

MINISTRY OF CIVIL AVIATION

**GUIDELINES FOR SETTLEMENT OF CLAIMS FOR COMPENSATION ON ACCIDENTS
IN THE COURSE OF PROVISION OF PUBLIC SERVICE.**

Introduction:-

The Delhi High Court in its Order dated 09.07.2015 in FAO 154/2013 & CM No. 5185/2013 in the matter of WRITER SAFEGUARD LIMITED Versus COMMISSIONER UNDER EMPLOYEES COMPENSATION ACT ANS ORS directed for compensation in cases of death/permanent incapacitation due to negligence and or unforeseen causes in the course of provision 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 Ministry of Civil Aviation, its attached and subordinate officers/Organizations/Autonomous Bodies:-

1. **Title:** These guidelines would be called as Guidelines for Settlement of Claims for Compensation in case of incident(s) in the course of provision of public service in Ministry of Civil Aviation and its Attached/Subordinate offices/organizations/ autonomous bodies.
2. **Effective date:** These guidelines would be effective from the date of issue of the communication by Department of Personnel and Training for adoption of the guidelines.
3. **Applicability:** These guidelines would govern the settlement of compensation claims arising out of accidents resulting into loss of life or permanent disability to any member of general public or a person who meets with any accident in the course of provision of public service in the office premises of this Ministry and Attached/ Subordinate Offices or Autonomous Bodies/PSUs under the control of this Ministry. The claim of a person who is neither Department's employee nor a Contractor's employee shall be considered by the Department. However, the claim of the person on the rolls of outsourced agency shall be met by the concerned agency.
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 service undertaken by the Department.
 - (b) **Competent Authority:** Competent Authority means Secretary to Government of India in Ministry of Civil Aviation or Head of the Attached/ Subordinate Office or Autonomous Bodies/PSUs under the control of Ministry of Civil Aviation.
 - (c) **Department:** Means Ministry of Civil Aviation and for the purposes of the present Guidelines includes all attached/ subordinate Offices, autonomous bodies and PSUs under the control of the Ministry of Civil Aviation.

(d) **Dependent:** 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 (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 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 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. An undertaking is to be given by the applicant that no other claim before another Government entity has been made for the loss of life/injury resulting from the 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) Detailed Accident Report.

The Designated Officer may seek any further document(s) for settlement of claim to his/her satisfaction.

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

(f) The Designated Officer on receipt of 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 off the same in any case.

(g) The Designated Officer, in case where no application is received from the victim/dependents of victims, may, on receipt of the Detailed Accident Report, process 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.

(h) With effect from the date of the present Guidelines, all contracts/agreements to be entered into by the Department with any person, agency or firm 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.

(i) In no case, a claim for appointment of any of the dependents to a post in Government 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 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 need 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.

10. Safeguard: The compensation scheme will be applicable subject to the condition that victim or his/her legal heirs should not have been in receipt of any compensation for the same loss or injury from any Government authority (ies).

SCHEDULE-1**PART-I PARTICULARS OF THE ACCIDENT**

1	FIR No... Date and relevant Section	
2	Name of the Police Station with complete address	
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 with complete address	
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) 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.	

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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	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 representatives of the deceased. e) Photograph, specimen signatures 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 identify 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 or equivalent
(Name and Stamp)