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BIHAR ELECTRICITY REGULATORY COMMISSION, PATNA

**COMPENSATION TO VICTIMS OF ELECTRICAL
ACCIDENTS REGULATIONS, 2018**

NOTIFICATION

The 17th December, 2018

No. BERC-SMP-4A/2017-14— In exercise of powers conferred under section 181 (1) and 181 (2) (za) read with sections 57,58 and 59 of the Electricity Act, 2003 (36 of 2003) and all other powers enabling it in this behalf, the Bihar Electricity Regulatory Commission hereby makes the following Regulations:-

CHAPTER-I

PRELIMINARY

1. Short Title, Commencement and Extent:

- 1.1 These Regulations may be called the Bihar Electricity Regulatory Commission (Compensation to Victims of Electrical Accidents) Regulations, 2018.
- 1.2 These Regulations extend to the whole state of Bihar.
- 1.3 These Regulations shall be applicable to all Generating Companies as well as transmission and distribution licensees in their respective licensed areas in the State of Bihar.

2. Definitions and Interpretation:

- 2.1** These Regulations shall come into force from the date of their publication in the official gazette.
- (1) **‘Authority’** means the Central Electricity Authority (CEA) constituted under section 70 of the Electricity Act, 2003
 - (2) **‘Commission’** means the Bihar Electricity Regulatory Commission.
 - (3) **‘Dependents’** means persons who are entitled to succeed to the estate of the deceased as per the personal law by which the deceased was governed;
 - (4) **‘Grievous hurt’** means grievous hurt as defined in Section 320 of the Indian Penal Code, Central Act XLV of 1860;
 - (5) **‘Hurt’** means hurt as defined in Section 319 of the Indian Penal Code, Central Act XLV of 1860;
 - (6) **‘Licensee’** means a person who has been granted a licence under Section 14 of the Electricity Act 2003, including a deemed licensee under the said provision;
- 2.2** Words and expressions used and not defined in these Regulations but defined in the Electricity Act, 2003 or “Bihar Electricity Regulatory Commission (Standards of Performance of Distribution Licensee) Regulations, 2006” made thereunder, shall have the meanings respectively assigned to them therein.

CHAPTER-II

STANDARDS OF PERFORMANCE

3. Safety Standards:

- (1) The works of licensees shall be so installed, constructed, maintained or operated or used as to protect the public (including the persons engaged in the generation, transmission or distribution or trading) animals and property from dangers arising from the generation, transmission or distribution or trading of electricity or use of electricity supplied and eliminate the risks of any injury to any person or animal.
- (2) The licensees shall comply with all the mandatory safety requirements and take all necessary measures to protect human beings and animals from injury by reason of contact with, or the proximity of, or by reason of the defective or dangerous condition of any appliance or apparatus used in the generation, transmission, distribution, supply or use of energy.
- (3) The licensees shall strictly comply with the Central Electricity Authority (measures relating to safety and electric supply) Regulations, 2010 as amended from time to time and any further suitable measures or

requirements that may be specified by the Central Electricity Authority under Section 53 (a) and (b), Section 73 (c) and Section 177 (2) (b) of the Electricity Act, Central Act 36 of 2003 relating to safety and electric supply. The above safety standards shall be in addition to the safety standards prescribed in SoP Regulations.

4. Liability for compensation:

- (1) The licensee failing to meet the standards of performance specified in Regulation 3 above shall be liable to pay compensation as specified in these Regulations to the person affected for loss of human or animal life or injury to human beings or animals or property in consequence of an electrical accident.
- (2) Whether or not there has been any wrongful act, omission, rashness, neglect or default on the part of the licensee and generating companies as the case may be as would entitle the person affected to maintain a civil action for recovery of any damages or compensation or maintain a prosecution for invoking criminal liability in respect thereof, the licensee and generating companies as the case may be shall, notwithstanding anything contained in any other law in force, be liable to pay compensation to such extent as specified in these Regulations, if an electrical accident occurs, resulting in loss of human or animal life or injury to human beings or animals unless the electrical accident primarily was not due to the failure of the licensee generating companies as the case may be to meet the standards of performance but was a direct or proximate result of intervention of some other extraneous reason or cause:

Provided that if the loss of human life is due to suicide or homicide or the injury to a human being is due to an attempt to commit suicide or homicide, the licensee generating companies as the case may be shall not be liable to pay any compensation for the same under these Regulations.

