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JHARKHAND STATE ELECTRICITY REGULATORY COMMISSION

Notification

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CHAPTER I:

GENERAL

A1: PREAMBLE

- 1.1 The Section 53 of the Electricity Act, 2003 prescribes the specification of suitable measures for-
- protecting the public (including the persons engaged in the generation, transmission or distribution or trading) from dangers arising from the generation, transmission or distribution or trading of electricity, or use of electricity supplied or installation, maintenance or use of any electric line or electrical plant;
 - eliminating or reducing the risks of personal injury to any person, or damage to property of any person or interference with use of such property.

- 1.2 The Sections 57 and 58 of the Electricity Act, 2003 prescribe specification of standards of performance of a Licensee and liability for payment of compensation as may be determined by the Appropriate Commission to the person affected by a Licensee failing to meet the specified standards.
- 1.3 The Section 161 of the Electricity Act, 2003 provides for notice of accidents and inquiries, if any accident occurs in connection with the generation, transmission, distribution, supply or use of electricity in or in connection with, any part of the electric lines or electrical plant of any person and the accident results or is likely to have resulted in loss of human or animal life or in any injury to a human being or an animal.
- 1.4 The Jharkhand Electricity Regulatory Commission has already notified the JSERC (Distribution Licensees Standards of Performance) Regulations 2015, but it does not provide for compensation for injury to human beings or animals or property, in spite of providing for and ensuring their protection and safety being mandatory under the statutes and the statutory rules above referred to.
- 1.5 The clause 181 (1) of the Electricity Act, 2003 gives power to the State Commission to make regulations consistent with the Electricity Act, 2003 and specify rules generally to carry out the provisions of the Act.
- 1.6 In exercise of the powers conferred under clause 181 (1) of the Electricity Act, 2003 and all other powers enabling it in this behalf, the Jharkhand State Electricity Regulatory Commission (JSERC) hereby makes the following regulations for grant of compensation to victims of electrical accidents.

A2: SHORT TITLE, COMMENCEMENT AND EXTENT

- 2.1 These Regulations shall be called the Jharkhand State Electricity Regulatory Commission (Compensation to Victims of Electrical Accidents) Regulations, 2018.
- 2.2 These Regulation shall come into force from the date of its publication in the Official Gazette of the Government of Jharkhand;
- 2.3 These Regulations shall extend to the whole state of Jharkhand.
- 2.4 These Regulations shall be applicable to all Generating companies, Transmission and Distribution Licensees and any Person connected to the Electricity System in the state of Jharkhand, hereinafter referred together as “Company/ Licensee/ Person”.

A3: DEFINITIONS AND INTERPRETATION

- 3.1 In these Regulations, unless the context otherwise requires-
- a) “**Act**” means the Electricity Act, 2003;

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- b) **“Authority”** in the context of the present Regulation shall mean the authority designated by the Licensee;
- c) **“Commission”** or **“State Commission”** means the Jharkhand State Electricity Regulatory Commission;
- d) **“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;
- e) **“Distribution licensee”** means a licensee authorised to operate and maintain a distribution system for supplying electricity to the consumers in his area of supply;
- f) **“Distribution system”** means the system of wires and associated facilities between the delivery points on the transmission lines or the generating station connection and the point of connection to the installation of the consumers;
- g) **“Electricity ombudsman”** means an authority to be appointed or designated by the Commission, under sub-section (6) of Section 42 of the Act, with whom a representation may be made by any consumer, who is aggrieved by non-redressal of his grievances by the Forum;
- h) **“Electricity system”** means a system under the control of a generating company or licensee, as the case may be, having one or more -
- (a) generating stations; or
- (b) transmission lines; or
- (c) electric lines and sub-stations;
- and when used in the context of a State or the Union, the entire electricity system within the territories thereof;
- i) **“Forum”** means an authority to be appointed by the Licensee for redressal of grievances of the consumer in accordance with the JSERC(Guidelines for establishment of Forum for Redressal of Grievances of the Consumers and Electricity Ombudsman) Regulations, 2011 and its amendments;
- j) **“Generating company”** means any company or body corporate or association or body of individuals, whether incorporated or not, or artificial juridical person, which owns or operates or maintains a generating station;
- k) **“Generating station”** or **“station”** means any station for generating electricity, including any building and plant with step-up transformer, switch

yard, switch-gear, cables or other appurtenant equipment, if any used for that purpose and the site thereof, a site intended to be used for a generating station, and any building used for housing the operating staff of a generating station, and where electricity is operating staff of a generating station, and where electricity is generated by water-power, includes penstocks, head and tail works, main and regulating reservoirs, dams and other hydraulic works, but does not in any case include any sub-station;

