

**THE PUBLIC LIABILITY
INSURANCE ACT, 1991
NO. 6 OF 1991**

(as amended to date)

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THE PUBLIC LIABILITY INSURANCE ACT, 1991
No. 6 of 1991

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 23rd January, 1991

The following Act of Parliament received the assent of the President on the 22nd January, 1991, and is hereby published for general information: -

An Act to provide for public liability insurance for the purpose of providing immediate relief to the persons affected by accident occurring while handling any hazardous substance and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Forty-first Year of The Republic of India as follows: -

1. Short title and commencement. —

- (1) This Act may be called the Public Liability Insurance Act, 1991.
- (2) It shall come into force on such ¹date as the Central Government may, by notification, appoint.

2. Definitions. — In this Act, unless the context otherwise requires. -

¹[(a) "accident" means an accident involving a fortuitous, or sudden or unintended occurrence while handling any hazardous substance resulting in continuous, intermittent or repeated exposure to death of, or injury to, any person or damage to any property but does not include an accident by reason only of war or radio-activity;]

(b) "Collector" means the Collector having jurisdiction over the area in which the accident occurs;

(c) "handling", in relation to any hazardous substance, means the manufacture, processing, treatment, package, storage, transportation by vehicle, use, collection, destruction, conversion, offering for sale, transfer or the like of such hazardous substance;

(d) "hazardous substance" means any substance or preparation which is defined as hazardous substance under the Environment (Protection) Act, 1986 (29 of 1986), and exceeding such quantity as may be specified, by notification, by the Central Government;

(e) "insurance" means insurance against liability under sub-section (1) of section 3;

(f) "notification" means a notification published in the official Gazette;

²[(g) "owner" means a person who owns, or has control over handling, any hazardous substance at the time of accident and includes, -

(i) in the case of firm, any of its partners;

¹ Substituted by the Public Liability Insurance (Amendment) Act, 1992 dt. 31.3.92.

² Subs. by s. 2, *ibid.*, for clause (g) (w.e.f. 31-1-1992).

(ii) in the case of an association, any of its members; and

(iii) in the case of a company, any of its directors, managers, secretaries or other officers who is directly in charge of, and is responsible to, the company for the conduct of the business of the company;]

(i) "prescribed" means prescribed by rules made under this Act;

¹[(ha) "Relief Fund" means the Environmental Relief Fund establishment under section 7A];

(i) "rules" means rules made under this Act;

(ii) "vehicle" means any mode of surface transport other than railways.

3. Liability to give relief in certain cases on principle of no fault. —

(1) Where death or injury to any person (other than a workman) or damage to any property has resulted from an accident, the owner shall be liable to give such relief as is specified in the Schedule for such death, injury or damage.

(2) In any claim for relief under sub-section (1) (hereinafter referred to in this Act as claim for relief), the claimant shall not be required to plead and establish that the death, injury or damage in respect of which the claim has been made was due to any wrongful act, neglect or default of any person.

Explanation. -For the purpose of this section, -

(i) "workman" has the meaning assigned to it in the Workmen's Compensation Act, 1923 (8 of 1923);

(ii) "injury" includes permanent total or permanent partial disability or sickness resulting out of an accident.

4. Duty of owner to take out insurance policies. —

(1) Every owner shall take out, before he starts handling any hazardous substance, one or more insurance policies providing for contracts of insurance whereby he is insured against liability to give relief under sub-section (1) of section 3;

Provided that any owner handling any hazardous substance immediately before the commencement of this Act shall take out such insurance policy or policies as soon as may be and in any case within a period of one year from such commencement.

(2) Every owner shall get the insurance policy, referred to in sub-section (1), renewed from time to time before the expiry of the period of validity thereof so that the insurance policies may remain in force throughout the period during which such handling is continued.

²[(2A) No insurance policy taken out or renewed by an owner shall be for an amount less than the amount of the paid-up capital of the under taking handling any hazardous substance and owned or controlled by that owner, and more than the amount, not exceeding fifty crore rupees, as may be prescribed.

¹ Ins. by s. 2, *ibid.* (w.e.f. 31-1-1992).

² Inserted by Act 11 of 1992, s. 3 (w.e.f. 31.3.1992).

Explanation. – For the purposes of this sub-section, “paid-up capital” means, in the case of an owner not being a company, the market value of all assets and stocks of the undertaking on the date of contract of insurance.

(2B) The liability of the insurer under one assurance policy shall not exceed the amount specified in the terms of the contract of insurance in that insurance policy.

(2C) Every owner shall also, together with the amount of premium, pay to the insurer, for being credited to the Relief Fund established under section 7A, such further amount, not exceeding the sum equivalent to the amount of premium, as may be prescribed.

(2D) The insurer shall remit to the authority specified in sub-section (3) of section 7A the amount received from the owner under sub-section (2C) for being credited to the Relief Fund in such manner and within such period as may be prescribed and where the insurer fails to so remit the amount, it shall be recoverable from insurer as arrears of land revenue or of public demand.]

(3) The Central Government may, by notification, exempt from the operation of sub-section (1) any owner, namely: -

- (a) the Central Government;
- (b) any State Government,
- (c) any corporation owned or controlled by the Central Government or a State Government;
- or
- (d) any local authority:

Provided that no such order shall be made in relation to such owner unless a fund has been established and is maintained by that owner in accordance with the rules made in this behalf for meeting any liability under sub-section (1) of section 3.

5. Verification and publication of accident by collector. —

Whenever it comes to the notice of the Collector that an accident has occurred at any place within his jurisdiction, he shall verify the occurrence of such accident and cause publicity to be given in such manner as he deems fit for inviting applications under sub-section (1) of section 6.

6. Application for claim for relief. —

(1) An application for claim for relief may be made-

- (a) by the person who has sustained the injury;
- (b) by the owner of the property to which the damage has been caused;
- (c) where death has resulted from the accident, by all or any of the legal representatives of the deceased; or
- (d) by any agent duly authorised by such person or owner of such property or all or any of the legal representatives of the deceased, as the case may be:

Provided that where all the legal representatives of the deceased have not joined in any such application for relief, the application shall be made on behalf of or for the benefit of all the legal representatives of the deceased and the legal representatives who have not so joined shall be impleaded as respondents to the application.

(2) Every application under sub-section (1) shall be made to the Collector and shall be in such form, contain such particulars and shall be accompanied by such documents as may be prescribed.

(3) No application for relief shall be entertained unless it is made within five years of the occurrence of the accident.

7. Award of relief. —

(1) On receipt of an application under sub-section (1) of section 6, the Collector shall, after giving notice of the application to the owner and after giving the parties an opportunity of being heard, hold an inquiry into the claim or, each of the claims, and may make an award determining the amount of relief which appears to him to be just and specifying the person or persons to whom such amount of relief shall be paid.

(2) The Collector shall arrange to deliver copies of the award to the parties concerned expeditiously and in any case within a period of fifteen days from the date of the award.

¹[(3) When an award is made under this section, -

(a) the insurer, who is required to pay any amount in terms of such award and to the extent specified in sub-section (2B) of section 4, shall, within a period of thirty days of the date of announcement of the award, deposit that amount in such manner as the Collector may direct;

(b) the Collector shall arrange to pay from the Relief Fund, in terms of such award and in accordance with the scheme made under section 7A, to the person or persons referred to in sub-section (1) such amount as may be specified in that scheme;

(c) the owner shall, within such period, deposit such amount in such manner as the Collector may direct.”;

(4) In holding any inquiry under sub-section (1), the Collector may, subject to any rules made in this behalf, follow such summary procedure as he thinks fit.

