

**INDIAN COUNCIL OF AGRICULTURAL RESEARCH  
KRISHI BHAWAN : NEW DELHI**

**F.No.Admn-22(6)/2018-Estt.III**

**Dated : 31<sup>st</sup> July, 2018**

**OFFICE MEMORANDUM**

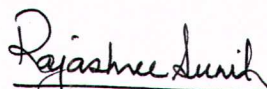
**Sub:- Guidelines for settlement of claims for compensation on accidents applicable to the Indian Council of Agricultural Research and Institutes under its control – reg.**

The undersigned is directed to refer to Cabinet Secretariat's I.D. No. 111/2/3/2016-Cab.III dated 29.12.2017 vide which all Ministries/Departments were informed that Department of Telecommunications (DoT) had framed guidelines under the directions of Delhi High Court for compensation in cases of death/permanent incapacitation due to negligence and/or unforeseen causes in the course of provision of public services. Additional Solicitor General handling the case had requested that DoT guidelines may be examined by all Ministries/Departments to follow the same or draft their own guidelines along similar lines.

2. Accordingly, the matter has been coordinated by Cabinet Secretariat with all Ministries/Departments to adopt DoT guidelines with or without modifications as per operational requirements of the organizations.

3. In pursuance to the directions of the Cabinet Secretariat, detailed guidelines framed by the Indian Council of Agricultural Research are forwarded for compliance of all concerned.

This issues with the approval of the Competent Authority.

  
(Rajashree Sunil)  
Under Secretary(Admn.)

Encl: Detailed guidelines.

**Distribution:-**

1. Directors/Project Directors/Jt. Directors of all ICAR Research Institutes/National Research Centres/Project Directorates/Bureaus.
2. All Officers/Sections at ICAR Krishi Bhawan, KAB-I&II, NASC.
3. PSO to DG, ICAR, PPS to Secretary, ICAR, PPS to AS&FA(DARE)/ICAR.
4. PPS to Chairman/Members, ASRB
5. Secy. (Staff Side), CJSC, IIS&WC, Dehradun.
6. Secy. (Staff Side), HJSC, ICAR, KAB-II, Pusa, New Delhi.
7. Incharge, ARIC, DKMU, KAB-I, Pusa, New Delhi for placing the above mentioned OM on ICAR Web-site.
8. Guard file/Spare copies.





## **Guidelines for settlement of claims for compensation on accidents applicable to the Indian Council of Agricultural Research and its Research Institutes**

### **PREAMBLE:**

Accidents are inevitable incidents, occurrences of which cannot be obliterated completely, but can only be minimized by adopting most vigilant practices, safety precautions, etc.. Sometimes accidents do happen when responsibility and liability cannot be affixed on certain individuals or malfunctioning of certain machinery and the law recognizes the Principle of 'No fault Liability' for such unfortunate incidents. In such cases, the loss of life and loss of dependency cost of the dependents of such victims cannot be written off merely on the pretext that negligence on the part of the department or its agencies cannot be substantiated for want of stricter proof. Also being in the public domain and mandated by the constitution to work for the larger interest of the society, it is expected from the department/Entities to pay a just compensation for any loss of life or a good life to the victims or dependents of such victims in addition to the existing provisions under various welfare legislations. The ICAR Hqrs and its Institutes being model employer is required to undertake certain duties.

While formulating these Guidelines, it has also been considered that the ICAR Hqrs and its Institutes 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 personnel deployed by service providers, ICAR and its Institutes has implied and indirect responsibility toward their well being. Whereas in the case of a person who is neither ICAR's/Institute'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, ICAR Hqrs/Institutes must pay some compensation in such cases also. They would also be eligible for compensation from their respective employers in addition to the compensation under these guidelines. The ICAR Hqrs/Institutes 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.

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**Guidelines for settlement of claims for compensation on accident applicable to Indian Council of Agricultural Research and its Research Institutes**

1. **Title:** These guidelines would be called as Guidelines for Settlement of claims for Compensation.
2. **Effective date:** The guidelines would be effective from 31<sup>st</sup> July, 2018.
3. **Applicability:** These guidelines would govern the settlement of compensation claims arising out of accidents resulting into loss of life or permanent disability and would exclude accidents occurring while attempting/committing any illegal act.
4. **Definitions:**
  - a) **Accident:** Any death or permanent disability resulting solely and directly from any unintended and unforeseen injuries occurrence caused during the maintenance, operation and provisioning of any public services undertaken by the ICAR and its Institutes.
  - b) **Competent Authority:** Secretary , ICAR in respect of ICAR Hqrs. and Director in respect of Institutes.
  - c) **Department:** Indian Council of Agricultural Research and its Research Institutes.
  - d) **Dependent:** As defined in the Employees' Compensation Act, 1923 Spouse/Children/Parents.
  - e) **Designated Officer:** Director(Admn)/Deputy Secretary (Admn) for ICAR Hqrs. and Chief Administrative Officer/Senior Administrative Officer/Administrative Officer for ICAR Institutes 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 provisions of Section 2(1) of the Employees' 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-1 of this guidelines.