- l) **“Licence”** means a licence granted under section 14;
- m) **“Licensee”** means a person who has been granted a licence under Section 14 of the Electricity Act 2003. In the context of this Regulations, Licensee shall mean both Distribution or Transmission Licensee;
- n) **“Person”** shall include any company or body corporate or association or body of individuals, whether incorporated or not, or artificial juridical person;
- o) **“Premises”** includes any land, building or structure;
- p) **“Regulations”** means regulations made under this Act. In the present case, Regulations pertain to those notified by Jharkhand State Electricity Regulatory Commission;
- q) **“Sub-station”** means a station for transforming or converting electricity for the transmission or distribution thereof and includes transformers, converters, switchgears, capacitors, synchronous condensers, structures, cable and other appurtenant equipment and any buildings used for that purpose and the site thereof;
- r) **“Transmission licensee”** means a licensee authorised to establish or operate transmission lines;
- s) **“Transmission lines”** means all high pressure cables and overhead lines transmitting electricity from a generating station to another generating station or a sub-station, together with any step-up and step-down transformers, switch-gear and other works necessary to and used for the control of such cables or overhead lines, and such buildings or part thereof as may be required to accommodate such transformers, switchgear and other works;
- t) **“Works”** includes electric line, and any building, plant, machinery, apparatus and any other thing of whatever description required to transmit, distribute or supply electricity to the public and to carry into effect the objects of a licence or sanction granted under this Act or any other law for the time being in force.

Words and expressions used and not defined in these Regulations but defined in the Electricity Act, 2003 or the Regulations notified by the Jharkhand State Electricity Regulatory Commission shall have the meanings respectively assigned to them therein.

CHAPTER II:

STANDARDS AND LIABILITY FOR COMPENSATION

A4: SAFETY STANDARDS

- 4.1 The works all Generating companies, Licensees and any Person connected to the Electricity System, shall be so installed, constructed, maintained or operated or used so 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, animal and property.
- 4.2 The Generating companies, Licensees and any Person connected to the Electricity System shall comply with all the mandatory safety requirements and take all necessary measures to protect the persons, animals and property from injury or damage by reason of contact with, or due to 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 electricity.
- 4.3 The Generating companies, Licensees and any Person connected to the Electricity System shall strictly comply with the safety regulations and norms notified by Central Electricity Authority or other applicable regulations notified from time to time including any amendments. The following Regulations have been notified by Central Electricity Authority and are available in the link for reference (http://www.cea.nic.in/safety_regulations.html)
- Central Electricity Authority (Measures relating to Safety and Electric Supply) Regulations, 2010
 - Central Electricity Authority (Safety requirements for construction, operation and maintenance of electrical plants and electric lines) Regulations 2011
 - Central Electricity Authority (Measures relating to Safety and Electric supply) Amendment Regulations 2015
 - Central Electricity Authority (Measures relating to Safety and Electric supply) Amendment Regulations 2018
- 4.4 The above safety Regulations shall be in addition to the standards prescribed in JSERC (Distribution Licensees Standard of Performance) Regulations, 2015.

A5: LIABILITY FOR COMPENSATION

- 5.1 The Generating companies, Licensees and any Person who fail to meet the standards of performance shall be liable to pay compensation as specified in this Regulation 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.
- 5.2 Whether or not there has been any wrongful act, omission, rashness, neglect or default on the part of the Generating company, Licensee and any Person connected to the Electricity System, it 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 Generating company, Licensee and any Person connected to the Electricity System shall, notwithstanding anything contained in any other law, be liable to pay compensation to such extent as specified in these Regulations, if an electrical accident occurs, resulting in loss of human life or animal life or injury to human beings or animals, unless the electrical accident primarily was not due to the failure to meet the standards of performance but was a direct or proximate result of intervention of some other extraneous reason or cause:

Provided that the liability to pay compensation in respect of injury to property arises only if there has been any wrongful act, omission, rashness, neglect or default on the part of the Generating company, Licensee and any Person connected to the Electricity System.

Provided further 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 Generating company, Licensee and any Person connected to the Electricity System, shall not be liable to pay any compensation for the same under these Regulations.

CHAPTER III:**COMPENSATION****A6: QUANTUM OF COMPENSATION**

- 6.1 The compensation payable for loss of human life as a result of an electrical accident shall be INR 5, 00,000/- (INR Five lakh) per person.
- 6.2 A sum of INR2,00,000/- (INR Two Lakh) per person in case of more than 60% disability and INR60,000/- (INR 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 Doctor in the respective area.

