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LIVE WIRES, LOOSE ENDS: RETHINKING ELECTROCUTION LIABILITY

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ABSTRACT

In *Karnataka Power Transmission Corporation Ltd v Rekha*, the Supreme Court held that electricity utilities are strictly rather than absolutely liable for electrocution, that writ courts should not award compensation where material facts are disputed, and that the motor accident multiplier does not apply. This article accepts the classification but identifies three gaps. The Court does not explain why the exceptions to strict liability survive for an activity it calls inherently dangerous; the article argues that liability without fault rests on the utility's control of the evidence and capacity to spread loss, while the exceptions survive only where harm lay beyond reasonable care. Several disputes that defeated the writ petitions concerned negligence, which the Court's own holding made immaterial, and the writ remedy lacks a stated constitutional basis. And rejecting the multiplier leaves a standard without a method, while State compensation schemes remain uneven. The article proposes a layered remedial model built from materials Indian law already contains.

Keywords: Electrocution; Strict Liability; Absolute Liability; *Rylands v Fletcher*; Article 226; Constitutional Tort; Electricity Act 2003; Compensation.

I. INTRODUCTION

Electrocution killed 15,861 people in India in 2024, up from 13,835 the year before,¹ most of them farm workers, children on rooftops and passers-by rather than linesmen, yet the law on liability for it has grown without much design. For decades the families of victims have gone to the High Courts under Article 226, and those courts have often treated the death as an infringement of the right to life, fixing compensation on bases ranging from minimum wages

¹ National Crime Records Bureau, Accidental Deaths & Suicides in India 2024 (Ministry of Home Affairs 2026) table 1.10; National Crime Records Bureau, Accidental Deaths & Suicides in India 2023 (Ministry of Home Affairs 2025) table 1.10.

to the motor accident tables.²

Karnataka Power Transmission Corporation Ltd v Rekha has checked that practice.³ Setting aside two awards of the Karnataka High Court, Sanjay Karol and Nongmeikapam Kotiswar Singh JJ held that electricity undertakings are strictly, not absolutely, liable; that a writ petition is not the vehicle for assessing compensation where material facts are contested; and that the multiplier under the Motor Vehicles Act 1988 is not to be applied *mutatis mutandis* to electrocution. Commentary has so far reported rather than tested these holdings.⁴ Each is defensible, but together they leave liability without a boundary, the procedural line imprecise and compensation without a method. This article argues that *Rekha* is a judgment on classification and forum rather than a remedial code, and that its gaps can be filled from existing Indian law. Confined to the civil liability of utilities to the public, it examines in turn the decision (Part II), the boundary between strict and absolute liability (Part III), the seven exceptions (Part IV), the writ jurisdiction (Part V), the statutory safety regime (Part VI), compensation (Part VII), the regulatory schemes (Part VIII) and the forums and limitation periods claimants now face (Part IX), before proposing a remedial model (Part X).

II. THE DECISION IN *REKHA*

N Subramanya died on 22 February 2018 when the aluminium ladder he was using in a coffee plantation touched an 11 kV line, and his widow obtained Rs 25,52,500 from the Single Judge and Division Bench. Muizz Ahmad Shariff was seriously injured by a 66 kV line after climbing onto a neighbouring roof to retrieve a cricket ball, and received Rs 44,32,050. Both awards followed the motor accident method, and because the appellant challenged only two of three connected decisions, a third claimant keeps an award resting on the standard the Supreme Court has now rejected.⁵

The Court asked whether the writ petitions were maintainable and what yardstick governs

² *Meera v Municipal Corporation of Delhi* WP(C) 2303/2016 (Del HC, 24 August 2020); *Munni Devi v Government of NCT of Delhi* WP(C) 8432/2018 (Del HC, 15 January 2021).

³ *Karnataka Power Transmission Corporation Ltd v Rekha* 2026 INSC 847, 2026 SCC OnLine SC 1545.

⁴ Yash Mittal, 'Multiplier Method Under Motor Vehicles Act Cannot Be Applied To Electrocution Death Cases: Supreme Court' (LiveLaw, 22 August 2026) <<https://www.livelaw.in/supreme-court/multiplier-method-under-motor-vehicles-act-cannot-be-applied-to-electrocution-death-cases-supreme-court-546689>> accessed 30 September 2026; 'SC: Electrocution Claims Attract Strict Liability' (SCC Times, 18 August 2026) <<https://www.sconline.com/blog/post/2026/08/18/sc-electrocution-claims-attract-strict-liability/>> accessed 30 September 2026; King Stubb & Kasiva, 'Supreme Court Holds Electricity Utilities Liable Under Strict, Not Absolute, Liability for Electrocution Claims' (8 September 2026) <<https://ksandk.com/newsletter/electricity-utilities-strict-liability-electrocution/>> accessed 30 September 2026.

