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असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित
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पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली 17 दिसंबर, 2024

सा.का.नि. 772(अ).—लोक दायित्व बीमा अधिनियम, 1991 (1991 का 6) की धारा 23 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए लोक दायित्व बीमा नियम, 1991 में संशोधन लाने के लिए प्रारूप अधिसूचना भारत सरकार के पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय द्वारा अधिसूचना संख्या का.आ. 2872(अ) तारीख 19 जुलाई, 2024 के आधीन भारत के राजपत्र, असाधारण भाग 2 , खंड 3, उपखंड (ii) द्वारा प्रकाशित की गई थी, जिसमें उन सभी व्यक्तियों से, जिनके इससे प्रभावित होने की संभावना है, उक्त अधिसूचना वाले राजपत्र की प्रतियां जनता को उपलब्ध कराए जाने की तारीख से साठ दिन की अवधि समाप्त होने से पहले आपत्तियां और सुझाव आमंत्रित किए गए थे।

और, उक्त अधिसूचना वाले राजपत्र की प्रतियां जनता को 19 जुलाई, 2024 को उपलब्ध करा दी गई थीं;

और, उक्त प्रारूप अधिसूचना के संबंध में उक्त अवधि के भीतर जनता से प्राप्त आपत्तियों और सुझावों पर केन्द्रीय सरकार द्वारा सम्यक् रूप से विचार किया गया है:

अतः, अब, केन्द्रीय सरकार, लोक दायित्व बीमा अधिनियम, 1991 की धारा 23 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए लोक दायित्व बीमा नियम, 1991 में आगे और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात:-

टिप्पण: मूल नियम एस.ओ.330 (ई) तारीख 1 मई, 1991 को प्रकाशित किए गए थे और तत्पश्चात. जी.एस.आर संख्या 596 (ई) तारीख 20 सितंबर, 1991, जी.एस.आर. संख्या 87 (ई) तारीख 6 फरवरी 1992 और जी.एस.आर संख्या 391 (ई) तारीख 23 अप्रैल 1993 के माध्यम से संशोधित किए गए।

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi the 17th December, 2024

G.S.R. 772(E) - Whereas the draft notification in exercise of the powers conferred by sections 23 of the Public Liability Insurance Act, 1991 (6 of 1991), for bringing out amendment to the Public Liability Insurance Rules, 1991 were published by the Government of India in the Ministry of Environment, Forest and Climate Change, *vide* notification number S.O. 2872(E), dated the 19th July, 2024 in the Gazette of India, Extraordinary Part II, Section 3, Sub-section (ii) inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of the period of sixty days from the date on which copies of the Gazette containing the said notification were made available to the public;

AND WHEREAS, the copies of the Gazette containing the said notification were made available to the public on the 19th July, 2024;

AND WHEREAS, the objections and suggestions received from the public in respect of the said draft notification within the said period have been duly considered by the Central Government;

NOW, THEREFORE, in exercise of the powers conferred by section 23 of the Public Liability Insurance Act, 1991 the Central Government hereby makes the following rules to further amend the Public Liability Insurance Rules, 1991, namely: -

1. (1) These rules may be called the Public Liability Insurance (Amendment) Rules, 2024.
   (2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Public Liability Insurance Rules, 1991 (hereinafter referred to as the said rules), in rule 2, -
   (1) after clause (a), the following clause shall be inserted, namely :-
   "(aa) "adjudicating officer" means an officer appointed under section 15A of the Act;".
   (2) after clause (c), the following clause shall be inserted, namely:-
   "(ca) "form" means a form set out in the First Schedule appended to these rules;".
   (3) after clause (d), the following clause shall be inserted, namely:-
   "(da) "Schedule" means a Schedule appended to these rules;".
3. For rule 3 of the said rules, the following rule shall be substituted, namely: -

   "3. **Application for claim for relief or restoration of property -** (1) An application for claim for relief or restoration of property under section 6 of the Act shall be made to the Collector in Form I.

   (2) An application for claim for restoration of the property may also be filed by a person who holds an interest in the affected public property, and who can demonstrate a direct and substantial connection with that property.".
4. After rule 3 of the said rules, the following rule shall be inserted, namely: -

"3A**. Allocation of funds from Environmental Relief Fund for restoration of environmental damage**. – (1) The Central Pollution Control Board or State Pollution Control Board as the case may be, shall make an application for allocation of funds from the Environmental Relief Fund to the Central Government for restoration of the damage in Form II.

(2) The Central Government shall, upon receipt of an application under sub-rule (1) scrutinise the extent of the damage caused and determine the amount to be allocated from the Environmental Relief Fund for restoration of such damage and issue an order in Form-III.

(3) The amount of the Funds allocated for restoration of damage shall not exceed ten percent of the amount available in the Environmental Relief Fund.

