

No. A-42011/2/2018-Admn.
Government of India
Ministry of Heavy Industries & Public Enterprises
Department of Public Enterprises

Public Enterprises Bhawan
Block No - 14, CGO Complex,
Lodhi Road, New Delhi-110003
Dated the 11th July, 2018

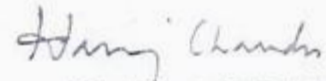
Office Memorandum

Subject :- Guidelines for Settlement of Claims for Compensation on accidents applicable to the Department of Public Enterprises :- Reg.

The undersigned is directed to refer to above said subject and to say that this Department has framed the guidelines for settlement of compensation claims arising out of accidents resulting into loss of life or permanent disability to a member of general public where the accidents happens in any premises where any official activity of the Department is being carried out of which a copy is enclosed herewith for information.

2. The guidelines has the approval of the competent authority.

Encl: As above.



(Harish Chandra)

Under Secretary to the Govt. of India

To

1. All Division of the Department of Public Enterpriss
2. ✓ Sr. Technical Director, NIC :- To upload the same on DPE's website.
3. Pay & Account Office, Ministry of HI & PE, New Delhi.

Copy to :-

1. Sh. Alok Tiwari, Dy. Secretary, Cabinet Secretariat, Rashtrapati Bhawan, New Delhi :- for kind information w.r.t. their ID No. 111/2/3/2016-Cab.III dated 25.04.2018.

GUIDELINES FOR SETTLEMENT OF CLAIMS FOR COMPENSATION ON ACCIDENTS APPLICABLE TO THE DEPARTMENT OF PUBLIC ENTERPRISES.

Preamble

Accidents are unfortunate incidents, occurrences of which cannot be obliterated completely, but can only be minimized by adopting most vigilant practices, safety precautions etc. Sometimes accidents do happen when responsibility and liability cannot be affixed on certain individuals or malfunctioning of certain machinery and the Law recognizes the Principle of 'No faulty Liability' for such unfortunate incidents. In such cases, the loss of life and loss of dependency cost of the dependents of such victims cannot be written off merely on the pretext that negligence on the part of Department or its agencies cannot be substantiated for want of stricter proofs, particularly in a welfare state like ours. Therefore, these guidelines have been framed.

1. **Title:** These guidelines would be called as Guidelines for Settlement of Claims for Compensation.
2. **Effective date:** The guidelines would be effective from 11.07.2018.
3. **Applicability:** These guidelines would govern the settlement of compensation claims arising out of accidents resulting into loss of life or permanent disability to a member of general public where the accident happens in any premises where any official activity of the Department is being carried out.
4. **Definitions:**
 - a. **Accident:** Any death or permanent disability resulting solely and directly from any unintended and unforeseen injurious occurrence caused during the maintenance, operation and provisioning of any public services undertaken by the Department where no negligence can be proved on the part of the Department.
 - b. **Competent Authority:** Competent Authority means Secretary to Govt. of India in the Department of Public Enterprises.
 - c. **Department:** Means Department of Public Enterprises.
 - d. **Dependent:** As defined in the Employee's Compensation Act, 1923.
 - e. **Designated Officer:** An Officer designated by the Competent Authority of the level of Under Secretary or equivalent for the purposes of receiving and processing claims for compensation under the present Guidelines.
 - f. **Victim:** Any person who suffers permanent disablement or dies in an accident as defined in these Guidelines.

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- g. **Permanent Disablement:** A disablement that is classified as a permanent total disablement under the proviso to Section 2 (I) of The Employee's Compensation Act, 1923.
5. **Detailed Accident Report:-** The report prepared by the police within a period of 30 days from the date of incident as per Schedule 1 of these guidelines.

Explanation:- For the purposes of the preparation of the detailed accident report, the word "injury" as referred in Schedule -I refers to "permanent disability" as mentioned in clause 4(a) of the Guidelines.

6. **Extent of Liability:** On the occurrence of any "accident" as defined under these Guidelines, the Department shall whether or not there has been any wrongful act, neglect or default on its part and notwithstanding anything contained in any other law, be liable to pay compensation to such extent as prescribed below:

- (i) In the event of death or permanent disability resulting from loss of both limbs: upto Rs. 10,00,000(Rupees Ten Lakh).
- (ii) In the event of other permanent disability : upto Rs. 7,00,000/-(Rupees Seven Lakh).

However, persons claiming compensation under these guidelines will not claim additional compensation from the Department under any other regulation or statute either directly or through a court of law. The claimant shall submit an undertaking to this effect before availing the compensation under these guidelines.

7. Procedure for settlement of claims in respect of compensation

- a. The victim or his/her dependent would make an application within a period of 90 days of the accident to the Designated Officer under whose jurisdiction the accident had occurred. The application should be accompanied by the following documents:

- (i) Proof of age of the victim.
- (ii) Death certificate of the victim

OR

Permanent disability certificate issued by the Medical Board authorized by the Government.

- (iii) Certified copy of FIR lodged in respect of the accident.

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(iv) Proof of applicant's relation with the victim/ Dependency Certificate.

- b. The Designated Officer may seek any further documents for settlement of claim to its satisfaction.