⁵ *Rekha* (n 3) [2]–[4].

compensation. On the first, it relied on the alternative-remedy principles in *Radha Krishan Industries v State of Himachal Pradesh* and on *Chairman, Grid Corporation of Orissa Ltd v Sukamani Das*, which treated electrocution claims raising disputed facts as actions in tort requiring proof of negligence and so unsuited to Article 226, and listed the disputes on the record: in the first appeal, the victim's use of the ladder, the plantation owner's negligence, the condition of the backup relays and whether the appellant was responsible for lines of that voltage; in the second, whether the statutory distance of four metres between line and building had been kept, whether an undertaking of 19 April 2000 made the building owner solely liable, and whether negligence could be imputed to the appellant for supplying the building.⁶

Since, the High Court had dismissed these disputes as irrelevant under absolute liability, the Court had to settle the standard. After reviewing *MC Mehta v Union of India*, *Rylands v Fletcher*, the Privy Council's decision on escaping current in *Quebec Railway, Light, Heat and Power Co Ltd v Vandry*, *MP Electricity Board v Shail Kumari* and the seven exceptions in *Kaushnuma Begum v New India Assurance Co Ltd*, it held that 'to impose strict liability would be more appropriate, for not in all cases can it be said that the electricity boards are liable'.⁷ On quantum, it read *Raman v Uttar Haryana Bijli Vitran Nigam Ltd* as excluding the multiplier and directed 'just and reasonable, fair compensation'. The awards were quashed, the claimants were left to the competent forum, and an interim payment of Rs 5,00,000 was protected from recovery.⁸

III. STRICT, NOT ABSOLUTE: LOCATING THE BOUNDARY

A. An Unexplained Boundary

The Court accepts that 'the transmission of electricity is undoubtedly inherently dangerous', that those who carry on such an activity must bear its burden, 'and the State is no exception to that rule', and that such enterprises can best spread losses through insurance and pricing.⁹ These are close to the premises from which *MC Mehta* derived absolute liability, which on a fair reading grounded the enterprise's non-delegable duty in its position: it profits from the hazard, it alone can discover and guard against it, and it can absorb the cost as an overhead.¹⁰ *Indian*

⁶ *Radha Krishan Industries v State of Himachal Pradesh* (2021) 6 SCC 771; *Chairman, Grid Corporation of Orissa Ltd v Sukamani Das* (1999) 7 SCC 298; *Rekha* (n 3) [5]–[9].

⁷ *Rekha* (n 3) [10]–[14]; *MC Mehta v Union of India* (1987) 1 SCC 395; *Rylands v Fletcher* (1868) LR 3 HL 330; *Quebec Railway, Light, Heat and Power Co Ltd v Vandry* [1920] AC 662 (PC); *MP Electricity Board v Shail Kumari* (2002) 2 SCC 162; *Kaushnuma Begum v New India Assurance Co Ltd* (2001) 2 SCC 9.

⁸ *Rekha* (n 3) [15]–[18]; *Raman v Uttar Haryana Bijli Vitran Nigam Ltd* (2014) 15 SCC 1.

⁹ *Rekha* (n 3) [14].

¹⁰ *MC Mehta* (n 7).

Council for Enviro-Legal Action v Union of India later rejected the suggestion in *Union Carbide Corporation v Union of India* that the rule was obiter.¹¹ If those reasons sufficed in 1987, the reader of *Rekha* may ask what is missing in 2026. The judgment's answer, that electricity boards cannot be liable in every case, is a conclusion rather than a reason, since every regime requires harm attributable to the defendant. Two questions must be kept apart: why the utility is liable without proof of fault, and why it may nonetheless rely on the exceptions to *Rylands*.

B. Why the Utility Is Liable without Fault

The first question does not depend on calling electricity abnormally dangerous. The utility controls the network and holds almost all the evidence, from maps and test records to relay logs and maintenance registers; it can insure and pass the loss on through tariffs; and since *Shail Kumari* Indian law has held those carrying on activities hazardous to human life liable 'irrespective of any negligence or carelessness'.¹² These reasons justify dispensing with proof of negligence, but not the survival of the exceptions.

