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In the Supreme Court of Pakistan.
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Iftikhar Muhammad Chaudhry, CJ
Mr. Justice Muhammad Nawaz Abbasi
Mr. Justice Saiyed Saeed Ashhad

HUMAN RIGHTS CASE NO.2435 OF 2006

(Electrocution of three Boys (HESCO))

On Court notice: Mr. Ali Muhammad Baloch, ASC
Mr. Sarwar Khan, Addl. A.G. Sindh
Mr. Maqbool Ahmad Khawaja, CE, HESCO
Mr. Muhammad Musa, SC, HESCO
Mr. Manzoor Sheikh, M.D. SIDA
Mr. Abdullah Sheikh, DPO, Mirpur Khas

Date of hearing: 1.11.2006

ORDER

IFTIKHAR MUHAMMAD CHAUDHRY, CJ.- Learned Additional Advocate General stated that report has been compiled by the Advocate General in which both the Departments i.e. HESCO and SIDA have been held responsible. M.D. SIDA is present and stated that he has already taken action against the responsible persons and has evolved a monitoring system throughout the Province of Sindh with a view to avoid such untoward incidents in future. Same is the statement of Chief Executive HESCO. It is also informed that against the culprits responsible for committing theft of electricity and violation of Rules and Regulations challans have been submitted in the courts of law where they are facing the trial.

2. In view of the report of the Advocate General and the above statements made on behalf of the two agencies namely, SIDA and HESCO no further action is called for except that they should improve the system of monitoring so as to avoid such untoward incidents in future. Learned trial

court seized with the matter shall dispose of the same without being prejudiced from present proceedings in any manner. Mr. Abdullah Sheikh, DPO Mirpur Khas has appeared and stated that disciplinary action has been taken against the police officials who had not registered the case earlier.

3. The petition stands disposed of in the above terms.

Islamabad

1st November, 2006

Saleem*

NOT APPROVED FOR REPORTING

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17/11/06

IN THE SUPREME COURT OF PAKISTAN
(ORIGINAL JURISDICTION)

PRESENT:

Mr. Justice Iftikhar Muhammad Chaudhry, CJ.
Mr. Justice Abdul Hameed Dogar
Mr. Justice Saiyed Saeed Ashhad

Human Right Case No.2435 of 2006

(Electrocution of three boys)

On Court Notice:

Mr. Ali Muhammad Baloch, ASC
Mr. Sarwar Khan, Addl. A.G. Sindh
Mr. Maqbool Ahmad Khwaja, CE, HESCO
Mr. Muhammad Musa, SC, HESCO
Mr. Manzoor Sheikh, M.D. SIDA

Date of hearing:

18.9.2006

ORDER

Learned Advocate General Sindh is not in attendance. A request has been made for adjournment. Date in office in the 1st week of November, 2006.

Islamabad, the
18th September, 2006
Nisar/*

3. Adjourned to a date in office in the month of September, 2006.

Islamabad, the
30th June, 2006
Nisar/*

11/7
11/7

APPROVED FOR REPORTING.

IN THE SUPREME COURT OF PAKISTAN

(Original Jurisdiction)

PRESENT:

MR. JUSTICE IFTIKHAR MUHAMMAD CHAUDHRY, CJ

MR. JUSTICE ABDUL HAMEED DOGAR

MR. JUSTICE SAIYED SAEED ASHHAD.

Human Right Case No.2435 of 2006

(Electrocution of three boys (HESCO))

On Court notice : Mr.Ali Muhammad Baloch, ASC
Mr.Anwar Mansoor Khan, AG Sindh
Mr.Sarwar Khan, Addl.AG Sindh
Mr.Maqbool Ahmad Khawaja, CE HESCO
Mr.Manzoor Sheikh, MD SIDA
Mr.Abdul Hussain Qadri, SP (Investigation)

Date of hearing : 2.6.2006.

ORDER

Mr. Anwar Mansoor Khan, learned Advocate General, Sindh has placed on record two letters, issued by the Government of Sindh dated 01.6.2006 and explained that pending decision of criminal cases against the culprits involved by the police who are responsible for the incident on account of which three boys were electrocuted, had decided to give compensation equal to the amount of the Diyat. According to him, the amount of compensation shall be paid to their legal heirs within 15 days. He has also placed on record reports and plans to indicate that WAPDA and HESCO responsible for supply and management of the electricity had not taken proper measures to stop theft of electricity. In this behalf, the learned Advocate General Sindh stated that he got conducted inquiry through technical persons but so far he has been able to arrive at a final conclusion in this behalf, therefore, before the next date of hearing, he would conclude the same and submit the report under his own signatures which will also be verified by the officers of both the Agencies. The efforts of Mr. Anwar Mansoor Khan, learned Advocate General Sindh in pursuing the Provincial Government for making payment of compensation to the legal heirs of the minor deceased and showing

keen interest in tracing out the reasons on account of which the incident had taken place, are highly laudable. Similarly, the conduct of the Government of Sindh in agreeing to pay compensation is appreciable. Let the Advocate General Sindh make further probe into the matter through his agency and submit report on the next date of hearing.

