and the State Government has to forward its comments on the report including

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action taken or proposed to be taken thereon to the Commission within a period of one month from the date of receipt of the inquiry report.

28. Clause (1) of Regulation 16 states that if no comments are received within the time allowed, the case shall be taken up by the Commission for further direction.

29. Clause (2) of Regulation 16 states that if comments are received from the State Government, they shall be placed before the Commission by the Secretary stating whether the recommendation of the Commission was accepted by the Government; if so, whether in full or in part; the action, if any taken or proposed to be taken by the Government; the reasons, if any, given for not accepting the recommendation; and the action that may be taken pursuant to the comments received.

30. Clause (3) of Regulation 16 states that on consideration of the comments received along with note referred to in Clause (2), the Commission may pass such order as it deems just and proper.

31. In the instant case, the final order was passed by the Commission in Complaint No.81 of 2024 on 16.12.2025.

32. Admittedly, the request for review was made by petitioner on 10.7.2026 because of observation in the Magisterial inquiry report submitted by the Judicial Magistrate First Class (Court No.3), Agartala, West Tripura in Case No.5995 of 2024 stating that there was no negligence or foul play found to have been committed by the Jail Authorities etc.

33. Even in the report of the Judicial Magistrate First Class (Court No.3), Agartala, West Tripura it is stated that he was asked to conduct inquiry by the Chief Judicial Magistrate, West Tripura, Agartala regarding the cause

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of death of the convict Dilip Debbarma. He no doubt opined that it was a case of suicide.

34. In ***Amar Singh v. Balwinder Singh and others***[1] , the Supreme Court has held that proceedings under Section 176 of the Cr.P.C ( corresponding to section 196 of the BNSS) have a very limited scope i.e., to identify what is the apparent cause of the death. The details as to how the person died, or under what circumstances he died, would be foreign to the ambit and scope of the said proceedings.

35. Thus Section 176 of Cr.P.C or Section 196 of BNSS do not contemplate an inquiry into the manner in which the incident took place and also do not require that the names of the accused should be mentioned in the Inquest Report. These aspects would not be covered in the inquiry conducted by the Magistrate, as rightly held by the Commission.

36. So to the extent the Magistrate in his report in Case No.5995 of 2024 went into the aspect about negligence of jail authorities, he had no jurisdiction. So any finding recorded by him in this regard has no validity and would not bind the Commission.

37. The Commission in its order dt.31.07.2026 also rightly held that the Magisterial inquiry under Section 196 of the BNSS is only an inquiry into the cause of death, whether it is suicidal, homicidal or accidental and other aspects are not covered by it.

38. The Commission in its initial order dt.16.12.2025 and also in the subsequent order dt.13.07.2026 had recorded that it had given opportunity to the petitioner before recording its findings, which fact is not disputed by the

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[1] (2003) 2 SCC 518

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petitioner. Documents were submitted by the petitioner, which were considered along with the reports of Commission's own investigation wing apart from an inquiry report through its own Member.

39. The material considered by the Commission indicated that in the Prison, there was an office order for maintaining a German Shepherd dog and only the deceased convict was asked to clean the dirty material of the dog every day and no other convict was assigned this work. The Commission also noted that when the Jail Authority officially ordered for keeping a dog in the Jail premises, it was also the duty of the Jail Authorities to arrange for proper cleaning of the said room by deployment of R.I. Convicts on payment of wages, but only the deceased, could not have been asked to do it and this indicates discrimination. According to the Commission, out of depression caused by the humiliation of having to do this work on a daily basis, the deceased committed suicide by hanging. It further held that the Warden Raju Debbarma, who was supposed to supervise the work of the convict, was negligent in supervision and, therefore, was *prima facie* responsible for the death of the deceased by suicide.

40. The above findings of fact recorded by the Commission cannot be faulted *prima facie* though they may not be treated as conclusive in any departmental inquiry which may be held against the Warden Raju Debbarma and other staffs of the Prison, which inquiry has been recommended by the Commission.

41. A Full Bench of the Madras High Court had considered the powers of the Commission in ***Abdul Sathar v. State***[2] and held that the

[2] 2021 SCC OnLine Mad 16611

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recommendation of the Human Rights Commission under Section 18 is an adjudicatory order which is legally and immediately enforceable, though the concerned Government or authority can also file a petition seeking judicial review of the Commission's recommendation. It was held as under:

> *"**506**. In the conspectus of the above discourse, the following is our summation to the terms of the Reference:*
>
> *(i) Whether the decision made by the State Human Rights Commission under Section 18 of the Protection of Human Rights Act, 1993, is only a recommendation and not an adjudicated order capable of immediate enforcement, or otherwise?*
>
> *Ans: The recommendation of the Commission made under Section 18 of the Act, is binding on the Government or Authority. The Government is under a legal obligation to forward its comments on the Report including the action taken or proposed to be taken to the Commission in terms of Sub Clause (e) of Section 18. Therefore, the recommendation of the H.R.Commission under Section 18 is an adjudicatory order which is legally and immediately enforceable. If the concerned Government or authority fails to implement the recommendation of the Commission within the time stipulated under Section 18(e) of the Act, the Commission can approach the Constitutional Court under Section 18(b) of the Act for enforcement by seeking issuance of appropriate Writ/order/direction. We having held the recommendation to be binding, axiomatically, sanctus and sacrosanct public duty is imposed on the concerned Government or authority to implement the recommendation. It is also clarified that if the Commission is the petitioner before the Constitutional Court under Section 18(b) of the Act, it shall not be open to the concerned Government or authority to oppose the petition for implementation of its recommendation, unless the concerned Government or authority files a petition seeking judicial review of the Commission's recommendation, provided that the concerned Government or authority has expressed their intention to seek judicial review to the Commission's recommendation in terms of Section 18(e) of the Act.*

