

F.No. A-44011/07/2017-Admn-I (Pt)
Ministry of Agriculture & Farmers' Welfare
Department of Animal Husbandry and Dairying
(Administration-I Division)

Krishi Bhawan, New Delhi
Dated the 30th April, 2019

OFFICE MEMORANDUM

Subject: Adoption of 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.

The undersigned is directed to refer to Cabinet Secretariat's ID No. 111/2/3/2016-Cab.III dated 12th July, 2017 vide which it was requested that 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, may be examined for adoption, with or without modification as per need, and subsequent reminders on the subject and to state that guidelines for settlement of claims for compensation of accidents applicable to Department of Animal Husbandry and Dairying and Autonomous Bodies/ Associated Agencies under its control have been adopted with the approval of Hon'ble Minister of Agriculture and Farmers' Welfare.

2. Copies of the guidelines in bilingual are being forwarded herewith for kind information.

Encl: As Above



(S. C. Srivastav)

Deputy Secretary to Govt of India
Tel: 23383340

To,
Cabinet Secretariat,
[Kind Attention: Shri Alok Tiwari, Deputy Secretary],
Rashtrapati Bhawan, New Delhi

Copy to:

1. PS to Hon'ble Minister of Agriculture and Farmers' Welfare.
2. PS to Hon'ble MOS (A&FW) (KR)
3. Sr. PPS to Secretary (AHD).
4. PPS to AS&FA.
5. PS to JS (Admn).
6. All Divisional Heads/AHC
7. US (Admn.III)/ US (Admn.IV)/ US (Admn.VI)-with a request to circulate these Guidelines amongst all Attached/Subordinate Offices under the Administrative control of this Department.
8. NIC Cell- for uploading on the website of the Department.

GUIDELINES FOR SETTLEMENT OF CLAIMS FOR COMPENSATION OF ACCIDENTS VICTIMS APPLICABLE TO THE DEPARTMENT OF ANIMAL HUSBANDRY AND DAIRYING AND AUTONOMOUS BODIES/ ASSOCIATED AGENCIES UNDER ITS CONTROL

PREAMBLE:

Accidents are unfortunate 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 faulty 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 Department or its agencies cannot be substantiated for want of stricter proofs. 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 Department being employer is required to undertake certain duties.

2. While formulating these Guidelines, it has also been considered that Department 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 contractor employees, Department has implied and indirect responsibility towards their well being. Whereas in the case of a person who is neither Department'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 the larger perspective of public welfare, Department must pay some compensation in their cases also. They would also be eligible for compensation from their respective employers in addition to the compensation under these Guidelines. The Department shall also endeavour to make arrangement for first aid facility in the premises and the injured must be provided with the medical aid, at the earliest.