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- 6.3 A sum of INR15,000/- (INR Fifteen thousand) per person requiring hospitalisation for more than a week and INR 5,000/- (INR Five thousand) per person requiring hospitalisation for less than a week shall be paid subject to production of bills from the Hospital.
- 6.4 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. INR 30,000/- (INR Thirty thousand) for Buffalo/Cow/Camel/Mithun etc.
 - ii. INR 3,000/- (INR Three thousand) for Sheep/Goat/Pig etc.
- b) Draught animals:
- i. INR 25,000/- (INR Twenty five thousand) for Horse/ Bullock/ Ox etc.
 - ii. INR 16,000/- (INR Sixteen thousand) for Calf/ Donkey/ Pony/ Mule etc.
- c) Poultry:
- i. Compensation for INR 50/- (INR Fifty) per bird subject to a ceiling assistance of INR 1,000/- (INR One thousand) per beneficiary household.
- 6.5 The assistance may be restricted for the actual loss of economically productive animals and shall be subject to a ceiling of 3 large milch animal or 30 small milch animals or 3 large draught animal or 6 small draught animals per household dir respective of whether a household has lost a larger number of animals. (The loss is to be certified during the preparation of the enquiry report)
- 6.6 **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 as specified in the Regulations. The quantum of compensation for damage to property shall be assessed as per the applicable schedule of rates of the Generating company or Licensee or rates notified periodically by the Public Works Department (PWD).
- 6.7 **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 Workmen's Compensation Act, Central Act 8 of 1923 or any other law in force. The compensation received from any other law shall remain unaffected by any payment of any sum made under these Regulations.
- 6.8 **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.

- 6.9 **Periodical revision of the quantum of compensation:** The Commission may, in consultation with the Generating companies, Licensees and Persons shall for reasons to be recorded in writing, revise the limits of compensation specified in clause A6 above, on expiry of a period of generally two years from the date of these Regulations coming into force and thereafter, on expiry of two years from each enhancement.

CHAPTER IV:

PROCEDURE

A7: OCCURRENCE OF REPORT OF AN ELECTRICAL ACCIDENT

- 7.1 The Junior Engineer or the Assistant Engineer or the Engineer or Equivalent of the Generating company or Licensee under whose jurisdiction the accident has occurred, shall prepare an occurrence report and send the report under proper receipt to the Executive Engineer or Equivalent concerned forthwith on the knowledge of an electrical accident in the form set out in Annexure-I to these Regulations so as to reach within twenty four hours of the electrical accident.
- 7.2 The records of all such electrical accidents shall be maintained along with the enquiry report prepared as specified above.

A8: ENQUIRY REPORT

- 8.1 The Executive Engineer or Equivalent 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 concerned Generating company or Licensee after conducting a detailed enquiry of the said accident. The report of the Executive Engineer or Equivalent shall also make specific recommendations on the quantum of compensation and persons entitled to the same as per the provisions of this Regulation.

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

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 Regulation whenever such compensation is payable under these Regulations.

A9: VERIFICATION AND FINAL ORDERS

- 9.1 The designated authority, to be nominated by the Managing Director or to be specified in the guidelines framed by the respective Generating company or Licensee, shall verify the contents of the occurrence report of the Junior Engineer or Assistant Engineer or Equivalent and the Enquiry Report of the Executive Engineer or Equivalent, by himself or through such other officer as he may duly authorize in this behalf and assess the compensation in the manner specified under section A6 above.
- 9.2 The authority 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.
- 9.3 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 Executive Engineer or Equivalent.

A10: COMMUNICATION OF THE FINAL ORDER

- 10.1 The Generating company or 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 7 days of the passing of any such order.

A11: PAYMENT OF COMPENSATION

- 11.1 The compensation shall be paid to the persons entitled to the same within 15 days from the date of the final Order.

A12: APPEAL OF THE FINAL ORDER

- 12.1 If the claimant or the person entitled is aggrieved with the final order of the authority with regard to entitlement of compensation or quantum of compensation, the person may file an appeal before the authority to be declared by the Generating company or Licensee in accordance with guidelines framed by the Generating company or Licensee.

A13: PRESUMPTION

- 13.1 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 for compensation, be presumed of the Generating company or Licensee failing to meet the safety standards of performance specified in section A4 above and the burden of proving to the contrary shall lie on the Generating company or Licensee.

