IN THE HIGH COURT OF DELHI AT NEW DELHI

(CIVIL WRIT JURISDICTION)

**CIVIL WRIT PETITION NO. \_\_\_\_\_\_ OF 2015**

**IN THE MATTER OF:**

Common Cause ….Petitioner

**Versus**

Govt. of NCT of Delhi and Others ..…Respondents

**Petition in Public Interest under Article 226 of the Constitution of India for Issuance of a writ in the nature of Mandamus or any other appropriate writ issuing directions to the respondents to ensure that electricity supply poles with uncovered live wires/lines and other ground apparatus in the city do not pose a hazard to the residents of Delhi by complying with complete safety standards.**

To

The Hon’ble Chief Justice and her Lordship’s Companion Justices of the Hon’ble High Court of Delhi at New Delhi.

Respectfully Showeth:

1. The Petitioner has no personal interest in the litigation. The present Writ Petition is not guided by self-gain or for gain of any other person/institution/body. There is no motive other than of public interest in filing the Writ Petition. The knowledge of the facts alleged in the Writ Petition is derived from documentsavailable in the public domain.
2. The present Petition seeks to safeguard the right to life guaranteed under the Constitution. The petition prays for making the public bodies and agencies concerned accountable for their failure in taking adequate precaution to prevent loss of life occasioned by an utter disregard of basic safety measures in the distribution of electricity in the National Capital Territory (NCT) of Delhi..
3. The persons/institutions/bodies likely to be affected by the orders sought in the Writ Petition are the Delhi Electricity Regulatory Commission, Delhi Transco Limited, BSES Rajdhani Power Limited, BSES Yamuna Power Limited   &Tata Power Delhi Distribution Limited, all of whom have been impleaded as Respondents to the present Petition. To the best knowledge of the Petitioner, no other persons/institutions/bodies are likely to be affected by the orders sought in the Petition.
4. That the petitioner is a society duly registered under the Societies Registration Act, 1860, and is engaged in taking up various common problems of the people for securing redressal thereof. It is represented in the present Petition by its Director, Dr. VipulMudgal, S/o Jai Kumar Mudgal, R/o ………. The Petitioner Society has, in the last 35 year, raised before this Hon’bleCourt and the Supreme Court of India various Constitutional issues as well as matters of significant public interest, and has anestablished*locus standi* as a bonafide public interest organization for taking up matters of general public importance. The petitioner is submitting the present public interest petition for consideration of the Hon’ble Court.
5. That the petitioner has filed several notable PILs in the past in the Hon’ble Supreme Court and Delhi High Court. A few of these are given below.

|  |  |  |  |
| --- | --- | --- | --- |
|  | Case No. | Status | Outcome |
| 1 | Common Cause Vs. UoI  WP ( C) 13/2003  [In the Supreme Court](Full page government advertisements in newspapers at the expense of public money) | Disposed of | Recommendations of the Court appointed Committee laying guidelines on government advertisements implemented. |
| 22 | WPC 3791/2000  (Removal of Cattle from streets of Delhi). | Disposed of | Directions to the authorities concerned given for removal of dairies from the city. |
| 3 | Common Cause Vs. UoI  WPC 4771/1993  (Unauthorised colonies) | Disposed of | Directions to the Ministries concerned were given. |
| 4 | Common Cause Vs. UoI  WPC 866/2010  (Post-Retirement Activities of Former Supreme Court Judges) | Pending | Delhi HC has reserved its judgment. |
| 5. | Common Cause Vs. UoI  WPC 8363/2010  (Misuse of BSP reserved symbol) | Pending |  | |

