

HIMACHAL PRADESH ELECTRICITY REGULATORY COMMISSION

Vidyut Aayog Bhawan, Block No.37, SDA Complex, Kasumpti, Shimla-171009.

NOTIFICATION

Shimla, the 24th August, 2022

No. HPERC/H(1)-36/2021.- In exercise of powers conferred under Section 57 read with Section 181 (za) of the Electricity Act, 2003 (36 of 2003) read with Section 21 of the General Clauses Act, 1897 (10 of 1897) and all other powers enabling it in this behalf, the Himachal Pradesh Electricity Regulatory Commission proposes the Himachal Pradesh Electricity Regulatory Commission (Compensation to Victims of Electrical Accidents) Regulations, 2022 and as required by Sub-section (3) of Section 181 of the said Act and Rule 3 of the Electricity (Procedure for Previous Publication) Rules, 2005, the draft Regulations are hereby published for the information of all the persons likely to be affected thereby; and notice is hereby given that the said draft Regulations will be taken into consideration after the expiry of thirty (30) days from the date of publication of this notification in the Rajpatra, Himachal Pradesh, together with all the objections or suggestions which may within the aforesaid period be received in respect thereto.

The text of the aforesaid draft amendment is available on the website of the Commission i.e. <http://www.hperc.org>.

The objections or suggestions in this behalf should be addressed to the Secretary, Himachal Pradesh Electricity Regulatory Commission, Vidyut Aayog Bhawan, Block-37, SDA Complex, Kasumpti-171009(HP).

DRAFT REGULATIONS

CHAPTER – I GENERAL

1. Short title, extent, application, interpretation and commencement.-

- (1) These Regulations may be called the Himachal Pradesh Electricity Regulatory Commission (Compensation to Victims of Electrical Accidents) Regulations, 2022.
- (2) These Regulations shall extend to whole of the State of Himachal Pradesh.
- (3) These Regulations shall be applicable to –
 - (i) the distribution and transmission licensees in their respective area of supply; and
 - (ii) all the intra-State generating companies in the State of Himachal Pradesh.
- (4) These Regulations shall not apply to –
 - (i) the employees covered under Employee's Compensation Act, 1923 and skilled/unskilled persons engaged by the Contractor/Service provider for works/services; and
 - (ii) cases of accident(s) where relief is admissible under the Himachal Pradesh Disaster Management and Relief Manual.

- (5) These Regulations shall be read and construed in all respects as being subject to the provisions of the Act, Rules and Regulations made thereunder and the provisions of any other law for the time being in force.
- (6) These Regulations shall come into force on the date of its publication in the Rajpatra, Himachal Pradesh.

2. Definitions

In these Regulations, unless the context otherwise requires:-

- (1) **'Act'** means the Electricity Act, 2003;
- (2) **'Authority'** means the Central Electricity Authority (CEA) constituted under Section 70 of the Electricity Act, 2003;
- (3) **'Commission'** means the Himachal Pradesh Electricity Regulatory Commission as constituted under Section 82 of the Electricity Act, 2003;
- (4) **'Compensation'** means as provided for in Chapters-III & IV of these Regulations;
- (5) **'Designated Officer of obligated entity'** means the officer designated by the obligated entity for the purpose of these Regulations;
- (6) **'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;
- (7) **'Electrical Accident'** means any accident occurring in connection with the generation, transmission, distribution, supply or in connection with, any part of the electric lines or electrical plant and the accident results in loss of human or animal life or any injury to a human being or an animal;
- (8) **'Intra-State Generating Company(ies)'** for the purpose of these Regulations means any power generating company situated in the State of Himachal Pradesh;
- (9) **'Injury'** means any mental or physical harm done to a person or an animal by an electrical accident;
- (10) **'Licensee'** means distribution and transmission licensee granted license under Section 14 of the Act, including a deemed licensee;
- (11) **'Obligated Entity'** for the purpose of these Regulations means an intra State generating company or a licensee liable to pay compensation as per the provisions of these Regulations;
- (12) **'Victim'** means the person affected by loss of human life or animal or injury to person(s) or animals in consequence to electrical accident including legal heir(s) of the deceased in case of loss of human life; and
- (13) Unless the context otherwise requires, words or expressions used and not defined in these Regulations, but specifically defined in the Act, shall have the meanings assigned to them in the Act. Other words or

expressions used in these Regulations, but not specifically defined in these Regulations or the Act, shall have meanings as are generally understood in the electricity supply industry.