C. Why the Exceptions Survive

The second answer lies, it is suggested, in how far reasonable care can control the risk. The criterion must be handled carefully, because in the *Restatement (Second) of Torts* an inability to eliminate risk through care marks an activity as abnormally dangerous, so that controllability points towards negligence; English law has likewise confined *Rylands* to exceptional risks and foreseeable damage, and Australian law has absorbed it into negligence.¹³ Controllability cannot justify liability without fault, but it does explain the exceptions: where harm flows from an event no reasonable care could prevent, such as an unforeseeable act of a stranger or an extraordinary natural event, the utility deserves a defence, and where it flows from a failure that sound engineering would have prevented, it does not. Alternative criteria fit less well. Scale cannot be decisive, because the *MC Mehta* rule followed an oleum leak that, on the petitioner's account, killed one person;¹⁴ toxicity describes that case but not the rule; community-wide exposure would sweep ordinary electrocution into the absolute rule *Rekha* rejects; and exclusive control is present in both settings. Controllability marks a real difference, because

¹¹ Indian Council for Enviro-Legal Action v Union of India (1996) 3 SCC 212; Union Carbide Corporation v Union of India (1991) 4 SCC 584.

¹² Shail Kumari (n 7) [8].

¹³ American Law Institute, Restatement (Second) of Torts (American Law Institute 1977) §§ 519–520; Cambridge Water Co Ltd v Eastern Counties Leather plc [1994] 2 AC 264 (HL); Transco plc v Stockport Metropolitan Borough Council [2003] UKHL 61, [2004] 2 AC 1; Burnie Port Authority v General Jones Pty Ltd (1994) 179 CLR 520; Donal Nolan, 'The Distinctiveness of Rylands v Fletcher' (2005) 121 LQR 421.

¹⁴ MC Mehta v Union of India (1986) 2 SCC 176.

distribution risks consist overwhelmingly of preventable failures: inadequate clearances, unguarded crossings, relays that do not trip and fallen conductors that stay live.

D. A Harder Case

If a substation explosion killed several people nearby, the claim would stay in strict liability, but the utility would rarely find an exception, since an explosion on its own premises is within its control, and the result would approach absolute liability without reclassification. Parliament has drawn the same line even for nuclear power: the SHANTI Act 2025, which repealed the Civil Liability for Nuclear Damage Act 2010, makes the operator liable but excludes damage caused by a grave natural disaster of an exceptional character, by armed conflict or terrorism, or by the victim's own negligence.¹⁵ That Parliament kept these exceptions in its newest ultra-hazardous statute suggests that reading *MC Mehta* as excluding every exception is too rigid. Nor is the hypothetical remote: at least sixteen people died in an electrocution at a sewage treatment plant in Chamoli in July 2023, though not on a distribution network.¹⁶

IV. THE SEVEN EXCEPTIONS AFTER *REKHA*

Rekha adopts the seven exceptions in *Kaushnuma Begum*: consent, common benefit, act of a stranger, statutory authority, act of God, default of the plaintiff and remoteness.¹⁷ Each should be read through the controllability principle.

A. Consent and Common Benefit

Consent requires knowledge of the particular danger and a free choice to run it, so someone who climbs onto a roof to fetch a cricket ball, child or adult, has not ordinarily accepted the risk of a 66 kV line he may not have noticed and whose distance from the building the supplier was bound to control. Common benefit, read broadly, would bar almost every consumer's claim against the utility supplying the home. *Dunne v North Western Gas Board* refused *Rylands* liability for a gas explosion partly on this ground,¹⁸ but it reflected an English reluctance to apply *Rylands* to statutory undertakers that Indian law abandoned in *Shail Kumari*, and the exception should be confined to installations kept jointly or at the plaintiff's request.

¹⁵ Sustainable Harnessing and Advancement of Nuclear Energy for Transforming India Act 2025, ss 11(1) and 12.

¹⁶ 'Electrocution Kills at Least 16 as Transformer Explodes in India' (Al Jazeera, 19 July 2023) <<https://www.aljazeera.com/news/2023/7/19/electrocution-kills-many-after-transformer-explodes-in-india>> accessed 30 September 2026.

¹⁷ *Rekha* (n 3) [13].

¹⁸ *Dunne v North Western Gas Board* [1964] 2 QB 806 (CA).