(5) The Collector shall have all the powers of Civil Court for the purpose of taking evidence on oath and of enforcing the attendance of witnesses and of compelling the discovery and production of documents and material objects and for such other purposes as may be prescribed; and the Collector shall be deemed to be a Civil Court for all the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

(6) Where the insurer or the owner against whom the award is made under subsection (1) fails to deposit the amount of such award within the period specified under sub-section (3), such amount shall be recoverable from the owner, or as the case may be, the insurer as arrears of land revenue or of public demand.

(7) A claim for relief in respect of death of, or injury to, any person or damage to any property shall be disposed of as expeditiously as possible and every endeavour shall be made to dispose of such claim within three months of the receipt of the application for relief under sub-section (1) of section 6.

²[(8) Where an owner is likely to remove or dispose of his property with the object of evading payment by him of any amount of award, the Collector may, in accordance with the provisions of rules 1 to 4 of Order XXXIX of the First Schedule to the Code of Civil Procedure, 1908 (5 of 1908), grant a temporary injunction to restrain such act.]

¹ Subs. by Act 11 of 1992, s. 4, for sub-section (3) (w.e.f. 31-1-1992).

² Ins. by Act 11 of 1992, s. 4 (w.e.f. 31-1-1992).

¹7A. Establishment of environmental relief fund. —

(1) the Central Government may, by notification in the official Gazette, establish a fund to be known as the Environment Relief Fund.

(2) The Relief Fund shall be utilised for paying, in accordance with the provisions of this Act and the scheme made under sub-section (3), relief under the award made by the Collector under section 7.

(3) The Central Government may, by notification, make a scheme specifying the authority in which the Relief Fund shall vest, the manner in which the Relief Fund shall be administered, the form and the manner in which money shall be drawn from the Relief Fund and for all other matters connected with or incidental to the administration of the Relief Fund and the payment of relief therefrom.]

8. Provisions as to other right to claim compensation for death, etc. —

(1) The right to claim relief under sub-section (1) of section 3 in respect of death of, or injury to, any person or damage to any property shall be in addition to any other right to claim compensation in respect thereof under any other law for the time being in force.

(2) Notwithstanding anything contained in sub-section (1), where in respect of death of, or injury to, any person or damage to any property, the owner, liable to give claim for relief, is also liable to pay compensation under any other law, the amount of such compensation shall be reduced by the amount of relief paid under this Act.

9. Power to call for information. —

Any person authorised by the Central Government may, for the purposes of ascertaining whether any requirements of this Act or of any rule or of any direction given under this Act have been complied with, require any owner to submit to that person such information as that person may reasonably think necessary.

10. Power of entry and inspection. —

Any person, authorised by the Central Government in this behalf, shall have a right to enter, at all reasonable times with such assistance as he considers necessary, any place, premises or vehicle, where hazardous substance is handled for the purpose of determining whether any provisions of this Act or of any rule or of any direction given under this Act is being or has been complied with and such owner is bound to render all assistance to such person.

11. Power of search and seizure. —

(1) If a person, authorised by the Central Government in this behalf, has reason to believe that handling of any hazardous substance is taking place in any place premises or vehicle, in contravention of sub-section (1) of section 4, he may enter into and search such place, premises or vehicle for such handling of hazardous substance.

(2) Where, as a result of any search under sub-section (1) any handling of hazardous substance has been found in relation to which contravention of sub-section (1) of section 4 has taken place, he may seize such hazardous substance and other things which, in his opinion, will be useful for, or relevant to, any proceeding under this Act:

Provided that where it is not practicable to seize any such substance or thing, he may serve on the owner an order that the owner shall not remove, part with, or otherwise deal with, the hazardous substance and such other things except with the previous permission of that person.

¹ Ins. by s. 5, *ibid.* (w.e.f. 31-1-1992).

(3) He may, if he has reason to believe that it is expedient so to do to prevent an accident dispose of the hazardous substance seized under sub-section (2) immediately in such manner as he may deem fit.

(4) All expenses incurred by him in the disposal of hazardous substances under sub-section (3) shall be recoverable from the owner as arrears of land revenue or of public demand.

12. Power to give directions. —

Notwithstanding anything contained in any other law but subject to the provisions of this Act, the Central Government may, in exercise of its powers and performance of its functions under this Act, issue such directions in writing as it may deem fit for the purposes of this Act to any owner or any person, officer, authority or agency and such owner, person, officer, authority or agency shall be bound to comply with such directions.

Explanation - For the removal of doubts, it is hereby declared that the power to issue directions under this section includes the power to direct-

- (a) Prohibition or regulation of the handling of any hazardous substance; or
- (b) Stoppage or regulation of the supply of electricity, water or any other service.

13. Power to make application to courts for restraining owner from handling hazardous substances. —

(1) If the Central Government or any person authorised by that Government in this behalf has reason to believe that any owner has been handling any hazardous substance in contravention of any of the provisions of this Act, that Government or, as the case may be, that person may make an application to a Court, not inferior to that of a Metropolitan Magistrate or a Judicial Magistrate first class for restraining such owner from such handling.

(2) On receipt of the application under sub-section (1), the Court may make such order as it deems fit.

(3) Where under sub-section (2), the Court makes an order restraining any owner from handling hazardous substance, it may, in that order-

- (a) direct such owner to desist from such handling;
- (b) authorise the Central Government or, as the case may be, the person referred to in sub-section (1), if the direction under clause (a) is not complied with by the owner to whom such direction is issued, to implement the direction in such manner as may be specified by the Court.

(4) All expenses incurred by the Central Government, or as the case may be, the person in implementing the directions of Court under clause (b) of sub-section (3), shall be recoverable from the owner as arrears of land revenue or of public demand.

14. Penalty for contravention of sub-section (1) or sub-section (2) of section 4 or failure to comply with directions under section 12. —

(1) Whoever contravenes any of the provisions of ¹[sub-section (1), or sub-section (2), or sub-section (2A) or sub-section (2C)] of section 4 or fails to comply with any direction issued under section 12, he shall be punishable with imprisonment for a term which shall not be less than one year and six months but which may extend to six years, or with fine which shall not be less than one lakh rupees, or with both.

¹ Subs. by Act 11 of 1992, s. 6, for "sub-section (1) or sub-section (2)" (w.e.f. 31-1-1992).

(2) Whoever, having already been convicted of an offence under sub-section (1), is convicted for the second offence or any offence subsequent to the second offence, he shall be punishable with imprisonment for a term which shall not be less than two years but which may extend to seven years and with fine which shall not be less than one lakh rupees.

(3) Nothing contained in section 360 of the Code of Criminal Procedure, 1973 (2 of 1974), or in the Probation of Offenders Act, 1958 (20 of 1958), shall apply to a person convicted of an offence under this Act unless such person is under eighteen years of age.

15. Penalty for failure to comply with direction under section 9 or order under section 11 or obstructing any person in discharge of his functions under section 10 or 11. —

If any owner fails to comply with direction issued under section 9 or fails to comply with order issued under sub-section (2) of section 11, or obstructs any person in discharge of his functions under section 10 or sub-section (1) or sub-section (3) of section 11, he shall be punishable with imprisonment which may extend to three months, or with fine which may extend to ten thousand rupees, or with both.

16. Offences by companies. —

(1) Where any offence under this Act has been committed by a company, every person who, at the time the offence was committed, was directly in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation--For the purposes of this section, —

(a) “company” means anybody corporate and includes a firm or other association of individuals;

(b) “director”, in relation to a firm, means a partner in the firm.