CHAPTER-II

STANDARDS OF PERFORMANCE

3. **Safety Standards.-** (1) The obligated entity 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 that may be specified by the Authority under Section 53 (a) and (b), Section 73 (c) and Regulations notified by Authority under Section 177 (2) (b) of the Electricity Act, 2003.
- (2) The obligated entity shall comply with all the mandatory safety requirements and take all necessary measures to protect person(s) and animals from injury by reason of contact with, or proximity of, or by reason of the defective or dangerous condition of any appliance or apparatus/equipment used in transmission and distribution of electrical energy.
- (3) The works of the obligated entity shall be constructed, maintained or operated in such a way so as to protect the public (including the persons engaged in the transmission or distribution) and animals from dangers arising from such activities.
- (4) The obligated entity shall eliminate or reduce the risks of personal injury to any person or animal.
4. **Liability for compensation.-** (1) The obligated entity failing to meet the standards of performance specified in Regulation 3 above shall be liable to pay compensation as specified in Chapter III & IV of these Regulations for injury to person(s) or animal(s) or loss of human or animal like 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 obligated entity as would entitle the victim to maintain a civil action for recovery of any compensation or maintain a prosecution for invoking criminal liability in respect thereof, the obligated entity 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 injury to person(s) or animal(s) or loss of human or animal life unless the electrical accident primarily was not due to the failure of the obligated entity to meet the standards of performance but was a direct or proximate result of intervention of some other extraneous reason(s) or cause(s).
- (3) The compensation shall be paid within the time limit specified in these Regulations to the victim(s) by the obligated entity.
- (4) The final compensation shall not be paid for injury or damage or loss of life occurring out of irresponsible act on the part of the Victim(s).

(5) If the loss of human life is due to suicide or homicide or injury to a human life is due to an attempt to commit suicide or homicide, the obligated entity shall not be liable to pay any compensation for such act under these Regulations.

CHAPTER - III IMMEDIATE RELIEF

5. Immediate relief in the cases of an electrical accident shall be paid to the victim by the obligated entity in the following manner:-

(1) A person who is affected by the occurrence of an electrical accident may claim immediate relief from the concerned obligated entity as per **Format-II** of these Regulations.

(2) In case of loss of human life, an immediate relief of Rs. 100,000 (rupees one lakh) shall be paid.

(3) In case of hospitalization of the victim on account of injuries caused due to an electrical accident, an immediate relief of Rs. 10,000 (rupees ten thousand) shall be paid:

Provided that in case, the hospitalization continues for more than 7 days, an additional amount of Rs. 5,000 (rupees five thousand) shall be paid:

Provided further that in case the hospitalization continues beyond a fortnight, further amount of Rs. 25,000 (rupees twenty five thousand) shall be paid in addition to the first proviso above:

Provided further that the total amount payable shall not exceed the amount of Rs. 30,000 (Rupees thirty thousand).

(4) The designated officer of the obligated entity shall-

(i) in case of loss of human life, within 3 days from the date of occurrence of incident, collect the copy of First Investigation Report (FIR) and postmortem report from the concerned department/agency of the State Government;

(ii) in case of hospitalization, within 3 days from the date of occurrence of such incident, collect the certificate of hospitalization from the concerned medical Authority of the State Government or/medical prescription slip; and

(iii) within 7 working days from the date of claim, obtain legal heir certificate and an indemnity bond from the claimant.

