



NATIONAL BRAIN RESEARCH CENTRE

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NBRC/Admn/OM/2018

05.07.2018

OFFICE MEMORANDUM

Sub: Adoption of guidelines framed by DoT to grant compensation to the families of the victims dying at public places due to the negligence and/or unforeseen causes, by NBRC, Manesar – Reg.

NBRC has adopted the policy guidelines on the lines of DoT, for settlement of claims for compensation to the families of the victims dying at public places due to negligence and or unforeseen causes, with immediate effect. The detailed guidelines are annexed herewith. **Mr. T. Bhattacharyya CAO, NBRC has been appointed as Designated Officer for the purpose of receiving and claims for compensation under these Guidelines in respect of NBRC.**

2. This issues with the approval of Director, NBRC.

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(Pooja Gosain)
Administrative Officer

GUIDELINES FOR SETTLEMENT OF CLAIMS FOR COMPENSATION ON ACCIDENTS
APPLICATION TO THE DEPARTMENT OF BIOTECHNOLOGY AND AUTONOMOUS
INSTITUTES 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 are effective from date of approval of competent authority.
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) **Accidents:** 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 or Director of AIs under the control of the Department of Biotechnology.
 - (c) **Department:** Means Department of Biotechnology and for the purpose of the present Guidelines includes, any Autonomous Institutes or Public Sector Undertaking, under the control of the Department of Biotechnology.
 - (d) **Dependent:** As defined in the Employee's Compensation Act, 1923.
 - (e) **Designated Officer:** As Officer Designated by the Competent Authority of Grade of Deputy Secretary or Director or equivalent for the purpose 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.
 - i) **Permanent Disablement:** A Disablement that is classified as a permanent total disablement under the proviso to Section 2(1) 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 Enclosures of this guidelines.

Explanation:- For the purpose of the preparation of the detailed accident report, the word "injury" as referred in Schedule-I refers to permanent disability as mentioned in clauses 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 wrong 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)
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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 claims to its satisfaction.

Provided that where there is more than one dependant, 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/dependants 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 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/dependents(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/ dependents(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 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.