(2011) 07 NCDRC CK 0051

In the National Consumer Disputes Redressal Commission

Karnataka State Agricultural Marketing Board APPELLANT

Vs

Honnappa Gowda RESPONDENT

Date of Decision : 12-07-2011

Acts Referred:

Citation : 2011 0 NCDRC 431 : 2011 3 CPJ 227 : 2011 3 CPR 253

Hon'ble Judges : Ashok Bhan , Vineeta Rai J.

Final Decision : Appeal dismissed

Judgement

1. THIS revision petition has been filed by the General Manager, Karnataka State Agricultural Marketing Board and another (hereinafter referred to as the ?Petitioner?) being aggrieved by the order of the State Consumer Disputes Redressal Commission, Karnataka (hereinafter referred to as the ?State Commission?) in Appeal No.2585/2006 in favour of Honnappa Gowda (hereinafter referred to as the ?Respondent?) who was the original complainant before the District Forum.

2. THE facts of the case according to the Respondent are that on 15.11.2002 at around 10.45 am, his son who was an agriculturist went to a nearby lake to have a bath after working in his fields to wash off mud and other materials on his body. While taking his bath, he slipped in the lake and drowned. His body was recovered with the help of the police and the Fire Service personnel. Since the Respondent?s son was covered under a scheme known as ?Raitha Sanjeevini Accidental Insurance Scheme? which provided social security through financial assistance to the families of agriculturists who died or were disabled while engaged in agricultural activities, Respondent approached the Petitioner for necessary admissible relief of Rs.25,000/-. However, his application dated 27.02.2004 was rejected by the Petitioners on the grounds that the activities which led to his son?s death was not covered under the scheme, since his death did not occur in connection with any agricultural activity. Being aggrieved by this, Respondent issued a legal notice and subsequently filed a complaint before the District Forum on grounds of deficiency in service and negligence by rejecting the

Respondent?s bonafide application. He requested that the Petitioner be directed to pay him Rs.25,000/-, Rs.2,000/- as litigation expenses and Rs.20,000/- as relief. Petitioners, on the other hand contended that they were justified in repudiating the claim, since the death of the Respondent?s son was not as a result of his engagement in agricultural or related activities as listed out at Serial No.2 of the Raitha Sanjeevini Rules, 1996. The District Forum after hearing both the parties allowed the complaint and directed the Petitioner/Board to pay the Respondent Rs.25,000/- as accidental benefit and Rs.11,000/- as compensation/ costs within 30 days. Being aggrieved by this order, Petitioner/Board filed an appeal before the State Commission which rejected the appeal. The relevant part of the order of the State Commission reads as follows: The case of the complainant is that he is entitled for compensation under the Raitha Sanjeevini Accident Insurance Scheme, if there is any death in the accident. It is not in dispute that the son of the complainant died while he was taking bath immediately after the agricultural work. Taking bath immediately after the agricultural work is also to be considered as a part of the agricultural work. The complainant had lost his son while he was engaged in cultivation on whom the complainant was depending upon for his livelihood and therefore the DF is right in awarding the assured sum under the policy in favour of the complainant. In our view the DF has done substantial justice to the parties. Further as per the evidence produced before the DF the son of the complainant died while taking bath by drowning. The said death is due to the accident. Therefore, we find no reason to interfere in the impugned order?

Hence, the present revision petition.

Learned counsel for Petitioners was present. None appeared on behalf of Respondent. Since service is complete, the case is being decided ex parte. Counsel for Petitioner in his oral submissions stated that as per the Raitha Sanjeevini Rules, 1996 framed under the Raitha Sanjeevini Accidental Insurance Scheme, it is a fact that all farmers and their family members in the State of Karnataka in the age group of 15 to 80 years are eligible to be a beneficiary of the Scheme in case of death or disability under a large number of circumstances which have been specified comprehensively in the Rules. These circumstances, however, do not include death by drowning even if, as in this case, the bath was undertaken after completion of agricultural work in the fields. Under these circumstances, the fora below erred in concluding that the Respondent was eligible for payment of Rs.25,000/- by the Petitioners.

3. WE have considered the submissions made by the Counsel for Petitioners as well as the evidence on record including the Raitha Sanjeevini Rules, 1996. A perusal of these Rules indicates that under the Scheme the family members of agriculturists who have suffered death or disability not only during direct agricultural activities (like sowing, spreading insecticides etc.) but also in case of related activities like transporting equipments needed for cultivation, marketing activities etc. are eligible for relief. A long illustrative list has been given but

obviously it is not possible to list out all activities to be covered. But the purpose of giving so many examples is primarily to indicate that the scope of the scheme is wide and not limited to relief in cases only directly connected to an agricultural activity. In this connection, it is also important to note that specific circumstances have also been listed out in the above Rules which would render relief for death or disability inadmissible under the Scheme. These are: (i) Suicide (ii) Cause of death or disabled due to drinking or drug consumption (iii) Natural death and Fire accident, thunder, storm, flood and electric accident. (iv) Death or disabled by mental disorder (v) Disabled or death due to the participating in mob or quarrel

In the instant case, it is not in dispute that the Respondent?s son did not die as a result of any of the above stated circumstances which would have rendered his family ineligible for benefit/relief under the Scheme. On the other hand, as is expected and a normal routine for any farmer who has worked in the fields, the deceased went to take a bath on completion of agricultural activities and unfortunately drowned in the lake. Therefore, the fora below were right in concluding that this case was eligible for relief under the Rules framed for the Scheme since there was a clear though indirect nexus between his agricultural activities and the circumstances leading to his death. We, therefore, uphold the orders of the fora below and dismiss the revision petition with no order as to costs.

