

**Action taken Details :**

**National Human Rights Commission  
New Delhi**

<b>Case Number</b>	<b>6352/4/32/2022</b>	<b>Action Date</b>	<b>09/03/2023</b>
<b>Diary Number</b>	<b>190237/CR/2022</b>	<b>Due Date</b>	<b>12/05/2023</b>
<b>Commission</b>	<b>JUSTICE SHRI ARUN MISHRA DR. DNYANESHWAR MANOHAR MULAY SHRI RAJIV JAIN</b>	<b>Completion Date</b>	<b>Not Completed</b>

**Action**                      **Action Taken Report Called for(ATR)**

**Authority**                      **THE CHIEF SECRETARY**  
**Address**                      **OFFICE OF THE CHIEF SECRETARY, GOVERNMENT OF BIHAR, MAIN  
SECRETARIAT, PATNA, PATNA, BIHAR**

**Complainant**                **SUO-MOTU (HINDUSTAN TIMES)**  
**Address**                      **DELHI**  
**District and State**        **SARAN (CHAPRA) , BIHAR**

**Victim**                         **17 PEOPLE**  
**Address**                      **SARAN**  
**District and State**        **SARAN (CHAPRA) , BIHAR**

**PROCEEDING**

The Commission came across a distressing news report published in the English daily "Hindustan Times" dated 15.12.2022 under caption "17 die in Bihar hooch tragedy". According to the news report, at least 17 people had expired after allegedly consuming spurious liquor in Saran District of Bihar and the numbers are likely to be raised as some of the victims were in a critical condition. The deaths have been reported across three villages under Mashrakh, Ishuapur and Amnaur police stations of Marhaura Sub Division in Chhapra area. The police and the State Excise Department are probing the incident. They have also arrested the police detain three persons and more than 30 suspected accused. Considering the gravity of the matter, the Commission took suo motu cognizance of the matter and vide its proceedings dated 15.12.2022 directed issuance of Notices to the Chief Secretary and the DGP, Bihar for submitting a detailed report in the matter including the status of the FIR registered by the police, medical treatment of the victims, who are hospitalized and compensation if any, provided to the aggrieved families along with the action taken against the delinquent officers, responsible for the tragedy.

The Commission considered the matter again on 17.12.2022. Further reports were published in various newspapers that five more persons died after allegedly consuming spurious liquor in the adjoining Siwan District of the State on 16.12.2022. As per media

reports, 65 persons have died so far after consuming the spurious liquor. Under the Constitutional scheme, the State is responsible for securing human lives by ensuring effective implementation of public health and safety of the individuals absent in the instant tragic incidents. Therefore, the Commission directed that a team headed by a Member visit the affected districts of the State of Bihar to conduct a spot enquiry and submit its report to the Commission.

In response to the above direction dated 15.12.2022 of the Commission to the Chief Secretary and DGP, the Commission has received a report dated 14.1.2023 from the SP Saran which maintains that total 42 persons died in the said liquor tragedy. Further, five cases were registered in relation to this tragedy including Amnour PS FIR 377/22, Isuapur PS FIR 280/22, Marhaura PS FIR 807/22, Mashrak PS FIR 583/22, Derni PS FIR 240/22. All these cases had been handed over to different IOs of Prohibition Cell, Bihar, as per orders of ADG (Prohibition). The report of the SP Saran does not include particulars of three other cases which had been registered in respect to the liquor tragedy, namely, Mashrak PS FIR 584/22, Mashrak PS FIR 585/22, Bhagwanpur Hat PS, District Siwan, FIR 341/22. Moreover, it does not mention about medical treatment of the victims and compensation, if any. Further, there is no reply to the notice from the Chief Secretary and DGP, Bihar.

In response to the above direction dated 12.12.2022 of the Commission, a team of Investigation, Legal and Research Divisions led by Hon'ble Member Shri Rajiv Jain was constituted which carried out an on the spot fact-finding enquiry in the matter in the districts of Saran and Siwar of Bihar from 20th to 22nd December 2022 and submitted its report to the Commission. During the spot enquiry, the NHRC teams visited the homes of 68 bereaved families and 07 victims who lost their eye sights and recorded their statements. The teams also visited the hospitals where treatment had been given to the victims and took stock of the arrangements and protocols followed there. The concerned Police Stations were also visited and copies of the 07 FIRs registered concerning the present spurious liquor tragedy in District Saran and Siwan were obtained. Of the 77 deceased, 57 belonged to Scheduled Caste or OBCs. Most of the victims hailed from poor economic backgrounds. The epicenter of the liquor tragedy was the area in the jurisdiction of P.S. Mashrak, where 45 persons had died, while the official death toll in this area was reported to be only 27. During enquiry, the team also noted that the District Administration had not provided monetary relief to the victims or the next of kin of the deceased. The team also observed that the District Administration and the Police headed by Collectors/Superintendents of Police of districts Saran and Siwan, were complicit in

minimizing the gravity of the tragedy and failed to provide succour to the victims or their families. The tragedy also shows that the Police and Excise Department had apparently failed to fully enforce complete prohibition and administration of the Act (Sec. 8 of the Act).

