

F.No.13/14/2017-Admn.
Government of India
Ministry of Finance
Department of Investment & Public Asset Management (DIPAM)

Block No.11, Room No.424,
CGO Complex, Lodhi Road,
New Delhi – 110 003
Dated, the 21st August, 2018.

OFFICE MEMORANDUM

Subject:-Adoption of guidelines framed by Department of Telecommunications (DoT) to grant compensation to the families of the victims dying at public places due to the negligence and/or unforeseen causes, by other Ministries entities functioning under their respective administrative control.

The undersigned is directed to refer to Cabinet Secretariat's I.D.No.111/2/3/2016-Cab.III dated 31-1-2018 on the above mentioned subject and to enclose herewith the guidelines as at **Annexure** (in bilingual), for adoption of policy guidelines in this Department with effect from 1-9-2018 for settlement of claims for compensation on accidents similar to those as adopted by Department of Telecommunications.

2. This Department has no attached/subordinate offices / PSUs under its administrative control.
3. The above guidelines has the approval of Secretary (DIPAM).



(Ragesh Kant)
Under Secretary to the Govt. of India
Tel.No. 24368785

Encls. As above.

To

Cabinet Secretariat.
(Kind Attn : Shri Alok Tiwari, Deputy Secretary),
Rashtrapati Bhavan, South Block,
New Delhi.

- Copy to :-**
1. Shri Budh Ratan, Under Secretary(SR), Department of Telecommunications, Sanchar Bhavan, New Delhi.
 2. Technical Director, NIC Cell, DIPAM for uploading the guidelines on the Department's Website.
 3. PS to Secretary(DIPAM).

GUIDELINES FOR SETTLEMENT OF CLAIMS FOR COMPENSATION ON ACCIDENTS APPLICABLE TO THE DEPARTMENT OF INVESTMENT & PUBLIC ASSET MANAGEMENT

1. **Title** : These guidelines would be called as Guidelines for Settlement of Claims for Compensation.
2. **Effective date** : The guidelines would be effective from 1-9-2018.
3. **Applicability** : These guidelines would govern the settlement of compensation claims arising out of accidents resulting into 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 Secretary to Government of India in the Department.
 - (c) **Department** : Means Department of Investment & Public Asset Management.
 - (d) **Dependent** : As defined in the Employee's Compensation Act, 1923.
 - (e) **Designated Officer** : An Officer of **Joint Secretary** level designated by the Competent Authority 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(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 – I of this guidelines.

Explanation : For the purpose of the preparation of the detailed accident report, the word "injury" as referred in Schedule – I refer to "permanent disability" as mentioned in clause 4(i) 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 dependents 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;
- (iv) Proof of applicant's relation with the victim / Dependency Certificate

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.

(b) The Designated Officer on receipt of above application shall take into consideration the Detailed Accident Report submitted by the Police Authority and process the claim of compensation on priority basis but would not take more than 30 days for disposing off 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 the compensation to the victim / dependents of 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 public service would invariably include a clause whereby any compensation paid under these guidelines shall be recoverable from such person, agency or firm.

(e) 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/dependent(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.

(ii) In the case of a minor being the dependent/victims, 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.

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 competent authority with a period 30 days of such decision. The Competent Authority would decide the same within 30 days of receipt of such appeal.

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 Investigating 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)

g) Legal Heirs/Guardian

i. Name

ii. Relationship

iii. Age

iv. Address

v. Contact No.

2. Injury Cases (permanent disablement)

a) Name and address of the injured

b) Age

- c) Gender
- d) Education
- e) Occupation
- f) Income (Monthly)
- g) Details of family dependent of the victim
MLC No.
- h) Nature of injuries
- i) Name of the Hospital where the injured treated
- j) Whether victim 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 the identity of the Dead.</p>	