

No. A-38014/06/2018-Ad.I
Cabinet Secretariat
Rashtrapati Bhawan

New Delhi, dated the 18th April, 2019

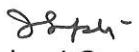
OFFICE ORDER

Subject – Adoption of guidelines by Cabinet Secretariat for settlement of claims for compensation on accidents in cases of death/permanent disablement due to negligence and/or unforeseen causes in the course of provisioning of public services.

The **Delhi High Court** in its Order dated 09.07.2015 in FAO 154/2013 and CM No. 5185/2013 in the matter of Writer Safeguard Ltd. versus Commissioner under Employees Compensation Act and Others directed that **guidelines be framed for payment of compensation to the victims or families of victims who die or become permanently disabled while carrying out hazardous jobs at the sites or workplaces of a Department.** In view of these directions, the Department of Telecommunications (DoT) has framed the requisite guidelines. Government has decided that the guidelines framed by DoT be adopted by all Ministries/Departments with or without modification, as per need, with the approval of competent authority.

2. Accordingly Cabinet Secretariat has framed the Guidelines, for settlement of claims for compensation to the victims/families of victims in cases of death or permanent disablement due to negligence and/or unforeseen causes in the course of provisioning of public services, with the approval of the competent authority, for adoption by Cabinet Secretariat.
3. The Guidelines for 'Settlement of Claims for Compensation by Cabinet Secretariat' are sent herewith for information/compliance. **The Guidelines will come into force with immediate effect.**

Encl: as above


(Indrani Gupta)
Director (Admn.)

- i) All Joint Secretaries in the Cabinet Secretariat
- ii) All Sections of the Cabinet Secretariat
- iii) All Wings of Cabinet Secretariat (O/o Secretary Security, DPG, VCC, NACWC and DBT Mission)
- iv) Staff Officer to CS / Sr. PPS to Secretary (Coord)
PS to AS (RB) / PPS to AS(AG)

**Cabinet Secretariat
Rashtrapati Bhawan**

Guidelines for settlement of claims for compensation on accidents in the course of provisioning of public services.

Introduction

The Delhi High Court in its Order dated 09.07.2015 directed for compensation in cases of death/permanent incapacitation due to negligence and/or unforeseen causes in the course of provisioning of public services. In view of these directions, the Department of Telecommunications (DoT) has framed the guidelines in this regard.

The Government has decided that the guidelines framed by DoT be adopted by all Ministries/Departments with or without modification as per need, with the approval of Competent Authority. Accordingly, following guidelines are prescribed for the **Cabinet Secretariat**.

1. **Title** : These Guidelines may be called Guidelines for Settlement of Claims for Compensation by Cabinet Secretariat.
2. **Effective date** : The Guidelines shall come into effect from the date of issue of the communication by Cabinet Secretariat for adoption of the Guidelines.
3. **Applicability** : These Guidelines will govern the settlement of compensation claims arising out of accidents resulting in loss of life or permanent disability.
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.
 - b) **Competent Authority**: Competent Authority means the Cabinet Secretary
 - c) **Department** means Cabinet Secretariat
 - d) **Dependant**: As defined in the Employee's Compensation Act, 1923.
 - e) **Designated Officer**: An officer designated by the Competent Authority, of the grade of Junior Administrative Grade (JAG) 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.

g) **Permanent Disablement:** A disablement that is classified as a permanent total disablement under the proviso to Section 2(1) 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-I 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(g) 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 : Rs. 10,00,000/- (Rupees Ten Lakh)
- ii) In the event of other permanent disability : Rs. 7,00,000/- (Rupees Seven Lakh)

7. **Procedure for settlement of claims in respect of compensation**

a) The victim or his/her dependant(s) would make an application within a period of 90 days of the accident to the Designated Officer under whose jurisdiction the accident had occurred. An undertaking is to be given by the applicant that no other claim from another Government entity has been made for the loss of life/injury resulting from an accident for which the claim is submitted to a particular Government entity. 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.
- iv) Proof of applicant's relation with the victim/Dependency Certificate.
- v) The Designated Officer may seek any further documents for settlement of the claim to his/her satisfaction.

