

HIMACHAL PRADESH ELECTRICITY REGULATORY COMMISSION
Vidyut Aayog Bhawan, Block No.37, SDA Complex, Kasumpti, Shimla-171009.

Notification

Shimla, the 22nd July, 2023

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 and after previous publication, the Himachal Pradesh Electricity Regulatory Commission hereby makes the following Regulations, namely:-

REGULATIONS
CHAPTER – I
GENERAL

1. **Short title, extent and application.-** (1) These Regulations may be called the Himachal Pradesh Electricity Regulatory Commission (Compensation to Victims of Electrical Accidents) Regulations, 2023.
(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 Generating Companies in the State of Himachal Pradesh.
(4) These Regulations shall come into force from the date of publication in the Rajpatra, Himachal Pradesh.
2. **Definitions.-** (1) In these Regulations, unless the context otherwise requires,-
 - (a) **“Act”** means the Electricity Act, 2003 (36 of 2003);
 - (b) **“Authority”** means the Central Electricity Authority (CEA) constituted under Section 70 of the Electricity Act, 2003;
 - (c) **“Claimant(s)”** for the purpose of these Regulations means victim and in case of loss of human life, his/ her spouse, children and mother and in their absence legal heirs;
 - (d) **“Commission”** means the Himachal Pradesh Electricity Regulatory Commission as constituted under Section 82 of the Electricity Act, 2003;
 - (e) **“Compensation”** means as provided for in Chapters-III & IV of these Regulations;

- (f) **“Designated Officer of Obligated Entity”** means the officer designated by the Obligated Entity for the purpose of these Regulations;
 - (g) **“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;
 - (h) **“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;
 - (i) **“Generating Company”** for the purpose of these Regulations shall mean any power generating company working/ situated in the State of Himachal Pradesh;
 - (j) **“Injury”** means any mental or physical harm done to a person by an electrical accident;
 - (k) **“Licensee”** means distribution and transmission licensee granted license under Section 14 of the Act, including a deemed licensee;
 - (l) **“Obligated Entity”** for the purpose of these Regulations means a generating company or a licensee liable to pay compensation as per the provisions of these Regulations; and
 - (m) **“Victim”** means the person affected by loss of human life or animal or injury to person(s) in consequence to electrical accident;
- (2) 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 carried out 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. The Obligated Entity shall eliminate or reduce the risks of personal injury to any person.

4. **Liability for compensation.**- (1) The Obligated Entity failing to meet the standards of performance specified in Regulation 3 shall be liable to pay compensation as specified in Chapter III & IV of these Regulations for injury to person(s) or loss of human or animal life 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 as specified in these Regulations, if an electrical accident occurs, resulting in injury to person(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/ Claimant(s) by the Obligated Entity.

(4) No compensation shall be payable to the Victim(s)/ Claimant(s) by the Obligated Entity, in case of occurrence of any fatal or non-fatal accident on account of construction of any structure, house, building, cow-shed or encroachment etc. underneath the electrical line(s) or Right of Way of transmission line(s), as the case may be, by compromising the safety standards and clearances etc. despite warnings/notices issued to the owner(s)/ occupier(s) of such building/structure under the Rules/ Regulations/ Act or for the 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. (1) Immediate relief in the cases of an electrical accident/incident shall be paid to the Victim by the Obligated Entity in the following manner:-

(i) In case of loss of human life, an immediate relief of Rs. 1,25,000 (Rupees one lakh twenty five thousand) shall be paid.

(ii) In case of hospitalization of the Victim on account of injuries caused due to an electrical accident/incident, an immediate relief of Rs. 12,000 (Rupees twelve thousand) shall be paid:

Provided that in case, the hospitalization continues for more than 7 days, an additional amount of Rs. 8,000 (Rupees eight 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 amount specified under the first proviso:

Provided further that the total amount payable shall not exceed Rs. 45,000 (Rupees forty five thousand) on account of hospitalisation.