17. Offences by Government Departments. —

Where an offence under this Act has been committed by any Department of Government, the Head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this section shall render such Head of the Department liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

18. Cognizance of offences. —

No court shall take cognizance of any offence under this Act except on a complaint made by—

(a) the Central Government or any authority or officer authorised in this behalf by that Government; or

(b) any person who has given notice of not less than sixty days in the manner prescribed, of the alleged offence and of his intention to make a complaint, to the Central Government or the authority or officer authorised as aforesaid.

19. Power to delegate. —

The Central Government may, by notification delegate, subject to such conditions and limitations as may be specified in the notification, such of its powers and functions under this Act (except the power under section 23) as it may deem necessary or expedient to any person (including any officer, authority or other agency).

20. Protection of action taken in good faith. —

No suit, prosecution or other legal proceeding shall lie against the Government or the person, officer, authority or other agency in respect of anything which is done or intended to be done in good faith in pursuance of this Act or the rules made or orders or directions issued thereunder.

21. Advisory committee. —

(1) The Central Government may, from time to time, constitute an Advisory Committee on the matters relating to the insurance policy under this Act.

(2) The Advisory Committee shall consist of--

- (a) Three officers representing the Central Government;
- (b) two persons representing the insurers;
- (c) two persons representing the owners; and
- (d) two persons from amongst the experts of insurance or hazardous substances, to be appointed by the Central Government.

(3) The Chairman of the Advisory Committee shall be one of the members representing the Central Government, nominated in this behalf by that Government.

22. Effect of other laws. —

The provisions of this Act and any rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law.

23. Power to make rules. —

(1) The Central Government may, by notification, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely-

- ¹[(a) the maximum amount for which an insurance policy may be taken out by an owner under sub-section (2A) of section 4;
- (aa) the amount required to be paid by every owner for being credited to the Relief Fund under sub-section (2C) of section 4;

¹ Ins. by Act 11 of 1992, s. 7 (w.e.f. 31-1-1992).

(ab) the manner in which and the period within which the amount received from the owner is required to be remitted by the insurer under sub-section (2D) of section 4];

¹[(ac)] establishment and maintenance of fund under sub-section (3) of section 4;

(b) the form of application and the particulars to be given therein and the documents to accompany such application under sub-section (2) of section 6;

(c) the procedure for holding an inquiry under sub-section (4) of section 7;

(d) the purposes for which the Collector shall have powers of a Civil Court under sub-section (5) of section 7;

(e) the manner in which notice of the offence and of the intention to make a complaint to the Central Government shall be given under clause (b) of section 18;

(f) any other matter which is required to be, or may be, prescribed.

[3) Every ²[rule or scheme made] under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the ¹[rule or scheme] or both Houses agree that the ¹[rule or scheme] should not be made, the ¹[rule or scheme] shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that ¹[rule or scheme.]

¹ Clause (a) shall be re-lettered as clause (ac) by s. 7, *ibid.* (w.e.f. 31-1-1992).

² Subs. by s. 7, *ibid.*, for "rule" (w.e.f. 31-1-1992).

THE SCHEDULE

[See Section 3(1)]

- (i) Reimbursement of medical expenses incurred up to a maximum of Rs. 12,500 in each case.
- (ii) For fatal accidents the relief will be Rs. 25,000 per person in addition to reimbursement of medical expenses if any, incurred on the victim up to a maximum of Rs. 12,500.
- (iii) For permanent total or permanent partial disability or other injury or sickness, the relief will be (a) reimbursement of medical expenses incurred, if any, up to a maximum of Rs. 12,500 in each case and (b) cash relief on the basis of percentage of disablement as certified by an authorised physician. The relief for total permanent disability will be Rs. 25,000.
- (iv) For loss of wages due to temporary partial disability which reduces the earning capacity of the victim, there will be a fixed monthly relief not exceeding Rs. 1,000 per month up to a maximum of 3 months:
- provided the victim has been hospitalised for a period of exceeding 3 days and is above 16 years of age.
- (v) Up to Rs. 6,000 depending on the actual damage, for any damage to private property.

K.L. MOHANPURIA
Addl Secy. to Govt. of India

MINISTRY OF ENVIRONMENT AND FORESTS

(Department of Environment, Forests and Wildlife)

NOTIFICATION

New Delhi, the 27th March, 1991

G.S.R.253 - In exercise of the powers conferred by sub-section (2) of section I of the Public Liability Insurance Act, 1991 (6 of 1991), the Central Government hereby appoints the 1st day of April, 1991 as the date on which the said Act shall come into force.

[No. 18(3)/91-PL]
R. RAJAMANI, Secy.

Source: Extract from the Gazette of India: Pan II, Sec. 3, Sub-sec. (i) appearing on Page No. 1003 dated 13-4-1991.

**OFFICERS AND AUTHORITIES AUTHORISED TO
TAKE COGNIZANCE OF OFFENCES**

NOTIFICATION

New Delhi, the 19th March, 1993

¹**S.O. 282** - In exercise of the powers conferred by sub-section (1) of Section 13 and clause (a) of Section 18 of the Public Liability Insurance Act, 1991 (6 of 1991) the Central Government hereby authorises the officers and authorities listed in column (2) of the Table below for the purposes of the said sections with the jurisdiction mentioned against each of them in column (3) of that Table: -

TABLE

S. No.	Person, Authority or Officers	Jurisdiction
(1)	(2)	(3)
	Any Director, Joint Director, Adviser or Additional Secretary to the Government of India in the Department of Environment, Forests and Wildlife	Whole of India
	The Chairman or Member-Secretary of Central Pollution Control Board constituted under Section 3 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974)	Whole of India
	The Government of the State (Represented by the Secretary to the State Government in-charge of Environment)	Whole of State
	The Chairman or Member-Secretary of The State Pollution Control Board constituted under section 4 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) or a State Board for the Prevention and Control of Air Pollution constituted under Section 5 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981)	Whole of State
	The Chairman or Member-Secretary of the Pollution Control Committees of the Union Territories who have been delegated powers under clause (4) of Section 4 of the Water (Prevention and Control of Pollution) Act, 1974 and Section 6 of the Air (Prevention and Control of Pollution) Act, 1981 by Central Pollution Control Board	Whole of the Union Territories or area as laid down by the Central Board
	District Collector	Whole of Revenue District
	Regional Officers of the Central Pollution Control Board who have been delegated powers under Section 20, 21 and 23 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) and Section 24 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981)	Area as laid down by the Central Board

	Regional Officers of the State Pollution Control Board who have been delegated powers under Section 20, 21, and 23 of the Water (Prevention and Control of Pollution) Act, 1974	Area as laid down by the State board
	Regional Officers of the State Pollution Control Board who have been delegated powers under Section 24 of the Air (Prevention and Control of Pollution) Act, 1981	Area as laid down by the State board
	Any Regional/Zonal Officers or a Director In-charge of a Regional/Zonal Office of the Ministry of Environment & Forests.	Zonal/Regional Area as laid down by the Ministry of Environment & Forests.
	Joint Director (Legal) in the Department of Environment, Forests and wildlife, Ministry of Environment and Forests, Government of India.	Whole of India

Note: 1. As published in Gazette of India, Extraordinary Part II 3(ii) dated 19.03.1993

**DELEGATION OF POWERS TO THE RESPECTIVE STATE GOVERNMENTS
MINISTRY OF ENVIRONMENT AND FORESTS**

(Department of Environment, Forests and Wildlife)

NOTIFICATION

New Delhi, the 15th November, 1991

S.O. 779(E) - In exercise of the powers conferred by section 19 of the Public Liability Insurance Act, 1991 (6 of 1991), the Central Government hereby delegates the powers vested in it under section 12 of the said Act to the respective State Governments, to exercise the same within their respective jurisdiction subject to the condition that the Central Government may revoke such delegation of powers in respect of all or any one or more of the State Governments or may itself invoke the provisions of above section of the Act, if in the opinion of the Central Government such a course of action is necessary in public interests.

