

ODISHA HUMAN RIGHTS COMMISSION
2nd Floor, Toshali Bhawan, Satyanagar
Bhubaneswar-751007

OHRC Case No. 3862 of 2014

Sabita Meher

... Petitioner

ORDER

The petitioner Sabita Meher, wife of Arjun Meher of village Chingerbandh under Patnagarh Police Station limits in Balangir district alleges that her husband, who is a daily labourer while in the morning of 28.10.2014 was going out of the house in search of work, all on a sudden, the overhead electric line had snapped and fell upon him in which his head and other parts of the body were seriously affected and although he was immediately taken to Patnagarh Hospital for treatment, he could not fully recover from the injuries sustained on account of this accident. The petitioner alleging negligence of the WESCO Utility authorities in properly conducting the periodic checking and maintenance of the overhead power supply lines prayed for awarding necessary monetary compensation to her husband.

Perused the response of the Chief Executive Officer, WESCO Utility filed through the learned Advocate Shri B.K.Nayak appearing for the WESCO Utility. The report reveals that one Arjun Meher approached the S.D.O., WESCO Utility, Patnagarh on 30.10.2014 with an oral

complaint that the electric wires of village Chingerbandh being old ones need replacement to avoid any kind of electrical accident. Arjun Meher on that day did not speak a word of receiving any injury on his person resulting from any electrical accident nor the concerned SDO could observe any injury on his person. However, basing on the verbal complaint of Arjun Meher, necessary steps were taken for replacement of old conductors under maintenance programme.

The report further speaks that the SDO, WESCO Utility, Patnagarh had personally visited the village of Arjun Meher to ascertain the actual fact. He not only found Arjun Meher in good health but also found him working in a Radio & TV repairing shop at village Dhumabhata. He also did not receive any complaint with regard to the electrical accident occurring on 28.10.2014. He also did not find any complaint/FIR to have been filed at Patnagarh Police Station by any person about snapping of conductors or any electrical accident.

The report finally says that the allegation of snapping of conductor resulting any electrical accident occurring on 28.10.2014 at about 9 AM is not at all correct.

Pursuant to the direction of the Commission, the petitioner sent one certificate purported to have been issued by an Assistant Surgeon, Sub Divisional Hospital, Patnagarh on 14.2.17 which shows that Arjun Meher, the husband of the petitioner was under treatment at the Sub Divisional Hospital, Patnagarh and OPD Registration No.24914 dated 28.10.14, No.25672 dated 4.11.14, No.2578 dated 17.11.14 and No.36119 dated 19.2.15 bear testimony to this fact.

The Commission while supplying a copy of the afore mentioned certificate to the CDMO, Balangir asked him to report the name of the Doctor who furnished such a certificate as well as send copies of the OPD Register wherein the name of Arjun Meher of village Chingarbandh under Patnagarh PS limits has found place as an out-door patient for treatment of severe burn injuries sustained on account of electrocution.

The CDMO, Balangir in compliance to the aforesaid direction of the Commission has supplied all the relevant papers in its letter No.2638 dated 21.3.17 and the same are perused.

On perusal of the papers so supplied by the CDMO, Balangir reveals that Dr. Amitab Prusty of Sub Divisional Hospital, Patnagarh, Balangir has issued the certificate as mentioned supra. The attested copies of OPD Registration papers reveal that on the first day, i.e., on 28.10.14, Arjun Meher was treated by Dr. Subrat Kumar Meher and on subsequent days, i.e. on 4.11.14, 17.11.14 and 18.2.15, he was treated by Dr. Amar Kumar Mishra and Dr. Subrat Kumar Meher, Dr. Bhimsen Meher and Dr. Amitabh Prusty respectively. Similarly, on perusal of the copies of the OPD Register, it is seen that Arjun Meher was actually treated at the Sub Divisional Hospital, Patnagarh on those dates, i.e. on 28.10.14, 4.11.14, 17.11.14 and 18.2.15 vide his serial No.68, 18, 29 and 109 respectively.

Against these documentary medical evidences, it leaves no manner of doubt that Arjun Meher, the husband of the petitioner had actually undergone treatment at the Sub Divisional Hospital, Patnagarh for the burn injuries received on account of electrocution taking place on 28.10.14. Therefore, the report of the SDO, WESCO Utility, Patnagarh

as reflected in the written response of the CEO, WESCO Utility are not only stark lies but also without any basis. The Commission is convinced that the CEO, WESCO Utility with a view to avoiding its own responsibility in this case has tried to mislead the Commission which is very much reprehensible.

Since, the relevant treatment papers of Arjun Meher clearly establish the fact that he had first undergone treatment at the Sub Divisional Hospital, Patnagarh on 28.10.14 for sustaining burn injuries on account of electrocution with further treatment on subsequent days, there is little scope to doubt that Arjun Meher while passing on the road in the morning of 28.10.14 actually faced with an electrical accident resulting from sudden snapping of conductor and the same falling upon him. Further, the certificate so issued by Dr. Amitab Prusty of Sub Divisional Hospital, Patnagarh, Balangir categorically mentions that Arjun Meher, son of Mahadeb Meher, a resident of village Chingarbandh under Patnagarh P.S. limits in Bolangir district was burned by electrical accident and the burn injury was severe. He had come to the Sub Divisional Hospital, Patnagarh for four times for further treatment.

It is pertinent to refer to the observation of the Apex Court of the country made in the case of **M.C. Meheta Vrs. Union of India (1987) 1 SCC 395** which says that *“where an enterprise is engaged in a hazardous or inherently dangerous activity and harm is caused on anyone on account of the accident in the operation of such activity, the enterprise is strictly and absolutely liable to compensate those who are affected by the accident, such liability is not subject to any of the exceptions to the principle of strict liability under the rule in Ryelands vrs. Fletcher.”*

Thus, the well-settled position of law is that when any organisation is engaged in any trade which is hazardous in nature, it is incumbent upon the organisation to guard against any possible hazards impacting the life of any person. Since the job of power supply by the Electricity Distribution Company is undoubtedly a hazardous trade, proper periodic checking and maintenance of the system is to be ensured under all circumstances to avoid any accident. As it appears, in the instant case, the authorities have not given serious attention towards periodic checking of the overhead LT conductor and its maintenance.

It is the settled position of law that efforts should always be made to provide adequate compensation not only for the physical injury and treatment but also for the pain, suffering and trauma caused due to the accident and his inability to lead a normal life and enjoy amenities.

The Commission taking into consideration the poor economic condition of the victim's family to provide any better treatment to the accident victim Arjun Meher, the husband of the petitioner elsewhere, the physical pain and suffering undergone by the accident victim himself and more importantly, his inability to do any work to earn his living till his complete recovery and in terms of the provision of 18(a)(i) of the Protection of Human Rights Act, 1993 recommends the Electricity distribution Company, i.e., WESCO Utility, Burla, Sambalpur district to pay an amount of Rs.1 lakh (Rupees one lakh) as compensation to the victim Arjun Meher, the husband of the petitioner within two months

Let a copy of this order be sent to the Chief Executive Director, WESCO Utility, Corporate Office, Burla, Sambalpur, Senior General

Manager (Electrical), , General Manager (Commercial), General Manager (Operation), WESCO Utility, Burla, Sambalpur and Executive Engineer, TED, Titilagarh, Bolangir for compliance of the direction of the Commission within two months and compliance report be submitted by that period.

**JUSTICE B. K. MISRA
ACTING CHAIRPERSON**