The team also observed that despite the passage of six years since enactment of “The Bihar Prohibition and Excise Act, 2016”, the State Government's Health Department has failed to develop Standard Operating Protocol to treat patients who fall sick after consumption of spurious liquor. Consequently, there is no mechanism to treat such patients affected due to spurious liquor by establishing a separate health center/rehabilitation center engaging expert health care workers for attending to such patients. The High Court of Patna had observed this in its order dated 12.10.2022. Moreover, adequate medical facilities to handle such tragedies were not available in government hospitals or were not made available to affected families. Most people also complained of non-availability of ambulances, which compelled them to hire expensive private vehicles to ferry the victims.

The fact finding enquiry team after considering all the aspects of the case, inter alia, made the following observations:-

1. The official death toll, as per CMO Saran, was 42. However, the enquiry committee concluded that at least 77 persons, mostly poor, lost their lives due to consumption of spurious liquor in Districts Saran and Siwan of Bihar during December 13 - 16, 2022. In addition, seven persons, belonging to similar background, lost their eye-sight in this episode. Nearly 80% of the deceased were in the productive working age of 21-60 years and 75% belonged to Scheduled Caste and OBC. The spurious liquor, which caused this large scale human tragedy, seems to have originated from a common source as all the victims were found to be living in a relatively compact geographical area around the jurisdiction of PS Mashrak and also because most of the deaths had taken place within a period of about 24 hours.

2. Suppression / minimization: Some conclusions related to District administration of Saran, in particular, and the State Government, in general, are inescapable. Firstly, it was found that the number of persons dying due to consumption of liquor was being suppressed and the extent of tragedy minimized. This minimization happens by not registering or recognizing such deaths as caused by spurious liquor, by not conducting post mortems or accepting requests for not doing post mortem, or ascribing the deaths to

extraneous factors. The enquiry committee came across manifest evidence that the affected families tried to avoid informing the Police even when family members died due to consumption of spurious liquor. This was largely due to perceived fear of legal consequences of reporting the matter to the authorities. What is even more disturbing is that the State authorities themselves made no efforts to properly record and report active incidents of death due to consumption of liquor. Since there is minimization, the gravity and extent of liquor tragedies do not come to light, thereby precluding the State from taking remedial measures.

3. Absence of relief/compensation: Lack of response in terms of provision of immediate relief and mitigation to victims or their families, besides non-payment of compensation to NOK of deceased was also noticed. The declared policy of the State Government that no compensation shall be paid to the families of the deceased seems to be unfair on two counts. Firstly, it amounts to punishing the innocents as the wives and children of these men who have lost their lives were in no way responsible for violation of the Excise laws. Secondly, it is the bounden duty of the State to offer relief / compensation to distressed persons, particularly family members of those who died due to the failure of the State to enforce its prohibition policy in an effective manner. Further, the Spot Enquiry revealed that an express provision contained in Section 42 of the Bihar Prohibition and Excise Act, 2016 dealing with payment of compensation to victims of spurious liquor was not being implemented on the ground.

4. Inadequate Health preparedness: An analysis of the information available in the public domain indicates that deaths due to consumption of spurious liquor have become part of the law and order landscape of the State of Bihar ever since prohibition was enforced in the year 2016. However, despite passage of more than six years, there is still an absence of treatment protocol and lack of preparedness on the part of health administration to deal with incidents in which large number of persons dies due to consumption of liquor.

The Commission has gone through the spot fact-finding enquiry report of the Enquiry Committee. It is of the view that a copy of the report be sent to the Chief Secretary, Govt. of Bihar for an action taken report on the report within six weeks.

The Commission also notes that the following cases relating to deaths due to consumption of spurious liquor in the State of Bihar have been registered.

2. No. 2272/4/2/2022
3. No.144/4/24/2022
4. No. 4512/4/0/2021
5. No.2216/4/5/2022
6. No.1309/6/30/2022
7. No.1855/6/37/2022
8. No.1541/4/4/2021

Registry is directed to club all these cases with the instant case and place them before the Commission during the next case hearing for an analogous direction.

List after six weeks.

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