DELEGATION OF POWERS AND FUNCTIONS TO THE STATE GOVERNMENTS

NOTIFICATION

New Delhi, the 15 November, 1991

S.O. 780(E) - In exercise of the powers conferred by section 19 of the Public Liability Insurance Act, 1991 (6 of 1991), the Central Government hereby delegates the powers and directions vested in it under sections 9, 10 and 11 to the State Governments, to exercise the same within their respective jurisdiction and to the Central Pollution Control Board for the whole of India, subject to the condition that the Central Government may revoke such delegation of powers in respect of all or any one or more of the State Governments or the Central Pollution Control Board, or may itself invoke the provisions of the above section of Act, if in the opinion of the Central Government such a course of action is necessary in public interest.

MINISTRY OF ENVIRONMENT AND FORESTS

NOTIFICATION

New Delhi, the 24th March, 1992

S.O. 227(E) - In exercise of the powers conferred by clause (d) of Section 2 of the Public Liability Insurance Act, 1991 (6 of 1991), the Central Government hereby specifies the quantities shown in column 3 of the Table below for which or exceeding which every owner handling the hazardous substance mentioned in the corresponding entry in column 2 thereof shall take out insurance policy as per the provisions of the said Act

TABLE

LIST OF CHEMICALS WITH QUANTITIES FOR APPLICATION OF PUBLIC LIABILITY INSURANCE ACT

Sl. No.	Name of hazardous substances	Quantity	CAS Chemical Abstract Service Number
1	2	3	4
PART - 1			
GROUP 1 - TOXIC SUBSTANCES			
1	Aldicarb	100 kg	116-06-3
2	4-Aminodiphenyl	1 kg	96-67-1
3	Amiton	1 kg	78-53-5
4	Anabasine	100 kg	494-52-0
5	Arsenic pentoxide, Arsenic (V) acid & salts	100 kg	
6	Arsenic trioxide, Arsenic (III) acid & salts	100 kg	
7	Arsine (Arsenic hydride)	10 kg	7784-42-1
8	Azinphos-ethyl	100 kg	2642-71-9
9	Azinphos-methyl	100 kg	86-50-0
10	Benzidine	1 kg	92-87-5
11	Benzidine salts	1 kg	
12	Beryllium (powders, compounds)	10 kg	
13	Bis (2-chloroethyl) sulphide	1 kg	505-60-2
14	Bis (chloromethyl) ether	1 kg	542-88-1
15	Carbophuran	100 kg	1563-66-2
16	Carbophenothion	100 kg	786-19-6
17	Chlorefenvinphos	100 kg	470-90-6
18	4-(Chloroformyl) morpholine	1 kg	15159-40
19	Chloromethyl methyl ether	1 kg	107-30-2
20	Cobalt (metal, oxides, carbonates, sulphides, as powders)	1 t	
21	Crimidine	100 kg	535-89-7
22	Cynthoate	100 kg	3734-95-0
23	Cycloheximide	100 kg	66-81-9

24	Demeton	100 kg	806548-3
25	Dialifos	100 kg	10311-84-9
26	OO-Diethyl S-ethylsulphinylmethyl phosphorothiate	100 kg	2588-05-8
27	OO-Diethyl S-ethylsulphonylmethyl phosphorothioate	100 kg	2588-06-9
28	OO-Diethyl S-ethylthiomethyl Phosphorothioate	100 kg	2600-69-3
29	OO-Diethyl S-isopropylthiomethyl phosphorodithioate	100 kg	78-52-4
30	OO-Diethyl S-propylthiomethyl phosphorodithioate	100 kg	3309-68-0
31	Dirnefox	100kg	115-264
32	Dimethylcarbamoyl chloride	1 kg	79-44-7
33	Dimelhylnitrosamine	1 kg	62-75-9
34	Dimethyl phosphoramidocynicidic acid	1 t	6391741-9
35	Diphacinone	100kg	82-66-6
36	Disulfoton	100 kg	298-04-4
37	EPN	100 kg	2104-64-5
38	Ethion	100 kg	563-12-2
39	Fensulfothion	100 kg	115-90-2
40	Fluenetil	100 kg	4301-50-2
41	Fluroacetic acid	1 kg	14449-0
42	Fluroacetic acid, salts	1 kg	
43	Ruoroacetic acid, esters	1 kg	
44	Fluroacetic acid, amides	1 kg	
45	4-Fluorobutyric acid	1 kg	62-23-7
46	4-Fluorobutyric acid, salts	1 kg	
47	4-Fluorobutyric acid, esters	1 kg	
48	4-Fluorobutyric acid, amides	1 kg	
49	4-Florocrotonic acid	1 kg	37759-72- 1
50	4-Fluorocrotonic acid, salts	1 kg	
51	4-Fluorocrotonic acid, esters	1 kg	
52	4-Fluorocrotonic acid, amides	1 kg	
53	4-Fluoro-2-hydroxybutyric acid, amides	1 kg	
54	4-Fluoro-2-hydroxybutyric acid, salts	1 kg	
55	4-Fluoro-2-hydroxybutyric acid, esters	1 kg	
56	4-Fluoro-2-hydroxybutyric acid, amides	1 kg	
57	Glycolonitrile (Hydroxyacetoni trile)	100kg	107-164
58	1, 2, 3, 7, 8, 9-Hexachlorodibenzo-p-dioxin	100g	194-8-74-3
59	Hexamethyl phosphoramide	1 kg	680-31-9
60	Hydrogen selenide	10 kg	7783-07-5
61	Isobenzan	100 kg	297-78-9

62	Isodrin	100 kg	465-73-6
63	Juglone (S-Hydroxynaphthalene 1,4 dione)	100 kg	481-39-0
64	4, 4-Methylenebis (2-chloroniline)	10 kg	101-14-4
65	Mthyl isocynate	150 kg	624-83-9
66	Mevinphos	100 kg	7786 34-7
67	2-Naphthylamine	1 kg	91-59-8
68	2-Nickel (metal, oxides, carbonates,	1 t	
69	Nickel tetracarbonyl	10kg	13463-39-3
70	Oxygendisulfoton	100 kg	2497-07-6
71	Oxygen difuoride	10kg	7783-41-7
72	Paraxon (Diethyl 4-n;trophenyl phosphate)	100 kg	31145-5
73	Parathionf	100 kg	56-38-2
74	Parathion-methyl	100 kg	298-00-0
75	Pentaborane	100 kg	19624-22-7
76	Phorate	100 kg	298-02-2
77	Phosacetim	100 kg	4104-14-7
78	Phosgene (carbonyl chloride)	750 kg	7544-5
79	Phospharnidon	100 kg	13171-21-6
80	Posphine (Hydrogen phosphide)	100 kg	7803-51 -2
81	Promurit (1-(3, 4-dichlorophenyl) 3-triazenelhiocarboxamide)	100kg	5836-73-7
82	1, 3-Propanesullone	1 kg	1120-714
83	1-Propcn-2-chloro-1, 3-diol diacetate	10 kg	10118-72-6
84	Pyrazoxon	100 kg	108-34-9
85	Selenium hexalluoride	10 kg	7783-79-1
86	Sodium selenite	100 kg	10102-18-8
87	Stibine (Antimony hydride)	100 kg	7803-52-3
88	Sulfotep	100 kg	3689-24-5
89	Sulphur dichloride	1 t	10545-99-0
90	Tellurium hexafluoride	100 kg	7783-80-4
91	TEPP	100 kg	107-49-3
92	2, 3, 7, 8-Tetrachlorodibenzo-p-dioxin (TCDD)	1 kg	1746-01 -6
93	Telramethylenedisulphototramine	1 kg	80-12-6
94	Thionazin	100 kg	297-97-2
95	Tirpate (2, 4-Dimethyl-1, 3-di thiolane-2-calboxaldehyde O-methylcarbamyloxime)	100 kg	26419-73-8
96	Trichloromethanesulphenyl chloride	100 kg	594-42-3
97	1-Tri (cyclohexyl) stannyl-l H-l, 2, 4-triazole	100 kg	41083-11-8
98	Triethylenemelamine	10 kg	51-18-3
99	Warfarin	100 kg	81-81-2
GROUP 2-TOXIC SUBSTANCES			

