

KARNATAKA STATE HUMAN RIGHTS COMMISSION

PRESENT

Justice D.H. Waghela
Chairperson

H.R.C No: 1780/10/31/2019

Date: 12-11-2020

Complainant: Adarsh G K
No. 101, Shradha Sapphire
Apartment,
BEML Layout, Whitefield
Bengaluru – 560066.

Vs

Respondents: 1. The Commissioner,
BBMP
2. General Manager (Q, S&S)
BESCOM

ORDER

It is alleged in the complaint that due to negligence of BBMP and BESCOM authorities, Master Sai Charan, accidentally touched a live hanging wire on a lamp post, while playing and was hit with massive electric shock in Mahalakshmi Layout, Bengaluru and he sustained burn injuries and his mother also sustained injuries while pulling him from electric wire. The boy was in serious medical condition and was taking treatment at Colombia hospital, Yeshwanthpura, Bengaluru. The BBMP and BESCOM authorities were very reluctant and had not taken any responsibility for the incident. Hence, he has prayed for action.

Upon issuance of notice to the Managing Director, BESCOM and the Commissioner, BBMP, Bengaluru, report dated 31.05.2019 was received from General Manager (Q,S&S), BESCOM which reads as under:

“.... it is observed that the actual cause of the accident was due to the unauthorized extended Street light Aluminium lead wire of 2.5sq.mm that had fallen on the iron rods heap at the construction site at 7th cross, Mahalakshmi Layout. The 2.5sq mm Aluminium lead wire was skinned at some places. As soon as the Street light switch was energized in evening, the uninsulated part of the cable which was on the iron rod energized the heap of iron rod. The boy Sai Charan while playing has come in contact with the iron rods and received electric shock.the 2.5sq.mm Aluminium multistranded cable connected to street light for the purpose of giving supply has worn out insulation at some places..... In this accident, there is a violation of Regulation 12(1) & 12(3) of CEA (Measures relating to Safety and Electric Supply) Regulation 2010. If the concerned BBMP officer / BBMP entrusted Contractor would have taken guidance from the jurisdictional BESCOM official for getting supply to the street light, this accident would have been avoided. it is clear that there is no fault on the Electricity Distribution Company BESCOM & it is the sole responsibility of City Corporation BBMP to install, maintain the street light.”

Thereafter, report dated 07.08.2019 is received from Commissioner, BBMP. It is submitted that the BESCOM had laid aerial bunched cable instead of LT overhead line and that the houses and street lights had been given power through this aerial bunched cable. However, overhead (aluminium wire) wire was not removed. The joints of LT underground cable service main were just three to four

feet above the ground level and these joints were visibly open and that BESCO did not cover the aforesaid wires with tape or take precautionary measures. It is further submitted that, electrical accidents are possible whenever anybody goes near the pole and touches it, since the service main cable joint wires were at low level. The LT route, LTUG cable, service main wires come under the Management of BESCO and that no BBMP Contractor has drawn wires from pole to pole. It is further submitted that the BESCO is responsible for this incident.

A copy of the report dated 07-08-2019 of BBMP was sent to the complainant for his comments. Accordingly, comments dated 09-09-2019 were received, wherein it is requested to call for report from BESCO and further pass suitable orders on BESCO and BBMP to work in co-ordination with each other to avoid such serious incidents in future.

In view of the aforesaid reports of BESCO and BBMP, notice was issued to the complainant to remain personally present with necessary details and evidence regarding the accident, whereabouts or address of the victim and subsequent procedure carried out after the accident. Accordingly, on 11-10-2019, Learned Counsel Ms. Anuradha was present for the complainant and submitted two documents and the matter was adjourned upon request of complainant's counsel, for bringing the victims of the alleged incident with such documents and evidence that they may have for recording evidence in the matter.

Thereafter, on 13-11-2019, Ms. Anuradha was present for the complainant and stated that she had contacted victim's father and tried to bring them personally before the Commission, but she did not

succeeded because the victim's family appeared to be scared. She has further stated that victim's family has received Rs. 2,00,000/- by way of relief from Chief Minister's Relief Fund and that they are satisfied by that and further she requested to close the case. The Commission made the following order:

"In view of the above order, it appears to be necessary to have the matter investigated by Dy.S.P, Shri Keshav, attached to this Commission so as to obtain a report regarding:

- 1. The extent and effect of injuries sustained by the child, Sai Charan and his mother and permanent disability, if any.*
- 2. The details of the accident of electric shock, as to how, when and whose fault did it happen,*
- 3. The medical expenses incurred by the family of the victim, and*
- 4. What amounts are received by them from which source, by way of help, compensation or otherwise..."*

Pursuant to the above order, report dated 11-02-2020 is received from Dy.S.P of the Commission which reads as under:

"...wound certificate of Sai Charan in which the nature of injuries is mentioned as, "injury is grievous and fresh in nature", but the hospital authorities have not provided the details of treatment of Sai Charan's mother and also the medical expenses incurred by them.

...Sri Adarsh.G.K produced a letter which stated that Sri. Basavaraju father of Sai Charan was contacted over phone several times to appear for the enquiry to the Commission. but he has not cooperated for the same neither has he provided his residential address. Sri. Basavaraju F/o the victim said that, he had already received compensation from the MLA and BBMP Corporator...

...Sri. Basavaraju Said that his son was not injured in any way neither was he handicapped

because of the incident hence we will not appear for any enquiry.....

....on examination it was found that there was a construction work happening at site No.2 and they had taken a temporary electric connection for the building construction. Sri. Rafeeq, the immediate neighbor resident of the construction site was enquired and he provided information that Nagaraju was the owner of the under construction building and assured that he would give his statement in the Commission along with Nagaraju.”

In view of the report dated 11-02-2020 of Dy.S.P, attached to the Commission, it appears that no further enquiry is required or feasible at this stage. Therefore, the complaint is disposed and proceeding is closed without any recommendation.

Sd/-
(Justice D.H. Waghela)
Chairperson

G.S