(2) The payment on account of immediate relief shall be paid within three working days from the occurrence of mishap/accident by the Designated Officer to the claimant(s).

(3) In the case of hospitalisation, the Designated Officer shall personally procure proof of hospitalisation and in case of loss of human life, report from the concerned Panchayat/local body, where the accident/ incident has occurred:

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

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

(4) Notwithstanding anything to the contrary contained in any law for the time being in force, in case of loss of human life due to the electrical accident/ incident, the immediate relief shall be paid to the surviving spouse and in

his/ her absence, to the children and mother of victim failing which to the legal heirs.

- (5) Immediately after the occurrence of electrical accident/ incident, the Designated Officer or the Authorized Officer shall visit the house of the victim(s)/ claimant(s) and get the documentation, if any, including the application completed.

CHAPTER - IV COMPENSATION

4. Quantum of compensation.-(1) The Obligated Entity is at liberty to fix the amount of compensation to be paid 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 is 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 is 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 per animal:-

(a) Milch Animals-

Buffalo/Cow/Yak/Mithun/Camel etc.: Rs 40,000/-

Sheep/Goat/Pig etc.: Rs. 10,000

(b) Draught animals-

Horse/Mule/Bullock/Camel/Ox etc.: Rs. 40,000/-
Calf/Donkey/Pony, etc: Rs. 25,000/-

(c) Poultry-

Poultry @ 500/- per bird subject to a ceiling of assistance at
Rs. 20,000/- per farm.

(5) notwithstanding anything contained in these Regulations, the amount of compensation shall be deemed to have been revised @ 10% in each category of cases, after every three years, if the amount of compensation is not revised within a period of three years from the date of coming into force of these Regulations.

CHAPTER-V

REPORTING, INQUIRY, TIMELINES AND PAYMENT OF COMPENSATION

7. Occurrence report and claim by the victim(s)/claimant(s).- (1) In addition to an independent intimation of accident, the Junior Engineer or the Assistant Engineer or the Sr. Executive Engineer or an 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 Electrical Inspector and the Designated Officer of the Obligated Entity within 24 hours from the date of occurrence of the electrical accident/incident.

(2) The Obligated Entity, within 15 days from the date of commencement of these Regulations, 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.

8. Enquiry Report and Final Orders.- (1) The Department of Electrical Inspectorate shall provide, after conducting an enquiry of electrical accident, a copy of report to the Obligated Entity as well as to the Designated Officer of the concerned Obligated Entity within a period of 5 days of the occurrence of the accident/ incident. In case the report is not provided, as stipulated above, the said report shall be deemed to have been received.

(2) The Designated Officer of the concerned Obligated Entity shall within 5 days, from the date of occurrence, collect the copy of postmortem report,

copy of First Information Report (FIR) from the concerned Department/Agency of the State Government of the concerned area or any other document as specified in Sub-regulation (3) of Regulation 5, if not already collected under said Sub-regulation.

(3) The Obligated Entity or the Designated Officer within 5 days from the date of occurrence of electrical incident shall conduct an independent departmental enquiry, to find out the detailed causes of the accident.

(4) The Designated Officer of the Obligated Entity shall, within 5 days from the receipt of report(s) as referred to above, shall pass the final order.

9. Payment of Compensation.- (1) The immediate relief as provided in Chapter-III of these Regulations shall be paid within three (3) days.

(2) The compensation as provided in Chapter-IV of these Regulations shall be paid by the Designated Officer to the victim(s)/ claimant(s), within 14 days from the date of occurrence of accident/ incident, after adjustment of the amount already paid as Immediate Relief under Regulation 5.

(3) Notwithstanding anything to the contrary contained in any law for the time being in force, in case of loss of human life due to the electrical accident/incident, the immediate relief shall be paid to the surviving spouse and in his/her absence, to the children and mother of victim failing which to the legal heirs.