B. Act of a Stranger

The exception covers only unforeseeable acts of strangers. In *Shail Kumari* the Board blamed a cyclist's death on a third party who had illegally tapped the line, and the Court held this 'no defence', since a snapped line should have disconnected automatically.¹⁹ Pilferage is a predictable feature of Indian networks, and a utility cannot shelter behind foreseeable misconduct that its own protective systems exist to contain. *Rekha* itself quotes the passage in *Vandry* discussing *Dumphy v Montreal Light, Heat and Power Co*, where high-tension current was released by a third party's workman.²⁰ The building owner's undertaking in *Rekha* raises the same question: not whether a third party built too close, but whether the utility, with its statutory powers over its lines, should have acted on the encroachment.

C. Statutory Authority

Statutory authority poses the greatest risk to claimants. *Rekha* records that the rule is excluded where the act was done under a statutory duty,²¹ yet almost everything a utility does is done under statute, so a literal reading would swallow the rule. The traditional defence protects only harm that is the inevitable consequence of doing, with due care, what the legislature authorised.²² English law also distinguished powers from duties: in *Charing Cross Electric Supply Co v Hydraulic Power Co* a company whose high-pressure main burst and damaged an electricity company's cables was liable under *Rylands* because its statute permitted, without requiring, the high pressure, while those bound to supply, as in *Green v Chelsea Waterworks Co*, answered only in negligence.²³ Indian licensees are bound to supply on request,²⁴ but a duty to supply is not a duty to supply dangerously, and the English cases never protected undertakers who disregarded the safety measures prescribed by the same statutory scheme. So read, the defence reintroduces care, the utility should bear the burden of proving it, and section 175 of the Electricity Act, which preserves other laws, supports that reading. *Rajkot Municipal Corporation v Manjulben Jayantilal Nakum*, cited in *Rekha*, does not help utilities, since its refusal of liability for a falling tree concerned an omission, not a hazardous activity.²⁵

¹⁹ *Shail Kumari* (n 7) [7], [10].

²⁰ *Rekha* (n 3) [12]; *Vandry* (n 7); *Dumphy v Montreal Light, Heat and Power Co* [1907] AC 454 (PC).

²¹ *Rekha* (n 3) [13].

²² *Geddis v Proprietors of Bann Reservoir* (1878) 3 App Cas 430 (HL); *Allen v Gulf Oil Refining Ltd* [1981] AC 1001 (HL).

²³ *Charing Cross Electric Supply Co v Hydraulic Power Co* [1914] 3 KB 772 (CA); *Green v Chelsea Waterworks Co* (1894) 70 LT 547 (CA).

²⁴ Electricity Act 2003, s 43.

²⁵ Electricity Act 2003, s 175; *Rajkot Municipal Corporation v Manjulben Jayantilal Nakum* (1997) 9 SCC 552.

D. Act of God, Default and Remoteness

Storms regularly bring down conductors, and in *Sukamani Das* the Corporation blamed lightning, but act of God has always meant events too extraordinary to anticipate,²⁶ and an annual monsoon is not one. The plaintiff's default should mean deliberate interference or reckless assumption of risk, since treating the ordinary use of a ladder or rooftop as default would require victims to behave like engineers; lesser fault is better met by apportioning damages for contributory negligence.²⁷ Remoteness will rarely matter where death or injury follows contact with a live installation.

V. THE WRIT COURT, DISPUTED FACTS AND THE CONSTITUTIONAL BASIS OF COMPENSATION

A. The Line of Authority

Rekha does not close Article 226 to electrocution claims; it holds only that disputed material facts make the writ court the wrong forum, as *Sukamani Das* and *SDO, Grid Corporation of Orissa Ltd v Timudu Oram* had held.²⁸ The same authorities recognise the converse, although the remark in *Tamil Nadu Electricity Board v Sumathi* that apparent negligence and an infringement of Article 21 permit recourse to Article 226 explained *Sukamani Das* rather than decided the case, since the Board's appeals succeeded.²⁹ Firmer support lies in *Haryana State Electricity Board v Ram Nath*, which upheld a writ award because the essential facts were uncontroverted, and *Parvati Devi v Commissioner of Police*, which presumed negligence once death by electrocution on a road was proved.³⁰ *Kumari v State of Tamil Nadu* went further, ordering the State to pay for a child's death in an open sewerage tank without deciding which authority was at fault.³¹ *Raman* itself began as a writ petition, in which the Supreme Court restored a substantial award after finding 'statutory negligence'.³²

B. What Counts as a Material Dispute

Here *Rekha*'s procedural reasoning sits uneasily with its substantive holding. *Sukamani Das* assumed that electrocution claims required proof of negligence; *Rekha* holds the utility liable

²⁶ *Sukamani Das* (n 6); *Nichols v Marsland* (1876) 2 Ex D 1 (CA).

