

NATIONAL HUMAN RIGHTS COMMISSION  
(LAW DIVISION)  
MANAV ADHIKAR BHAWAN, BLOCK-C, G.P.O. COMPLEX,  
INA, NEW DELHI- 110023

Dated 14/02/2015

Case No. 436/33/3/2013-AD

13 MAR 2015

To

TEJANG CHAKMA, COMPLAINTS COORDINATOR  
ASIAN CENTRE FOR HUMAN RIGHTS, C-3/441-C  
2ND FLOOR, JANAKPURI, N.DELHI,  
NEW DELHI, DELHI

Sir/Madam,

With reference to your complaint dated 01/05/2013, I am directed to say that the matter was considered by the Commission on 12/02/2015. The Commission has made the following directions

*These proceedings shall be read in continuation of earlier proceedings of the Commission dated 13.10.2014*

*In response, the Director General, Prison Administration and Correctional Department, Govt. of Chhattisgarh vide his communication dated 3.2.2015 has submitted the compliance report. Perusal of the same reveals that an amount of Rs.1,00,000/- (Rupees one lakh only) has been paid to Smt. Preeti Tiwari, wife of deceased under trial prisoner Deepak Kumar Tiwari on 30.1.2015. Proof of payment has also been annexed.*

*The Commission has considered the matter. An amount of interim relief of Rs. 1,00,000/- (Rupees one lakh only) as recommended by the Commission has been paid to wife of the deceased. The delinquent prison personnel are being dealt with departmentally. The Director General (Prisons), Chhattisgarh shall however ensure that the Departmental proceedings against the delinquent prison personnel are concluded and finalized expeditiously. With these directions, the reports received from the State Authorities are taken on record and the case is closed.*

*Let a copy of these proceedings also be transmitted to the Information Officer, NHRC and to beneficiary for their information.*

*LINKED WITH MAIN FILE NO.410/33/3/2013-JCD.*

This is for your information.

Yours faithfully,

  
ASSISTANT REGISTRAR(LAW)