(5) The payment on account of immediate relief shall be paid within 3 working days from the receipt of reports/certificates as per Sub-regulation (4) to this Regulation, by the designated officer to the person(s) entitled to receive the same:

Provided that such payment shall be adjusted towards the amount to be paid under Regulation 9:

Provided further that such payment shall not be delayed, for any reason whatsoever, beyond the timelines as specified in this Regulation.

CHAPTER - IV
COMPENSATION

6. Quantum of compensation to be paid on compassionate or humanitarian grounds: -

- (1) The obligated entity is at liberty to fix the amount of compensation to be paid on compassionate/humanitarian grounds which shall not be less than the amount as specified in these Regulations.
- (2) The compensation payable, under these Regulations, for loss of human life due to an electrical accident shall be Rupees 5,00,000/-per person.
- (3) In case of disability caused due to an electrical accident, the amount of compensation shall be payable, based on the certificate issued by the concerned Medical Authority designated by the State Government for such purpose with regard to percentage of disability, in the following manner:-
 - (i) Permanent Total Disablement: If an injury to a human being caused due to an electrical accident resulted in a permanent total disablement, the compensation payable, under these Regulations, shall be Rs 4,00,000/-;
 - (ii) Permanent Partial Disablement: If an injury to a human being caused due to an electrical accident resulted in a permanent partial disablement, the compensation payable, under these Regulations, shall be equal to the same percentage out of a maximum amount of Rs 2,00,000/- subject to a minimum of Rs 1,00,000/-; and
 - (iii) Temporary Disablement: If an injury to a human being caused due to an electrical accident resulted in temporary disablement, the compensation payable, under these Regulations, shall be Rs 50,000/- for a period of disablement below 30 days, Rs 75,000/- for a period of disablement above 30 days but below 6 months and shall be Rs. 1,00,000/- for period above 6 months.
- (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-
Rs 30,000/-Buffalo/Cow/Yak/Mithun/Camel etc.
Rs. 10,000 Sheep/Goat etc.
Rs. 5,000/- Pig;
 - (b) Draught animals-
Rs. 30,000/- Horse/Bullock/Camel/Ox etc.
Rs. 15,000/- Calf/Donkey/Pony/Mule, etc; and
 - (c) Poultry-
Poultry @ 100/- per bird subject to a ceiling of assistance of Rs. 10,000/- per farm.

CHAPTER-V
REPORTING, INQUIRY, TIMELINES AND PAYMENT OF COMPENSATION

7. Occurrence report and claim by claimant.-

- (1) In addition to an independent intimation of accident, the Junior Engineer or the Assistant Engineer or the Sr. Executive Engineer or their equivalent rank engineer/officer of the obligated entity shall send a report under proper receipt, through a special messenger or through official email, to the Electrical Inspector of the concerned area/Department of Electrical Inspectorate and to the designated officer of the obligated entity forthwith on the occurrence of an electrical accident in **Format-I** to these Regulations so as to reach the same to Electrical Inspector and the designated officer of the obligated entity within twenty four hours from the occurrence of the electrical accident.
- (2) The victim may claim the compensation, as provided in Chapter-IV of these Regulations, from the concerned obligated entity in **Format-III** of these Regulations in addition to already filed claim under Sub-regulation (1) of Regulation 5, if any.
- (3) The obligated entity shall upload the following on its website-
 - (i) details i.e. name, address, telephone number of the Electrical Inspector;
 - (ii) details of the designated officer designated by the obligated entity; and
 - (iii) the Formats as prescribed under these Regulations.