²⁷ *Municipal Corporation of Greater Bombay v Laxman Iyer* (2003) 8 SCC 731.

²⁸ *SDO, Grid Corporation of Orissa Ltd v Timudu Oram* (2005) 6 SCC 156.

²⁹ *Tamil Nadu Electricity Board v Sumathi* (2000) 4 SCC 543.

³⁰ *Haryana State Electricity Board v Ram Nath* (2004) 5 SCC 793; *Parvati Devi v Commissioner of Police* (2000) 3 SCC 754; Usha Ramanathan, 'Tort Law' [2001] Annual Survey of Indian Law 615.

³¹ *Kumari v State of Tamil Nadu* (1992) 2 SCC 223.

³² *Raman* (n 8) [17].

without it. Disputes such as the condition of the relays or whether negligence could be imputed for supplying the building therefore no longer decide liability. What remains material is causation by the defendant's installation, the defendant's responsibility for that installation and the applicability of an exception. Some *Rekha* disputes fall into these categories, notably which entity maintained the line and the conduct of the plantation and building owners, but once the standard changed each needed reassessment against it, and the judgment does not undertake that exercise.

C. A Constitutional Foundation

A writ test also needs a constitutional footing, since a death caused without fault by a utility's installation is a tort but not self-evidently a violation of Article 21 by the State. Two footings are available. The first treats statutory safety obligations as the content of the State's positive duty to protect life, so that compensation may follow where the official record, such as the Electrical Inspector's report, shows an apparent breach of the protective regime the State itself prescribed. The second recasts the remedy as a mandamus to pay the amount due under the regulatory scheme, a clear statutory entitlement suited to Article 226, as in *Sajina Begum v Assam Power Distribution Co Ltd*.³³ Neither requires the writ court to assess private law damages, and the *Uphaar* decision indicates that public law compensation should be moderate and leave the claimant free to sue for the balance.³⁴ Both footings rest on the line of cases from *Rudul Sah v State of Bihar* through *Nilabati Behera v State of Orissa* to *Chairman, Railway Board v Chandrima Das*, which treat compensation for the State's violation of Article 21 as a public law remedy, strict in character and free of sovereign immunity.³⁵

D. Official Records

Official records will usually decide on which side of the line a case falls. Section 161 of the Electricity Act requires notice of fatal and injurious accidents and an inquiry by the Electrical Inspector, and the safety regulations require licensees to keep maps of their lines, install protection that disconnects supply automatically and maintain their apparatus.³⁶ A High Court should call for these materials before treating facts as contested, and where a utility cannot produce records it was bound to keep, it may presume that they would have told against it,³⁷ so

³³ *Sajina Begum v Assam Power Distribution Co Ltd* WP(C) 5744/2020 (Gau HC, 30 August 2024).

³⁴ *Municipal Corporation of Delhi v Association of Victims of Uphaar Tragedy* (2011) 14 SCC 481 [37], [38], [40].

³⁵ *Rudul Sah v State of Bihar* (1983) 4 SCC 141; *Nilabati Behera v State of Orissa* (1993) 2 SCC 746; *DK Basu v State of West Bengal* (1997) 1 SCC 416; *Chairman, Railway Board v Chandrima Das* (2000) 2 SCC 465.

³⁶ Electricity Act 2003, s 161; Central Electricity Authority (Measures relating to Safety and Electric Supply) Regulations 2023, regs 10, 41, 47 and 48.

³⁷ Indian Evidence Act 1872, s 114, illustration (g); *Bharatiya Sakshya Adhiniyam* 2023, s 119, illustration (g).

that a dispute manufactured by missing records does not count as one.