100	Acetone cyanohydrin (2-Cyanopropan-2-01)	200 t	75-86-5
101	Acrolein (2-Propenal)	20 t	107-02-8
102	Acrylonitrile	20 t	107-13-1
103	Allyl alcohol (Propen-1-01)	200 t	107-18-6
104	Alylamine	200 t	107-11-9
105	Ammonia	50 t	7664-41 -7
106	Bromine	40 t	7726-95-6
107	Carbon disulphide	20 t	75-15-0
108	Chlorine	10 t	7782-50-5
109	Dipneyl ethane di-isocynate (MDI)	20 t	101-68-8
110	Ethylene dibromide (1, 2-Dibromocthanc)	5 t	106-93-4
111	Ethylonimine	50 t	151-56-4
112	Formaldehyde (concentration <90%)	5 t	50-00-0
113	Hydrogen cynide	5 t	74-90-8
114	Hydrogen chloride (liquified gas)	25	7647-01-0
115	Hydrogen fluoride	5 t	7664-39-3
116	Hydrogen sulphide	5 t	7783-064
117	Methyl bromide (Bromomethane)	20 t	74-83-9
118	Nitrogen oxides	50t	11104-93-1
119	Propyleneimine	50t	75-55-8
120	Sulphur dioxide	20t	7446-09-5
121	Sulphur trioxide	15t	7446-11-9
122	Tetraethyl lead	5 t	78-00-2
123	Tetramethyl lead	5 t	75-74- 1
124	Toluene di-isocynate (TDI)	10 t	584-84-9
			75-01 -4
GROUP 3-HIGHLY REACTIVE SUBSTANCES			
125	Acetylene (ethyne)	5 t	74-86-2
126	a. Ammonium nitrate (1)	350 t	6484-52-2
	b. Ammonium nitrate in form of fertiliser (2)	1250 t	
127	2, 2-Bis (tert-butylperoxy) butane (concentration $\geq 70\%$)	5 t	2167-23-9
128	1, 1-Bis (tert-butylperoxy) cyclohexane (concentration $\geq 80\%$)	5 t	3006-86-8
129	tert-Butyl proxycetate (concentration $\geq 70\%$)	5 t	107-71-1
130	tert-Butyl peroxyisobutyrate (concentration $\geq 80\%$)	5 t	109-13-7
131	tert-Butyl peroxy isopropyl carbonate (concentration - $\geq 80\%$)	5 t	2372-21-6
132	tert-Butyl peroxy malcate (concentration- $\geq 80\%$)	5 t	1931 -62-0

133	tert-Butyl peroxyvalate (concentration $\geq 77\%$)	50 t	927-07-1
134	dibenzyl peroxydicarbonate (concentration $\geq 90\%$)	5 t	2144-45-8
135	Di-sec-butyl peroxydicarbonate (concentration $\geq 80\%$)	5 t	19910-65-7
136	Diethyl peroxydicarbonate (concentration $\geq 30\%$)	50 t	14666-78-5
137	2, 2-dihydroperoxypropane (concentration $\geq 30\%$)	5 t	2614-76-08
138	di-isobutyryl peroxide concentration $\geq 50\%$)	50 t	3437-84- 1
139	Di-n-propyl peroxydicarbonate (concentration $\geq 80\%$)	5 t	16066-38-9
140	Ethylene oxide	5 t	75-21 -8
141	Elyl nilrat	50 t	625-58-1
142	3, 3, 6, 6, 9, 9Hexamethyl-1, 2, 4, 5-tertoxacyclononane (concentration $\geq 75\%$)	50 t	22397-33-7
143	Hydrogen	2 t	1333-74-0
144	Liquid Oxygen	200 t	7782-41 -7
145	Methyl ethyl ketone peroxide (concentration 260%)	5 t	1338-93-4
146	Methyl isobutyl ketone peroxide (concentration 260%)	50 t	37206-20-5
147	Peracetic acid (concentration 260%)	50 t	79-21-0
148	Propylene oxide	5 t	75-56-9
149	Sodium chlorate	25 t	7775-09-9
GROUP 4 EXPLOSIVE SUBSTANCES			
150	Barium azide	50 t	18810-58-7
151	Bis (2,4, 6-trinitrophenyl) amine	50 t	131 -073-7
152	Chlorotrinitro benzene	50 t	28260-61 -9
153	Cellulose nitrate (containing 12.6% Nitrogen)	50 t	9004-70-0
154	Cyclotetramethylenctranitramine	50 t	2691-41 -0
155	Cyclotrimethylenetiranitramine	50 t	121-82-1
156	Diazodinitisphenol	10 t	7008-81-3
157	Diethylene glycol dinitrate	10 t	693-21 -0
158	Dinitrophenol, salts	50 t	
159	Ethylene glycol dinitrate	10 t	628-96-6
160	l-Gyanyl4-nitrosaminoguanyl- 1 -tetrazene	10 t	109-27-3
161	2, 2', 4, 4,' 6, 6'-Hexanirostilbene	50 t	20062-22-0
162	Hydrazine nitrate	50 t	13464-9 / -6
163	Lead azide	50 t	13424-46-9

164	Lead styphnate (Lead 2, 4, 6-trinitroresorcinoxide)	50 t	15245-44-0
165	Mercury fulminate	10 t	20820-45-5
			628-86-4
166	N-Methyl-N,2, 4, 6-tetranitroaniline	50 t	479t45-8
167	Nitroglycerine	10 t	55-63-0
168	Pentacylhrilol tetranitrate	50 t	78-11-5
169	Picric acid (2, 3, 6-Trinitrophenol)	50 t	88-89- 1
170	Sodium picramate	50 t	831 -52-7
171	Styphnic acid (2, 4, 6-TriniLroresorcinol	50 t	82-71 -3
172	1, 3, 5-Triamino-2, 4. 6-trinitrobenzene	50 t	3058-38-6
173	Trinitroaniline-	50 t	26952-42- 1
174	2, 4, 6-Trinitroanisole	50 t	605-35 9
175	Trinitrobenzene	50 t	25377-32-6
176	Trinitrobenzoic acid	50 t	35860-50-5
			129-66-8
177	Trinitroresol	50 t	28905-71 -7
178	2,4, 6-Trinitrophenitole	50 t	4732-4-3
179	2,4, 6-Trinitrotulene	50 t	118-96-7

PART-II

Classes of hazardous Substances not specifically named in Part-I

1	2	3	4
GROUP 5-FLAMMABLE SUBSTANCES			
1	Flammable gases:	15 t	--
	Substances which in the gaseous state normal pressure and mixed with air become flammable and the boiling point of which at normal pressure is 20 °C or below;		
2	Highly flammable liquids:	1000 t	--
	Substances which have a flash point lower than 23 °C and the boiling point of which at normal pressure is above 20 °C,		
3	Flammable liquids:	25 t	--
	Substances which have a flash point lower than 55 °C and which remain liquid- under pressure, where particular processing conditions, such as high pressure and high temperature, may create major accident hazards.		