Explanation:- For the purpose of the preparation of the detailed accident report, the word "injury" as referred in Schedule-1 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 contained in any other law (except accidents occurring while attempting/committing any illegal act by victim/disabled), it would 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 Designated Officer of ICAR Hqrs. or Institute as the  
contd...





case may be 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.
- (b) The Director(Admn)/Deputy Secretary (Admn) of ICAR Hqrs/ and CAO/SAO/AO of the Institute on receipt of above application shall take into consideration the Detailed Accident Report submitted by the Police Authority and place the matter before the following Committee :

**At ICAR Hqrs.**

- |       |  |                   |
|-------|--|-------------------|
| (i)   | Director(Personnel)  | Chairman          |
| (ii)  | Director(Finance)  | Member            |
| (iii) | Director(Admn)/Deputy Secretary(Admn)  | Member            |
| (iv)  | One scientist not below the rank of Principal Scientist to be nominated by Secretary, ICAR     | Member            |
| (v)   | Legal Adviser, ICAR or his representative  | Member            |
| (vi)  | One officer not below the rank of Under Secretary from DARE to be nominated by Secretary, ICAR | Member            |
| (vii) | Under Secretary(Admn)  | Member- Secretary |

**At ICAR Institutes:**

- |       |  |                   |
|-------|--|-------------------|
| (i)   | Jt. Director/CAO/HOD to be nominated by Director   | Chairman          |
| (ii)  | CFAO/SFAO/FAO to be nominated by Director  | Member            |
| (iii) | SAO/AO to be nominated by Director   | Member            |
| (iv)  | One Principal Scientist /Sr. Scientist to be nominated by Director                       | Member            |
| (v)   | Legal Adviser, ICAR or his representative  | Member            |
| (vi)  | One officer not below the rank of SAO from another Institute to be nominated by Director | Member            |
| (vii) | AO /AAO looking after Admn./Estt.  | Member- Secretary |

**No Member/Chairman of the above Committee shall be entitled to any remuneration or honorarium**

- (c) Provided that where there are more than one dependent, the applicant must mention their name, addresses and relations with the victim and the Director(Admn)/Deputy Secretary (Admn) , ICAR Hqrs/ and CAO/SAO/AO of the Institute may at its own discretion issue notices to all before releasing the compensation.

contd....



- (d) The Director(Admn.)/Deputy Secretary (Admn), ICAR Hqrs. and CAO/SAO/AO of the Institute may seek any further documents for settlement of claim to its satisfaction.
- (e) The recommendations of the Committee would be submitted for approval of the Secretary, ICAR for ICAR Hqrs and Director , in r/o the Institutes.
- (f) The entire process would be completed within 60 days from the receipt of the claim subject to the provision of required documents by the claimants.
- (g) Once it has been decided to give suitable compensation as provided under the guidelines , then the payment would be made within 10 days of conveying such a decision subject to fulfilling of all the requirements by the victim/applicant(s).
- (h) In case where no application is received from the victim/dependents of victims, the Director(Admn.)/Deputy Secretary (Admn), ICAR, Hqrs and CAO/SAO/AO of the Institute, may on receipt of the detailed accident report proceed suo-moto to initiate the process for consideration for grant of compensation to the victim/dependents of victim.
- (i) 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.
- (j) 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 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 dependents) on monthly basis.

**(9) Appeal:** An appeal against the decision of the Competent Authority in respect of the amount of compensation or rejection of such claim shall be made to the DG, ICAR for ICAR Hqrs. / DDG of concerned SMD in case of Institute within a period of 30 days of such decision. The Competent Authority would decide the same within 60 days of receipt of such appeal.

**(10) Source of fund: Head "Miscellaneous Expenses" under Sub-Head (Other Miscellaneous Contingencies).**

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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 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.	<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 disablement)</p> <p>(a) Name and address of the injured</p> <p>(b) Age</p> <p>(c) Gender</p> <p>(d) Education</p> <p>(e) Occupation</p> <p>(f) Income(Monthly)</p> <p>(g) Details of family dependent of the victims</p> <p>MLC No.</p> <p>(h) Nature of injuries</p> <p>(i) Name of the hospital where the injured treated</p> <p>(j) Whether victims refused medical treatment</p> <p>(k) Period of hospitalization</p> <p>(l) Period of treatment</p> <p>(m) Whether treatment continuing</p> <p>(n) Name, address and contact number of the doctor (s) who treated the injured</p> <p>(o) Whether the injured underwent any surgery?</p> <p>If yes, then give particulars</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.	<b>In case of Death.</b> 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 identify 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.	<b>In case of Injury</b> 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 Office  
(Name and Stamp)

Assistant Commissioner of police  
(Name and Stamp)