Provided that where there are more than one dependent, the Applicant must mention their name, addresses and relations with the victim and the Designated Officer may at its own discretion issue notices to all before releasing the compensation.

- c. The Designated Officer on receipt of above application shall take into consideration the Detailed Accident Report submitted by the Police Authority would process the claim of compensation on priority basis but would not normally take more than 30 days for seeking the orders of the competent authority in any case.
- d. The Designated Officer, in case where no application is received from the victim/dependents of victims, may on receipt of the detailed accident report proceed suo-moto to initiate the process for consideration for grant of the compensation to the victim/dependents of victim. The payment of compensation whether fully in cash or partly in cash and partly towards reimbursement of medical expenses shall be decided by the sanctioning authority.
- e. With effect from the date of the present Guidelines, all contract & agreements to be entered into by the Department with any person or agency for maintenance, operation and provisioning of public service would invariably include a clause whereby any compensation paid under these guidelines shall be recoverable from such person, agency or firm.
- f. In no case a claim for appointment of any of the dependents on the compassionate grounds would be entertained by the Department.
8. Method of Disbursement of compensation.
- i. The amount of compensation so awarded shall be deposited in a Nationalized bank or if the branch of a Nationalized Bank is not in existence, it shall be deposited in the branch of a scheduled commercial bank, in the joint or single name of the victim/dependents (s). Out of the amount so deposited, 75% (seventy five percent) of the same shall be put in a fixed deposit for a minimum period of one year and the remaining 25% (twenty five percent) shall be available for utilization and initial expenses by the victim/dependent(s) as the case may be. Provided that in exceptional cases, amounts may be withdrawn before one year for Domestic need/marriage in family/ educational or medical needs of the beneficiary at the discretion of the Department.

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- ii. In the case of a minor, 75% of the amount of compensation so awarded shall be deposited in the fixed deposit account and shall be drawn only on attainment of the age of majority, but not before one year of the deposit provided that in exceptional cases, amounts may be withdrawn for educational or medical needs of the beneficiary at the discretion of the Department.
- iii. The interest on the sum shall be credited directly by the bank in the savings account of the victim/dependent(s) on monthly basis.

SCHEDULE-1

PART - 1- PARTICULARS OF THE ACCIDENT		
1.	FIR No... Date and Under Section	
2.	Name of the Police Station	
3.	Date, Time, Place of the accident	
4.	Who reported the accident to the police	
5.	Name of the Person who took the victim to the hospital and Name of the Hospital	
6.	Whether any hospital denied treatment to the Victim?	
7.	Nature of the accident:- i. Whether resulted in death or injury or both? ii. Number of persons injured/died.	
8.	Name and contact No. of the Investigating Officer	
9.	Name of the witnesses of the accident	
10.	Description of the accident	
PART - II IMPACT OF THE ACCIDENT ON THE VICTIM		
1.	Death Cases:- a. Name and Address of the deceases b. Age c. Gender d. Education	

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	<ul style="list-style-type: none">e. Occupationf. Income (Monthly)g. Legal Heirs/Guardian i. Nameii. Relationshipiii. Ageiv. Addressv. Contact No.	
2.	<p>Injury Cases (permanent disablement)</p> <ul style="list-style-type: none">a. Name and address of the injuredb. Agec. Genderd. Educatione. Occupationf. Income(Monthly)g. Details of family dependent of the victim MLC No.h. Nature of injuriesi. Name of the Hospital where the injured treatedj. Whether victim refused medical treatmentk. Period of hospitalizationl. Period of treatmentm. Whether treatment continuingn. Name, address and contact number of the doctor (s) who treated the injuredo. Whether the injured underwent any surgery? If yes, then give particulars.p. Whether suffered any permanent disability.q. Expenditure incurred on treatment conveyance, special diet, attendant etc. Give details, if available.r. Whether the injured got reimbursement of medical expenses from his employer or under a mediclaim policy. Give details, if available.s. Whether the injured was provided cashless treatment by the Insurance Company? Give details, if available.	
3.	Any other relevant information.	
PART – III RELEVANT DOCUMENTS TO BE ATTACHED		
1.	First Information Report	
2.	Photographs of the scene of the accident from all angles	

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3.	Statement of the witnesses recorded by the Police.	
4.	Scientific report, if the Victim was under the influence of any liquor/drugs	
5.	In case of Death. a. Post Mortem Report b. Death Certificate. c. Photograph and proof of the identity of the Dead. d. Proof of legal representative of the deceased. e. Photograph, specimen, signature attested by the bank and identity proof of the legal representatives of the deceased. f. Treatment of the deceased with name and address of the Hospital. g. Bank account No. of the legal representatives of the deceased.	
6.	In case of Injury a. MLC b. Multi angled photographs of the injured. c. Photograph, specimen, signatures attested by the bank and identity proof of the injured. d. Disability certificate.	
7.	Any other relevant information	

VERIFICATION

Verified at _____ on this _____ of _____ that the contents of the above report are true and correct and the documents mentioned in Part III have been verified.

Station House Officer

(Name and Stamp)

Assistant Commissioner of Police

(Name and Stamp)

Harry Wanda