CHAPTER – III COMPENSATION

5. Quantum of compensation:

- (1) The compensation payable for loss of human life as a result of an electrical accident shall be Rupees **four lac** per person.
- (2) A sum of Rupees **2,00,000/- (Two lac)** per person in case of more than **60%** disability and Rupees **60,000/- (Sixty Thousand)** per person in case of disability between **40%** and **60%** shall be paid as compensation for electric accidents. The amount of compensation will be payable on the certificate

with regard to percentage of disability granted by the civil surgeon of the respective area.

- (3) A sum of Rupees **15,000/-** per person requiring hospitalisation for more than a week and Rs. **5000/-** per person requiring hospitalisation for less than a week shall be paid subject to production of Govt. Hospital/Hospital approved under CGHS bills duly certified by the concerned hospitals.
- (4) The compensation payable for loss of animal life as a result of an electrical accident shall be payable at the following rates:-
 - (a) **Milch Animals-**
 - (i) **Rs. 30,000/-**-Buffalo/Cow/Camel/Yak/Mithun etc.
 - (ii) **Rs. 3,000/-**-Sheep/Goat/Pig etc.
 - (b) **Draught animals –**
 - (i) **Rs.25000/-** Camel/ horse/ bullock, etc.
 - (ii) **Rs.16,000/-** Calf/ Donkey/ Pony/ Mule

The assistance may be restricted for the actual loss of economically productive animals and shall be subject to a ceiling of 3 large mulch animal or 30 small mulch animals or 3 large draught animal or 6 small draught animals per household irrespective of whether a household has lost a larger number of animals. (The loss is to be certified by the Competent Authority designated by the State Government).

- (c) **Poultry:-** Poultry@**50/-**per bird subject to a ceiling of assistance of Rs. **5000/-** per beneficiary household.
- 6. Assessment of Compensation:** The quantum of compensation payable in respect of death or injury to a human being or an animal shall be arrived at by the licensee as specified in the guidelines to be framed by the licensee. The licensee shall frame guidelines within three months from the date of the publication of these regulations in the official gazette.
- 7. Other rights and remedies unaffected:** The right of any person to claim compensation as above shall not affect the right of any such person to recover the compensation payable under any other law for the time being in force but the amount paid as compensation under these Regulations shall be duly given credit to in any such compensation payable under any such statutory or civil or other liability.
- 8. Contracts or Schemes Unaffected:** The right of any person to otherwise claim compensation under any contract or scheme providing for payment of compensation for death or personal injury or any sum payable under any

policy of insurance shall remain unaffected by any payment of any sum made under these Regulations.

- 9. Periodical revision of the quantum of compensation:** The Commission may, in consultation with the licensees and for reasons to be recorded in writing, enhance the limits of compensation specified Regulation 5 above, on expiry of a period of two years from the date of these Regulations coming into force and thereafter, on expiry of two years from each enhancement.

CHAPTER-IV

PROCEDURE

10. Occurrence report of an Electrical Accident:

- (i) In addition to an independent intimation of accident, the Junior Electrical Engineer or the Assistant Electrical Engineer of the licensee concerned shall send a report under proper receipt through a special messenger to the Chief Electrical Inspector and to the Electrical Executive Engineer concerned forthwith on the knowledge of an electrical accident in the form set out in Annexure-I to these Regulations so as to reach the said Chief Electrical Inspector and Electrical Executive Engineer within twenty four hours of the electrical accident.
- (ii) The records of all such electrical accidents shall be maintained along with the enquiry report prepared under Regulation 11 and investigation report of the Chief Electrical Inspector.

11. Enquiry Report:

The Electrical Executive Engineer shall, within 15 days from the receipt of a report of an electrical accident, submit a detailed report through proper channel to the Managing Director of the licensee concerned after conducting a detailed enquiry of the said accident. The report of the Electrical Executive Engineer shall also make specific recommendations on the quantum of compensation and persons entitled to the same.

