

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

File No **BHRC/COMP.** 260/09

Case of **Ram Avatar Sahni**

---

This matter relates to the alleged starvation death of Ram Avatar Sahni, a resident of village Manikpur within Surajgarha Block of Lakhisarai district, on 18.2.2007. Report was called from the District Magistrate Lakhisarai on 16.3.2009. On 28.7.2009 the District Magistrate forwarded copy of the enquiry report of SDO Lakhisarai addressed to the Assistant Registrar (Law) National Human Rights Commission where complaint had been earlier filed. Copy of the report was sent to the applicant for his response. On 5.10.2009 the applicant sent his rejoinder wherein he highlighted certain points to buttress his case of starvation death.

The report dated 28.7.2009 along with response was considered by the Commission on 12.10.2009. The Commission found that the report was cryptic; it only stated that the deceased died on account of illness (tuberculosis), and that cereals (wheat, rice) and potatoes were found kept in the house. The Commission noted that the applicant in his rejoinder had made certain points which deserved enquiry at the appropriate level and directed the District Magistrate to make an independent enquiry keeping in view the points raised by the applicant, observing that as per the allegation the deceased died of starvation and there should be a proper enquiry. It may not be out of place to mention that in the report (supra) there was also an attempt to impeach the character of the. The Commission did not approve the same. The Commission found that in the rejoinder it has been stated that after the incident was highlighted by one Ram Balak Sharma the Officer-in-Charge recommended action under section 107 Cr.P.C. against him along with one Ram Chandra Mandal allegedly to harass and exert pressure on them. Copy of the rejoinder was sent to District Magistrate along with copy of the Commission's order dated 12.10.2009.

The District Magistrate instead of making any independent enquiry, this time, chose to get the matter enquired into by an ASI of Police and sent his report on 5.5.2010.

The Commission takes serious objection to the manner in which the District Magistrate has dealt with the matter. He should have appreciated the gravity of the allegations – whether true or untrue – and on his own made an enquiry at his level, considering that the allegation relates to alleged starvation death. While the earlier report by the SDO – was not approved by the Commission, he got the enquiry conducted by the ASI rank officer. Besides displaying total lack of concern, the District Magistrate has failed to show respect to the Commission. It may be recalled that by a speaking order the Commission had directed him to make an independent enquiry.

The ASI of Police in his report has stated that after Ram Avatar Sahni died – after prolonged illness of four months – certain villagers on their own started claiming that he had died due to starvation and they would not let the body cremated unless the District Magistrate/ SDO agreed to pay compensation. The ASI has also made an omnibus statement that the officials had found wheat, flour, potatoes and other eatable articles in the house of the deceased. The ASI has alleged that certain villagers have a habit of blowing up petty incidents out of proportion to mislead and harass the administration. Significantly, it may be mentioned, the report concedes that no post mortem was held on the body of the deceased – a point highlighted by the applicant in his rejoinder.

The applicant in his rejoinder has mentioned that the condition of the deceased Ram Avatar Sahni was brought to the notice of BDO Surajgarha in writing with recommendation of Mukhiya Rita Tati and Anju Kumari on 26.12.2006. Ram Avatar Sahni died on 18.2.2007. On request of villagers the SDO Lakhisarai came to the village and tried to hush up the matter. Reference is made to the news items appearing in the newspapers. It is said that on 18.2.2007 itself, application was filed before the SDO for post mortem of the body which could clinch the issue about the cause of death but the same was admittedly not done. Instead, action was taken against persons namely Ram Balak Sharma and Ram Chandra Mandal who had taken up the cause before the NHRC by way of proceeding under section 107 Cr.P.C. against them on 30.5.2007. In the report it has also been stated that on 20.2.2007 the Anchal Adhikari Surajgarha Shri Khursheed Akram had claimed that the food grains had been made available to the deceased earlier in emergent conditions (apat sthiti). The stand of the Mukhiya, however, was otherwise. On 1.7.2008 the applicant sought details of the lifting and distribution of the food grains under the RTI Act. In the information furnished vide para 7 it was admitted that no food grains had been lifted in the "apat sthiti"

There are several other points taken in the rejoinder and the least that should have been done was to make a proper enquiry. It goes without saying that a blanket denial of the kind and apathy of the administration hardly does good to either the administration or the people. It is more important to win the confidence of the people than attempt hushing up the matter. In the premises aforesaid, the Commission is of the view that the enquiry should be entrusted to the Commissioner, Munger Division.

Let a copy of this order, accordingly be sent to the Commissioner, Munger for making enquiry and submitting report within four weeks.

Copy of this order may also be sent to Chief Secretary, Government of Bihar to consider the role of the District Magistrate in the matter of enquiry in total disregard of the gravity of the allegation and the directive of the Commission.

Justice S.N. Jha  
Chairperson