# National Human Rights Commission

New Delhi, India

## Case Details of File Number: 436/33/3/2013-AD

<b>Diary Number</b>	65715/CR/2013
<b>Name of the Complainant</b>	TEJANG CHAKMA, COMPLAINTS COORDINATOR
<b>Address</b>	ASIAN CENTRE FOR HUMAN RIGHTS, C-3/441-C 2ND FLOOR, JANAKPURI, N.DELHI, NEW DELHI, DELHI
<b>Name of the Victim</b>	DEEP KUMARI TIWARI
<b>Address</b>	DANTWADA SUB JAIL DANTEWADA, CHHATTISGARH
<b>Place of Incident</b>	DANTWADA SUB JAIL DANTEWADA, CHHATTISGARH
<b>Date of Incident</b>	4/25/2013
<b>Direction Issued by the Commission</b>	<p>The Commission received an intimation dated 25/4/13 from the Collector &amp; Distt. Magistrate, District South Baster, Dantewada about the death of the undertrial prisoner Deep Kumar Tiwari, aged 30, on 20/4/13. On the same issue the Commission has received two more complaint which were registered as 411/33/3/2013-AD, 436/33/3/2013-AD. The Commission has also received a complaint dated 27/12/12 from Shri A.S. Chakraborty, a human rights activist that 4 CRPF constables were killed and 5 were injured due to firing by a CRPF constable in Dantewada District of Chhattisgarh. The complainant has sought appropriate action in the matter and compensation for next of kin of the deceased and to the injured. This complaint was registered vide No. 16/33/3/2013-PF. All the files have been tagged for further proceedings. Pursuant to directions dated 1/5/13, the Commission has received the requisite report in case No. 410/33/3/2013-JCD, 411/33/3/2013-AD, 436/33/3/2013-AD. The reports reveals that under trial prisoner Deep Kumar Tiwari, aged 30 was an accused in FIR No. 69/13 u/s 302/307 IPC. He was admitted in jail 27/12/12. He was found hanging at 1.20 am. on 24/4/13, was brought down and taken to district hospital, Dantewada where he expired at 1.55 am on the same day. Performa from health screening of Deep Kumar Tyagi reveals that at the time of admission in jail he was not suffering from any disease. Treatment records reveal that he was treated for Paranoid Schizophrenia at District Hospital on different occasions from 11/1/13. He was referred to psychiatry OPD at Dr. Bhimrao Ambedkar memorial Hospital, Raipur on 11/2/13. The inquest report mentions the cause of death was due to hanging. The postmortem report mentioned caused of death was due to hanging. The magisterial enquiry report mentions that Deep Kumar Tiwari was found hanging with the iron rod of the ventilator with Gamcha. The jail staff brought and the emergency doctor gave him First Aid but he expired at 1 55 am. The report mentions that Deep Kumar Tiwari was serving in CRPF and was an accused u/s 302/307 IPC for killing his four colleagues and injuring one with insas rifle in barrack on the night of 24-25/12/12. It is also on record that UTP was treated in mental ward of the hospital from 13/2/13 to 25/2/13. The communication from CRPF Commando, also reveal that there was difference between his mental ability and working efficiency and he required further observation. Deep Kumar Tiwari was suffering from mental disorder and was under treatment for last 3-4 years. However, MER concluded that no jail official staff is responsible for his death. The final cause of death was asphyxia due to hanging. The Commission has considered the material placed on record which reveals that UTP Deep Kumar Tiwari was suffering from mental disorder and was under treatment for last 3-4 years and he committed suicide in jail on 24/4/13. There had been violation of the Commission's guidelines which required that he should not have been kept in jail. It is admitted fact by the authorities that the deceased under trial-prisoner had committed suicide in judicial custody. Regarding the case No. 16/33/3/2013-PF. The report from the DIG (Ops-II), office of DG, CRPF, New Delhi has admitted that on 25/12/12 at about 10.00 p.m. constable Deep Kumar Tiwari of 111 Bn of CRPF made an unprovoked fire with Insas Rifle stolen from another constable at five CRPF constables who were sleeping in the barrack. Due to the said fire, 3 constables died at the spot and 4th was declared "brought dead" at the hospital Dantewada. One H.C. Sunil Sawant was injured. The constable Deep Kumar was dismissed from services w.e.f. 6/3/13 and he committed suicide by hanging in the jail barrack on 25/4/13. All admissible dues were paid to the Next of Kin of the four deceased constables and necessary treatment was given to the injured constable. The complainant has requested for grant of suitable compensation to legal heirs of the four deceased and one injured CRPF constables. The Commission has considered the material placed on record and directs:-</p> <ol style="list-style-type: none"> <li>1. Issue a Show Cause Notice to the Secretary, Ministry of Home Affairs Government of India and to DG, CRPF, New Delhi as to why monetary relief u/s 18 of the Protection of Human Rights Act, 1993, be not recommended to be paid to the next of kin of the four deceased and one injured CRPF constables.</li> <li>2. As the detaining authority had not taken adequate care and precaution to prevent the under trial prisoner Deep Kumar Tiwari, aged 30, to commit suicide in judicial custody, the State must bear liability. Issue a Show Cause Notice to the Government of Chhattisgarh through its Chief Secretary as to why monetary relief u/s 18 of the Protection of Human Rights Act, 1993, be not recommended to be paid to the next of kin of the deceased.</li> </ol> <p><b>Action Taken</b> Additional Information Called for (Dated 12/24/2013 )</p> <p><b>Status on 3/28/2014</b> Response from concerned authority is awaited</p>

**Note:** For further details kindly contact National Human Rights Commission, Manav Adhikar Bhawan Block-C, GPO Complex, INA, New Delhi - 110023

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मोट: अन्य जानकारी हेतु कृपया संपर्क करे राष्ट्रीय मानव अधिकार आयोग, मानव अधिकार भवन, ब्लॉक-सी, जी.पी.ओ. कम्प्लेक्स, आई.एन.ए., नई दिल्ली - 110023,

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