Notwithstanding above, the dependents of a person who died in an electrical accident or a person affected by the injury caused to himself or an animal are at liberty to make a claim for compensation in the form set out in Annexure-II to these Regulations presented in person or sent by post to the Director Operation of the licensee concerned who shall cause such claim to be enquired into and determined in accordance with these Regulations:

Provided that irrespective of making of such a claim or not, the determination of the quantum of compensation and the persons entitled to

the same shall be made in accordance with these Regulations whenever such compensation is payable under these Regulations.

12. Verification and Final Orders:

i) **The authority of the concerned licensee, as specified in the guidelines to be framed by the licensee, may cause verification of the contents of the occurrence report of the Junior Electrical Engineer or Assistant Electrical Engineer and the Enquiry Report of the Electrical Executive Engineer, by himself or through such other officer of the licensee as he may duly authorize in this behalf and assess the compensation in the manner specified under Regulation 6 above.**

ii) The authority of the licensee may thereupon pass final orders determining the quantum of compensation payable and the persons entitled to the same, namely the dependents of the deceased person or the injured person or the owner of the animal, as the case may be.

Provided that the authority of the licensee shall, for evaluation of various disabilities and procedure for certification of disabilities, follow the State Government Guidelines on such matters.

iii) Such verification, assessment and passing of final orders on any compensation payable and the persons to whom it is payable shall be completed within 15 days from the date of receipt of a report from the Electrical Executive Engineer:

Provided that for reasons to be recorded in writing, such verification and final orders may be made within a period of **30** days from the date of receipt of the enquiry report from the Electrical Executive Engineer.

13. Communication of the Final Order:

The licensee shall communicate a copy of the final orders passed by it on any claim for compensation arising out of an electrical accident to the claimants and the persons entitled within seven days of the passing of any such order.

14. Payment of Compensation:

The compensation shall be paid to the persons entitled to the same within fifteen days from the date of the final orders.

15. Appeal of the Final Orders: If the claimant or the person entitled is aggrieved with the final order of the Director (Operation) with regard to entitlement of compensation or quantum of compensation, he may file an appeal before the Managing Director.

16. Presumption:

The occurrence of an electrical accident resulting in loss of human or animal life or injury to human beings or animals shall, for the purposes of assessing the liability of a licensee for compensation, be presumed to be probablising the licensee failing to meet the safety standards of performance specified in Regulation 3 above and the burden of proving to the contrary shall lie on the licensee.

17. Disputes about entitlement:

If there is any dispute or difference regarding the entitlement to compensation on the death of a human being in an electrical accident or the ownership of an animal involved in an electrical accident which, in the opinion of the claimant or person entitled, satisfactorily decided by the Appellate Authority in accordance with these Regulations, the claimant or the person entitled may exercise his right to move before a civil court of competent jurisdiction.

18. Payment as a part of ARR:

The payment of compensation ordered under these Regulations shall be made by the concerned licensees from its contingency reserve considered in the Aggregate Revenue Requirement for that financial year.

19. Consequences of non-compliance:

Contravention of any of the provisions of these Regulations and non-compliance with the orders or directions of the Commission under these Regulations shall be deemed to be non-compliance and contravention within the meaning of Sections 142 and 146 of Electricity Act, Central Act 36 of 2003.

20. Information to the Commission:

The licensees shall submit to the Bihar Electricity Regulatory Commission by 15th of every succeeding month, the details of the electrical accidents occurring within their respective jurisdictions and action taken thereon in accordance with these Regulations.

21. Assistance to dependents and victims:

The licensee concerned shall ensure extending all possible assistance and help to the dependents of a deceased human being or the victims of an electrical accident to the extent possible to get over the consequences of an electrical accident, more particularly, medical treatment and physical rehabilitation.