8. Enquiry Report and Final Orders.-

- (1) The Department of Electrical Inspectorate shall provide, after conducting a detailed enquiry of electrical accident, a copy of detailed report to the designated officer of the concerned obligated entity.
- (2) The designated officer of the concerned obligated entity shall-
 - (a) within 5 days, from the date of occurrence of incident, collect the postmortem report, copy of First Investigation Report (FIR) from the concerned department/agency of the State Government for the concerned area, if not already collected under Sub-regulation (4) of Regulation 5;
 - (b) within 15 days from the date of occurrence of electrical incident, conduct an independent departmental enquiry, to find out the detailed causes of the accident and collect the death certificate or disability certificate, as the case may be, from the concerned Authority of State Government; and
 - (c) within 10 days from the date of claim, obtain legal heir certificate and an indemnity bond from the claimant, if not collected under Sub-regulation (4) of Regulation 5;

- (3) The concerned authority of the obligated entity shall, within 15 days from the date of receipt of the enquiry report from the Department of Electrical Inspectorate, pass the final order.
- (4) The designated Officer of the obligated entity shall, within five days from the date of passing of final order, communicate a copy of the same to the claimant(s).

9. Payment of Compensation.-

- (1) The compensation shall be paid, within 10 days from the date of the final order passed by the designated Officer to the claimant (s), arrived at after adjustment of the amount already paid as immediate relief under Sub-regulation (5) of Regulation 5, if any.
- (2) In case such payment is delayed for any reason beyond the timeline provided in Sub-regulation (1) of this Regulation, an additional amount of Rs 50 (Rupees fifty) for each day of default, subject to maximum Rs 10,000/- shall become payable.

10. Rights to claim compensation through Civil suits.-

The right of any person to claim compensation as above shall not affect the right of any such person to file a civil suit to claim the compensation through court of law:

Provided that the amount paid as compensation under these Regulations by the obligated entity shall be adjusted with the amount awarded by the civil courts, if any:

Provided further that the payment of compensation under these Regulations shall not be construed on admission of wrongful act, omission, rashness, neglect or default on the part of the obligated entity in any civil suit filed in a court of law.

11. Claim of compensation under Contracts/Schemes/Insurance.-

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.

12. Maintenance of Record.-

The designated officer shall maintain the record-

- (i) the detail of claims submitted by the claimants;
- (ii) the intimation reports;
- (iii) certificates (legal heirs/medical certificates etc.);
- (iv) the departmental enquiry reports and inquiry reports submitted by the Department of Electrical Inspectorate;
- (v) the details of amount paid including immediate relief.

13. Dispute Resolution Mechanism.-

- (1) In case the obligated entity is a Distribution Licensee, the aggrieved victim may approach the Consumer Redressal Forum(s) established by the Distributions Licensee for redressal of his grievances.
- (2) In the case the obligated entity is other than the Distribution Licensee, the aggrieved victim may approach the officer designated by such obligated entity for dispute resolution for the purpose of these Regulations.

14. Information to the Commission.-

The obligated entity shall submit to the Commission by 30th of every succeeding month, the details of electrical accidents occurred within their respective jurisdiction and action taken thereon in accordance with these Regulations.

15. Consequence of non-compliance.-

Non-compliance of these Regulations and contravention of any of the provisions of the Statutes or the Rules or Regulations made thereunder concerning the subject matter of these Regulations shall be deemed to be non-compliance and contravention within the meaning of Section 142 and 146 of the Electricity Act, 2003.

CHAPTER-V MISCELLANEOUS

16. 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 to meet the ends of justice or to prevent the abuse of the process of the Commission.
- (iii) Nothing in these Regulations shall debar 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, debar the Commission to deal with any matter or exercise any power under the Electricity Act, 2003 for which no Regulations on the subject 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.

17. Periodical revision of the quantum of compensation.-

The Commission may, in consultation with the obligated entities and stakeholders and for reasons to be recorded in writing, enhance the limit of compensation specified in these Regulations at any time, by a special order.

18. Power to remove difficulties.-

If any difficulty arises in giving effect to any provisions of these Regulations, the Commission may, of its own motion or otherwise, by a general or special order, direct the obligated entity to take suitable action, not being inconsistent with the Act, which appears to the Commission to be necessary or expedient for the purpose of removing the difficulty(ies).

