



भारत हेवी इलेक्ट्रिकल्स लिमिटेड Bharat Heavy Electricals Limited

From: Samir Mukherjee, GM (HR-Policy & IRX), BHEL Corporate Office New Delhi

To: Head of HR / BHEL

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AA:HR: ECA

Dated 10.09.2018

CORPORATE HR CIRCULAR NO. 016 /WLX/2018

Sub: Compensation in cases of death/ permanent incapacitation of person due to unintended / unforeseen occurrences during the manufacturing/ operation and works incidental thereto at BHEL factories/ offices and precincts thereof, project execution, erection and commissioning, services, repairs and maintenance, trouble shooting, serving, overhaul, renovation and retrofitting, trial operation, performance guarantee testing undertaken by the company or during any works / during working at BHEL Units/ Offices/ townships and premises/ Project Sites.

In terms of Govt. instructions, the Guidelines for settlement of claims for compensation on accidents applicable to BHEL, have been approved for implementation w.e.f. 10.09.2018. **The scheme is placed at Annexure.**

These guidelines provide for compensation in case of Death/ Permanent Total Disablement, whether or not there has been any wrongful act, neglect or default on the part of company and notwithstanding anything contained in any other law in respect of each of the victims 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/- (Rs. Ten Lakh)**
- (ii) In the event of **other permanent disability: Rs.7,00,000/- (Rs. Seven Lakh)**

The 'permanent disablement' is defined under the proviso to Section 2 (I) of the Employee's Compensation Act, 1923.

It has been decided that in terms of these guidelines, a standard clause shall be included in all contracts entered by Units/ Divisions / Regions **having contract value of Rs 5,00,000/- or above**, as under:

"BHEL shall recover the amount of compensation paid to victim(s) by BHEL towards loss of life / permanent disability due to an accident which is attributable to the negligence of contractor, agency or firm or any of its employees as detailed below.

- a) *Victim: Any person who suffers permanent disablement or dies in an accident as defined below.*
- b) *Accident: Any death or permanent disability resulting solely and directly from any unintended and unforeseen injurious occurrence caused during the manufacturing/ operation and works incidental thereto at BHEL factories/ offices and precincts thereof, project execution, erection and commissioning, services, repairs and maintenance, trouble shooting, serving, overhaul, renovation and retrofitting, trial operation, performance guarantee testing undertaken by the company or during any works / during working at BHEL Units/ Offices/ townships and premises/ Project Sites.*
- c) *Compensation in respect of each of the victims:*
 - (i) *In the event of death or **permanent disability** resulting from **Loss of both limbs**: Rs. 10,00,000/- (Rs. Ten Lakh)*
 - (ii) *In the event of **other permanent disability**: Rs.7,00,000/- (Rs. Seven Lakh)*
- d) *Permanent Disablement: A disablement that is classified as a permanent total disablement under the proviso to Section 2 (l) of the Employee's Compensation Act, 1923."*


(Samir Mukherjee)

Encl.: As above.

ANNEXURE-I

GUIDELINES FOR SETTLEMENT OF CLAIMS FOR COMPENSATION ON ACCIDENTS APPLICABLE TO BHARAT HEAVY ELECTRICALS LIMITED

1. **Title:** These guidelines would be called as Guidelines for Settlement of Claims for Compensation arising out of accidents resulting into loss of life or permanent total disability.
2. **Effective date:** The guidelines would be effective from 10.09.2018.
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 manufacturing/ operation and works incidental thereto at BHEL factories/ offices and precincts thereof, project execution, erection and commissioning, services, repairs and maintenance, trouble shooting, serving, overhaul, renovation and retrofitting, trial operation, performance guarantee testing undertaken by the company or during any works / during working at BHEL Units/ Offices/ townships and premises/ Project Sites.
 - b) **Competent Authority:** Competent Authority Means Chairman & Managing Director.
 - c) **Dependent:** As defined in the Employee's Compensation Act, 1923.
 - d) **Designated Officer:** An Officer designated by the company at Unit level for the purposes of receiving and processing claims for compensation under the present Guidelines.
 - e) **Victim:** Any person who suffers permanent disablement or dies in an accident as defined in these Guidelines.
 - f) **Permanent Disablement:** A disablement that is classified as a permanent total disablement under the proviso to Section 2 (l) 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(f) of the Guidelines.

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6. **Extent of Liability:** On the occurrence of any "accident" as defined under these Guidelines, the Company 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 in respect of each of the victims 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/- (Rs. Ten Lakh)**

(ii) In the event of other permanent disability: **Rs.7,00,000/- (Rs. 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 dependents 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) On issuance of guidelines, all contracts/agreement with contract value of ₹5,00,000 or above, which are entered into by the Company with any contractor, agency or firm for manufacturing/ operation and works incidental thereto at BHEL factories/ offices and precincts thereof, project execution, erection and commissioning, services, repairs and maintenance, trouble shooting, serving, overhaul, renovation and retrofitting, trial operation, performance guarantee testing etc. would invariably include a clause whereby any compensation paid under these

guidelines shall be recoverable from such contractor, agency or firm, if the accident is attributable to negligence of contractor, agency or firm or any of its employees.

In case the accident is not attributable to negligence of contractor, agency or firm or any of its employees, the same shall be paid by the Company with the approval of Unit Head (Not below ED/ GM I/C) and shall not be recoverable from contractor/ agency.

In the event that work / service contract etc. is of value being less than ₹5,00,000.00 or in case the works/ service contracts are executed by the Company directly and no third party i.e. contractor(s)/ service provider(s), is involved in the works/ service contracts being executed, the compensation under these guidelines, shall be paid by the Company, with the approval of the Head of Unit (Not below ED / GM I/C level).

In other accident cases arising out of works carried out for the company or carried out by the company itself but not covered under conditions as mentioned above, the compensation under these guidelines shall be paid by the company with the approval of Director (HR) & Director (Fin).

- e) In no case a claim for appointment of any of the dependents on the compassionate grounds would be entertained by the Company.

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 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 Company.
- 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.

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SCHEDULE-I

PART – I – PARTICULARS OF THE ACCIDENT		
1.	FIR NO.-----, Dated and under Section	
2.	Name of 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	

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PART II - IMPACT OF THE ACCIDENT ON THE VICTIMS

1.	<p>Death Cases: -</p> <ul style="list-style-type: none">a) Name and Address of the deceasedb) Agec) Genderd) Educatione) Occupationf) Income (Monthly)g) Legal Heirs / Guardian<ul style="list-style-type: none">i. Nameii. Relationshipiii. Ageiv. Addressv. Contact No.	
2.	<p>Injury Cases (permanent disablement)</p> <ul style="list-style-type: none">a) Name and address of the injuredb) Agec) Genderd) Educatione) Occupationf) Income (monthly)g) Details of family dependent of the victim MLC No.h) Nature of injuriesi) Name of Hospital where the injured treatedj) Whether victim refused medical treatment	

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	<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> <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.	

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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.	<p>In case of Death:</p> <ul style="list-style-type: none"> 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.	<p>In case of injury</p> <ul style="list-style-type: none"> a) MLC b) Multi angled photographs of the injured c) Photograph, specimen, signatures attested by the bank and identity proof of the injured. 	

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	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

Assistant Commissioner of Police

(Name and Stamp)

(Name and Stamp)

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