CHAPTER - V

MISCELLANEOUS

22. Residuary Provisions:

- (i) The provisions of these Regulations shall be in addition to and not in derogation of the provisions of any other law or rules or regulations or scheme or contract for the time being in force.
- (ii) Nothing in these Regulations shall be deemed to limit or otherwise affect the inherent power of the Commission to make such orders as may be necessary for meeting the ends of justice or to prevent the abuse of the process of the Commission.
- (iii) Nothing in these Regulations shall bar the Commission from adopting a procedure which is at variance with any of the provisions of these Regulations, if the Commission, in view of the special circumstances of a matter or class of matters and for reasons to be recorded in writing deems it necessary or expedient.
- (iv) Nothing in these Regulations shall, expressly or impliedly, bar the Commission to deal with any matter or exercise any power under the Electricity Act, 2003 for which no Regulations have been framed, and the Commission may deal with such matters, powers and functions in a manner it deems fit.
- (v) Subject to the provisions of the Electricity Act, 2003 and these Regulations, the Commission may, from time to time, issue orders and practice directions in regard to the implementation of these Regulations and procedure to be followed on various matters which the Commission has been empowered by these Regulations to specify or direct.
- (vi) If any difficulty arises in giving effect to any of the provisions of these Regulations, the Commission may, by general or special order, do anything not being inconsistent with the provisions of the Electricity Act, 2003, which appears to it to be necessary or expedient for the purpose of removing the difficulties.
- (vii) The Commission shall have the power, for reasons to be recorded in writing and with notice to the affected parties, to dispense with the requirements of any of the clauses in these Regulations in a specific case or cases subject to such terms and conditions as may be specified.

23. Repeal and Savings

The Bihar Electricity Regulatory Commission (Standard of Performance for Distribution Licensee) Regulation, 2007 with amendments shall continue to

be governed by the provisions of the earlier Regulations.

24. Power to Amend

The Commission may, at any time add, modify, delete or amend any provision of these Regulations subject to the provision of the Electricity Act, 2003.

25. Powers to remove difficulties

If any difficulty arises in giving effect to any of the provisions of these Regulations, the Commission may make such provisions not inconsistent with the provisions of this Act, as may appear to be necessary for removing the difficulty.

By order of the Commission,

Rameshwar Prasad Das,
Secretary

ANNEXURE I
OCCURRENCE REPORT

1. Date & Time of accident:
2. Place of accident: Village/Town, Mandal, District)
3. Designation of the Officer-in-charge of the Licensee in whose jurisdiction the accident occurred:
4. Nature & Details of the accident:
5. Details of Victim(s) (Fatal/Non-Fatal):
 - (a) Human
 - (b) Animal
6. Detailed causes leading to the accident: (Use a separate sheet and attach it to this form, if needed):
7. Details of the persons who witnessed the accident: (Name, designation, address etc.):
8. Action Taken:
9. Any other information:

Signature

Name & Designation

ANNEXURE II
CLAIM FORM FOR PAYMENT OF COMPENSATION

1. Date & Time of accident:
2. Place of accident:
3. Details of the accident:
4. Details of the deceased or Injured person(s):

Name (s):

Age:

Sex:

Address:

Occupation:

5. Details of the dead or injured animal(s)

Description:

Age:

Value:

6. In case of non-fatal accidents, details of temporary/permanent/total/partial disabilities suffered, if any: (Enclose a certificate issued by the relevant District Medical Board or the Appellate Authority)
7. Details of the dependents:
8. Whether or not an FIR is registered by the Police:

Signature of the claimant(s)

Name of the claimant(s)

Relationship with the deceased/injured/ animal

ANNEXURE III

To be enclosed to the extent they can be reasonably secured apart from any other information which the claimant(s) feel relevant:

For Humans:

1. Proof of identity of the claimant
2. A copy of the FIR
3. A copy of the post mortem report
4. A copy of the inquest report
5. A copy of the Death certificate or wound certificate. In case if the post mortem report/medical certificate is available, death certificate may not be required.
6. A copy of any photo of the deceased or injured person (after the accident), if
7. Available Evidence of relationship with the deceased Evidence of expenses of hospitalization and treatment.

For Animals:

1. Proof of identity of the claimant
2. A copy of the FIR, if registered.
3. A copy of the post mortem report, if conducted
4. A copy of the inquest report/ panchanama and enquiry report
5. A copy of the Death certificate or wound certificate, if issued
A copy of any photo of the deceased or injured animal (after the accident), if available.
6. Evidence of ownership and value of the animal(s). In the absence of documentary evidence the certificate of ward member of gram panchayat/ Urban ward councilor.

By order of the Commission

Rameshwar Prasad Das

Secretary