A14: INTEREST COST

- 14.1 The quantum of compensation determined by the final order shall be paid as per the timeline stipulated in clause A11 of this Regulation and if such payment is delayed for any reason, the same shall be paid from that date with interest at 12% per annum till the date of payment.

A15: DISPUTES ABOUT ENTITLEMENT

- 15.1 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 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.

A16: JURISDICTION OF CONSUMER GRIEVANCES REDRESSAL FORUM AND ELECTRICITY OMBUDSMAN

- 16.1 Any person aggrieved by the final order on the quantum or entitlement to compensation shall be deemed to have a grievance within the meaning of Regulation 2 (e) of JSERC (Guidelines for establishment of Forum for Redressal of Grievances of the Consumers and Electricity Ombudsman) Regulations, 2011 and its amendments, shall be entitled to make a complaint to the Consumer Grievances Redressal Forum having jurisdiction over the place of the electrical accident and the said complaint shall be dealt with and decided in accordance with the said Regulation:

Provided that the order of the Consumer Grievances Redressal Forum shall be further subject to a representation to the Electricity Ombudsman which shall also be dealt with and decided in accordance with the said Regulation.

A17: CONSEQUENCES OF NON-COMPLIANCE

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

A18: INFORMATION TO THE COMMISSION

- 18.1 The Generating company and Licensees shall submit to the State 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.

A19: ASSISTANCE TO DEPENDENTS AND VICTIMS

- 19.1 The Generating company and Licensees 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****A20: RESIDUARY PROVISIONS**

- 20.1 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.
- 20.2 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.
- 20.3 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.
- 20.4 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.
- 20.5 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.
- 20.6 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.

- 20.7 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.

A21: GENERAL POWER TO AMEND

- 21.1 The Commission may, at any time and on such terms as to costs or otherwise, as it may think fit, amend any defect or error in any proceeding before it, and all necessary amendments shall be made for the purpose of determining the real question or issue arising in the proceedings.

A22: POWER TO REMOVE DIFFICULTIES

- 22.1 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 Act, which appears to it to be necessary or expedient for the purpose of removing the difficulties.

A23: REPEAL AND SAVINGS

- 23.1 Nothing in these Regulations shall be deemed to limit or otherwise affect the inherent powers of the Commission to make such orders as may be necessary for ends of justice to meet or to prevent abuses of the process of the Commission.
- 23.2 Nothing in these Regulations shall, expressly or impliedly, bar the Commission dealing with any matter or exercising any power under the Act for which no Regulations have been framed, and the Commission may deal with such matters, powers and functions in a manner it thinks fit.

(By order of the Commission)

(A.K. Mehta)

Secretary

JharkhandState Electricity Regulatory Commission

ANNEXURE- I: OCCURRENCE REPORT

(See Clause A7 of these Regulations)

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:
 - c. Other.....
6. Details of Property damaged
7. Detailed causes leading to the accident: (Use a separate sheet and attach it to this form, if needed):.....
8. Details of the persons who witnessed the accident:
(Name, designation, address etc.):.....
9. Action Taken:.....
10. Any other information:.....

Signature

Name & Designation

ANNEXURE- II: CLAIM FORM FOR PAYMENT OF COMPENSATION

(See Clause A8 of these Regulations)

1. Date & Time of accident:
2. Place of accident:
3. Details of the accident:
4. Details of the deceased or Injured person(s):
 - a. Name (s):
 - b. Age:
 - c. Sex:
 - d. Address:
 - e. Occupation:
5. Details of the dead or injured animal(s)
 - a. Description:
 - b. Number:
 - c. Value:
6. Details of Property(s) damaged and value
7. In case of non-fatal accidents, details of temporary/permanent/total/partial disabilities suffered, if any:..... (Enclose a certificate issued by the relevant Doctor in a Hospital)
8. Details of the dependents:
9. 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:

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/ panchanama and enquiry report.
5. A copy of the Death certificate or wound certificate.
6. A copy of any photo of the deceased or injured person (after the accident), if available
Evidence of relationship with the deceased Evidence of expenses of hospitalization and treatment.)

For Animals:

1. A copy of any photo of the deceased or injured animal (after the accident), if available
2. Evidence of ownership and value of the animal(s) (if available)

For Property (s)

1. A copy of any photo of the damaged property (after the accident), if available
2. Documents showing ownership
3. Estimated value of damage

(By order of the Commission)

(A.K. Mehta)

Secretary

JharkhandState Electricity Regulatory Commission
