

## BIHAR HUMAN RIGHTS COMMISSION

9, Bailey Road, Patna – 15

File No BHRC/COMP. 857/12 & 4079/12

### Case of Anusi Devi & Poonam Gupta

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16.10.2014

Petitioner represented by her advocate (the name of the petitioner be corrected from Smt. Alusi Devi to Smt. Anusi Devi – as required by petitioner). The respondent Mr. Ravinandan Sahay, GM (HRA), NBPDC, Patna is also present. The case relates to the districts of Darbhanga (Anusi Devi) and East Champaran (Poonam Gupta).

This Commission had ordered compensation of rupees two lakh. It appears that the Department was paying rupees one lakh compensation to the persons who got electrocuted accidentally which was raised to rupees two lakh by order dated 2.7.2012. An accident occurred before 2.7.2012 but the payment was made after 2.7.2012 and this Commission took the view that since the payment had been made after enhancement the victim was entitled to enhanced amount. I am informed that the same view was taken by the High Court in another matter and the Department has now gone in appeal against the order of the High Court before the Division Bench. The matter is pending there.

Although there is no order from the High Court staying either the order of the Commission or the order of the learned single judge, yet the Commission would like to wait for the final decision by the Division Bench of the High Court.

This case has another aspect that admittedly death of the person is caused because of electrocution which prima facie shows the negligence of the Department. Let the Executive Engineer be given notice u/s 16 of the Protection of the Human Rights Act to show-cause why this Commission would not recommend prosecution of the Executive Engineer for causing death of a person due to negligence. The Department will ensure that copy of this notice is received by the Executive Engineer who was incharge of the area at the time of occurrence immediately.

Put up on 28.11.2014.

***(Justice Bilal Nazki)***  
***Chairperson***