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ODISHA ELECTRICITY REGULATORY COMMISSION
BHUBANESWAR -751 021

NOTIFICATION

The 30th May, 2020

No. OERC/Engg/2/2012/535 - In exercise of the powers conferred on it by Section 181(2) (zp) of the Electricity Act (Central Act 36 of 2003) and all other powers hereunto enabling, the Odisha Electricity Regulatory Commission hereby makes the following Regulation:

CHAPTER-I

PRELIMINARY

1. Short Title, Commencement and Extent:-

- 1.1 These Regulations may be called the OERC (Compensation to Victims of Electrical Accidents) Regulation, 2020.
- 1.2 These Regulations extend to the whole state of Odisha.
- 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 Odisha.
- 1.4 These Regulations shall come into force on the date of publication in the Odisha Gazette.

2. Definitions and Interpretation:-

- (a) '**Authority**' means the Central Electricity Authority (CEA) constituted under section 70 of the Electricity Act, 2003.
- (b) '**Beneficiary**' means person affected by electrical accident or dependant of deceased person of such accident.
- (c) '**Commission**' means the Odisha 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) '**Electrical Accident**' means an undesired event caused by electric current resulting to injury or burn or fatality to person(s), animal(s) and bird(s).
 - (f) '**Electrical Inspector**' means a person appointed as such by appropriate government under sub-section (1) of Section 162 for the concerned area.
 - (g) '**Grievous hurt**' means grievous hurt as defined in Section 320 of the Indian Penal Code, Central Act XLV of 1860 ;
 - (h) '**Hurt**' means hurt as defined in Section 319 of the Indian Penal Code, Central Act XLV of 1860;
 - (i) '**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;
- 2.1 Words and expressions used and not defined in these Regulations but defined in the Electricity Act, 2003 or "Odisha Electricity Regulatory Commission (Licensee's Standards of Performance) Regulations, 2004" or Regulations framed by the Central Electricity Authority under Section 73(c) and Section 177(2)(b) of Electricity Act, 2003 relating to safety and electric supply made thereunder, shall have the meanings respectively assigned to them therein.

CHAPTER-II

SAFETY STANDARDS

3. Safety Standards:-

- (i) 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), animals and birds from dangers of electric shock arising out of the generation, transmission or distribution of electricity.
- (ii) The licensees shall comply with all the mandatory safety requirements and take all necessary measures to protect human beings, animals and birds 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.

- (iii) 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 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, 2003 (Central Act 36 of 2003) relating to safety and electric supply.

4. Liability for compensation:-

- (i) The licensee failing to meet the safety standards 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/bird life or injury to human beings or animals/birds in consequence of an electrical accident.
- (ii) 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 or bird life or injury to human beings, animals or birds unless the electrical accident primarily was not due to the failure of the licensee and generating companies as the case may be to meet the safety standards but was a direct or proximate result of intervention of some other extraneous reason or cause.
- (iii) The compensation once determined shall be paid within the time limit specified in these Regulations to the beneficiary by the licensee or generating company, as the case may be. The amount of compensation may be recovered from the concerned employees of the licensees and generating company, if found responsible for occurrence of the accident, through departmental inquiry. If the personal responsibility of any employee for the electrical accident is not clearly established, the compensation paid to the victim/beneficiary shall be met by the licensee/generating company. In deserving cases, the expenses may be passed through in the Annual Revenue Requirement subject to due diligence check by the Commission.

- (iv) The compensation shall not be paid for injury or damage or loss of life occurring out of irresponsible act on the part of the victim or his employer /owner. However, the government may pay any ex-gratia as deemed fit in deserving cases.
- (v) 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 and 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:-

- (i) The compensation payable for loss of human life as a result of an electrical accident shall be Rupees 4,00,000/- (four lac) per person.
- (ii) A sum of Rupees 2,00,000/- (Two lac) per person in case of more than 60% disability and Rupees 59,100/- (Fifty Nine Thousand one Hundred) 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 Chief District Medical Officer or CMO of the respective area.
- (iii) A sum of Rupees 12,700/- per person requiring hospitalization for more than a week and Rs. 4300/- per person requiring hospitalization for less than a week shall be paid subject to production of bills of Govt. Hospital duly certified by the concerned hospitals.
- (iv) The compensation payable for loss of animal/bird life as a result of an electrical accident shall be payable at the following rates:-
 - (1) **Milch Animals-**
 - a. Rs. 30,000/- Buffalo/ Cow/ Camel/ Yak/ etc.
 - b. Rs. 3,000/- Sheep/Goat/Pig etc.
 - (2) **Draught animals-**
 - a. Rs.25000/- Camel/ horse/ bullock, etc.
 - b. 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 milch animal or 30 small milch 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).

(3) **Poultry:-**Poultry@50/-per bird subject to a ceiling of assistance of Rs. 5000/- per beneficiary household.

6. **Periodical revision of the quantum of compensation:-** The Commission may in consultation with the licensees, generating companies and the state government and for reasons to be recorded in writing, enhance the limit of compensation specified above at any time by a special order. The quantum of Compensation under these Regulations will not be less than the norms of assistance adopted by the State Disaster Response Fund (SDRF) and National Disaster Response Fund (NDRF).
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.

CHAPTER-IV PROCEDURE

9. **Occurrence report of an Electrical Accident:-**

In addition to an independent intimation of accident, the Junior Electrical Engineer/the Assistant Electrical Engineer/the Executive Engineer or their equivalent engineer of the licensee/generating company concerned shall send a report under proper receipt through a special messenger to the Electrical Inspector of the concerned area and to the Managing Director/CEO/Head of the licensee/Generating company concerned forthwith on the

occurrence of an electrical accident in the form set out in Annexure-I to these Regulations so as to reach the said Electrical Inspector and MD/CEO/Head of the licensee/Generating company concerned within twenty four hours of the electrical accident. In case of any reporting is made through any other mode/media etc. to the Electrical Inspector, then the said incident should be treated as a reported case for enquiry.