[F. No. 18(13)/91-PL-HSMD]
K.M. CHADHA, Jt. Secy.

THE ENVIRONMENT RELIEF FUND SCHEME, 2008
MINISTRY OF ENVIRONMENT AND FORESTS
NOTIFICATION

New Delhi, the 4th November, 2008

G.S.R. 768 (E).— In exercise of the powers conferred by section 7A of the Public Liability Insurance Act, 1991(16 of 1991), the Central Government hereby makes the following scheme, namely:—

1. Short title and commencement. —

- (1) The scheme may be called the Environment Relief Fund Scheme, 2008.
- (2) It shall come into force on the date of its publication in the Official Gazette.

2. Definitions. — In this scheme, unless context otherwise requires, —

- (a) “Act” means the Public Liability Insurance Act, 1991(16 of 1991);
- (b) “Claims” means the claims for relief arising out of an accident covered by the scheme;
- (c) “Claimant” means persons, owners or agents as specified in sub-section (1) of section 6 of the Act;
- (d) “Form” means a form appended to this scheme;
- (e) “Fund Manager” means an organisation selected to manage the Environment Relief Fund as indicated in paragraph 4;
- (f) “Rules” means the Public Liability Insurance Rules, 1992;
- (g) words and expressions used in this scheme but not defined and defined in the Act and the rules made there under shall have the meanings respectively assigned to them in the Act and rules.

3. Establishment of relief fund by the Central Government. —

- (1) From the appointed day there shall be established by the Central Government, for the purposes of this scheme, a Fund to be called the Environment Relief Fund.
- (2) The Relief Fund shall be managed and administered by the Fund Manager.
- (3) The Fund Manager shall open one or more accounts in the nationalised banks to administer the Relief Fund.
- (4) There shall be credited into the Relief Fund—
 - (i) amounts equal to that of premium of the insurance policy taken by the owner and income from investments along with other monies specified in subsection (2C) of section 4 of the Act;
 - (ii) money remitted by the owner, as compensation for environment damages caused, under sub-section (1) of section 22 of the National Environment Tribunal Act, 1995 (27 of 1995).

4. Fund manager. —

- (1) The United India Insurance Company Limited shall be the Fund Manager for a period of five years from the date of notification of this Scheme.
- (2) On the expiry of the term of five years, any organisation ceasing to be a Fund Manager shall be eligible for reappointment along with any other organisation.

5. Operation of the relief fund. —

- (1) From the date of publication of this scheme, the Fund Manager shall open and operate a separate account in any Nationalised Bank for administering the Relief Fund in the name and style of —United Insurance Company Limited-Environment Relief Fund A/C.
- (2) The existing funds in the custody of various insurance companies shall be transferred to the Relief Fund account within fifteen days from the date the account becomes operative or from such date as may be communicated by the Fund Manager but not later than sixty days from the date of the notification of this scheme:

Provided that the funds lying in fixed deposits shall be prematurely withdrawn and transferred to the Relief Fund account by the respective insurance companies.

- (3) The funds from all insurance companies shall be transferred to the Relief Fund account by way of RTGS and there shall be no charges on such transfer of funds.
- (4) All payments made in to the Relief Fund shall be credited by way of Cheque or Demand Draft by the owner along with its annual premium and the insurer in turn shall credit the amount into the Relief Fund account by the 30th of every month.
- (5) All owners contributing to the Relief Fund shall inform the Fund Manager and the Collector about payment of the amount in Form-III with in fifteen days of making of such payment of contribution to the insurer.
- (6) In case of delay in payment by the owner or insurer, interest at the rate of 18% per annum shall be charged on the owners or insurer, as the case may be.
- (7) 1% of the funds added in the corpus per annum or as decided by the Central Government from time to time, shall be paid as service fee to the Relief Fund Manager and this shall be paid from the corpus itself.
- (8) The liability of the Fund Manager for making the payments from the Relief Fund shall be limited only to the extent of balance available in the corpus.
- (9) Claim settlement shall be made by the Fund Manager as per the sanction order issued by the Collector.

6. Investment of amount received under Relief Fund. —

- (1) The amount received under the Relief Fund shall be invested by the Fund Manager in such a manner so that the sum of relief awarded from the said Relief Fund becomes available to the Collector within fifteen days.

- (2) Amounts in the Relief Fund account shall be invested in fixed deposits preferably in the nationalised banks immediately, after leaving the minimum agreed balance in the Relief Fund account, in consultation with the Reserve Bank of India and standing instructions shall be given to the bankers to convert funds over and above the minimum balance to the fixed deposits.
- (3) The Fund Manager shall decide the manner for splitting of fixed deposits among the bankers, the maximum and minimum limit and period of such fixed deposits.
- (4) The interest on the Relief Fund shall be quarterly cumulative and shall be reinvested. The full maturity value on the fixed deposits also shall be reinvested.
- (5) The Board of the Fund Manager shall approve the policy as to placement of fixed deposits and its monitoring.
- (6) The Fund Manager shall submit to the Central Government the annual statement of accounts on the management of funds.
- (7) The recovery of tax deducted at source on account of credit in the Relief Fund, conditions of Permanent Account Number and the legal status of funds from the point of taxation shall be decided in consultation with the Central Board of Direct Taxes and shall be binding on the Fund Manager.

7. Disbursement of relief. —

- (1) An application for claim for relief shall be made to the Collector in form-I and the Collector shall award the amount of relief to the claimant in Form-II.
- (2) The payment of claims shall be made to all the affected persons on first come first serve basis or as may be decided by the Collector from time to time.
- (3) The insurance company or Fund Manager shall ensure that the sum awarded is deposited with the Collector within thirty days of the receipt of the demand or as directed by the Collector.
- (4) In case of claims exceeding the insurance liability and the Relief Fund money, the Collector shall demand the remaining relief money from the owner as arrears of land revenue or of public demand.
- (5) In case the amount of award exceeds the amount payable under the insurance policy of the occupier or exceeds the liability of the insurance company, the Collector shall order the Fund Manager to pay the assessed amount from the Fund.
- (6) The amount in excess of the policy so demanded shall be transferred by the Fund Manager to the Collector within a period of fifteen days or within such specified period as may be decided by the Collector. The owner shall be required to reimburse the money which was paid from the Relief Fund within a period of six months to the Collector who in turn will remit it to the Relief Fund and the Collector shall be responsible for the recovery of the amount from the owner along with interest as aforesaid as arrears of land revenue or of public demand.
- (7) The Collector shall disburse this money among the claimants after taking a receipt from them in Form IV.
- (8) The Collector shall furnish accounts relating to the disbursement of relief amounts under the Relief Fund within forty-five days to the Fund Manager.