VI. ELECTRICITY AS A REGULATED RISK

The Electricity Act 2003 has no compensation code, but its safety framework, which electrocution litigation seldom uses, is detailed: sections 53 and 177 empower the Central Electricity Authority to prescribe safety measures by regulation, section 68 governs overhead lines, section 161 accident inquiries, and section 57 makes licensees that fail standards of performance liable to compensate the person affected.³⁸ Which instrument governed an accident matters. The 2023 Safety Regulations superseded the 2010 Regulations only prospectively,³⁹ so the 2018 death in *Rekha* fell under the 2010 Regulations, and the building undertaking of 2000 under the Indian Electricity Rules 1956.⁴⁰

The clearance dispute shows why this is useful. Each instrument has required 3.7 metres of vertical clearance above buildings for lines up to 33 kV, plus 0.3 metres for each further 33 kV or part of it, so a 66 kV line needs 4.0 metres. If, as the facts suggest, the line passed over the roof, that is the ‘statutorily mandated distance’ of four metres the Court found disputed; if it ran beside the building, the horizontal clearance would be 2.3 metres.⁴¹ Either way the question is one of measurement. The safety rules thus supply the content of the utility’s duties whenever a defence reintroduces care, define the records it must produce and allocate responsibility between the utility and those who build near its lines, and in *Raman* a finding of statutory negligence for their breach carried the award.

VII. COMPENSATION WITHOUT A CODE

A. The Limits of the Multiplier

Rekha is right that the motor accident scheme, a statutory creation with its own tribunals, compulsory insurance and standardised heads of compensation,⁴² does not apply of its own force. But the multiplier is also a technique for turning lost earnings into a present sum, unavoidable whenever dependants claim for a lost breadwinner, and it can accommodate claimants without earnings, as *Kajal v Jagdish Chand* did by applying a multiplier to a notional

³⁸ Electricity Act 2003, ss 53, 57, 68, 161 and 177.

³⁹ Central Electricity Authority, Notification No CEA-PS-16/1/2021-CEI Division (8 June 2023).

⁴⁰ Indian Electricity Rules 1956, rr 79, 80 and 82; Central Electricity Authority (Measures relating to Safety and Electric Supply) Regulations 2010, regs 61 and 63.

⁴¹ Indian Electricity Rules 1956, r 80(1), (2).

⁴² *National Insurance Co Ltd v Pranay Sethi* (2017) 16 SCC 680.

minimum-wage income for a brain-injured child.⁴³ The real lesson of *Raman* is different. The claimant was a four-year-old who suffered a triple amputation, and the award restored by the Court took the form, in substantial part, of a capital sum whose interest would meet his monthly needs:⁴⁴ a needs-based fund rather than a dependency calculation, chosen for a claimant whose losses lay mainly in future care. In making that choice *Raman* drew on *Balram Prasad v Kunal Saha*, a medical negligence decision that *Rekha* also cites.⁴⁵

B. The Practice of the High Courts

Table 2 sets out a sample of recent decisions.

TABLE 2: SELECTED HIGH COURT DECISIONS ON ELECTROCUTION COMPENSATION, 2020–2026⁴⁶

Decision	Proceeding	Liability	Amount	Method
<i>Meera v MCD</i> (Del HC, 2020)	Writ	Negligence; Article 21	Rs 8,00,000	Discretionary, minimum wages
<i>Munni Devi v Govt of NCT of Delhi</i> (Del HC, 2021)	Writ	Strict liability	Rs 10,00,000	Discretionary, minimum wages
<i>Sajina Begum v APDCL</i> (Gau HC, 2024)	Writ	Regulatory scheme	Rs 4,00,000	Fixed by regulation
<i>Rekha</i> (Kar HC, WP 1383/2020; WA 861/2022)	Writ and writ appeal	Absolute liability	Rs 25,52,500	Motor accident method
Muizz Ahmad Shariff (Kar HC)	Writ and writ appeal	Absolute liability	Rs 44,32,050	Motor accident method

⁴³ *Kajal v Jagdish Chand* (2020) 4 SCC 413 [20], [22], [25].

⁴⁴ *Raman* (n 8) [9], [17].

⁴⁵ *Balram Prasad v Kunal Saha* (2014) 1 SCC 384; *Rekha* (n 3) [15].

⁴⁶ *Rajasthan State Electricity Board v Varda* 2026 SCC OnLine Raj 4392; *UP State Power Corporation Ltd v Mohd Nisar* 2026: AHC:67581 [33], [44]–[45], [49]–[50].

Decision	Proceeding	Liability	Amount	Method
<i>UP State Power Corporation v Mohd Nisar</i> (All HC, 2026)	First appeal from suit	Strict liability	Rs 3,87,500	Motor accident principles endorsed; award called grossly inadequate but not enhanced without a cross-appeal
<i>Rajasthan SEB v Varda</i> (Raj HC, 2026)	Appeal from suit	Strict liability	Rs 1,62,272 (two deaths)	Minimum wages; multiplier of 9

The sample makes no statistical claim, but awards vary widely for comparable deaths, and the civil suits that *Rekha* now treats as the ordinary route yield the lowest sums after the longest delays. In *Varda* dependency was assessed on a minimum wage of Rs 22 a day, itself a measure of the claim's age; in *Mohd Nisar* the injury occurred in 2007, the appeal was decided in 2026, and the Allahabad High Court, relying on *Pranay Sethi*, held that compensation should be assessed as in a motor accident claim, the very practice *Rekha* has since disapproved.

