

WEST BENGAL HUMAN RIGHTS COMMISSION

File No.9/SMC/22

1. Mr. Justice Jyotirmay Bhattacharya - Chairperson
2. Mrs. Justice Madhumati Mitra - Member
3. Mr. Naparajit Mukherjee - Member

A news item appeared in Ganashakti dt.05/9/2022 entitled "কাজের সময় লাইনে হঠাৎ বিদ্যুৎ, মৃত্যু ঠিকা শমিকের" The facts of the matter is evident in the news item. Accordingly, the Commission took suo motu cognizance into the matter and called for a report from Chairman, West Bengal State Electricity Distribution Company Ltd. on 07/9/2022.

2. The matter was duly enquired by West Bengal State Electricity Distribution Company Ltd. (WBSEDCL) authority and a report was submitted by Director (HR) vide his Memo No.Safety/71/193 dt.28/09/2022 to the Commission. The report, inter alia, stated that one Nepal Besra, son of Lt. Dudu Besra of Vill.Jhikra, P.O.Laujore, P.S.Chandrapur, Dist-Birbhum aged about 51 years was engaged in repair and maintenance work of a Distribution Transformer. He was electrocuted during such maintenance work by "power back fed" from the L.T. side of the transformer. The actual cause of death would be ascertained from the post mortem report. The permanent enquiry committee enquired into the incident and reported that the labourer was engaged in maintenance work of a 315 kva

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Distribution Transformer. After isolating High Tension (11 kv) side and using discharge rods on both sides of the 11 kv. Distribution Transformer work was started. The LT fuse unit of the same was "neither disconnected nor shorted to earth using shorting chain". When the victim started rectification work of one of the flexible cords of the isolator, the accident occurred; the victim fell on the HT fuse unit structure. The report further stated that M/s. Mondal Enterprise was engaged for H line maintenance work of Suri 33/11 kv Sub-Station near Suri Division and Nepal Besra, the victim, was engaged as worker by this agency. The report claimed that services of this worker, who died, was covered under ESIC Act, 1948 of his immediate employer. Therefore, the immediate employer would pay legitimate compensation to the legal heirs of the victim by P.F. and ESI authorities as admissible. The Commission called for post mortem and inquest reports from the Supdt. of Police, Birbhum which were duly received on 16th February, 2022. The post mortem report confirmed that death was due to effects of electrical injuries (electrocution) as noted above, ante mortem in nature. This was submitted by Dr. Sankar Prasad Das, Medical Officer (Medico Legal), Sadar Hospital, Suri.

3. The Commission examined the report submitted by Director (HR) and the post mortem report regarding actual cause of death of the victim, Nepal Besra. The Commission concluded that there was definite negligence on the part of the WBSEDCL authorities as admitted in para 2 of the report of Director (HR)

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"however, the LT fuse unit of the same was neither disconnected nor shorted to earth using shorting chain. When the victim started the rectification work of one of the flexible cords of the isolator, the accident took place and the victim fell on the HT fuse unit structure". This shows that the WBSEDCL authorities responsible for total disconnection of electricity prior to maintenance work had failed to do so resulting in flow of high voltage current in the system leading to electrocution of the victim. It is unfortunate that the enquiring authority failed to fix up responsibility on the person responsible for disconnecting the transformer and making it completely free of any electricity flow prior to maintenance work causing to loss of valuable life of an innocent person engaged in maintenance work. In view of above the Commission makes following recommendations:-

- i. The legal heirs of the victim, Nepal Besra, son of Lt. Dudu Besra of Vill.Jhikra, P.O.Laujore, P.S.Chandrapur, Dist-Birbhum be paid by the West Bengal State Electricity Distribution Company Ltd. (WBSEDCL) a sum of Rs.3 lakhs (Rupees three lakhs) only as compensation due to his death during engagement in maintenance work of the transformer, death of the person occurring due to negligence of West Bengal State Electricity Distribution Co. Ltd. (WBSEDCL) authorities. Compensation recommended by West Bengal Human Rights Commission would be independent of compensation as admissible under ESIC and P.F. Acts to the heirs of the deceased person.

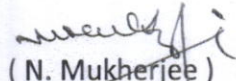
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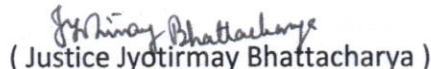

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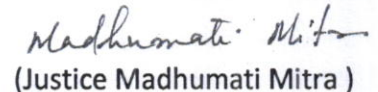
ii. The WBSEDCL authorities should fix up responsibility of the staff who were tasked/responsible for shorting and earthing work of the transformer to make it free of electricity, prior to maintenance by maintenance staff. They should also consider taking legal action against person responsible for this negligence.

4. Special Secretary, WBHRC is directed to send an authenticated copy of recommendation to the Chief Secretary, Govt. of West Bengal. Chief Secretary, Govt. of West Bengal should inform the Commission about the action taken or proposed to be taken on the recommendations within a period of 3 (three) months from the date of receipt of this communication.

Ld. Registrar, W.B.H.R.C is directed to upload the recommendations in the website.


(N. Mukherjee)
Member
28/2/2023


(Justice Jyotirmay Bhattacharya)
Chairman


(Justice Madhumati Mitra)
Member

Encl : Copy of news item of Ganashakti dt.05/09/2022.
Copy of report of Director (HR), WBSEDCL.
Copies of post mortem report and inquest report as
submitted by the S.P., Birbhum

Authenticated.


Assistant Secretary
W.B. Human Rights Commission