

BIHAR HUMAN RIGHTS COMMISSION

9, Bailey Road, Patna

File No. BHRC/Comp.3717/13

Subject: Death of Rakesh Kumar (a vegetable vendor) due to electrocution as a result of fall of H.T wires on 20.03.2011 near Danapur Rly premises.

Case of: Smt. Kavita Kumari Prasad for payment of compensation.

This is regarding complaint of Smt. Kavita Kumari Prasad, W/o Late Rakesh Kumar, PS. Athamgola, distt. Patna pertaining to **death of her husband due to electrocution as a result of fall of H.T wires on 20.09.2011 near Danapur Rly. premises.**

2. Smt. Kavita Kumari Prasad had filed a writ petition bearing no. 7546 of 2013 in the Hon'ble High Court, Patna. In view of the order of the Hon'ble High Court, Patna dt. 08th July, 2013, the petitioner filed the instant complaint before BHRC. Order of the Hon'ble High Court, Patna is quoted below:-

Quote: "In the circumstances, this writ application is also disposed of with liberty to the petitioner to move the Human Rights Commission by adding the Railways, if necessary, as well the Bihar State Electricity Board as party and pray for appropriate relief in the matter in accordance with law". **Unquote**

3. DRM, Danapur, Senior Divisional Electrical Engineer, Danapur were made parties in the High Court. DPO, Danapur filed an affidavit before the Hon'ble High Court, Patna on behalf of Rail authorities. Para 4, 5, and 6 of which is quoted below:-

Quote

(4) That, the claim of the applicant is not admissible as the cause of action arose at Public Place and the electric wire from which the petitioner was electrocuted is maintained by the Bihar Government.

(5) That it is further submitted that the concerned conductor wire is an outgoing of 11 KV line of Bihar State Electricity Board and incoming feeder of

Railway. This feeder controls through circuit breaker of Bihar State Electricity Board installed in its sub-station.

(6) That, it is the responsibility of Bihar State Electricity Board that if any conductor is broken due to any reason the circuit breaker must trip. It, however, seems that some outside wire came in contact with live conductor by birds resulting in short circuiting and breaking of conductor. The circuit breaker of BSEB failed to trip. **Unquote**

4. Sh. Shivshanker Prasad, Electrical Executive Engineer, Electric Supply Division, Danapur assisted by his advocate, appeared before the Commission on 02.03.2016 and filed a written submission important points of which are :-

(a) The Electric wire which fell down is maintained by Railways.

(b) Railways have not yet upgraded the system and over drawing the power.

(c) It is the duty of railways to conduct periodical inspection of lines maintained by them and ensure safety measures.

(d) The circuit breaker of B.S.E.B tripped when the occurrence took place.

5. Commission directed railways to submit rejoinder to the above. Sh. Sanjeev Kumar, AEE/G/DNR (from railways) assisted by his legal officer appeared before the Commission **today** and submitted a detail rejoinder which is placed in the file at Pg(97-74)mentioning that:-

(a) Since there is no specific clause in the agreement about maintenance of the Electrical wire, both Railways and the B.S.E.B, have been occasionally looking after maintenance.

(b) The circuit breaker is fully under the operations, control and maintenance of B. S. E.B. The circuit breaker did not trip otherwise electric connection would have scraped immediately.

(c) Railways have not overdrawn the power and there is no case of over loading .

6. It is strange that the agreement between BSEB and the Railways do not categorically say anything about maintenance of the lines or liability to pay compensation for any eventuality. It is established, beyond doubt , that the power circuit breaker , under operation, control and maintenance of the B.S.E.B did not work otherwise the mishape could be averted and a precious life saved.

7. Commission, therefore, directs, MD, South Bihar Power Distribution Company Ltd.(SBPDCL) , Patna to pay a compensation of Rs. 2,00,000/- (Two Lakhs) to the petitioner within two months. It is also hoped that clauses pertaining to maintenance and payment of compensation and such other liabilities shall also find place in the agreement between SBPDCL and Railways.

8. A copy of the rejoinder submitted by Railways at Pg.(97-74) be made available to MD, SBPDCL, Patna.

9. **Commission will be expecting a report from MD, SBPDCL, Patna by 30th June,2016**

10. Copy of the order be sent to the (i) **MD, SBPDCL**, Patna (ii) Divisional Railway Manager, ECR, Danapur (iii) Sh. Shivshanker Prasad, Electrical Executive Engineer, Electric Supply Division, Danapur and (iv) Sh. Sanjeev Kumar, AEE/G/DNR, Danapur, DRM for necessary action.

11. The Case be listed on 05th July,2016.

Date: 25.04.2016

Sd/....

(Neelmani)

Member

Asstt. Registrar