

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

File No **BHRC/COMP.** 684/12

Case of **SUDHA KUMAR** (deceased)

The complaint is about electrocution death of the applicant's husband Sudha Kumar – a resident of village Mai P.S. Hilsa, district Nalanda on 2.9.2011.

The case of the applicant is that in the morning of 2.9.2011 at about 8/9 A.M. her husband was going to the 'khandha' of the village for doing 'nikauni' (removing grasses) of paddy plants when he came in contact with the live wire and died on the spot.

Bihar State Electricity Board (now Bihar State Power (Holding) Company Ltd.) has denied the applicant's case. As per the Board, Sudha Kumar climbed tree for cutting wood. The branch of the tree broke and he fell over the low tension electric wire running beneath and got electrocuted.

The Board thus does not deny the fact that deceased Sudha Kumar died due to electrocution. As a matter of fact, the post mortem report clearly mentions about electric burn injuries on both buttocks, loin, back upper part from left part to right scapula, and therefore the applicant's case of electrocution death is not in dispute. The only point of dispute is whether the deceased came in contact with the live wire passing through the field of Om Prakash Mahto when he was going for agricultural operations – as claimed by the applicant or he fell down from the tree and came in contact with the live electric wire – as asserted by the Board.

The Board's version about the applicant's husband climbing tree and falling over the electric wire while cutting wood appears to be cock-and-bull story. No body climbs a standing tree for cutting wood. In any case, the report does not refer to any eye witness or source of information about the incident. The case of the applicant is that electricity was stealthily being consumed by certain villagers through wire running with the aid of bamboos. Sudha Kumar came in contact with the live running loose wire and was electrocuted. A similar incident of electrocution death had happened in the past but the Board did not take any corrective measure. The Board has not adverted to the applicant's case and, instead, come up with a story from the realm of imagination, not supported by any evidence. The applicant having admittedly died due to electrocution, and the Board's version not being believable, the Commission is of the view that the applicant should get monetary compensation.

In cases of electrocution death, the Board has taken policy decision to give compensation of Rs. two lakh. The Commission would accordingly direct

Secretary, Bihar State Power (Holding) Company Ltd – successor-in-interest of the Bihar State Electricity Board – to pay sum of Rs. two lakh as compensation to the applicant within a period of six weeks.

Put up in the last week of May 2013 awaiting compliance report.

Copy of this order may be sent to Secretary, Bihar State Power (Holding) Company Ltd, Vidyut Bhawan, Patna and the applicant for compliance/information.

Date: 05.04.2013

Justice S.N. Jha
Chairperson