(9) The Collector shall disburse the money to the claimants as soon as he receives it from the Fund Manager, and in any case not later than fifteen days from the receipt of the amount.

(10) In case where the liability is higher than the total assets or where the owner is declared insolvent, the matter shall be referred to the arbitrator to be appointed by the Central Government who would decide about the liabilities and the recovery of amount from the owner.

(11) The amount under the Relief Fund shall be used exclusively for claims admissible under the scheme.

8. Accounts and audit. —

(1) The Fund Manager shall maintain proper accounts and other relevant records and prepare an annual statement of accounts for each State and Union Territory up to 31st March of every year showing the collection of amounts by them for crediting the said amounts into the Relief Fund.

(2) The Statement of accounts in respect of all the insurers shall be consolidated and a statement of investment and receipts shall be maintained by the Fund Manager.

(3) The accounts of the Relief Fund shall be audited by the auditor appointed by the Fund Manager in consultation with the Comptroller and Auditor-General.

(4) The Fund Manager shall prepare and forward a consolidated statement of accounts and investment details along with the audit report thereon, to the Central Government by 30th June of every year.

9. Power to relax. —

Where the Central Government is satisfied that the operation of any of the provisions of this scheme causes undue hardship to the claimants, it may, by order, for reasons to be recorded in writing, relax the requirement of that provision in a manner not inconsistent with the provisions of the Act or the rules made thereunder.

[F. No. 18-3/9 -HSMD]
Dr. G. K. Pandey Adviser

FORM-I

(Under section 7A of the Public Liability Insurance Act, 1992)

I/ we as legal representatives(s) of the deceased/ injured Hereby give undertaking that I/ we shall refund the amount of relief awarded to me/us under this Act by the Claims Settlement officer to the owner in case I/ we am/are awarded any other compensation or amount in lieu of use by way of am/are awarded any other compensation in respect of death or grievous hurt to.....under *other provisions*.

Signature of the legal representatives of the deceased/injured person.

FORM-II

SERIAL NO:

Collector:

Date:

ORDER

I hereby sanction Rs..... (Rupees.....) as an interim relief in respect of the death/injury of Shri/Shrimati/Km.resulting from chemical accident which took place at (Name of the unit & Place) on to Shri/Shrimati/Kumari as legal representative of the deceased or to (Name of the injured).

Signature of the Collector

Copy to:

1. Fund Manager
2. Office of the Insurance Company
3. The Claimant
4. Collector office file
5. The Owner concerned

FORM-III

ERF Scheme under the Public Liability Insurance Act 1991

1. Control No. (To be Allotted by Fund Manager)
2. Name of Insured Owner
3. Business
4. Address
5. Territorial Limits
6. Name & Quantities of hazardous substances handled by owner
7. Address of Collector under which Territorial limit is the unit handling hazardous substance falls.
8. Annual turn-over
9. Paid up capital as defined Sec.4 (2A) of the Act (as on the date of the policy).
10. Policy Period
11. Indemnity Limit
12. Premium
13. Contribution to the Environment Relief Fund
14. Date of proposal and declaration.
15. Address of Policy Issuing: office to whom payment has been made
16. Date and particulars of payment to insurer

Date:

Place:

For{ owner }
Name & Designation Authorised Signatory

NOTE: One copy each of the duly signed form is to be sent directly to the General Insurance Company, the District Collector or District Magistrate and Ministry of Environment and Forests by the owner and two copies are to be submitted to the 'Insurer'. The insurer will send one copy to the Fund Manager duly signed along with contribution towards ERF.

FORM-III

Sanction Order NO.

Dated:

DISCHARGE RECEIPT

Received with thanks from----- Insurance Co. Ltd. a sum of Rs.-----
-----being the interim relief under the Public Liability Insurance Act,1991 in
part/full settlement of the claim for accident occurred to me/to the, deceased person-----
------(Name of the deceased) on ----- (date of accident) at-----
------(Name of the Place). The amount has disbursed to me vide cheque / challan No.-----
----- Dated----- drawn on-----from (Name of

Collector's Office).

Signature on revenue Stamp
by beneficiary/victim

**THE PUBLIC LIABILITY
INSURANCE RULES, 1991**

(as amended to date)

THE PUBLIC LIABILITY INSURANCE RULES, 1991**MINISTRY OF ENVIRONMENT AND FORESTS**

(Department of Environment, Forests and Wildlife)

NOTIFICATION¹

New Delhi, the 15th May, 1991

S.O. 330(E). -In exercise of the powers conferred by section 23 of the Public Liability Insurance Act, 1991, the Central Government hereby makes the following rules, namely-

1. Short title and commencement:

- (1) These rules may be called the Public Liability Insurance Rules, 1991.
- (2) These rules shall come into force on the date of their publication in the of Official Gazette

2. Definitions:

In these rules, unless the context otherwise requires—

- (a) “Act” means the Public Liability Insurance Act, 1991 (6 of 1991);
- (b) “Advisory Committee” means the committee constituted by the Central government in accordance with section 21 of the Act called the Public Liability Insurance Advisory Committee (PLIAC);
- (c) “Authorised physician” means any person registered under any Central Act or State Act providing for the maintenance of a register of medical practitioners or in any area where no such last mentioned Act is in force, any person declared by State Government by notification in the Official Gazette to be a qualified medical practitioner,
- (d) “Fund” means a fund established and maintained by an owner in accordance with provision to sub-section (3) of section 4 of the Act;
- (e) Words and expressions used in these rules but not defined and defined in the Act shall have the meanings respectively assigned to them in these Acts.

3. Application for relief:

An application for claim for relief shall be made to the Collector in Form I.

4. Documents that may be required:

The claim application shall be made to the Collector in Form I accompanied by such of the following documents as may be applicable

- (i) Certificate of an authorised physician regarding disability or injury or illness caused by the accident;
- (ii) Death Certificate and/or post mortem report in the case of a fatal accident;

¹ Extract from the Gazette of India: Part II, Sec 3, Sub-sec. (ii) dated 15-5-1991.

- (iii) Certificate of the employer regarding loss of wages due to temporary or partial disability, with proof of hospitalisation for a period exceeding three days and certificate about the date of birth or age of victim;
- (iv) Medical bills and receipts;
- (v) Certificate of cost of repairs or replacement of private property damaged by the accident;
- (vi) Any other documents which may have relevance to the claim.

5. Powers of Collector:

- (i) The Collector may follow such summary procedure for conducting an inquiry on an application for relief under the Act, as he thinks fit.
- (ii) The Collector shall have all the powers of a Civil Court for the following purposes namely:
 - (a) summoning and enforcing the attendance of any person and examining him on oath.
 - (b) requiring the discovery and production of documents;
 - (c) receiving evidence on affidavits;
 - (d) subject to the provisions of sections 123 and 124 of the Indian Evidence Act, 1872, requisitioning any public record or document or copy of such record or document from any office;
 - (e) issuing commissions for the examining of witness or documents;
 - (f) dismissing an application for default or proceeding ex-parte;
 - (g) setting aside any order of dismissal of any application for default or any order passed by it ex-parte;
 - (h) inherent powers of a civil court as-served under section 151 of the Code of Civil Procedure, 1908.

6. Establishment and Administration of Fund:

- (1) An owner of the category specified in section 4 (3) of the Act shall, with the prior approval of the Central Government, create and establish a fund by depositing with the State Bank of India or any of its subsidiaries or any nationalised bank, a public liability Insurance fund of that owner.
- (2) The fund to be created shall be utilised for the purpose of meeting the liability arising out of any claim awarded against the owner who has created the fund and to discharge the amount awarded by the Collector.
- (3) The fund shall be operated by an Administrator to be nominated by the owner. The owner shall notify the nomination of the Administrator to the Central Government.

