



**NATIONAL INSTITUTE OF IMMUNOLOGY
NEW DELHI**

File No. SM/2.3.3

12 February, 2020

13 FEB 2020

OFFICE MEMORANDUM


Sub: Grant of Compensation to the families of the Victims who die or become permanently disabled while on active duty of National Institute of Immunology (NII)

In pursuance of the directions of the Department of Biotechnology and on approval of the Governing Body of the Institute in its 76th meeting held on 23.07.2018 and finally in 79th meeting, held on 27.08.2019, it has been decided to adopt and implement the scheme of compensation to the families of the victims who die or become permanently disabled due to the negligence and/or unforeseen circumstances while on active duty of National Institute of Immunology (NII), New Delhi. The Scheme has been framed strictly on the basis of the guidelines of Department of Telecommunications (DOT). The DOT had framed these guidelines on the directions of the Hon'ble High Court of Delhi in the matter of Writer Safeguard Ltd Versus Commissioner & Others under Employees Compensation Act.

2. The Scheme would govern the settlement of compensation claims in respect of all employees of the Institute, other than core employees, arising out of accidents/incidents resulting into loss of life or permanent disability. The extent of liability would be Rs. 10.00 Lakh in the event of death or permanent disability resulting from loss of both limbs and Rs.7.00 Lakhs in the event of other permanent disability.

3. The concerned Sections would keep the record and update the details of dependent/claimant as defined in clause (A) of scheme. The Scheme would be operative in the Institute from the date of issue of this OM. A copy of the Scheme as framed as per the guidelines of DOT, is circulated/notified herewith for information of all concerned.

This issues with the approval of the Competent Authority.


(Lt. Col. (Dr.) D.K. Vashist)
Senior Manager

Copy to:

- i. All Notice Boards
- ii. Computer Cell for uploading on the website of the Institute.
- iii. Concerned Sections-with a request to keep a record of dependent/claimant

Copy also to:

- i. Under Secretary, Department of Biotechnology, CGO Complex, New Delhi for information with reference to their letter No.BT/AAQ/03/DoT Guidelines/2018 dated 31.05.2018.
- ii. Director's Secretariat



राष्ट्रीय प्रतिरक्षाविज्ञान संस्थान

नई दिल्ली-110067

फाइल.सं.एसएम/2.3.3.

कार्यालय ज्ञापन

13 FEB 2020
13 फरवरी, 2020

विषय:- राष्ट्रीय प्रतिरक्षाविज्ञान संस्थान (एनआईआई) की इयूटी करने के दौरान मृत्यु या स्थायी रूप से विकलांग होने वाले पीड़ितों के परिवारों को मुआवजे का भुगतान ।

जैवप्रौद्योगिकी विभाग के निर्देशों के अनुसरण तथा दिनांक 23.07.2018 को 76वीं तथा 79वीं 27.08.2019 को हुई शासी निकाय की बैठक में अंतिम रूप से दिए गए अनुमोदन से निर्णय लिया गया है कि राष्ट्रीय प्रतिरक्षाविज्ञान संस्थान (एनआईआई) की इयूटी के दौरान लापरवाही और/या अप्रत्याशित परिस्थितियों से मृत्यु होने पर या स्थायी रूप से विकलांग होने वाले ऐसे पीड़ित के परिवारों के लिए क्षतिपूर्ति योजना अपनाई तथा लागू की जाए। योजना दूरसंचार विभाग (डीओटी) के दिशा-निर्देशों के आधार पर तैयार की गई है। डीओटी ने माननीय उच्च न्यायालय, दिल्ली द्वारा राइटर सेफगार्ड लिमिटेड बनाम उपायुक्त एवं क्षतिपूर्ति अधिनियम के तहत अन्य कर्मचारियों के प्रकरण में दिए गए दिशा-निर्देशों पर तैयार की थी ।

2. यह योजना, दुर्घटना/घटनाओं से होनी वाली मृत्यु या स्थायी विकलांगता से संबंधित संस्थान के कोर कर्मचारियों के अलावा अन्य सभी कर्मचारियों के मुआवजों के दावों का निपटाना करेगी । मृत्यु या दोनों अंग खराब होने से स्थायी अपंगता होने पर रु. 10.00 लाख तक तथा अन्य स्थायी अपंगता होने पर 7.00 लाख रुपये की एकमुश्त क्षतिपूर्ति देय होगी ।

3. संबंधित अनुभाग योजना के खंड(डी) में परिभाषित आश्रितों/दावेदार का विवरण अद्यतन कर रखेंगे। यह योजना, कार्यालय ज्ञापन जारी होने की तिथि से संस्थान में लागू होगी । दूरसंचार विभाग के दिशा-निर्देशों के अनुसार तैयार की गई योजना की एक प्रति सभी संबंधितों को सूचना हेतु परिचालित/अधिसूचित की जाती है ।