1. That the Petitioner is filing the present writ petition in public interest in order to bring to the notice of this Hon’ble Court a very serious issue of threat to life posed to the residents of Delhi from electricity supply poles with uncovered live wires/lines and apparatus due to callous attitude of the authorities concerned.
2. That the lackadaisical attitude of the authorities concerned has been highlighted inseveral news reports regarding such unfortunate deaths.Cases for compensation have been filed by the next of kinof the victims before this Hon’ble Court and still no action is being taken by the respondents. Keeping in mind the urgency of the situation which involves the loss of lives of innocent citizens, the petitioner has approached the authorities concerned before filing the present petition in this Hon’ble Court.
3. That it is the responsibility of the State to ensure safety of its citizens. Recurrent fatalitiesby electrocution, whether due to old and substandard wires, live wire, short circuit caused by over-load or any other negligent act in the supply, distribution or provision of electricity,areattributable to egregious lapses on the part of the Respondents.
4. That fixing of responsibility in a time bound manner will not only result in dispensationof justice but in the long run will work as a deterrent for the distribution companies, whose laxity/negligence routinely causes such accidents.
5. That on January 18, 2015, a young lawyer, Gaurav Rana and his dog were electrocuted by a live wire in a park in Vaishali, Northwest Delhi. It was reported that the family of the victim had repeatedly complained to civic authorities about the wire but no action was taken.
6. That press reports complied by the petitioner reveal that a number of accidents have been caused due to electric supply wires precariously hanging between streetlight poles and trees, or due to live wires lying unattended on the ground. (compilation of news reports attached as ANNEXURE I).
7. That the contents of these press reports indicate a serious violation of human rights of the victims due to sheer negligence on the part of the power transmission and distribution companies licensed to supply power in the NCT region, namely Delhi Transco Limited, BSES Yamuna Power Ltd, BSES Rajdhani Power Ltd and Tata Power Delhi Distribution Ltd.
8. That not only the members of the public, but in several cases, the employees/temporary workers of municipal bodies/ electricity supply companies have also been electrocuted due to negligence / non adherence of safety norms.
9. That by virtue of being Distribution Licensees, the Delhi power distribution companies are fully regulated by the Delhi Electricity Regulatory Commission, especially in terms of conditions of supply and consumer service delivery.
10. That the function of distribution of power to the public that is carried out by the distribution companies (“discoms”) is a public function closely related to governmental functions.
11. That the State is responsible for the safety of its citizens. Death by electrocution, whether it is due to old and substandard wires, live wire, short circuit due to over-load or any other negligent act in the supply, distribution or provision of electricity is attributable to lapse on the part of the state.
12. That the responsibility of enforcement of safety regulations specified by CEA as per the Electricity Act 2003 should be discharged by one civic agency. This would ensure supervision by single agency and establish single point responsibility which will be in the interest of better compliance with the regulations.
13. That all electric supply lines and apparatus must be constructed, installed, protected, worked and maintained in such a manner as to ensure safety of human beings, animals and property.
14. That the electric supply wires should be placed underground (at least in areas which are thickly populated and where there is greaterriskof individuals coming in contact with the electric wires) and if these are to run overhead, the wires should be supported by metallic bearer wire, should have an efficient chocking coil and a lightning arrestor.
15. That the negligence and callous attitude of these discoms in ensuring safety standards in installing,maintaining electricity supply lines and apparatus result in many avoidable deaths on the streets of Delhi.
16. That the safety of human beings is of paramount importance but the electricity supply lines and apparatus in residential colonies pose a threat to human lives every day. Not only human beings but animals like monkeys and dogs also get electrocuted when they get entangled in the live wires, especially duringmonsoon. This shows that electrocution is a big menace even in the capital of India.
17. That even though illegal tapping of electricity from overhead lines through use of loose hooks is a common sight in Delhi, yet the authorities have been unable to check such illegal tapping.
18. The recommendations of various expert committees to replace overhead lines with underground cables have not been implemented, particularly in the fire prone older areas.
19. That the dereliction on the part of the public authorities which have a duty to ensure the safety of human beings, animals and property in construction, installation and maintenance of electric supply lines and apparatus and the failure to address the lapses even after constant reminders by concerned citizens amounts to a serious violation of human rights of the victims.
20. That while installing the electric poles, the agencies concerned have to comply with the prescribed safety standards and the wires in need of repair should be repaired expeditiously and urgently.

**PRAYER**

It is therefore most respectfully prayed that this Hon’ble court may direct the Respondents to ensure

a) That the agencies concerned comply with the necessary safety standards while installing electricity poles;

b)    That the existing poles that pose a hazard to human and animal lives be repaired;

c)     That if they cannot be repaired they should be replaced;

f) Fix responsibility on the officers concerned of the respondents for the electrocution deaths caused due to negligence;

e)    Any other order that the Hon’ble Court may deem fit and proper may also be passed and for this act of kindness the petitioner shall ever pray.

Meera Bhatia

Advocate for Petitioner

402, Lawyers ‘Chamber

Delhi High Court

New Delhi

Dated: 2015