10. Enquiry Report:-

The Electrical Inspector shall, within 30 days from the receipt of occurrence report of an electrical accident, submit a detailed enquiry report through Chief Electrical Inspector to the Managing Director /CEO/ Head of the licensee /Generating company concerned after conducting a detailed enquiry of the said accident.

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/bird are at liberty to make a claim for compensation in the form set out in Annexure-II to these Regulations by presenting in person or sending by post to the M.D/CEO/Head of the licensee/generating company concerned who shall determine the compensation, if payable, in accordance with these Regulations.

The CEO/M.D./Head of the licensee/generating company shall within 30 days of receipt of the enquiry report from the Electrical Inspector may make payment of compensation after identification of the person to whom it is payable or pass appropriate order.

The records of all such electrical accidents along with enquiry report shall be maintained by the Junior Engineer/Assistant Engineer or his equivalent engineer who has sent information regarding occurrence of electrical accident to Electrical Inspector.

- 11. Appeal:-** If the claimant or the person entitled is aggrieved with regard to entitlement of compensation or quantum of compensation in accordance with these Regulations or non-redressal of his grievance, he may file an appeal before the Secretary in charge of Department of Energy, Govt. of Odisha, whose decision in this regard shall be final. The Secretary in charge of Department of Energy shall dispose the matter within 45 days of filing of appeal before Government by the claimant or person aggrieved.

12. **Information to the Commission:-** The generating company and the licensee shall submit to the Odisha Electricity Regulatory Commission by 15th of every succeeding month, the details of electrical accidents occurring within their respective jurisdiction and action taken thereon in accordance with these Regulations.
13. **Consequence of non-compliance:-** Non-compliance of these Regulation and contravention of any of the provisions of the statutes or the rules or regulations made there under 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 (Central Act 36 of 2003).

CHAPTER – V
MISCELLANEOUS

14. 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) The provisions of the Regulations framed by the Central Electricity Authority (CEA) under section 177 of the Electricity Act, 2003 as amended from time to time shall be applicable with regard to the suitable measure relating to safety and electric supply under Section 53 of the Electricity Act, 2003.
- (iv) 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.
- (v) 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.
- (vi) 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.

- (vii) The Commission may, at any time add, vary, alter, modify, delete or amend any provisions of these Regulations.
- (viii) 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.
- (ix) 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.

By order of the Commission

(PRIYABRATA PATNAIK)

Secretary

ANNEXURE I
Form for Reporting Electrical Accidents

1. Date and time of accident.
2. Place of accident (Village/Town, Tehsil/Thana, District and State).
3. System and voltage of supply (Whether Extra High Voltage (EHV)/High Voltage (HV)/Low Voltage (LV) Line, sub-station/generation station/consumer's installations/service lines/other installations).
4. Designation of the Officer-in-charge of the generating company/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

| Sl. No. | Name | Father's Name | Sex of victim | Full Postal address | Approximate age | Fatal/non-fatal |
|---------|------|---------------|---------------|---------------------|-----------------|-----------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |

(b) Animal/bird

| Sl. No. | Description of animal(s)/bird(s) | Number(s) | Name(s) of owner(s) | Address(es) of owner(s) | Fatal/non-fatal |
|---------|----------------------------------|-----------|---------------------|-------------------------|-----------------|
| 1 | 2 | 3 | 4 | 5 | 6 |

7. In case the victim(s) is/are employee(s) of supplier:-
 - (a) designation of such person(s);
 - (b) brief description of the job undertaken, if any;
 - (c) whether such person/persons was/were allowed to work on the job.
8. In case the victim(s) is/are employee(s) of a licensed contractor, -
 - (a) did the victim(s) possess any electric workmen's permit(s), supervisor's certificate of competency? If yes, give number and date of issue and the name of issuing authority;
 - (b) name and designation of the person who assigned the duties of the victim(s).
9. In case of accident in the system of the generating company/licensee, was the permit to work (PTW) taken?
- 10.(a) Describe fully the nature and extent of injuries, e.g., fatal/disablement (permanent or temporary) of any portion of the body or burns or other injuries.
 - (b) In case of fatal accident, was the post mortem performed?
11. Detailed causes leading to the accident. (To be given in a separate sheet annexed to this form).
12. Action taken regarding first aid, medical attendance etc. immediately after the occurrence of the accident (give details).
13. Whether the District Magistrate and Police Station concerned have been informed of the accident (if so, give details).
14. Steps taken to preserve the evidence in connection with the accident to extent possible.
15. Name and designation(s) of the person(s) assisting, supervising the person(s) killed or injured.
16. What safety equipments were given to or used by the person(s) who met with this accident (e.g. rubber gloves, rubber mats, safety belts and ladders etc.)?
17. 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 work?
18. Whether the work on the live lines was undertaken by authorised person(s)? If so, the name and the designation of such person(s) may be given.
19. Whether artificial resuscitation treatment was given to the person(s) who met with the electric accident? If yes, how long was it continued before its abandonment?
20. Names and designations of persons present at, and witnessed, the accident.
21. Any other information/remarks.

Place:

Time:

Date:

Signature
Name
Designation
Address of the person reporting.

ANNEXURE II
CLAIM FORM FOR PAYMENT OF COMPENSATION

1. Date and 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:
 (Enclose the copy of the Post Mortem report issued by the competent authority)
5. Details of the dead or injured animal(s)/bird(s)
 Description:
 Age:
 Value:
 (Enclose the copy of the Post Mortem report issued by the competent authority)
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/bird