THE PUBLIC LIABILITY INSURANCE RULES, 1991

MINISTRY OF ENVIRONMENT AND FORESTS

(Department of Environment, Forests and Wildlife)

New Delhi, the 23rd January, 1991 Magha, 3, 1912 (Saka) NOTIFICATIONl

New Delhi, the 15th May, l991

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, 199l.

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:

Form I.

4. Documents that may be required:

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;

(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, bc admissible as evidence as of equal validity with the original.

2[8. 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 al 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,-

(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 given 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

(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 shal1 be as follows:--

(a) The notice shall be in writing in

(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 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 belov

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

3[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, 15991:

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 _____

Signa

* 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 ease 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 Extract from the Gazette of India: Part II, Sec 3, Sub-sec. (ii) dated 15-5-91. 2 Inserted by G.S.R. 596 (E) dt. 20-9-1991.
3 Inserted by G.S.R. 596(E) dt. 20-9-1991.