(4) In case the legal heir certificate is not made available or delayed due to the reason beyond the control of the claimant(s) for getting compensation under Chapter-IV, the compensation amount shall be paid within the timelines as provided in Sub-regulation (2) of this Regulation after getting the Indemnity Bond of equal amount from the claimant(s).

(5) In case the payment is delayed for any reason beyond the timeline provided in Sub-regulation (2) of this Regulation, an additional amount of Rs 500 (Rupees five hundred) for each day of default, subject to maximum Rs 1,00,000 (Rupees one Lacs) shall be payable to the victim(s)/ claimant(s).

(6) In case the additional amount as per Sub-regulation (5) of this Regulation is paid by the Obligated Entity on account of delay in payment of compensation, the same shall not be passed through in the Annual Revenue Requirement of the Licensee/Annual Fixed Cost/Project Cost. The responsibility of the officer/official shall be fixed for such delay and

brought to the notice of the Commission within a week after payment of such amount.

10. Rights to claim compensation through Courts of Law.-The right to claim compensation under these Regulations shall not affect the right of any victim(s)/claimant(s) to file a civil suit to claim the compensation through the Court of Law:

Provided that the amount paid as compensation under these Regulations by the Designated Officer/ Obligated Entity shall be adjusted against the amount awarded by the Civil Court(s), if any:

Provided further that the payment of compensation under these Regulations shall not be construed as 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 or in any other legal proceedings.

11. Claim of compensation under Contracts/Schemes/ Insurance.- The right of victim/ claimant to 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 made under these Regulations.

12. Maintenance of Record.- The Designated Officer shall maintain the following record:-

i) In case of Human(s):-

1. Proof of identity of the claimant(s),
2. Proof of relationship of the claimant(s) with the deceased/ injured,
3. Proof of hospitalization; and
4. Certificates (legal heirs/medical certificates), report from the panchayat/local body, FIR etc.).

ii) In case of Animals:-

1. Copy of First Information Report or Postmortem Report of Animal Husbandry Department,
2. Copy of photo of the animal(s) (after the accident),
3. Proof of the ownership regarding the animal; and
4. The detail of claims submitted by the claimants.

13. Fund for compensation.- (1) The Distribution Licensee at the Circle level and other Obligated Entities at appropriate level/ Project level of the organization shall maintain a revolving fund of

Rs. 10 Lacs for payment of immediate relief/compensation under these Regulations:

Provided that pending creation of revolving fund, the Obligated Entity shall ensure disbursal of compensation to the victim(s)/claimant(s) as per the timelines provided in these Regulations:

Provided further that to adhere the timelines for payment of compensation provided under these Regulations, in cases where additional requirement of such fund is needed, the Obligated Entity shall provide the same to the Designated Officer so as to avoid any penalty for delay of payment on this account.

14. Information to the Commission.- The Obligated Entity shall submit to the Commission by the first week 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.- (1) The Obligated Entity shall authorize the Designated Officer for payment of Immediate Relief as per Chapter-III and payment of compensation under Chapter-IV of these Regulations within 15 days from the publication of these Regulations in Rajpatra, Himachal Pradesh.

(2) Non-compliance of these Regulations shall be deemed to be contravention of these Regulations within the meaning of Sections 142 and 146 of the Electricity Act, 2003.

CHAPTER-VI MISCELLANEOUS

16. Residuary Provisions.- (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.

(2) 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 to meet the ends of justice or to prevent the abuse of the process of the Commission.

(3) 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.

(4) 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.

(5) Subject to the provisions of the Electricity Act, 2003 and these Regulations, the Commission may, from time to time, pass orders and issue directions in this regard for the implementation of these Regulations and procedure to be followed.

17. **Power to remove difficulties.**- If any difficulty arises in giving effect to any of the 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).
18. **Power to relax.**- The Commission may, by general or special order, for reasons to be recorded in writing and after giving an opportunity of being heard 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 the affected 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 the 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 assistance 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 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