

**BIHAR HUMAN RIGHTS COMMISSION**  
**9, Bailey Road**

File No **BHRC/COMP.** 552/09

Case of **BAL GOVIND PRASAD**

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This proceeding was initiated on the complaint of Md. Kausar Nadeem, a human rights activist and member of the Amnesty International of India. The complaint is about the death of one Bal Govind Prasad of village Bar within Sherghati P.S. of Gaya district on 10.4.2009 in rather unfortunate circumstances.

Before adverting to the contents of the complaint it may be mentioned that copy of the complaint was sent to I.G. Patna who submitted the report of the D.I.G. of Police Magadh Range dated 23.7.2010. Copy of the said report was sent to the victim's son Anugrah Prasad to which he submitted his response. The matter was then fixed for oral hearing which was held on 27.12.2010. While Anugrah Prasad appeared in person, S.P. (City) Gaya, Shri Daljeet Singh appeared on behalf of the Administration.

Admitted facts of the case are that on 10.4.2009, Bal Govind Prasad, who was ill, was being taken to the Clinic of Dr. S.K. Dubey at Gaya on a tempo BR 2E -9640 for consultation and treatment. When the tempo reached near Tekna Farm it was stopped by the officials present there as the same was required for election duty. As per the D.I.G.'s report, the tempo was released by the Magistrate on the assurance of Anugrah Prasad that after dropping the patient i.e. Bal Govind Prasad at the doctor's clinic, the vehicle would be taken to Sports Ground (in the campus of A.N. College at Gaya), but on the way Bal Govind Prasad died near the Sports Ground which led to protests by the public and the vehicle was not seized. As per Anugrah Prasad's version, after repeated remonstrations the officials allowed the tempo to proceed. On their direction a police constable also boarded the tempo with instructions to park it after dropping Bal Govind Prasad at the clinic. However, when they reached near the clinic of Dr. S.K. Dubey, the police constable asked for a sum of Rs. one thousand as consideration for getting the tempo released and actually took sum of Rs. five hundred from the driver and another sum of Rs. two hundred from him (Anugrah Prasad). They were taken to the Sports Ground in the A.N. College campus where the papers including the driving license of the driver were seized by the Magistrate. The police constable left the place leaving them high and dry. After sometime Bal Govind Prasad's condition deteriorated. They hired a rickshaw for going to the doctor's clinic. As soon as they came out of the Sports Ground, Bal Govind Prasad became critical and died. When the public came to know about it they

resorted to agitation. In the process, the crowd damaged the tempo. At that point of time, the Officer-Incharge of Rampur P.S. came to that place. He arranged another tempo by which the damaged tempo was also towed and they reached home. He had to pay sum of Rs. eleven thousand on repairs of the tempo. Besides he was also made to pay Rs. seven hundred to the officials there. Another sum of Rs. one thousand was paid as fare for the other tempo.

S.P. (City) submitted that vehicles were being seized in exigency of situation, namely, for election duty and the Administration had little choice but to seize the vehicle in question. He also submitted that the seizures were being effected on the direction of the Magistrate and the police had no independent role. It was also submitted that Bal Govind Prasad was an old man in his eighties. Admittedly, he was ill. He died a natural death and the Administration can not be held responsible for his death.

It would appear that most of the facts are undisputed. It is not in dispute that Bal Govind Prasad was ill and being taken to Gaya for check-up etc. on a tempo. It is also not in dispute that the tempo was intercepted by the Administration for being seized for election duty. It is also the admitted position that after remonstrations by Anugrah Prasad and others the vehicle was allowed to proceed. However, as per the victim's son, instead of doctor's clinic, the vehicle was taken to the Sports Ground (Khel Parisar) in the A.N. College Gaya campus where the papers including driving license were seized by the Magistrate. The vehicle, thus, remained stranded. (Meanwhile, the police constable accompanying them demanded and succeeded in getting money from the driver as well as Anugrah Prasad.) At this point of time Bal Govind Prasad developed complications and a rickshaw was hired for taking him to the doctor's clinic but no sooner than they came out of the Sports Ground, he died. It is clear that had the vehicle not been detained at the Sports Ground and allowed to proceed to the doctor's clinic, Bal Govind Prasad could have lived. It is true that at the time of elections it becomes imperative for the administration to get hold of vehicles for election duty and therefore the act of the concerned officials in stopping the vehicle near the Tekna Farm for being seized can not be faulted. But there was no justification for inordinately detaining the vehicle at the Sports Ground. The concerned officials had let the vehicle proceed from Tekna Farm to the doctor's clinic on the understanding that after dropping Bal Govind Prasad the vehicle would report at the designated place i.e. the Sports Ground in the A.N. College campus – for which a police constable was also deputed, but the tempo was taken to the Sports Ground instead of the doctor's clinic and detained there. The action – or want of it – reflects the insensitive attitude of the concerned

officials including the Magistrate on duty at the Sports Ground and the concerned police constable. In the facts and circumstances, it cannot be said that the administration played no role and was not responsible for the passing away of Bal Govind Prasad. In the opinion of the Commission, it is a fit case in which compensation should be awarded and suitable administrative action should be taken against the concerned officials. It is to be kept in mind that Anugrah Prasad was made to meet the cost of repairs of the tempo; he also had to pay bribe to the police constable. Considering the age of the deceased (he was reportedly 84 years of age) and the attending facts and circumstance, the Commission is of the view that a monetary compensation of Rs. Seventy thousand would serve the ends of justice.

In the result, the Commission directs that the State Government do pay sum of Rs. Seventy thousand to Anugrah Prasad which may be recovered from the concerned officials in accordance with law. The Commission further directs that suitable administrative action be taken against the concerned officials, as above.

Compliance report be submitted within eight weeks.

Copy of the order be sent to the Principal Secretary, Department of Home, District Magistrate/Senior S.P. Gaya and Anugrah Prasad, the deceased's son.

Justice S.N. Jha  
Chairperson