

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

File No **BHRC/COMP.** 2151/10

Case of **Raja Yadav, Sukesh Kumar Singh & Toofani Yadav**

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This proceeding is about accidental death of Raja Yadav son of Birendra Yadav and Sukesh Kumar Singh son of Shiva Shankar Singh and injuries to Toofani Yadav son of Rama Yadav – all residents of village Bhuili within Ekma P.S. of Saran district. The proceeding was initiated on the application of R.H. Bansal, Chief Editor of Human Rights Observer – a Hindi fortnightly, by the NHRC, later transferred to this Commission for disposal.

The deceased and the injured were students of Upgraded Middle School, Bhuili in District Saran on 11.05.2010. While the tube well of the school was being repaired, it came in contact with the live overhead electric wire and the victims got electrocuted.

Reports received from District Magistrate and S.P. of Saran reveal that the incident was due to the negligence of the persons engaged in the repair work particularly Tarkeshwar Baitha, a Teacher of the school, for which Ekma P.S. Case No.61/10 under section 304 IPC was lodged by Toofani Yadav. The case was found to be true and charge sheet was submitted against him under section 304 IPC.

In its order dated 03.08.2011 the Commission observed that the initiation of proceeding and the possible conviction of the accused in the case may not be sufficient solace to the victims' family. In any view, having died a premature death, or got injured, respectively, at the hands of persons who were part of the management of a government school and employed for the repair work, the victims' family deserve to be monetarily compensated apart from the ex gratia which might have been paid. Notice was issued to the Secretary, Home (Special) Department as to why compensation be not awarded to the concerned families. By letter no.1689 dated 17.02.2012, the Department informed the Commission that whatever decision is taken by it will be acted upon by the state government.

The facts being not in dispute and there being no contest on the point of compensation, the only thing which remains to be considered is the quantum. Having given its anxious consideration to the matter, the Commission is of the view that compensation of rupees two lakh each to the next-of-kin of deceased, namely, Raja Yadav and Sukesh Kumar Singh, and rupees fifty thousand to injured Toofani Yadav would meet the ends of justice.

The Commission would accordingly direct Secretary, Home (Special) Department to pay compensation as above and submit compliance report within six weeks.

Date: 16.04.2012

Justice S.N. Jha  
Chairperson