

## BIHAR HUMAN RIGHTS COMMISSION

9, Bailey Road, Patna

**File Nos. BHRC/Comp. 3166/12**

### **Case of Kanchan Bala: (Case of suicide by a 21 year old girl harassed by anti-social elements: Compensation awarded by BHRC)**

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29.08.2016

Petitioner (brother of victim Kanchan Bala, daughter of Uday Kant Jha, village Harsinghpur, P.S. Runnisaidpur, district Sitamarhi) with counsel Sri A. Mustafa present. IG, Provision, (Police Headquarters) Sri Pankaj Darad present.

The Commission passed an order on 12.03.2013 which is reproduced below:-

“These two complaints – clubbed together – are with respect to the suicidal death of Kanchan Bala of village Harsinghpur, P.S. Runnisaidpur, District Sitamarhi on 23.8.2012. She was, allegedly, repeatedly harassed by anti-social elements and she approached the police at different levels including the District S.P. of Sitamarhi for intervention and help but they apparently did not intervene in the matter and out of desperation she committed suicide.

In its preliminary order dated 6.9.2012 the Commission observed that the incident is a sad reflection of the insensitivity of police. The case not only warrants appropriate investigation but also calls for suitable action against the officials concerned. Report was called from Zonal IG/ADG Muzaffarpur and he has forwarded the report of IG (Hqrs.) Smt. Shobha Ohatkar dated 14.9.2012.

In the forwarding letter dated 11.2.2013 it has been stated that on the basis of enquiry report of Smt. Ohatkar departmental proceedings have been initiated against SHO Dumra P.S, S.I. Ramanandan Prasad and I.O. of the case S.I. Shambhu Sharan Gupta. The report of Smt. Shobha Ohatkar also indicts the then S.P. Sitamarhi Sri Vivek Kumar and Dy.S.P. Sitamarhi Sri Alok Kumar, and the Commission is of the view that they too deserve to be subjected to disciplinary proceeding – in the light of the findings of Smt. Shobha Ohatkar. The Commission would at the first instance seek the response of the Secretary, Home Department and the DGP Bihar.

The Commission believes that copy of the report (supra) should be available in the Home Department and the office of the DGP; however for easy reference, the relevant part thereof (pages 92-79/c) may be sent with the notice – along with a copy of this order.

Copy of this order may also be sent to the applicant.”

It appears that SHO, I.O. and ASI have been given punishments in departmental proceedings. The punishments given is withholding of increments and also black marks in their service records. Once the government came to conclusion that these persons were not responsive to the repeated complaints made by the victim that she was being stalked and harassed, the punishments appear to be inadequate because this insensitiveness and non-responsiveness of the police officers resulted in a young girl's death.

After hearing IG, Sri Pankaj Darad and going through the records it appears that the DGP has agreed with DIG,

Muzaffarpur that SP was not involved in the matter and the matter relating to the DSP is still pending before him. The Commission understands the limitation it has, if the government came to a conclusion that certain officer was not responsible for the incident the Commission may not perhaps be able to reverse such a finding. For such finding, the petitioners will have to approach the appropriate forum and they are at liberty to do so.

However, the respondents are directed to give a copy of DGP's report to the petitioner and also the copy of the final order passed by the government with respect to SP and DGP. Counsel for petitioners submitted that when this incident happened Chief Minister had directed an IG to file a report. The report is on file but at no stage thereafter the IG's report was taken into consideration by the Government. It is hoped that the Government will pass final order within two months from today.

This girl who was 21 years old and was pursuing her graduation had to end her life at prime of life because of the harassment she was facing continuously by some miscreants. A case was registered against them. They were charge sheeted and some of them have been convicted. This is a case in which the Commission can not do much because a precious life has already been lost. The Commission, however, would fail in its duty if it

does not even direct payment of sufficient compensation to the family of the victim.

The Commission directs compensation of rupees three lakhs (Rs.3,00,000) be paid to the father of the petitioner within a period of two months. It may not be out of place to mention that this girl was the daughter of a person who is working in police department as a Head Constable and even complaints by policeman's daughter were not heard.

It is directed that Government will consider all the materials including the IG's report dated 14.09.2012 while passing final decision.

List on 04.11.2016.

Copy of this order be given to (i) petitioner, (ii) SP, Sitamarhi, (iii) DGP, Bihar and (iv) Principal Secretary, Home Department for information and necessary action as the case may be.

***(Justice Bilal Nazki)***  
***Chairperson***