

## **BIHAR HUMAN RIGHTS COMMISSION**

*9, Bailey Road, Patna*

**File Nos. BHRC/Comp. 2091/11**

**(Suo Motu Cognizance)**

**Case of death of 3-year old child due to fall in manhole:  
(Compensation awarded)**

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14.03.2016

DDC, Patna, Sri Amrendra Kumar present.

This is not disputed that a three year old child fell in manhole in Patna and died. A story appeared in newspaper on 15.8.2011 under caption "Thekedar ki laparwahi ne li masoom ki jaan" & "A 3-year old falls in manhole, dies".

The Commission initiated proceedings in the matter and from 2011 till date the Commission has not been able to dispose of the matter because of non-cooperation of respondents. When finally the respondents came the Municipal Corporation took the stand that the safety and maintenance of the manhole was the responsibility of National Rural Employment Programme (NREP) and not the municipality because NREP had not handed over manhole to Municipal Corporation. The NREP contested it and said after construction of manhole it had been handed over to the Corporation. The case was adjourned to enable the Municipal Corporation and officials of NREP to decide about the issue of responsibility.

The DDC, Patna submits that consensus between two departments was not reached. Five years have already passed and the victim cannot wait till two departments sort out their differences. The mother of the child had appeared before the Commission on last date. She belongs to a poor family and her husband is a hawker. She has three more children who have to be looked after.

In this view of the matter, the Commission directs the DDC, Patna to pay an amount of Rs.75,000 as compensation to the victim's parents within a month. They can however decide with Municipal Corporation about the responsibility and if ultimately Municipal Corporation is liable, the DDC can recover money from Corporation.

Compliance report be filed by 2.05.2016.

Put up on 9.05.2016.

Copy of the order be given to (i) victim's parents (ii) DM, Patna and (iii) Commissioner, Patna Municipal Corporation, Patna.

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