



भारतीय आयुर्विज्ञान अनुसंधान परिषद
INDIAN COUNCIL OF MEDICAL RESEARCH
स्वास्थ्य अनुसंधान विभाग (स्वास्थ्य एवं परिवार कल्याण मंत्रालय)
DEPARTMENT OF HEALTH RESEARCH (MINISTRY OF HEALTH & FAMILY WELFARE)

वी. रामलिंगस्वामी भवन, अन्सारी नगर, पोस्ट बॉक्स 4911, नई दिल्ली-110 029
V.RAMALINGASWAMI BHAWAN, ANSARI NAGAR, POST BOX-4911, NEW DELHI-110029

No.18/3/2018-Admn-II

Dated: 26.3.2018.

To

The Directors/Directors-in-Charge of
Permanent Institutes/Centres of the Council

Subject : Guidelines framed by DoT to grant compensation in cases of death/permanent incapacitation of person due to unintended/unforeseen occurrences during maintenance, operation and provisioning of public services-adoption by other ministries/departments and government entities functioning under their respective administrative control-reg.

Sir/Madam,

Please find enclosed herewith a copy of letter F. No. A.26011/2/2017-HR dated 22nd February, 2018 alongwith its enclosures received from Ministry of Health & Family Welfare, Deptt. of Health Research, New Delhi on the subject mentioned above for action taken report/comments on the guidelines framed by DoT.

Yours faithfully,

(Bharat Bhushan)
Administrative Officer
for Director General

Encl: As above

Copy to:-

- 1 PS to DG/PS to Addl. DG/Sr. DDG (A)/Sr. FA
- 2 All Divisional Heads
- 3 PS to Dy. Director General (A)
- 4 Asstt. Director-General (Admn.) (AX)/ (RR)
- 5 IRSM Division- with the request to place above circular on ICMR website.

S. No. A.260112/2017-III
Government of India
Ministry of Health & Family Welfare
(Department of Health Research)

2nd Floor, IRCS Building,
Red Cross Road, New Delhi
Dated : February 2018

22nd

To,

- I. Director General,
Indian Council of Medical Research,
Ansari Nagar, New Delhi-110029.
- II. The Director,
Bhopal Memorial Hospital and Research Centre,
Raisen By-pass Road, Karond, Bhopal – 462038.

DG, ICMR OFFICE

DIARY NO. 204

DATE: 21/3/2018

SUB: Guidelines framed by DoT to grant compensation in cases of death/ permanent incapacitation of persons due to unintended/ unforeseen occurrences during maintenance, operation and provisioning of public services- adoption by other ministries/ departments and government entities functioning under their respective administrative control-reg.

Sir,

I am directed to refer cabinet secretariat's ID no.111/2/3/2016-cabIII dated 12.07.2017 (copy enclosed) on the subject mentioned above and to request an action taken report/ comments on the guidelines laid down for settlement of claims in respect of compensation to persons incapacitated due to unintended/ unforeseen occurrences during maintenance, operation and provisioning of public services as framed by the DoT in the reference mentioned above, be provided to this Department on priority basis.

Yours faithfully,

(Vinod Kumar)

Under Secretary to the Govt. of India

Tele: 23736089

Enclosed: As above

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Subject: Guidelines framed by DoT to grant compensation in cases of death/permanent incapacitation of persons due to unintended/unforeseen occurrences during maintenance, operation and provisioning of public services - adoption by other Ministries/Departments and Government entities functioning under their administrative control - reg.

In the matter of FAO No. 154/2003 and 262/2013 titled Writer Safeguard Ltd vs. Commissioner under Employees Compensation Act and Others before the High Court of Delhi, D/o Telecommunications had framed guidelines under the directions of the Court for compensation in cases of death/permanent incapacitation due to negligence and/or unforeseen causes in the course of provision of public services.

2. Additional Solicitor General handling the case has informed that High Court is of the view that the said guidelines of DoT should be adopted / followed by other Departments / Government entities as well.
3. A copy of the abovementioned guidelines framed by D/o Telecommunications is enclosed herewith (**Annex**). It is requested that the guidelines may be examined for adoption with the approval of Competent Authority.
4. Cabinet Secretariat may be kept updated of the action taken in this regard.

[Signature]

[Signature]
(S.A.M. Rizvi)
Joint Secretary
Tel: 23013662

Secretaries of all Ministries/Departments
Cab. Sectt. ID No. 111/2/3/2016 - Cab. III

Dated: 12th July, 2017

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JS (PK)

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Sh. Jugran

Agant for employees on
hazardous jobs mgy.

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Sh. Himanshu

No.36-11/2015-SR
Government of India
Ministry of Communications(Sanchar Mantralaya)
Department of Telecommunications(Sanchar Vibhag)

New Delhi-1, the 5th December, 2016


OFFICE MEMORANDUM

Subject: Guidelines for settlement of claims for compensation on accidents applicable to the Department of Telecommunications and Public Sector Undertakings under its control.

