

BIHAR HUMAN RIGHTS COMMISSION
9, Bailey Road, Patna –15

File No **BHRC/COMP.** 1998/10

Case of **SAVITRI DEVI**

This proceeding has been initiated on the application of Savitri Devi wife of late Rampravesh Sharma, resident of village Muhammadpur within Kabo P.S. of Jehanabad District. The applicant had earlier filed writ petition being CWJC No. 14465 of 2006 in the Patna High Court, for a direction on the Chairman, Bihar State Electricity Board to pay her compensation of Rs.5 lakh, with interest, on account of the death due to electrocution of her husband, and for other reliefs to which she may be entitled. The High Court by order dated 31.3.2010 disposed of the writ petition with liberty to the applicant to move the State Human Rights Commission or the Civil Court, as she may be advised, for redressal of her grievances. In the light of the said order, the applicant has approached this Commission.

Brief facts of the case are that on 4.7.2006 the husband of the applicant (hereinafter referred to as the deceased) was grazing cattle in the field when he came in contact with live electric wire of 11KV as a result of which he sustained burn injuries and died. Fardbeyan was lodged at the police station on the same day at about 6 P.M. As per the inquest report which was prepared on the spot, the cause of death was "burns due to electrocution". In the post mortem report also that cause of death was mentioned as "C/R (cardio-respiratory) failure due to paralysis of respiratory centres produced high voltage electric burns". The applicant filed representations before various authorities including the officials of the Electricity Board for grant of compensation but without any response. In course of hearing it transpired that the applicant was paid flat ex-gratia amount of rupees ten thousand by the Block authorities under the relevant government scheme). According to the applicant, her husband's annual income was rupees eighty thousand. After making deductions – as allowed in case of determination of compensation for accidental death under the Motor Vehicles Act (MV Act) – the applicant claimed that her loss came to Rs.26,500 per year. Calculated as per the formula laid in the MV Act, compensation was claimed at Rs.4,50,500. Adding sum of Rs. 50,000 as interim compensation, the applicant claimed compensation of Rs. five lakh.

The case of the Bihar State Electricity Board (in short the Board) is that there was no supply of electricity at the place of alleged occurrence, namely, village Muhammadpur. It is said that Muhammadpur is supplied electricity through the 11KVA Ulhasganj feeder fed by 33KV line from Ghosi Power Sub Station. From the log sheet of Ghosi Power Sub Station dated 4.7.2006, however,

it appears that Ulhasganj feeder failed to hold 33KV line from Ghosi Power Sub Station when the same was charged at 15:02 hrs on 4.7.2006. The line was thereafter charged at 16:00 hrs. and it again broke down at 17:00 hrs. and it remained as such till 22:00 hrs. There being no supply of electricity to village Muhammadpur, the question of the applicant's husband coming in contact with 'live' wire and his sustaining burn injuries and ultimately dying due to electrocution does not arise. It is also said that there was no complaint about hanging electric wire between the poles.

The matter was heard on 18.8.2011 in presence of Shri Santosh Kumar appearing for the applicant (his mother-in-law) and Shri Amarji Mishra, Assistant Electrical Engineer and Shri Prakash Kumar, Advocate appearing for the Board. On 23.8.2011 the Note of the Argument was filed on behalf of the Board.

It is relevant to mention here that the fardbeyan was lodged at the police station at 18:00 hrs. The time of occurrence therein was mentioned as "one-two hours before" which prima facie suggests that the occurrence took place at about 4 PM. As per the Board's version, when the Ulhasganj feeder was connected with the 33 KV line it tripped but significantly, on the own saying of the Board – vide para 6 of the Notes of Arguments of the Board – the line was "charged at 16:00 hrs. and it again broke down at 17:00 hrs" which suggests that there was supply of electricity in the Ulhasganj feeder between 16:00 hrs. and 17:00 hrs. on 4.7.2006. This is in tandem with the FIR version of the occurrence. The Commission therefore does not see any conflict between the applicant's case and the Board's case on the point.

In any view of the matter, the inquest report and the post mortem report categorically mention that the deceased died due to "high voltage electric burns". In fact, burns were found on various parts of the body of different dimensions. It may be appropriate to extract the relevant part from the findings for the post-mortem report as under:-

- (i) Burn over the Nose measuring 1/4"x1/8"x skin deep ~ Blackening around.
- (ii) Burn over the shoulder area of Rt. upper limb 1/2"x1 1/2"x skin deep ~ Blackening
- (iii) Burn over the ® mid arm linear 3"x1 1/2"x skin deep ~ Blackening
- (iv) Burn around the Rt. elbow circular 5"x1"x skin to muscle deep ~ Blackening
- (v) Burn over Dorsum of Rt. Hand 2 1/2"x1 1/2"x skin deep ~ redness around.
- (vi) Burn area 5"x4" on the abdomen around (illegible)
- (vii) Burn on the Rt. knee 3"x2 1/2"x skin deep ~ Blackening.
- (viii) Burn ~ Blackening of left knee 2"x1 1/2"x skin deep

It is indisputable that a qualified doctor can identify and figure out the nature of the burns and the possible cause. The Medical Board was thus

competent to conclude that the burns were caused on account of electric contact. The medical opinion leaves no room for doubt that the deceased died on coming in contact with live electric wire. The report of the SDPO Jehanabad forwarded by SP Jehanabad pursuant to notice by this Commission also is to the same effect. The report categorically states that that the matter was enquired into and statements of witnesses were taken and they stated that the deceased had gone out for grazing cattle in course of which he came in contact with 11 KV hanging electric wire as a result of which he got burn injuries and died.

In the circumstances, the Commission is satisfied that the applicant's husband died as a result of burn injuries which he sustained after he came in contact with the loose hanging live electric wire between the poles, that is to say, on account of negligence of the Board and its officials. His unfortunate death has deprived the applicant and her three minor children of the source of livelihood and therefore the applicant is entitled to compensation and the Board is liable to pay the sum.

As a matter of fact, it is the policy of the Board to pay compensation of Rs. one lakh in case of death due to electrocution. In the instant case, however, instead of paying the amount the Board contested the applicant's claim on the basis of their record, particularly, the log sheet, referred to above. But as seen above, there is not much of conflict between the log sheet and the applicant's version, so far as time of occurrence is concerned. Even if there was any conflict or inconsistency, the fardbeyan version that the occurrence took place "one-two hours before" cannot be literally taken and some margin has to be given about the estimated time considering that the fardbeyan was lodged by an uneducated villager. In any view of the matter, the medical report coupled with the inquest report and the statements of the witnesses in course of enquiry/investigation by the police, clinches the issue in view of the applicant.

As mentioned above, as per its own policy the Board should have paid compensation of Rs. one lakh to the applicant. In view of the contest and the long lapse of time resulting from such contest the Commission is of the view that the applicant should be paid compensation of Rs. two lakh.

The Commission, accordingly, directs the Bihar State Electricity Board through its Chairman to pay sum of Rs. two lakh to the applicant and submit compliance report within six weeks.

Copy of this order may be sent to Chairman, Bihar State Electricity Board for compliance and to the applicant for information.

Justice S.N. Jha
Chairperson