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Case Comment: Association of Dead People vs State of Uttar Pradesh & Ors - Justice For the 'Dead' People

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INTRODUCTION

A 22-year-old farmer from the Uttar Pradesh area of Azamgarh learned of his passing in 1977. His 18-year battle to establish his identity with the bureaucracy started at that point. All of this occurred as a result of his uncle's attempt to steal his property by buying a government official to declare him dead. The strange case of Lal Bihari is this. Similar situations frequently occur in rural India, where living persons are declared dead by their families to steal their assets. Lal Bihari decided to dedicate himself to assisting those in similar circumstances during his legal battle. He established the Mritak Sangh, often known as the Association of Dead People, for this reason.

FACTS OF THE CASE

Bihari, who was raised in the village of Khalilabad, lost his father when he was a little child. His mother drove him to Amilo, a nearby town where she was born, which was about 20 kilometers distant. He got married while he was young and was employed as a manual labourer in one of

the numerous tiny enterprises in the village that create some of the best Banarasis. He went back to Khalilabad in his early 20s to gather the property documents for the portion of his father's ancestral land he owned as identification documentation for a bank loan application. He discovered that his paternal relatives had registered him as dead and were now the owners of his land via the government clerk who kept records. The case started as a result of a TIME magazine report[1]. Lal Bihari, the petitioner, in this case, had returned to his hometown in Uttar Pradesh to apply for a loan using the family home as collateral. When he approached the revenue officials, he learned that in their records and books, he was listed as having passed away. Later, it was discovered that his cousins had paid off the authorities to declare him dead for them to inherit a 1/5th piece of the land, which they could only claim if Lal Bihari had passed away. He altered his name to include the word "marital," which means "dead," and to show that he was still alive, he was arrested, tried to run for parliament, threw flyers advertising his protests at State Assembly lawmakers, offended judges, kidnapped the nephew who had stolen his property, undermined murder, and asked for widow's benefits for his better half. Each time, he received a beating from the cops or a reprimand for wasting their time. When he was unable to recover his identity, he started to associate with the deceased. People have been proclaimed dead in numerous instances even though they were still alive. To aid those who were proclaimed legally dead despite being alive, he created the Mritak Sangh, often known as the Association of Dead People. Over 500 people have been recognised as living people, according to the government's RTI responses to petitions filed by Bihari; the other one, from 2008, stated that 335 deceased people have been deemed "alive."

IMPORTANT STATUTES STATED IN THE CASE

- The Indian Penal Code
- The Protection of Human Rights Act, 1993
- Section 14[2] in The Protection of Human Rights Act, 1993

[1] Michael Fathers, 'Plight of the Living Dead' (*Time,* 19 July 1999) <http://content.time.com/time/world/article/0,8599,2054133,00.html> accessed 15 August 2022

[2] Protection of Human Rights Act 1993, s 14

- Section 36[3] in The Protection of Human Rights Act, 1993
- Article 21[4] in The Constitution Of India 1949

JUDGEMENT

Lal Bihari finally regained his identity after fighting for more than 19 years. His perseverance and struggle were rewarded when the Tehsildar ordered an investigation in 1994. His resurrection served as an inspiration to many who came after him. Even today, the headquarters of "Mritak Sangh" are housed in Mr. Bihari's home. As of today, the Sangh has approximately 20000 members. Ravi S Dhawan of the Allahabad High Court delivered the following decision: The following are some of the decision's key points:

The District Magistrate of Azamgarh's first-hand reports of official information only serves to confirm that the administration of public justice, including the judicial system, is inconveniently ineffectual for the common man without means or influence. The Indian Penal Code, of 1860, attempted to address a law-abiding society as a whole when it addressed situations involving false evidence and offences against public justice. The government must also provide for the public's justice. The courts follow. The official keepers of the land records, however, are not official in the way they carry out their duties, as evidenced by the facts stated in the current proceedings.

Given that it was brought to the Court's attention by bar counsel, one component needs to be addressed. While these processes were ongoing, the media reported on the affected Azamgarh residents—primarily farmers who had been listed as "dead" but were still alive—who had marched in front of the State legislature in Lucknow. By tying on bamboo-made "this" intended to transport the deceased for last rites, or the funeral, they created a procession. These living "dead" would stand up from their bamboo "tight" during protests and cry phrases like "We are not "dead," but are alive." The two knowledgeable amicus curiae who were aiding the court argued that all of this was in vain and the live dead's circumstances still exist. There are no

[3] Protection of Human Rights Act 1993, s 36
[4] Constitution of India 1949, art. 21

opponents in the proceedings before this Court. There aren't any enemies. The living dead problem must first be addressed, all counsel have joined in and agreed. The Court has also been informed that the practice is not unique to Azamgarh and that it is an awful reality for people to be listed as "dead" on land revenue records and have their lands illegally taken over by those who can make the arrangements with the cooperation of officials.

CASE ANALYSIS

The victims of these cases were betrayed by their relatives whom they were supposed to trust. The victims of this situation are often widows, sick people and old people as these people in rural areas have no help or are vulnerable. The legitimacy of the official documents produced by government officials is called into question by the Lal Bihari case. The Allahabad High Court stated that the crimes committed against the impoverished and defenceless agriculturalists were not a result of a single incident but rather a coordinated criminal enterprise. Here, powerful land mafias declare tiny farmers dead before seizing their land. As many farmers have suffered and are on the verge of poverty, the court ruled that it would not be fair if the issue was not resolved promptly. This would worsen their living conditions. These incidents have essentially turned into human rights violation occurrences. Article 21[5] states that nobody has the authority to take another person's life before they pass away.

CONCLUSION

This case highlights the importance of public identity and corruption. It forces us to consider the plight of some people who are declared dead yet nonetheless retain all of a person's rights. The identity of a real, breathing individual can be erased for a few dollars. This case raised awareness of the problem of the "official death" of live persons in the nation both nationally and internationally. The full exercise of all people's rights remains a challenge notwithstanding the progress made since 1994 due to corruption. Many senior citizens, widows, and other vulnerable

[5] Constitution of India 1950, art. 21

groups of individuals have been the victims of such crimes and many victims have received assistance thanks to the organisation Lal Bihari established.