

Case of Sahdeo Manjhi

Complainant Rachia Devi approached this Commission for punishment to the culprits and compensation to herself. Facts of the case, briefly, are that on 10.9.2008 a she-goat of the complainant strayed into a field of one Madho Babu (Madheshwar Singh) which annoyed his son Sudhir Singh and out of anger he hit the goat and she died. After her husband Sahdeo Manjhi returned home and came to know about the incident, he took the body of the she-goat and put it in front of the house of Madho Babu. This was not liked by his son who came to the complainant's house along with five boys of the village, and catching hold of her husband beat him with rods despite protests and remonstrations. The incident was reported to Sri Ramashray Babu (a former MP) and also to the officer-in-charge by one Sohan Manjhi. Ramashray Babu conveyed that the occurrence had been reported to SP. However, no policeman came to rescue her husband. He was forcibly taken to the police station and a case was lodged against him. The case with respect to the incident was registered later. He eventually succumbed to injuries. The complainant alleged that if the police had intervened in the matter at the appropriate time, the life of her husband could be saved. The complainant alleged that the police was in collusion with the culprits.

Taking notice of the complaint, vide decision dated 20.5.2009 report was called for from SP, Gaya. Response was also called from the DGP Bihar as to why investigation of the case should not be entrusted to some other agency. The District Magistrate, Gaya was also asked to report as to whether any ex gratia/compensation has been paid to the victim's family as he belonged to scheduled caste.

SP, Gaya has submitted report dated 5.6.2009 supporting complainant's version as regards the occurrence. It has been stated that charge sheet has been submitted u/s 302 and other sections of the Indian Penal Code as well as section 3(x) of the SC/ST (Prevention of Atrocities Act) and, Section 25(1B)/26 of the Arms Act against Sudhir Singh son of Madheshwar Singh who after arrest has been sent to judicial custody. As regards Madheshwar Singh it has been stated that efforts are being made for his arrest. As regards the case lodged by Sudhir Singh the report states that when he found the condition of Sahdeo Manjhi as not good, he arranged a country pistol and live cartridges in a planned manner, brought Sahdeo Manjhi to Khijersarai police station in a jeep and handed over the pistol and cartridges to the officer-in-charge, representing that Sahdeo Manjhi had come to his house in an

intoxicated condition and demanded rupees two thousand as 'rangdari' by showing pistol. The report states that the said case has been found to be false and final report has been submitted in that case.

In the report dated 1.7.2009 submitted on behalf of the DGP Bihar it has been stated that investigation is proceeding in the right direction and there is no need for any enquiry by another agency.

The District Magistrate, Gaya has also submitted report dated 5.7.2009. After referring to the incident, it has been stated that the victim Sahdeo Manjhi was brutally beaten by Sudhir Singh as his she-goat had grazed some paddy plants from the latter's field. Sahdeo Manjhi died in course of treatment. As regards compensation it has been stated that his wife Rachia Devi has been paid Rs.10,000 on humanitarian ground under Rashtriya Parivarik Labh Yojna on 26.12.2008.

As the Commission observed in its preliminary decision dated 20.5.2009 (supra), the incident shows how lives of members of the weaker sections of the society are fiddled with by those who wield muscle and money power. The police may pay back-handed compliment to itself by taking the stand that the case lodged by Sudhir Singh has been found to be false and final report has been submitted therein, the fact remains that police registered Sudhir Singh's case against Sahdeo Manjhi under the Arms Act earlier in point of time even though on own saying of the officer-in-charge Sahdeo Manjhi had sustained grievous injuries and his condition was not good. It is totally un-understandable that the assault case - later converted into murder case u/s 302 IPC -was registered later as if it were a counter case even though the officer-in-charge was satisfied about the grave physical condition of the victim, and a comparatively minor case against him under the Arms Act was instituted earlier in point of time. This shows not only callousness on the part of the officer-in-charge of Khijersarai police station but also smacks of collusion with Sudhir Singh. We are not sure about the quality of investigation and the strength of the charge sheet filed against Sudhir Singh. The matter is now pending in court the Commission would desist from an enquiry or investigation by another agency at this stage. The Commission do express a hope that all goes well with the prosecution case at the trial and justice is done to the victim.

The issue which remains to be addressed is compensation. As mentioned above, the victim belonged to scheduled caste. The SC/ST (Prevention of Atrocities) Rules 1995 provides for relief in cases of atrocity on the members of the scheduled

castes/tribes, and having regard to the scheme of the Act and the Rules there can be no doubt that compensation provided therein has to be paid to the victim. Relevant provisions are contained in rule 12 of the said Rules. Sub rules (4), (5) and (6) whereof may usefully be quoted as hereunder-

(4) The District Magistrate or the Sub-Divisional Magistrate or any other Executive Magistrate shall make arrangements for providing immediate relief in cash or in kind or both to the victims of atrocity, their family members and dependants according to the scale as in the schedule annexed to these Rules (Annexure-I read with Annexure-II). Such immediate relief shall also include food, water, clothing, shelter, medical aid, transport facilities and other essential items necessary for human beings.

(5) The relief provided to the victim of the atrocity or his/her dependent under sub-rule (4) in respect of death or injury to, or damage to property shall be in addition to any other right to claim compensation in respect thereof under any other law for the time being in force.

(6) The relief and rehabilitation facilities mentioned in sub-rule (4) above shall be provided by the District Magistrate or the Sub-Divisional Magistrate or any other Executive Magistrate in accordance with the scales provided in the Schedule annexed to these rules.

From a bare reading it is manifest that the victim is entitled to immediate relief in cash or in kind or both, which will be in addition to compensation under any other law for the time being in force. The scale of relief/compensation is contained in the Schedule being Annexure I to the Rules. As per Serial No. 20(b), in case of murder/death of the earning member of the family the victim is entitled to at least rupees two lakhs out of which 75 per cent is to be paid after post mortem and 25 per cent on conviction by the lower court, that is, the trial court.

It would thus appear that the victim's family in the instant case is entitled to relief/compensation of rupees two lakhs out of which at least 1,50,000 has to be paid for the present. Admittedly, the amount has not been paid and there is no explanation for non-payment. The payment of Rs.10,000 referred to in the DM's report is under different scheme of humanitarian consideration, in addition to the relief provided under the SC/ST Rules. In the facts and circumstances, considering that the death of Sahdeo Manjhi could be avoided had the police reached the place of occurrence and

rescued him from the culprits i.e Sudhir Singh and his associates, and further considering the plight of the victim's family and its economic conditions the Commission is of the view that lump sum payment of rupees two lakhs would provide necessary financial succour to the family which will enable it to start a new life.

We accordingly direct the State Government through the Principal Secretary, Department of Home and the District Magistrate, Gaya to jointly/severally pay sum of rupees two lakhs to Rachia Devi w/o Sahdeo Manjhi, within six weeks.

Let the decision of the Commission be communicated to the Principal Secretary, Department of Home, Government of Bihar and the District Magistrate Gaya for compliance.

(Justice S.N. Jha)
Chairperson

(Justice Rajendra Prasad)
Member

(R.R. Prasad)
Member