2026:AHC-LKO:79068-DB

AFR

HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW
WRIT - C No. - 12090 of 2026

Chief Engineer Electrical Madhyanchal Vidyut Vitran Nigam Ltd. And Another

.....Petitioner(s)

Versus

U.P. Human Rights Commission Thru. Chairperson Lko. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Manish Jauhari
Counsel for Respondent(s)	:	Shikhar Anand

Court No. - 3

HON'BLE SHEKHAR B. SARAF, J.
HON'BLE AMITABH KUMAR RAI, J.

1. Heard learned counsel appearing on behalf of the parties.

2. The instant writ petition under Article 226 of the Constitution of India has been filed by the petitioners, namely, the Chief Engineer (Electrical) (petitioner no. 1) and Madhyanchal Vidyut Vitran Nigam Limited (petitioner no. 2), assailing an order dated 27.07.2026 passed by the Uttar Pradesh Human Rights Commission (hereinafter referred to as the "**Commission**").

3. By virtue of the impugned order, the Commission has directed payment of Rs.10,00000/-, in addition to the earlier amount of Rs.1,65,000/-, to the victim of electrocution. The factual matrix indicates that the incident of electrocution took place in the year 2011 and an application seeking compensation was also made in the same year. Payment of compensation was made in two instalments, the first being in the year 2017 for a sum of Rs.65,000/- (which was paid to the father of the victim) and the second being made on 13.02.2025 to the victim, who is respondent no. 4 herein. It is to be noted that the payment to the victim was made subsequent to the filing of the application before the Commission, as the said application had been filed in the year 2024.

4. Learned counsel for the petitioners has relied upon Section 36(2) of the Protection of Human Rights Act, 1993 to argue that the complaint before the Commission was not maintainable on the

ground of limitation as the act constituting violation of human rights had taken place in the year 2011, whereas the petition before the Commission was filed in the year 2024.

5. Per contra, Sri Shikhar Anand, learned counsel for the Commission has submitted that the act of violation of Human Rights in the present case is the non-payment of compensation itself for the electrocution that was caused by the petitioner Corporation. He submits that the violation was continuing in nature and this fact is supplemented by the factual matrix, which indicates that a payment of Rs.1,00,000/- was made by the petitioners subsequent to the filing of the petition before the Commission. He has also relied upon the judgment of the Division Bench of this Court passed in the case of **U.P. Power Corporation Ltd. v. National Human Rights Commission, 2010 SCC OnLine All 1123**.

6. We have examined the contentions raised by both the parties and are of the view that the violation of human rights in the present case was a continuing violation as the petitioners did not make payment of the compensation as required under law. Furthermore, the very act of making payment of Rs.1,00,000/- after the filing of the complaint amounted to an acknowledgement under Section 20 of the Limitation Act, 1963. Furthermore, even Section 22 of the Limitation Act, 1963, which deals with continuing breaches and torts, would apply in the present case.

7. It is the statutory duty of the Power Corporation to maintain the transmission lines in such a manner that the lives of people are not exposed to dangers and threats arising from such transmission lines. Where the officials of the Power Corporation act negligently, the human rights of citizens stand violated. Hence, the second writ petition is also a case of violation of human rights, and no error has been committed by the Commission in proceeding under the 1993 Act.

8. It is relevant to note the object as well as the scheme of the Act, as delineated by its various provisions. The preamble of the Act contains the key words "for better protection of human rights". Thus, the object behind enacting the Act was to constitute the National Human Rights

Commission and the State Human Rights Commissions for better protection of human rights. The legislature felt that the laws in existence, regulating the functioning of statutory and autonomous bodies, including the Power Corporation, were not sufficient to protect the human rights of citizens. Hence, the 1993 Act was enacted. Section 18 of the Act contains the steps that may be taken by the Commission during and after an inquiry. Section 18 of the Act, which is relevant for the present purpose, is quoted below:

> *"18. Steps during and after inquiry.— The Commission may take any of the following steps during or upon the completion of an inquiry held under this Act, namely:—*
>
> *(a) where the inquiry discloses the commission of violation of human rights or negligence in the prevention of violation of human rights or abetment thereof by a public servant, it may recommend to the concerned Government or authority—*
>
> *(i) to make payment of compensation or damages to the complainant or to the victim or the members of his family as the Commission may consider necessary;*
>
> *(ii) to initiate proceedings for prosecution or such other suitable action as the Commission may deem fit against the concerned person or persons;*
>
> *(iii) to take such further action as it may think fit;*
>
> *(b) approach the Supreme Court or the High Court concerned for such directions, orders or writs as that Court may deem necessary;*
>
> *(c) recommend to the concerned Government or authority at any stage of the inquiry for the grant of such immediate interim relief to the victim or the members of his family as the Commission*

may consider necessary;

(d) subject to the provisions of clause (e), provide a copy of the inquiry report to the petitioner or his representative;

(e) the Commission shall send a copy of its inquiry report together with its recommendations to the concerned Government or authority and the concerned Government or authority shall, within a period of one month, or such further time as the Commission may allow, forward its comments on the report, including the action taken or proposed to be taken thereon, to the Commission;

(f) the Commission shall publish its inquiry report together with the comments of the concerned Government or authority, if any, and the action taken or proposed to be taken by the concerned Government or authority on the recommendations of the Commission."

9. According to section 18(a) where inquiry discloses the commission of violation of human rights or negligence in the prevention of violation of human rights or abetment thereof by a public servant, it may recommend to the concerned Government or authority to make payment of compensation or damages as the Commission may consider necessary. Thus, the commission has jurisdiction to recommend compensation as the Commission may consider necessary. The power of the Commission under section 18 is not inhibited by any other provisions or any State Legislature or subordinate legislation. The power of the Commission under section 18 is in addition to any other provisions covering the subject matter and not in derogation of any other provisions of law. Entitlement of a person whose human rights have been violated in accordance with the relevant statutory provisions governing payment of compensation, does not in any manner create a fetter in the right of Commission to find out the magnitude of violation of human rights and award a

compensation. Thus, the mere fact that the petitioners have already paid an amount of Rs.1,65,000/- to the victim and his father in two instalments, one in the year 2017 and the other on 13.02.2025, does not fetter the right of the Commission to recommend further compensation over and above the amount already paid. Thus, the order of the Commission directing payment of additional compensation of Rs.10 lakhs cannot be faulted on the above ground.

10. In light of the aforesaid, we do not see any reason to interfere with the order passed by the Commission directing payment of an additional amount of Rs.10 lakhs, which ought to have been paid immediately. In fact, it is to the petitioners' good fortune that no additional interest has been imposed upon them for the delayed payment of compensation. Keeping in mind the above, the writ petition is **dismissed**.

November 2, 2026
Ashish Dewal

(Amitabh Kumar Rai,J.) (Shekhar B. Saraf,J.)

Digitally signed by :-
ASHISH DEWAL
High Court of Judicature at Allahabad,
Lucknow Bench