C. A Framework for Assessment

In fatal cases the court should start from proven or notional income and the claimants' dependency, and may use a capitalisation factor from the multiplier tables if it explains why that factor suits the case, treating the tables, as *Wells v Wells* did, as a starting point rather than a rule.⁴⁷ In injury cases it should proceed head by head through medical expenses, attendant care, prosthetics, lost earning capacity, pain, loss of amenities and the costs of education and mobility, providing for inflation where needs are lifelong and using a *Raman*-style fund where they predominate, and giving reasons for each figure.

VIII. THE PATCHWORK OF REGULATORY FLOORS

State Commissions have used their powers under sections 57 and 181 to frame compensation schemes,⁴⁸ which for many families are the only compensation they receive, and which vary widely, as Table 3 shows.

⁴⁷ *Wells v Wells* [1999] 1 AC 345 (HL).

⁴⁸ Electricity Act 2003, ss 57 and 181(2)(za).

TABLE 3: COMPENSATION FOR DEATH UNDER STATE SCHEMES AND RELATED AWARDS⁴⁹

Source	Instrument	Amount	Features
Delhi	DERC Regulations 2024	Rs 7,50,000	Negligence required; other remedies preserved
Assam	AERC Regulations 2019	Rs 4,00,000	Fault or negligence required
Bihar	BERC Regulations 2018	Rs 4,00,000	Fixed sum (as reported)
Andhra Pradesh	APERC Regulation No 2 of 2017	Rs 5,00,000	Fixed sum (as reported)
Karnataka	Distribution company scheme	Rs 5,00,000	Death or total disablement (as reported)
Arunachal Pradesh	Draft APERC Regulations 2025	Rs 25,00,000	Not in force; no fault required; other remedies preserved, with deduction
Supreme Court	<i>Damini</i> (2017), Article 142	Rs 7,00,000	Above a Rs 5,00,000 scheme
Supreme Court	<i>Rekha</i> (2026), interim	Rs 5,00,000	Not to affect final assessment

Three consequences follow. First, a scheme requiring the licensee's negligence, as in Delhi and Assam, is narrower than the strict liability *Rekha* affirms, and failure under it says nothing about the claim in tort. Second, fixed sums must not harden into ceilings, since four or five lakh rupees bears no relation to the loss of a young earner or the lifetime needs of a disabled child. In *Damini v Managing Director, Jodhpur Vidyut Vitran Nigam Ltd*, where a bus driver was electrocuted while unloading luggage from his bus roof, the Court used Article 142 to award Rs 7,00,000 despite a time-barred suit, treating a Rs 5,00,000 scheme as a floor;⁵⁰ regulatory payments should likewise be set off against final awards, as *Rekha* did with its

⁴⁹ Delhi Electricity Regulatory Commission (Compensation to Victims of Electrical Accidents) Regulations 2024, regs 4, 5, 6 and 10; Assam Electricity Regulatory Commission (Compensation to Victims of Electrical Accidents) Regulations 2019, reg 5, sch B; Bihar Electricity Regulatory Commission (Compensation to Victims of Electrical Accidents) Regulations 2018; Draft Arunachal Pradesh State Electricity Regulatory Commission (Compensation to Victims of Electrical Accidents) Regulations 2025, regs 4.2, 5.1 and 7; Shridhar Prabhu, 'Shocking Apathy: Compensation for Electrical Accidents in India' (LiveLaw, 25 June 2021) <<https://www.livelaw.in/columns/electricity-act-2003-compensation-for-electrical-accidents-in-india-176261>> accessed 30 September 2026; *Damini v Managing Director, Jodhpur Vidyut Vitran Nigam Ltd* (2017) 9 SCC 443.

⁵⁰ *Damini* (n 49).

interim sum. Third, the schemes need wider reach and uniformity. Section 57 speaks of ‘the person affected’, wide enough to cover a passer-by, though its reach beyond consumers is unsettled. Parliament has elsewhere created no-fault relief that is deducted from full compensation, in the Public Liability Insurance Act 1991 and section 124A of the Railways Act 1989,⁵¹ and a national minimum could be prescribed under section 176 of the Electricity Act, the power used for the Electricity (Rights of Consumers) Rules 2020,⁵² so that a bereaved family’s relief no longer depends on the State in which the accident occurred.

