

(2000) 07 GAU CK 0010
In the Gauhati High Court
Case No : Civil Rule No. (PIL) 46 of 1997

Apurba Kr. Sarma

APPELLANT

Vs

A.S.E.B and Others

RESPONDENT

Date of Decision : 25-07-2000

Acts Referred:

Electricity Rules, 1956 — Rule 29, 30, 31, 40, 46

Citation : (2001) 2 GLT 499

Hon'ble Judges : Brijesh Kumar, C.J; D.N. Chowdhury, J

Bench : Division Bench

Advocate : D.C. Mahanta, for the Appellant; N.N. Saikia, G. Deka and B.C. Das, for the Respondent

Judgement

1. By means of this Public Interest Litigation, the Petitioner has highlighted the dangers and hazards to which people in general are exposed to because of the lapses on the part of the Respondents, as a result of which all the necessary measures are not being taken to provide closed structures for the street boxes contracting apparatus for transforming, switching, controlling or otherwise regulating electrical energy. Referring to the Rules on the subject, it is submitted that owners of all street boxes or pillars containing circuits or apparatus shall ensure that their covers and doors are so provided that they can be opened only by means of a key or a special appliance. Such electrical apparatus have been installed at different places; but they are not properly maintained. Danger notices are to be affixed permanently at conspicuous position with a sign of skull and bones to warn the people of the danger at such spots. All the precautions are to be taken, as far reasonably possible, to prevent any influx of water or gas in the street boxes.

2. Due to non-maintenance and non-adherence to the norms prescribed, accidents have occurred taking lives of innocent people. Some photographs have been taken in the city of Guwahati and published in the newspapers as well as enclosed along with the petition to demonstrate the grievance raised in the

petition. One of the photographs at P. 16 of the paper book (Annexure-P to the petition) also shows a victim of an accident.

3. Considering the danger involved and the hazards to which the people in general are exposed to, the Court by order dated 9.6.99 had directed the Chief Electrical Inspector, Government of Assam, to conduct a survey in regard to such street boxes and other apparatus and appliances installed in Guwahati city which are open to risk and are not being properly maintained. The Chief Electrical Inspector-cum-Adviser, Government of Assam has filed an affidavit dated 27 January, 2000, a reading of which shows that the position is very bad indeed and it appears that no attention is being paid at all to this aspect of the matter and despite the rules and guidelines on the subject as to in what manner and by whom the said safety measures are to be taken, they are constantly being neglected. The report of the Chief Electrical Inspector indicates the following position, which is extracted below:

(a) Bare live parts of cables or switch gears on secondary side of the transformers are so exposed as to cause danger to human beings or animals.

(b) No switchgears are provided on secondary side of the transformer for carrying and breaking full load current of the transformers.

(c) Each distinct supply line emanating from the sub-station is not protected against excess energy by means of suitable cut-out or a circuit breaker of adequate capacity.

(d) The electrical installations are not constructed to prevent danger from overheating, arcing, scattering of hot metals at the terminations of the cables and the switchgears provided on secondary side of the transformers.

(e) No danger notice board in Hindi or English and local language of the district is found at the site of the installations.

3. That as per the survey, out of 47 Nos. of sub-stations examined all over Guwahati, 45 Nos. of sub-stations had live parts exposed on the secondary side to cause danger. Only two sub-stations, namely, near Ambika Petrol Pump, R.G.B. Road, and Zoo-Narengi Road, Narikalbasti was found to be hazard-free.

The report further indicates that Rule 46 of the Indian Electricity Rules, 1956, provides for periodical inspection and testing of existing consumers installation by the Inspectorate of Electricity. In that connection, Rules 29, 30, 31 and 40, as well as other rules, have also been indicated. It further appears that high voltage and extra high voltage installation of the supplier of electricity are required to be inspected by the Inspectorate before commencing or recommencing supply.

4. The Board's instructions as issued for the purposes of safety measures have already been indicated But, it appears that the Assam State Electricity Board as well as the Inspectorate, they have not properly given attention in accordance with the provisions and guidelines to safeguard the interest of the people as

against the dangers from exposed parts of the installations and the street boxes. We feel that it is a matter of utmost urgency and necessity that the authorities concerned get alive to their duties and save the people from such dangers which, in our view, does not require any special or extraordinary effort. In a routine manner such things must be taken care of and whatever is necessary, must be done.

An affidavit on behalf of the Assam State Electricity Board has also been filed indicating that it has taken care to ensure the safety measures, but these measures which are taken by them are undone by minor thefts and things like that. We feel that it hardly provides justification for keeping the things exposed. It is also indicated that some of the Government Departments also do not cooperate and turn a blind eye to such matters.

Considering all facts and circumstances, we dispose of this petition finally with a direction that a copy of the survey report as submitted by the Senior Electrical Inspector, Zone-I, Guwahati (HQ), dated 21.7.99, shall be furnished to the Chairman, Assam State Electricity Board, through its counsel, for consideration of the Board for taking appropriate steps and to do the needful in the light of the report of the Senior Electrical Inspector, within a period of three months. Similarly, a copy of the report shall also be furnished to the Respondents Nos. 2, 3 and 4. through their counsel present in the Court. The Respondents Nos. 2, 3 and 4 shall also do whatsoever is needed to be done on their part and provide all assistance to Respondent No. 1. The Respondent No. 1 shall submit its compliance report to Respondent No. 2 within three months from today.

A copy of this order accompanied by a copy of the report of the Senior Electrical Inspector, referred to above, shall be provided to the counsel of the respective parties to the petition within a week.

The Respondents shall also provide and issue necessary directions to concerned authority for periodical inspection of such installations.