2. In the meantime in pursuance of the registration of the cases, accused persons have been arrested, challans have been submitted and they are facing trial in accordance with law.

3. Mr. Maqbool Ahmad Khawaja, Chief Executive of HESCO stated that he had taken effective steps to control the theft of the electricity throughout the Province but due to lack of co-operation by the law enforcing agencies and hostile attitude of the culprits, involved in the commission of the offence as well as inefficiency of the officers of the HESCO, he could not control the same effectively. However, he stated that now he intends to take further steps but seeks direction to the Inspector General of Police, Sindh and other law enforcing agencies for co-operation and extending help to his department. The learned Advocate General Sindh stated that the Inspector General of Police shall co-operate with the HESCO and in this behalf directions shall be issued to all the concerned officers/officials by means of sending a circular so that they may provide possible assistance/security to the officers of the HESCO in disconnecting illegal connections throughout the Province of Sindh.

4. Mr. Manzoor Sheikh, Managing Director, SIDA, appeared and stated that he is also facing the same problems which have been explained by the Chief Executive, HESCO. The learned Advocate General Sindh stated that the same cooperation will also be extended to him by the police, if ~~so~~ required.

5. DPO Mirpur Khas is directed to appear on the next date of hearing and explain as to why timely action was not taken against the culprits responsible for allowing flow of electricity through an unauthorised connection due to which three persons lost their lives. Meanwhile, compensation is paid to the legal heirs of the deceased. Report in this regard shall be sent by Advocate General, Sindh to the Registrar of this Court for our perusal in Chambers.

6. Adjourned to 30.6.2006.

Islamabad:
2.6.2006
(Khalid)

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APPROVED FOR REPORTIN

IN THE SUPREME COURT OF PAKISTAN

(Original Jurisdiction)

PRESENT:

MR. JUSTICE IFTIKHAR MUHAMMAD CHAUDHRY C.J.

MR. JUSTICE ABDUL HAMEED DOGAR.

MR. JUSTICE SAIYED SAEED ASHHAD.

HUMAN RIGHT CASE NO. 2435 of 2006.

(Electrocution of three Boys)

On Court call: Mr. Makhdoom Ali Khan, Attorney General.

On Court Notice: Mr. Ali Muhammad Baloch, ASC.
Mr. Anwar Mansoor Khan, A.G.
Mr. Sarwar Khan, Addl.A.G. Sindh.
Mr. Maqbool Ahmad Khawaja, CE, HESCO.
Mr. Muhammad Mause. SC, HESCO
Mr. Manzoor Sheikh, M.D. SIDA
Mr. Abdul Hussain Qadri, SP (Investigation)
Mirpur Khas.

Date of hearing 17.05.2006

ORDER

Learned Advocate-General submitted a report pointing out that two FIRs have been registered. We are not satisfied with the progress of the case which has been shown in this case for the reason that incident had taken place as back as on 6.3.2006 whereas the police had registered the cases on 15.5.2006, that too, due to the intervention of this Court as this fact is also indicated from the FIRs despite the fact that news item regarding the incident was published in a Magazine, namely, "The Herald" of April, 2006. Learned A.G. stated that the prosecution needs further two weeks time to make effective progress.

Adjourned to 02.06.2006 at Islamabad.

Karachi,
17.5.2006.
Khalid.

IN THE SUPREME COURT OF PAKISTAN

(Appellate Jurisdiction)

PRESENT:

**MR.JUSTICE IFTIKHAR MUHAMMAD CHAUDHRY CJ
MR.JUSTICE SAIYED SAEED ASHHAD**

A.R. Case. 2435/2006
(Electrocution of three Boys)

ATTENDANCE:

Mr. Sarwar Khan, Addl. A.G. Sindh.
Mr. Ali Muhammad Baloch, ASC
Khawaja Maqbool Ahmed, CE, HESCO.
Mr. Musa Mir Bahar, S.E. HESCO
Mr. Anwar Subhani, AIG (Legal)

Date of hearing : 15.05.2006

ORDER

After hearing learned Additional Advocate General, Sindh Khawaja Maqbool Ahmed, CE, HESCO and learned counsel appearing on his behalf we consider it appropriate to procure the attendance of Chairman Sindh Irrigation Drainage Authority (SIDA) for 17.5.2006. Learned Additional A.G. states that he has examined the file and according to his opinion the police should have registered a case. We are sorry to observe that the DPO posted in the area had not taken any action so for despite the fact that three young poor boys of 17, 14 and 10 years of age had died. Anyway, it is for the police to proceed according to law. However, if need be, action in this regard will be taken on the next date of hearing. Adjourned to 17th May, 2006.

