



## The Substandard Installation of the Electric Wires by the Department of Highways Causing People's Death\*

On October 28<sup>th</sup>, B.E. 2550, at around one o'clock, Mr. S., the son of Miss N. (the Plaintiff), rode a motorcycle along the road until the junction flooded with a height of about 30 centimeters. Given the fact that in that area, the Officials of the Department of Highways (the Defendant) had installed the lampposts to illuminate people passing by; however, the Officials laid the electric wires on the ground all along without burying the wires and the Officials did not inspect the damage of electric wires and other equipment used to be installed, resulting in leakage current and causing Mr. S. to be shocked by electric shock and to be drowned in such area. After that the Department of Highways removed the former electric wires and re-wired by stretching the new electric wires between the lampposts more than 10 meters above the ground, which if the Department of Highways had done in the first place and inspected the damage of the electric wires according to their official duties, this incident would not be taken place. Therefore, Miss N. filed a case with Administrative Court requesting the Department of Highways to pay the compensation owing to the death of her son.

The Supreme Administrative Court held that the death of Mr. S., the son of Miss N., was not caused by the act that Mr. S. negligently rode the motorcycle through the flooded path; even though the Department of Highways had installed a warning sign for a small vehicle to pass through the said route. The death of Mr. S. was a direct result of the substandard installation of the electric wires according to the regulations of the Department of Highways; as well such death was the neglect of duties of supervision, including checking the equipment to be not defective and the automatic circuit breaker to be normal function. Therefore, it was deemed that the Officials of the Department of Highways negligently acted against Miss N. which was considered as a violation of law under Section 420 of the Civil and Commercial Code. When the Department of Highways was a State agency, the Department of Highways must be liable for the result of a wrongful act committed by its officials in the performance of the duties according to Section 5 of the Liability for Wrongful Acts of Officials Act B.E. 2539 (1996). The Department of Highways was hence liable to pay compensation to Miss N.

(Supreme Administrative Court Judgment No. A. 223/2558)

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