IX. AFTER *REKHA*: FORUMS AND LIMITATION

Rekha sends claimants to ‘the competent forum’ without naming it. A Permanent Lok Adalat may decide disputes over the supply of power up to one crore rupees and rule on the merits if conciliation fails; a consumer may approach a consumer commission, since ‘service’ includes the supply of electrical energy; and a worker such as the plantation worker in the first appeal may claim against his employer under the Employees’ Compensation Act 1923, whose Second Schedule covers estates growing coffee, though section 3(5) bars any suit for damages once a claim is made before the Commissioner and denies compensation to an employee who has sued the employer or any other person, so that a claim there may cost the family its suit against the utility and the choice needs advice.⁵³ A civil suit carries ad valorem court fees unless the claimant sues as an indigent person, a burden that falls hardest on the poorest victims.⁵⁴

Limitation is the more serious difficulty, and *Rekha* is silent on it. A dependants’ suit under the Fatal Accidents Act 1855 must be brought within two years of the death, which in the first appeal occurred in 2018, and an injured claimant faces one year under Article 72 or three under Article 113, extended under section 6 if he was a minor.⁵⁵ Section 14 excludes time spent prosecuting a proceeding in good faith before a court unable to entertain it, and is construed liberally,⁵⁶ but claimants should not have to gamble on whether a writ court that declines to try disputed facts falls within it. Earlier decisions, so far as reported, gave no limitation directions either, but they did protect claimants turned away: *Sukamani Das* found the High Court in error

⁵¹ Public Liability Insurance Act 1991, ss 3 and 8; Railways Act 1989, s 124A; *Union of India v Prabhakaran Vijaya Kumar* (2008) 9 SCC 527.

⁵² Electricity Act 2003, s 176; Electricity (Rights of Consumers) Rules 2020.

⁵³ Legal Services Authorities Act 1987, ss 22A-22E; Consumer Protection Act 2019, s 2(42); Employees’ Compensation Act 1923, s 3(5), sch II.

⁵⁴ Code of Civil Procedure 1908, ord XXXIII.

⁵⁵ *Damini* (n 49); Limitation Act 1963, s 6, sch, arts 72, 82 and 113.

⁵⁶ Limitation Act 1963, s 14; *Consolidated Engineering Enterprises v Principal Secretary, Irrigation Department* (2008) 7 SCC 169.

yet declined to set aside its judgments, observing that doing so might expose the appellants to civil actions anew, and *Sumathi* and *Timudu Oram* barred recovery of sums already paid.⁵⁷ *Rekha* goes further in quashing the awards, leaving the claimants with an interim sum and a suit brought years later, and courts declining jurisdiction on its authority should direct that the time spent in the writ proceedings be excluded.

X. TOWARDS A COHERENT REMEDIAL MODEL

These conclusions support a model in three layers. The first is regulatory: every State should have a scheme that pays promptly on proof that a licensee's installation caused death or injury, subject to a national minimum under section 176, with other remedies preserved and payments set off. The second is the claim for full compensation under strict liability, in a civil court, Permanent Lok Adalat or consumer commission, in which the claimant proves injury, causation and the defendant's identity, the utility proves any exception, each read narrowly through the controllability principle, and damages are assessed head by head with reasons. The third is public law: Article 226 remains open where the essential facts are admitted or recorded by the Electrical Inspector and no exception is properly raised, most naturally through a mandamus to pay the regulatory amount, and a writ court that declines jurisdiction should do so early and protect the claimant against limitation.

XI. CONCLUSION

Rekha restores order to a field that had drifted, since absolute liability applied on affidavits and measured by motor accident tables was not a stable foundation. What it does not supply is the reasoning that lets its principles work consistently: liability without fault rests on the utility's control of the evidence and capacity to spread loss, the exceptions survive only where harm lay beyond reasonable care, disputed facts must be judged against the standard the Court adopted, the writ remedy needs a constitutional footing, and compensation needs a method. Courts and regulators can supply most of this from existing materials, so that the family of a labourer killed by an 11 kV line in a coffee plantation knows where to go, what it must prove and how its loss will be valued.

⁵⁷ Sukamani Das (n 6); *Sumathi* (n 29); *Timudu Oram* (n 28).