Provided that where there are more than one dependants, the Applicant must mention their name, address and relation with the victim and the Designated Officer may at his/her own discretion issue notices to all before releasing the compensation.

- b) The Designated Officer, on receipt of the above application, shall take into consideration the Detailed Accident Report submitted by the Police Authority and would process the claim of compensation on priority basis but would not take more than 30 days for disposing of the same in any case.
- c) 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 compensation to the victim/dependants of the victim.
- d) With effect from the date of the present Guidelines, all contracts/agreements to be entered into by the Department with any person or agency for maintenance, operation and provisioning of a public service would invariably include a clause whereby any compensation paid to their workers, under these Guidelines, shall be recoverable from such person agency or firm.
- e) In no case a claim for appointment of any of the dependants on 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/dependant(s). Out of the amount so deposited, 75% (seventy five percent) 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.
- 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 of the sum shall be credited directly by the bank in the savings account of the victim/dependent(s) on monthly basis.

9. **Appeal:** An appeal against the decision of the Designated Officer in respect of the amount of compensation or rejection of such claim shall be made to the Competent Authority within a period of 30 days of such decision. The Competent Authority would decide the same within 30 days of receipt of such appeal.

10. **Safeguard:** The compensation scheme will be applicable subject to the condition that the victim or his/her legal heirs should not have been in receipt of any compensation for such loss or injury from any Government authorities. However, one may get compensation from one's respective employer and/or existing provisions made under various welfare legislations in addition to the compensation under these Guidelines.

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SCHEDULE-I

PART- I 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 Investigation Officer	
9.	Name of the witnesses of the accident	
10.	Description of the accident	

PART- II IMPACT OF THE ACCIDENT ON THE VICTIMS		
1.	Death Cases:- a) Name and Address of the deceased b) Age c) Gender d) Education e) Occupation f) Income (Monthly)	

	<p>g) Legal Heirs/Guardian:</p> <ul style="list-style-type: none"> i) Name ii) Relationship iii) Age iv) Address v) Contact No. 	
2.	<p>Injury Cases (permanent disablement):</p> <ul style="list-style-type: none"> a) Name and address of the injured b) Age c) Gender d) Education e) Occupation f) Income (Monthly) g) Details of Family dependant on the victims MLC No. h) Nature of injuries i) Name of the Hospital where the injured treated j) Whether victim was refused medical treatment k) Period of hospitalization l) Period of treatment m) Whether treatment continuing n) Name, address and contact number of the doctor (s) who treated the injured o) Whether the injured underwent any surgery ? if yes, then give particulars 	

	<p>p) Whether suffered any permanent disability</p> <p>q) Expenditure incurred on treatment, conveyance, special diet, attendant etc. Give details, if available.</p> <p>r) Whether the injured got reimbursement of medical expenses from his employer or under a mediclaim policy. Give details, if available</p> <p>s) Whether the injured was provided cashless treatment by the Insurance Company? Give details, if available.</p>	
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	
3.	Statement of the Witnesses recorded by the Police.	
4.	Scientific report, if the Victim was under the influence of any liquor/drugs.	
5.	<p>In Case of Death</p> <p>a) Post Mortem Report</p> <p>b) Death Certificate</p> <p>c) Photograph and proof of identity of the Dead.</p>	

	<p>d) Proof of legal representatives of the deceased.</p> <p>e) Photograph, specimen signatures attested by the bank and identity proof of the legal representatives of the deceased</p> <p>f) Treatment of the deceased with name and address of the Hospital</p> <p>g) Bank account No. of the legal representatives of the deceased.</p>	
6.	<p>In case of Injury</p> <p>a) MLC</p> <p>b) Multi angled photographs of the injured</p> <p>c) Photograph, specimen signatures attested by the bank and identity proof of the Injured</p> <p>d) Disability certificate</p>	
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)