19. Power to relax.-

The Commission may, by general or special order, for reasons to be recorded in writing and after giving an opportunity of hearing to the parties likely to be affected, may relax any of the provisions of these Regulations on its own motion or on an application made before it by an interested person.

By Order of the Commission

Sd/-
(Chhavi Nanta), HPAS
Secretary

FORMAT-I

OCCURRENCE REPORT

1. Date & Time of accident:
2. Place of accident:
3. System and Voltage of Supply:
4. Designation of the Officer-in-charge of the Licensee in whose jurisdiction the accident occurred:
5. Name of owner/user of energy in whose premises the accident occurred:
6. Details of Victim(s):

(a) Human

S. No.	Name	Father's Name	Sex of the Victim	Full Postal Address	Approximate Age	Fatal/Non-fatal

(b) Animal

S. No.	Description of the animal(s)	Number(s)	Name of the owner(s)	Full Postal Address of the owner(s)	Fatal/Non-fatal

7. (a) Describe fully, the nature and extent of sustained injuries e.g. fatal/disability (permanent/temporary) of any portion of the body or burns or other injuries:
(b) In case of fatal accident, was he post mortem performed?:
8. Detailed causes leading to the accident: (Use a separate sheet and attach it to this form, if needed):
9. Action Taken regarding first aid, medical attendance etc immediately after the occurrence of the electrical accident (Give details):
10. Whether the District magistrate and Police Station concerned have been informed of the electrical accident? (If so, give details):
11. Steps taken to preserve the evidence in connection with the the accident to the extent possible:
12. Whether isolating switches and other sectionalizing devices were employed to deaden the sections for working on the same? Whether working section was earthed at the site of the work?:
13. Whether artificial resuscitation treatment was given to the person(s) who met with the electrical accident? If yes, how long was it continued before its abandonment?:
14. Details of the persons who witnessed the accident: (Name, designation, address etc.):
15. Any other information:

Place:

Time:

Date:

Signature

Name & Designation

FORMAT II

Claim form for Payment of Immediate Relief

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 Medical Board or any competent Authority)
7. Period of Hospitalization:
8. Immediate Relief already received:
9. Details of the dependents:
10. Whether or not an FIR is registered by the Police:
11. Particulars of Police Station:
12. Particulars of the Hospital/Medical officer who examined the victim:
13. Amount spent on treatment:

Signature of the claimant(s)

Name of the claimant(s)

Aadhaar No. _____

Relationship with the deceased/injured

Enclosures:

1. Proof of identity of the claimant.
2. A copy of the FIR, if not submitted already.
3. A copy of the post mortem report, if conducted.
4. A copy of the inquest report/panchanama, if conducted.
5. A copy of the Death certificate or wound/injury/disability certificate, if issued.
6. A copy of any photo of the deceased or injured person (after the accident), if available.
7. Evidence of relationship with the deceased.
8. Evidence of hospitalization.

FORMAT III

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 Medical Board or any competent Authority)
- 7. Details of the dependents:
- 8. Whether or not an FIR is registered by the Police:
- 9. Particulars of Police Station:
- 10. Particulars of the Hospital/Medical officer who examined the victim:
- 11. Amount spent on treatment:

Signature of the claimant(s)

Name of the claimant(s)
Aadhaar No. _____

Relationship with the deceased/injured/ animal.....

Enclosures:

For Humans:-

1. Proof of identity of the claimant.
2. A copy of the FIR.
3. A copy of the post mortem report, if conducted.
4. A copy of the inquest report/panchanama, if conducted.
5. A copy of the Death certificate or wound/injury/disability certificate, if issued.
6. A copy of any photo of the deceased or injured person (after the accident), if available.
7. Evidence of relationship with the deceased.
8. 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, if conducted.
5. A copy of the Death certificate or wound/injury certificate, if issued.
6. A copy of any photo of the deceased or injured animal (after the accident), if available.
7. Affidavit of the owner about the ownership of animal and value.