The undersigned is directed to send the above mentioned guidelines for necessary action and compliance w.e.f. 01.12.2016.

The guidelines has the approval of the competent authority.

Yours faithfully,

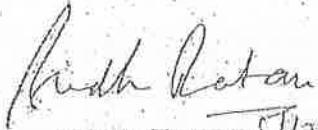

(Budh Ratan) 5/12/16
Under Secretary (SR)

To

1. Sr. DDG(TERM)
2. Sr. DDG(TEC)
3. JS(A)
4. JS(T)
5. DDG(C&A)
6. Director(WMO)

Copy to:-

1. Sr. PPS to Secretary(T)
2. PPS to Addl. Secretary
3. PPS to Member(S)
4. PPS to Member(T)
5. PPS to Member(S)


(Budh Ratan) 5/12/16
Under Secretary(SR)

SAFEGAURD LTD Versus COMMISSIONER UNDER EMPLOYEES COMPENSATION ACT AND ORS, the draft Guidelines for payment of Compensation to the family of the victims who die or become permanently disabled while carrying out hazardous jobs in the Department is prepared and attached herewith which may be placed before the Hon'ble High Court. The main object and aim of these guidelines is to provide a comprehensive mechanism for calculation, application and settlement of claims for compensation in such matters in timely and equitable manner.

The amount of compensation recommended is based on the principle of just compensation as enunciated in various judgments of Hon'ble Supreme court and relied upon in the aforementioned directions of the Hon'ble Court and keeping in line with the existing norms in paying compensation by Department in cases of accidents in Road, Railways, Air transport and also in case of deaths occurring in natural calamities. Example may be seen in Railways wherein compensation is between Rs. 32,000/- to Rs. 4,00,000/-, while in Road Accidents it is upto Rs. 2,00,000/- and in accidents related to Airways maximum compensation is limited upto Rs. 10,00,000/-.

While formulating these Guidelines, it has also been considered that Department have strict responsibilities towards well being of its employees and they have only that organization to depend upon in the event of the occurrence of any accident. In case of contractor employees, Department has implied and indirect responsibility towards their well being. Whereas in the case of a person who is neither Department's employee nor a Contractor's employee, there is no direct or strict responsibility with respect to paying any compensation in case of death or injury due to accident, however, keeping in view of the larger perspective of public welfare, Department must pay some compensation in their cases also. They would also be eligible for compensation from their respective employers in addition to the compensation under these Guidelines. The Department shall also endeavor to make arrangement for first aid facility in the premises and the injured must be provided with the medical aid, at the earliest.

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 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(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.

- 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.

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

PART- II - IMPACT OF THE ACCIDENT ON THE VICTIMS

1.	<p>Death Cases :-</p> <p>a) Name and Address of the deceased</p> <p>b) Age</p> <p>c) Gender</p> <p>d) Education</p> <p>e) Occupation</p> <p>f) Income (Monthly)</p> <p>g) Legal Heirs/Guardian</p> <p>i. Name</p> <p>ii. Relationship</p> <p>iii. Age</p> <p>iv. Address</p> <p>v. Contact No.</p>	
2.	<p>Injury Cases (permanent disabiment)</p> <p>a) Name and address of the injured</p> <p>b) Age</p>	

	<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 <u>identity</u> of the Dead.</p>	

References:

1. J/o dated 15.04.2009 of Hon'ble Supreme Court of India in Civil Appeal No. 3483/2008 in the matter of SARLA VERMA Versus DELHI TRANSPORT CORPORATION
2. J/o dated 12-07-2011 of Hon'ble Supreme Court of India in Civil Appeal No. 5322/in the matter of DELHI JAL BOARD Versus NATIONAL CAMPAIGN FOR DIGNITY AND RIGHTS OF SEWERAGE AND ALLIED WORKERS
3. J/o dated 12.10.2012 of Hon'ble High Court of Delhi in RFA NO.116/2007 and CM Nos.2924-25/2007 in the matter of UNION OF INDIA versus DHYAN SINGH & ORS.
4. Judgment dated 27.11.2014 passed by the Hon'ble Delhi High Court in FAO No.842/2009 RAJESH TYAGI & ORS. versus RAMESH CHANDRA GUPTA & ANR.

(S.R. Mishra)
JS&LA,
Deptt. of Legal
Affairs
Member

(Rajveer Singh)
DDG(SR),DoT
Member

(S.C. Sharma)
DDG(C&A),DoT
Member

(R.M. Agarwal)
DDG(SU),DoT
Member

(S.L. Meena)
Director(B&P),DoT
Member

(Sudhir Kain)
Deputy Director(PLG)
UTTIPEC, DDA
Member

(Gautam Kumar)
Director(SR),DoT
Member

(Shashi Ranjan Kumar)
Joint Secretary (T) DoT
Chairman