No.01/IWAI/Estt./03/2017/Misc./Circular

Dated 23.10.2017

CIRCULAR

Sub:- 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 administrative control-reg.

I am directed refer to Dy. No.191157R/Secy(s)/20 dated 12.07.2017 and enclose herewith a guidelines framed by D/o Telecommunications for compliance.

(Umesh Kumar Sahai)  
Assistant Secretary (E)

Encl: As above

To
1. Chief Engineer-I, II, III, IV IWAI, Noida
2. CAO, IWAI, Noida
3. Director (IT), IWAI, Noida- for uploading in the intranet
4. Hindi Cell for translation
5. Director, IWAI, Patna/Kolkata/Kochi/Guwahati, IWAI, Noida

Copy to: PPS/PS/PA to Chairperson/ Vice-Chairman/Member (Finance)/Member (Tech)/ Secretary, IWAI, Noida.
Dear Sir/Madam


All are requested to kindly provide Action Taken Report with regard to adoption of the guidelines by 23.10.2017 to enable us take further necessary action and submit the reply of Ministry to Cabinet Secretariat by 25.10.2017.

THIS MAY KINDLY BE ACCORDED PRIORITY.
Subject: Guidelines framed by DoT

Dear all,

Kindly find attached a copy of the Note ID No. 111/2/3.2016-Cab.III dated 12th July, 2017 from Cabinet Secretariat forwarding therewith a copy of the guidelines for settlement of claims for compensation of accidents applicable to the Department of Telecommunication and Public Sector Undertakings under their control for information/records/necessary action.

Regards,

V. S. Sehrawat
Dy. Chief Controller of Chartering
Ministry of Shipping
Ph.: 011-23736985

SAGARMALA
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 Welter 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.

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

Secretaries of all Ministries/Departments

Dated: 12th July, 2017
No. 36. 11. 0615-5R
Government of India
Ministry of Communications (Sanchar Mantralaya)
Department of Telecommunications (Sanchar Vidiyal)

New Delhi I, the 5th December, 2015

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,

Under Secretary (SR)

To

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

Copy to:

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

Under Secretary (SR)
GUIDELINES FOR SETTLEMENT OF CLAIMS FOR COMPENSATION ON
ACCIDENTS APPLICABLE TO THE DEPARTMENT OF
TELECOMMUNICATIONS AND PUBLIC SECTOR UNDERTAKINGS
UNDER ITS CONTROL

1. Title: These guidelines would be called as Guidelines for Settlement of Claims
for Compensation.

2. Effective date: The guidelines would be effective from 01.12.2016.

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 or Chairman & Managing Director of a Public Sector
      Undertaking under the control of the Department of Telecommunications.
   c) Department: Means Department of Telecommunications and for the purposes
      of the present Guidelines includes, any Public Sector Undertaking, under the
      control of the Department of Telecommunications.
   d) Dependent: As defined in the Employee’s Compensation Act, 1923.
   e) Designated Officer: An Officer designated by the Competent Authority at
      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 (h) 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 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.
The Designated Officer may seek any further documents for settlement of claim to its satisfaction.

Provided that where there are more than one dependents, 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 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.

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.

6. Method of Disbursement of Compensation

1. 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, 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.

5. 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.
**SCHEDULE 4**

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

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<tbody>
<tr>
<td>1</td>
<td>FIR No. Date and Under Section</td>
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<td>2</td>
<td>Name of the Police Station</td>
</tr>
<tr>
<td>3</td>
<td>Date, Time, Place of the accident</td>
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<td>4</td>
<td>Who reported the accident to the police</td>
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<td>5</td>
<td>Name of the Person who took the victim to the hospital and Name of the Hospital</td>
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<td>6</td>
<td>Whether any hospital desired treatment to the Victim?</td>
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<td>7</td>
<td>Nature of the accident:</td>
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<tr>
<td></td>
<td>(i) Whether resulted in death or injury or both?</td>
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<tr>
<td></td>
<td>(ii) Number of persons injured/died</td>
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<tr>
<td>8</td>
<td>Name and Contact No. of the Investigating Officer</td>
</tr>
<tr>
<td>9</td>
<td>Name of the witnesses of the accident</td>
</tr>
<tr>
<td>10</td>
<td>Description of the accident</td>
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</table>
### 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 disability):

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 continues

d) Name, address and contact number of the doctor
(w) who treated the injured

e) Whether the injured underwent any surgery? If yes, then give particulars.
3. Whether suffered any permanent disability

d) Expenditure incurred on treatment conveyance, special diet, attendant etc. Give details, if available.

c) Whether the injured got reimbursement of medical expenses from his employer or under a mediclaim policy. Give details, if available.

e) 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
3. Statement of the witnesses recorded by the Police
4. Scientific report, if the Victim was under the influence of any liquid/drum

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 identity proof of the injured.

d) Disability certificate

7. Any other relevant information.

VERIFICATION

Verified at _______ on this _______ day 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  Assistant Commissioner of Police
(Names and Stamp) (Names and Stamp)
References

1. Jio dated 15-04-2009 of Hon'ble Supreme Court of India in Civil Appeal No. 3439/2008 in the matter of SABINA VERMA Versus DELHI TRANSPORT CORPORATION
2. Jio dated 12-07-2012 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
4. Judgment dated 27-11-2014 passed by the Hon'ble Delhi High Court in FAO No 642/2008 RAJESH TYAGI & ORS. versus RAMESH CHANDRA GUPTA & ANR.

(S.R. Mohan)
JS&A
Dept. of Legal Affairs Member

(Rajveer Singh)
DDG(SR),DoT Member

(S.C. Sharma)
DDG(CAA),DoT Member

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

(S.L. Meena)
Director(BEP),DoT Member

(Sudhir Raina)
Deputy Director(PPG)

(Pradeep Gupta)
Director(SR),DoT Member

(Shastri Rangan Kumar)
Joint Secretary (T)DoT Chairman
GOVERNMENT OF INDIA
CABINET SECRETARIAT
RASHTRAPATI BHAWAN

Subject: Guidelines framed by DoT to grant compensation in cases of death/permanent incapacity 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.

Reference this Secretariat's ID of even number dated 12th July, 2017 followed by reminder dated 24.08.2017 on the above mentioned subject. The guidelines framed by DoT was forwarded for examination and adoption with the approval of Competent Authority.

2. As the next date of hearing in the matter before Delhi High Court is on 3rd November, 2017, it is requested that action taken with regard to adoption of the guidelines may please be intimated to this Secretariat latest by 25.10.2017.

(Alok Tiwari)
Deputy Secretary
Tele: 23015861

Secretaries of all Ministries/Departments (As per list enclosed)
Cab. Sectt. ID No. 111/2/3/2016-Cab.III dated 12th October, 2017

A reply in respect of above matter was sent to Coordination
unit O.M. dated 18.09.2017. We may send this O.M. note to
Coordination for necessary action in respect of attached/stubordinate offices/Panels
Autonomous bodies.