Karachi:
15.5.2006
(Saleem)

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IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT

Mr. Justice Iftikhar Muhammad Chaudhry, CJ.

HUMAN RIGHTS CASE NO.2435 OF 2006.

(Electrocution of three Boys)

Attendance.

*Dr. Qazi Khalid Ali,
Addl. Advocate General Sindh*

Date of hearing : 10-05-2006

ORDER

Learned Additional Advocate General Sindh appeared and submitted a report dated 10th March 2006.

*Office to fix instant case in Court at Karachi on 15th May 2006.
Meanwhile issue notice to Chairman HESCO to appear in person and explain as to why such incident is happened.*

Registrar

11.5.06

2435

April 2006

Herod

Flu Fear

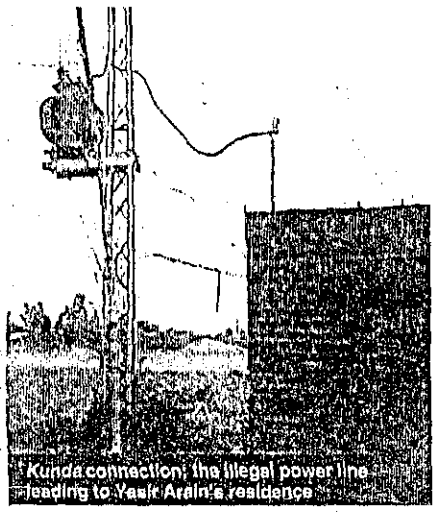


During their stay, the family of the victims remain inconsolable.

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Three boys electrocuted by illegal power lines

MIRPURKHAS — Seventeen-year-old Roopchand and his 14-year-old brother Harchand, residents of Yasir Arain village in Kot Ghulam Mohammad, were electrocuted on March 6 while bathing in a tubewell drain. Apparently, an illegal power connection from the Salinity Control and Reclamation Project (SCARP) tubewell MKL 398 to landlord Yasir Arain's residence, which had been laid underground, malfunctioned and electrified the water in the drain that falls into the Left Bank Cutoff Drain (LBOD). The two brothers died on the spot.



Kunda connection: the illegal power line leading to Yasir Arain's residence

A day earlier, a similar incident occurred a kilometre away near another SCARP tubewell MKL 392 in which a 10-year-old boy Meghraj Kolhi was killed after touching an open electric wire which was also supplying illegal power from the tubewell to Arain's quarters. Carrying a bundle of grass on his head, Kohli apparently failed to see the wire that hung low between the wooden branches used as poles to take the wire from the tubewell to the village.

When questioned about the tragic deaths local landlord, Arain who is accused by the locals of stealing the electricity in connivance with the caretaker of the tubewells, was dismissive. "These things happen, it is the will of God," he said, adding that he had fulfilled his obligation by paying for the funerals. The parents of the deceased boys complained that the landlord had not informed them of the danger in the tubewell drain. Other residents are angry about the lack of action by the government and non-governmental organisations against the offenders.

The deputy director of the Hyderabad Electricity Supply Company (HESCO), Satellite Town subdivision, visited the site and conducted an inquiry into the incident. Pending a final report, Masood Bajwa the line superintendent Mirwah has been suspended on charges of negligence. Meanwhile, other HESCO officials are busy playing the blame game. XEN HESCO Mirpurkhas Laseq Ahmed claims that the responsibility for the power transformers and tubewells in the area has been brought under the LBOD SCARP's jurisdiction. However, XEN LBOD SCARP Baleeg Zaman says that the project is under the supervision of XEN HESCO Mirpurkhas.

To date, nobody, including the landlord responsible for the power theft, has been prosecuted. Kanji Rano Mai Bheel of the Human Rights Commission of Pakistan, Mirpurkhas chapter, has urged Chief Justice Sinth to take suo motu notice of the deaths of the three youngsters and take action against the responsible parties, including officials of the Water and Power Development Authority. ■

— M. Hashim Shar