7. Miscellaneous:

- (1) The Collector shall maintain a register of the application for relief or claim petitions, and, a register of awards and payment made thereunder.
- (2) These Registers shall be kept open to Public inspection from 11.00 AM to 1 PM and 2 PM to 5 PM on every working day.

(3) On a request from a concerned person, the Collector shall supply a copy of or extract from any particulars entered in the registers mentioned above to be true copy or extract thereof.

(4) A copy of or extract from the register(s) of the Collector as certified under the hand of the Collector or any officer authorised to act in this behalf shall in all legal proceedings, be admissible as evidence as of equal validity with the original.

¹8. Directions:

(1) Any direction issued under section 12 shall be in writing.

(2) The direction shall specify the nature of action to be taken and the time within which it shall be complied with by any owner, person, officer, authority or agency to whom such direction is given.

(3) The owner, person, officer authority or agency to whom any direction is sought to be issued, shall be served with a copy of the proposed direction and shall be given an opportunity of not less than fifteen days from the date of service of the notice to file, with an officer designated in this behalf, the objections, if any, to the issue of the proposed direction.

(4) The Government shall within a period of forty five days from the date of receipt of the objections, or from the date upto which an opportunity is given to the owner, person, officer, authority or agency to file objections, whichever is earlier after considering the objections, if any, received from the owner, person, officer, authority or agency sought to be directed and for reasons to be recorded in writing, confirm, modify or decide not to issue the proposed direction.

(5) In a case where the Government is of the opinion that in view of the likelihood of a grave injury to the public it is not expedient to provide an opportunity to file objections against the proposed direction, it may, for reasons to be recorded in writing, issue directions without providing such an opportunity.

(6) Every notice or direction required to be issued under this rule shall be deemed to be duly served,

(a) where the person to be served is a company, if the document is addressed in name of the company, at its registered office or at its principal office or place or business, and is either,

(i) sent by registered post; or

(ii) delivered or affixed at some conspicuous part of the premises at its registered office or at the principal office or place of business;

(b) where the person to be served is an owner serving in Government, if the document is addressed to the person and a copy thereof is endorsed to his Head of the Department and also to the Secretary to the Government, as the case may be, incharge of the Department in which, for the time being, the business relating to the Department, in which the officer is employed, is transacted and is either,

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(i) sent by registered post; or

(ii) is given or tendered to him:

(c) in any other case, of the document is addressed to the person to be served, and—

(i) is or tendered to him; or

(ii) in such person cannot be found, is affixed on some conspicuous part of his last known place or residence or business, or is given or tendered to some adult member of his family or is affixed on some conspicuous part of the land or building, if any, to which it relates, or

¹ Inserted by G.S.R. 596 (E) dt. 20-9-1991

(iii) is sent by registered post to that person.

Explanation— For the purpose of this rule; —

(a) “company” means any body corporate and includes a firm or other association of individuals;

(b) “a Servant” not a member of the family.

9. Manner of giving Notice:

The manner of giving notice under clause (b) of section 18 shall be as follows: --

(a) The notice shall be in writing in Form II.

(b) The person giving notice may send a copy of the same to-

(i) if the alleged offence has taken place in a Union Territory-

(a) the Central Board or the Committee/person or body of persons delegated the powers of the Central Board under the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) and Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981); and

(b) Ministry of Environment and Forests (represented by the Secretary to the Government of India);

(ii) if the alleged offence has taken place in the State-

(a) the State Board for the Prevention and Control of Water Pollution constituted under the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974); and

(b) the Government of the State (represented by the Secretary to the State Government incharge of Environment); and

(c) the Ministry of Environment and Forests (represented by the Secretary to the Government of India);

(iii) if the alleged offence has taken place in a District, the District Collector.

(a) The notice shall be sent by registered post acknowledgment due; and

(b) The period of sixty days mentioned in clause (b) of section 18 of the Act, (6 of 1991) shall be reckoned from the date it is first received by one of the authorities mentioned above.]

10. Extent of Liability:

(1) Subject to the provision of sub-section (2A) of section 4 of the Act, the maximum aggregate liability of the insurer to pay relief under an award to the several claimants arising out of an accident shall not exceed rupees five crores and in case of more than one accident during the currency of the policy or one year, whichever is less, shall not exceed rupees fifteen crores in the aggregate.

(2) In awarding relief under the Act, the Collector shall ensure that the insurer's maximum liability under the Insurance Policy does not exceed the limits stipulated in sub-rule (1).

(3) Any award for relief which exceeds the amount payable under the insurance Policy shall be met from the Relief Fund and in case the award exceeds the total of the amount of insurance and the Relief Fund, the amount which falls short of such sum payable shall be by the owner.

11. Contribution of owner to the Environmental Relief Fund:

- (1) An owner shall contribute to the Environmental Relief fund a sum equal to the premium payable to the insurer.
- (2) Every contribution to the Environmental Relief Fund under sub-rule (I) shall be payable to the insurer, together with the amount of premium.
- (3) The contribution receiving by the insurer shall be remitted as per the scheme under section 7A of the Act.]

FORM 1**FORM OF APPLICATION FOR COMPENSATION**

Shri/Shrimati/Kumari* _____ Son of/daughter
of/Widow* of Shri _____ died/had sustained- injuries in an
accident on _____ accident and other information are given below: -

1. Name and Father's name of person injured/dead (husband's name in case of married woman or widow)
2. Address of the person injured/dead.
3. Age _____ Date of Birth _____
4. Sex of the person injured/dead:
5. Place, date and time of accident:
6. Occupation of the person injured/dead:
7. Nature of injuries sustained:
8. Name and Address of Police Station in whose jurisdiction accident took place or was registered:
9. Name and Address of the Medical Officer/Practitioner who attended on the injured/dead:
10. Name and address of the Claimant/ claimants:
11. Relationship with the deceased: who particulars in respect of
12. Any other information that may be considered necessary or helpful in the disposal of the claim:

I hereby swear and affirm that all the facts noted above are true to the best of my knowledge and belief.

SIGNATURE OF THE CLAIMANT

* Strike out whichever is not applicable

¹[FORM-II

FORM OF NOTICE

[See rule 9(1)]

By Registered post acknowledgement due

From* _____

To _____

Notice under clause (b) of Section 18 of the Public Liability Insurance Act, 1991:

Whereas it appears to me/us that an offence under the Public Liability Insurance Act, 1991 (6 of 1991) has been committed/is being committed by** _____

I/We hereby give notice of sixty days under clause (b) of section 18 of the Public Liability Insurance Act, 1991 of my/our intention to file a complaint in the Court against (2) for violation of section of the Public Liability Insurance Act, 1991.

I/We, in support of this notice, hereby enclose the following documents*** as evidence of proof of violation of the Public Liability Insurance Act, 1991: -

Place _____
Date _____

Signature(s)

* In case the notice is given in the name of a company, documentary evidence authorising the person to sign the notice shall be enclosed to this notice.

** here give the name and address of the alleged offender. In case of a handling/manufacturing/processing/operating unit indicate the name of the unit/location /and nature of activity.

*** Documentary evidence includes photographs/technical reports/health reports of the area; etc., relating to the alleged violation/offence.] -----

¹ Inserted by G.S.R. 596(E) dt. 20-9-1991.