

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

File No **BHRC/COMP.** 1708/2010

Case of **Late KRISHNA RAM** (through **Malti Devi**)

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This file relates to accidental death of applicant's husband Krishna Ram on 6.9.2011. He died of electrocution at village Ghosi in Jehanabad district. A criminal case being Ghosi P.S. Case No.108/09 was registered with respect to the incident. The doctor who held post-mortem came to the conclusion that the cause of death was "respiratory failure due to anti-mortem injuries produced by high-voltage electricity". The doctor had found three lacerated wounds with charring of the back, middle of left arm and middle of right arm of the body. Despite clear evidence suggesting that the death was due to electrocution the Bihar State Electricity Board did not pay any compensation. It is the case of the applicant that she moved different authorities but to no avail. Finally, she filed the complaint in the Commission in June 2010. From the file which was produced by the Board's counsel it is clear that the Board started examining the claim on receipt of notice from the Commission.

When the hearing was taken up today (3.11.2011) Shri Ajay Kr. Gautam Advocate appearing for the Electricity Board informed the Commission that a sum of rupees one lakh has been sanctioned as compensation to the applicant and she has been duly informed about the same vide letter dated 24.10.2011. Shri Gautam pointed that the compensation has been paid in terms of the Board's circular/guidelines contained in memo no.1452 dated 1.9.2008. He submitted that compensation having been sanctioned, the matter may be treated as closed. In the facts of the case the Commission does not feel inclined to close the file.

Although compensation has been professedly allowed in the light of the guidelines dated 1.9.2008, it is clear that the same has been done only on the intervention of the Commission. In all fairness, the Board should have paid the compensation on its own in view of the irrefutable evidence suggesting that the deceased died on account of electrocution when he came in contact with a live high voltage wire. But, as mentioned above, the applicant had to run from pillar to post, and perhaps had she not moved this Commission, the money would not have been paid to her at all.

Another aspect of the matter is that the amounts of compensation were fixed as per guidelines dated 1.9.2008 more than three years ago. Much

water has flown in the river since then. The intervening period has witnessed a steep rise in the cost of living. The amounts fixed three years ago cannot be said to be fair and reasonable with the passage of intervening time – in view of the decline in the value of money.

For the reasons briefly mentioned above and in the facts and circumstances, the Commission is of the view that the applicant should be paid compensation of rupees two lakh. As sum of rupees one lakh has already been sanctioned, the additional amount of rupees one lakh only need be paid to her. The Commission directs that the payment be made within six weeks.

The matter may be taken up in the third week of December 2011 awaiting the compliance report.

Copy of this order which was dictated in presence of the parties may be sent to the Chairman, Bihar State Electricity Board, besides the applicant.

Justice S.N. Jha  
Chairperson