

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4771 of 2014

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Bihar State Power Holding Co. (North), Vidyut Bhawan, Bailey Road, Patna,
through Shri Raj Kumar Sinha, Legal Supervisor, Authorized On Behalf Of The
Managing Director

.... Petitioner/s

Versus

1. National Human Rights Commission through its Assistant Registrar (Law)
Having Office At Faridkot House, Copernicus Marg, New Delhi - 110001
2. Manoj Kumar, General Secretary, Rastriya Janta Party, Bihar, Thana Road, Naka
No.1, Sitamarhi, Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mrs. Namrata Mishra

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 25-11-2016

Heard learned counsel for the parties.

The challenge in the present writ application is to the
order dated 01.11.2013 of the National Human Rights Commission
(hereinafter referred to as the 'Commission') in Case No.
4589/4/35/2012 directing the petitioner Company to pay additional
compensation of Rs. Two Lakhs to the next of kin of Yadunandan
Sahni who died due to electrocution.

The brief facts of the case are that one Yadunandan



Sahni, a labourer, died due to electrocution when he came in contact with a broken 11 KV wire on 29.11.2011. The petitioner, as per the policy, gave Rs. One Lakh to Jagtaran Devi, wife of the deceased through cheque dated 22.12.2013. However, before that, a complaint had been filed by one Manoj Kumar seeking compensation. Response was sought from the Energy Department, Government of Bihar as well as the Bihar State Power Holding Company Limited (hereinafter referred to as the 'Company') and pursuant to hearing the parties, the Commission has directed for payment of additional Rs. Two Lakhs to the next of kin of the victim.

Learned counsel for the petitioner submitted that the Commission has erroneously awarded additional compensation of Rs. Two Lakhs when compensation of Rs. One Lakh, which was the maximum limit as per the scheme/policy of the petitioner, was already paid to the wife of the victim. It was submitted that there was no enquiry by the Commission and, thus, such order to pay additional compensation is fit to be set aside. Learned counsel further submitted that the complaint being filed directly before the Commission, without approaching the Company or the Electrical Inspector, was fit to be rejected. Learned counsel submitted that there is no provision of payment of compensation in the Indian Electricity Act, 2003 but still the petitioner has formulated guidelines for compensation to



dependants on account of accidental death due to electrocution on a purely humanitarian consideration and the amount fixed under the same, being Rs. One Lakh, having been paid to the wife of the deceased, no further direction to pay any additional amount could be issued by the Commission. Learned counsel has also submitted that under Section 36 (2) of the Protection of Human Rights Act, 1993, the Commission cannot enquire into any matter after the expiry of one year from the date on which the act constituting violation of human rights is alleged to have been committed.

Having considered the submissions of learned counsel for the petitioner, the Court does not find any merit in the present writ petition. The technical objection with regard to enquiry not being done or application not filed before the petitioner, loses its meaning once *suo motu* the petitioner itself has paid Rs. One Lakh as compensation to the wife of the deceased. This was without any direction from any authority and, thus, it is obvious and can be safely presumed that the petitioner accepted that the death was accidental, due to electrocution. Once the same is established and accepted by the petitioner itself, no enquiry is required on this aspect. The only issue which remains is to whether the amount paid under the policy of the Company itself is full and final or there can be a direction for additional payment. In the considered opinion of the Court, the policy



of the petitioner is only with regard to fixing a particular amount on an uniform basis. This does not mean that the same is adequate and shall depend on the facts and circumstances of any given case. Thus, the Commission, being a body created for protection of human rights of the citizens, having interfered in the matter and that, too, by directing for payment of additional Rs. Two Lakhs, appears to be quite reasonable since the main bread-earner having died, in today's terms, such amount cannot be said to be exorbitant or disproportionate. The petitioner has also not been able to show as to why direction to pay additional relief to Rs. Two Lakhs is not justified, apart from taking technical grounds, which are not connected to the quantum of compensation.

As far as the objection of learned counsel for the petitioner with regard to the period of one year beyond which the Commission cannot enquire into the matter, is not sustainable, for the reason that the limitation is of one year from the date on which the act constituting violation of human rights is alleged to have been committed. In the present case, the matter of compensation not being paid is a continuing violation of the human rights of the next of kin of the victim. Thus, such limitation is not applicable in the present facts and circumstances of the case.

For the reasons aforesaid, the writ application stands

dismissed.

The Court is constrained to take judicial notice of the fact that despite the direction of the Commission in its communication dated 24.10.2013 requiring payment of additional relief of Rs. Two Lakhs to be made within four weeks, the writ application having been filed after almost four months and there being no statement as to whether payment has been made or whether extension has been prayed for and granted by the Commission. If the order has not been complied with even if more than three years, the petitioner has to own up responsibility since a direction by the Commission which has the authority in law has to be complied with unless recalled, modified or set aside by any higher and Competent Court or authority. Thus, if the order of the Commission as communicated in the impugned letter has not been complied with, the Court deems it fit that the same be paid within two weeks from today, failing which the same shall carry 18% compound interest.

(Ahsanuddin Amanullah, J)

Anjani/-

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