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*(ii) Whether the State has any discretion to avoid implementation of the decision made by the State Human Rights Commission and if so, under what circumstances?*

*Ans: As our answer is in the affirmative in respect of the first point of Reference, the same holds good for this point of Reference as well. We having held that the recommendation is binding, the State has no discretion to avoid implementation of the recommendation and in case the State is aggrieved, it can only resort to legal remedy seeking judicial review of the recommendation of the Commission.*

*(iii) Whether the State Human Rights Commission, while exercising powers under sub-clauses (ii) and (iii) of clause (a) of Section 18 of the Protection of Human Rights Act, 1993, could straight away issue orders for recovery of the compensation amount directed to be paid by the State to the victims of violation of human rights under sub-clause (i) of clause (a) of Section 18 of that enactment, from the Officers of the State who have been found to be responsible for causing such violation?*

*Ans: Yes, as we have held that the recommendation of the Commission under Section 18 is binding and enforceable, the Commission can order recovery of the compensation from the State and payable to the victims of the violation of human rights under Sub Clause (a)(i) of Section 18 of the Act and the State in turn could recover the compensation paid, from the Officers of the State who have been found to be responsible for causing human rights violation. However, we clarify that before effecting recovery from the Officer of the State, the Officer concerned shall be issued with a show cause notice seeking his explanation only on the aspect of quantum of compensation recoverable from him and not on the aspect whether he was responsible for causing human rights violation.*

*(iv) Whether initiation of appropriate disciplinary proceedings against the Officers of the State under the relevant service rules, if it is so empowered, is the only permissible mode for recovery of the compensation amount directed to be paid by the State to the victims of violation of human rights under sub-clause (i) of clause(a) of Section 18 of the Protection of Human Rights Act, 1993, from the Officers of*

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*the State who have been found to be responsible for causing such violation?*

*Ans: As far as the initiation of disciplinary proceedings under the relevant Service Rules is concerned, for recovery of compensation, mere show cause notice is sufficient in regard to the quantum of compensation recommended and to be recovered from the Officers/employees of the concerned Government. However, in regard to imposition of penalty as a consequence of a delinquent official being found guilty of the violation, a limited departmental enquiry may be conducted only to ascertain the extent of culpability of the Official concerned in causing violation in order to formulate an opinion of the punishing Authority as to the proportionality of the punishment to be imposed on the official concerned. This procedure may be followed only in cases where the disciplinary authority/punishing authority comes to the conclusion on the basis of the inquiry proceedings and the recommendations of the Commission that the delinquent official is required to be visited with any of the major penalties enumerated in the relevant Service Regulations.*

*As far as imposition of minor penalty is concerned, a mere show cause notice is fair enough, as the existing Service Rules of all services specifically contemplate only show cause notice in any minor penalty proceedings.*

*(v) Whether Officers of the State who have been found to be responsible by the State Human Rights Commission for causing violation of human rights under Section 18 of the Protection of Human Rights Act, 1993, are entitled to impeach such orders passed by the Commission in proceedings under Article 226 of the Constitution and if so, at what stage and to which extent?*

*Ans: As we have held that the recommendation of the Commission under Section 18 of the Act is binding and enforceable, the Officers/employees of the State who have been found responsible for causing violation of human rights by the Commission, are entitled to assail such orders passed by the Commission by taking recourse to remedies of judicial review provided under the Constitution of India. It is open to the aggrieved officers/employees to approach the*

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*competent Court to challenge the findings as well as recommendations of the Commission."*

42. In the instant case, the Commission had declined to exercise its review power since there is no action taken report filed within one month of supply of the report to the petitioner. When the report was communicated on 25.02.2026 by the Commission to the petitioner, within one month thereof, reconsideration should have been sought, but admittedly the same was sought only on 10.07.2026. Therefore, the same was rightly rejected by the Commission as time barred.

43. Though the State has sought judicial review of the recommendation of the Commission in this Writ Petition, we see no ground to exercise the power of judicial review in the instant Writ Petition as the Commission had followed the provisions of the Act and made it's recommendation on the basis of material available to it.

44. The Commission was well within its jurisdiction to direct payment of compensation of Rs.4,00,000/- and also directing disciplinary action against the officials concerned, which is in line with the judgment of the Full Bench of the Madras High Court.

45. The State cannot contend that unless departmental inquiry is held against the officers, the Commission is precluded from passing a final order. No such departmental inquiry has even been commenced by the petitioner though the death of the deceased convict had occurred on 23.10.2024. The proposed departmental inquiry does not come in the way of the Commission recording its findings and making appropriate recommendations.

46. We, therefore, do not find any merit in the Writ Petition, which is accordingly dismissed. No costs.

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47. The petitioner shall implement the directions of the Commission within one month from today without fail and report to the Court compliance of the said directions.

48. Pending application(s), if any, also stands disposed of.

**(BISWAJIT PALIT, J)** **(M.S. RAMACHANDRA RAO, CJ)**

HIGH COURT OF TRIPURA

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