यह सक्षम प्राधिकारी के अनुमोदन से जारी किया जाता है ।

(ले.कर्नल(डॉ.)डी.के.वशिष्ट)
वरिष्ठ प्रबंधक

प्रति:-

1. सभी सूचना पट्टे
2. कंप्यूटर प्रकोष्ठ- संस्थान की वेबसाइट पर अपलोड करने हेतु
3. संबंधित अनुभाग- आश्रितों/दावेदार के रिकार्ड में रखने हेतु

को भी प्रति:-

4. अवर सचिव, जैव प्रौद्योगिकी विभाग, सीजीओ कॉम्प्लेक्स, नई दिल्ली को दिनांक 31.05.2018 के पत्र सं. बीटी/एएक्यू/03/डीओटी निर्देश/2018 के संदर्भ में सूचना हेतु
5. निदेशक सचिवालय

SCHEME FOR SETTLEMENT OF CLAIMS FOR COMPENSATION TO THE FAMILIES OF THE EMPLOYEES (OTHER THAN CORE EMPLOYEES) WHO DIE OR BECOME PERMANENTLY DISABLED WHILE ON DUTY OF NATIONAL INSTITUTE OF IMMUNOLOGY

Genesis of the Scheme

India being a Welfare State and as mandated by the Constitution, the Government works for the larger interests of the Society.

Accidents are unfortunate incidents, occurrences of which cannot be obliterated completely, but can only be minimized by adopting most vigilant practices, safety precautions. Sometimes accidents do happen when responsibility and liability cannot be affixed on certain individuals or malfunctioning of certain machinery and the Law recognizes the principles 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 Institute cannot be substantiated for want of stricter proofs. Also being in the public domain and mandated by the Constitution to work for the larger interests of the society, it is expected from the Government and its entity like NII 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 Government being model employer is required to undertake certain duties.

In that direction and in the light of High Court of Delhi direction in FAO 154/2013 & CM No.5185/2013 in the matter of Writer Safeguard Ltd Versus Commissioner & Others under Employees Compensation Act, Department of Telecommunication (DoT) drafted guidelines for payment of compensation to the families of the victims who die or become permanently disabled while carrying out hazardous jobs at the sites or work places of Department. The Hon'ble High Court of Delhi recognizing the principle of Strict Liability has directed that all entities under the Ministries/Departments of Government of India should also comply with the guidelines drafted by DOT for grant of compensation to the families of the victims dying at public places due to the negligence and/or unforeseen causes.

In the above context, this Institute was directed by the Department of Biotechnology to adopt these guidelines in NII.

NII had placed the matter before its Governing Body initially in the 76th meeting held on 23.07.2018 for adoption and implementation of guidelines framed by DoT in NII. After discussions in the meeting as well as in the subsequent meetings it was finalized in the 79th meeting held on 27.08.2019 for adoption and implementation of these guidelines in NII.

Now in pursuance of the approval of the Governing Body, the Institute has drawn up a Scheme for grant of compensation to the families of the employees of NII excluding core employees who die or become permanently disabled while on duty of National Institute of Immunology.

1. **Title:** This Scheme would be called as Scheme for Settlement of Claims for Compensation.
2. **Effective date:** The scheme would be effective from the date of issue of this OM.
3. **Applicability:** This Scheme would govern the settlement of compensation claims in respect of employees of National Institute of Immunology other than core employee, arising out the 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 Institute.
- b) Competent Authority: Competent Authority means Director, NII.
- c) Institute: Means National Institute of Immunology (NII), an Autonomous Institute of Department of Biotechnology, Ministry of Science & Technology, Government of India.
- d) Dependent: As defined in the Employee's Compensation Act, 1923.
- e) Designated Officer: Finance and Accounts Officer for the purpose of receiving and processing claims for compensation under the present Scheme.
- f) Victim: Any person who suffers permanent disablement or dies in an accident as defined in clause (a).
- 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 1 of this Scheme.

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 Scheme.

6. **Extent of Liability**: On the occurrence of any "accident" as defined under this Scheme, the Institute 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.700,000/- (Rupees Seven Lakh).

7. Procedure for settlement of claims in respect of compensation

a. The victim or his/her dependents (NOK) would make an application within a period of 90 days of the accident to the Designated Officer. 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 his satisfaction.

Provided that where there are more than one dependent, the Applicant must mention their name, address 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 enforcement of the Scheme, all contracts/agreements to be entered into by the Institute with any person or agency for maintenance, operation and provisioning of public service would invariably include a clause by where any compensation paid under this Scheme 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 Institute.

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 and utilization for 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 Institute.

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

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.	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	

<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 victim MLC No.</p> <p>h) Nature of injuries</p> <p>i) Name of the Hospital where the injured treated</p> <p>j) Whether victim 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? If yes, then give particulars.</p>	
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	<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.	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 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.	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
(Name and Stamp)