

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

File No **BHRC/COMP.** 2656/10

Case of **KAILI DEVI**

Complaint in this matter is about the electrocution death of one Kaili Devi wife of Jagdeo Mandal – resident of village Sukhsena within Barhara P.S. of Purnea district, on 22.5.2010. It is stated that 11,000 volt electricity was being supplied by bamboo poles. In the night of 22.5.2010, high tension wire broke and fell on the ground. Kaili Devi came in contact with the live wire and died instantaneously. Complaint was made to the National Human Rights Commission (NHRC), and transferred to this Commission for disposal.

The stand of the Bihar State Power (Holding) Company Ltd. – successor-in-interest of the Bihar State Electricity Board, is that the incident was not reported at the local police station. It is also claimed that technically it is not possible to maintain supply of 11,000V electricity by bamboo poles.

Report was called from S.P. Purnea. He supported the Board's stand to the extent that the occurrence was not reported at the police station but categorically stated that the deceased died due to electrocution. As per the report further, it was decision to the villagers to cremate the dead body at the community level and no report therefore was made either at the police station or in the Electricity department.

In view of the S.P.'s report notice was issued to the Bihar State Power (Holding) Company and the deceased's family to appear for hearing. Sri Ajay Kumar Gautam Advocate appeared on behalf of the Holding Company. He reiterated the company's stand that supply of electricity by bamboo poles was not feasible.

The Commission does not want to go by suppositions. It is worth pointing out that as per the original complaint HT wire of 11,000V electric current was hanging from the bamboo poles on the east of (Bahiar) village Sukhsena for months. The villagers had been demanding that cement poles be erected in place of bamboo poles but the officials of the Electricity Board did not pay any heed and eventually the electric wire broke and fell loose on the ground resulting in electrocution death of the deceased. This part of the complaint finds corroboration from the report of S.P. Purnea to the effect that "at present" the electricity department has erected cement poles "in place of bamboo poles" which clearly suggests that earlier electricity was being supplied by bamboo poles.

In any view of the matter, the Commission cannot ignore two reports of S.P. Purnea dated 12.3.2011 and 13.1.2013. The reports are based on local enquiry in which the villagers supported the complaint version. It may not be out of place to mention that the response submitted by the deceased's son Sarju Mandal is signed by as many as 47 persons of the village.

The fact that the incident was not then reported at the police station and no FIR was registered is of little consequence. As a matter of fact, the Commission is of the view that although belated, the occurrence disclosing commission of cognizable offence having come to the notice of the SHO of the local police station and other police officers including S.P. Purnea, FIR should have been registered without further delay. In fact, this is one of the prayers of the applicants, to wit, for direction to register FIR and punish the guilty.

The Commission has been awarding compensation of Rs. two lakh in cases of electrocution death, and being satisfied that Kaili Devi died due to electrocution – in the circumstances attributable to the officials of the then Bihar State Electricity Board, the Bihar State Power (Holding) Company should pay compensation of the same amount to the family of the deceased.

The Commission accordingly directs Chairman, Bihar State Power (Holding) Company to pay compensation of Rs. 2 lakh to the next-of-kin of deceased Kaili Devi. This should be done within six weeks.

The Commission further directs S.P. Purnea to get FIR registered with respect to the occurrence at the local police station and investigated to its logical end.

Put up on 29.4.2013 awaiting compliance.

Copy of this order may be sent to (i) Chairman, Bihar State Power (Holding) Company Ltd, Vidyut Bhawan, Patna (ii) S.P. Purnea and (iii) Sarju Mandal son of deceased Kaili Devi of village Sukhsena, P.S. Barhara, district, Purnea for compliance/information, as the case may be.

Date: 11.03.2013

Justice S.N. Jha
Chairperson