(4) The Central Pollution Control Board and the State Pollution Control Board shall maintain proper accounts and records of the allocation and utilisation of funds, and shall submit annual reports to the Central Government containing the details of the progress of restoration of damage and funds so utilised.

(5) The Central Government shall monitor the utilisation of funds allocated from the Environmental Relief Fund for the restoration of the damage under sub-section (9) of section 7 of the Act.".

5. After rule 5 of the said rules, the following rule shall be inserted, namely: -

''5A. **Publication of right to claim for relief by the Industrial unit.** - In case any accident occur in any industrial unit, the industrial unit shall publicise among the affected persons regarding their right to claim for relief under the Act and these rules.''.

6. For rule 9 of the said rules, the following rule shall be substituted namely:-

"9. Manner of giving notice.- (1) Any person may give notice of his intention to make a complaint of an alleged offence under clause (b) of section 18 of the Act in Form IV through registered speed post or electronic mail.

(2) Notice referred to in sub-rule (1) may be given,-

(a) to the Central Pollution Control Board or to the Secretary to the Government of India in the Ministry of Environment, Forest and Climate Change, in case the offence is committed in Union Territory.

(b) to the State Pollution Control Board or to the Secretary of the State Government in charge of the Department of Environment and Forest, in case offence is committed in the State.

(3) The period of sixty days mentioned in clause (b) of section 18 of the Act shall be reckoned from the Date the notice is first delivered to the authorities mentioned above.

7. In rule 10 of the said rules, -

(a) for sub-rule (1), the following sub-rule shall be substituted, namely: -

"(1) The maximum aggregate of the insurance policy under sub-section 2A of section 4 of the act shall not exceed two hundred and fifty crore rupees and in case of more than one accident during the currency of insurance policy or one year, whichever is less, shall not exceed, five hundred crore rupees in the aggregate.";

(b) after sub-rule (4), the following sub-rule shall be inserted, namely: -

''(5) The owner shall be liable to reimburse such amount, or provide such other relief for the loss or damage under sub-section (1) of section 3 of the Act as specified in the Schedule to these rules.

8. After rule 11 of the said rules, the following rules shall be inserted, namely: -

12. **Complaint**. — The Central Pollution Control Board and State Pollution Control Boards, through their authorized Officers, or any other person, may file a complaint in Form-V through electronic means or speed post or by hand to the adjudicating officer regarding any contravention committed under sections 14, 15 and 17 of the Act.

13. **Manner of Holding Inquiry**. — (1) The adjudicating officer, within thirty days from the date of receipt of the complaint, shall issue a notice in Form VI to such person requiring him to show cause within such periods as may be specified in the notice, not being less than fifteen days from the date of service of notice, why an inquiry should not be held against him.

(2) Every notice under sub-rule (1) shall indicate the nature of contravention alleged to have been committed.

(3) After considering the cause, if any, shown by such person, if the adjudicating officer is of the opinion that an inquiry should be held, he shall issue a notice requiring the appearance of that person personally or through a legal representative duly authorised by him on such date as may be fixed in the notice.

(4) On the date fixed, the adjudicating officer shall explain to the person proceeded against or his authorised legal representative, the contravention committed by such person and the provision of the Act in respect of which contravention is alleged to have been committed.

(5) The adjudicating officer shall give an opportunity to such person to produce such documents or evidence under Form-VII as he may consider relevant to the inquiry and if necessary, the hearing may be adjourned to a future date and in taking such evidence the adjudicating officer shall not be bound to observe the provisions of the Bhartiya Sakshya Adhiniyam, 2023 (47 of 2023).

(6) If any person fails, neglects or refuses to appear as required under sub-rule (3) before the adjudicating officer, the adjudicating officer may proceed with the inquiry in the absence of such person after recording the reasons for doing so.

(7) If, upon consideration of the evidence produced before the adjudicating officer, the adjudicating officer is satisfied that the person has committed the contravention, he may, by order in writing, impose such penalty under the Act as he considers reasonable.

(8) Every order made under sub-rule (7) shall specify the provision of the Act in respect of which contravention has been committed and shall contain the reasons for imposing the penalty.

(9) A copy of the order made under this rule and all other copies of proceedings shall be supplied free of cost to the complainant and the person against whom the inquiry was held.

(10) The adjudicating officer shall complete the proceeding within six months from the issuance of the notice to the opposite party.

(11) A notice or an order issued under these rules shall be served on the person against whom an inquiry is held, in any of the following manner, namely:-

(i) by delivering or tendering it to that person or his authorised representative; or

(ii) by sending it to the person through electronic means or by registered post or speed post to the address of his place of residence or his last known place of residence or the place where he carried on or last carried on, business or personally works or last worked for gain; or

(iii) if it cannot be served in the manner specified under clauses (i) or (ii), by affixing it on the outer door or some other conspicuous part of the premises in which that person resides or is known to have last resided or carried on business or personally works or has worked for gain.

14. **Transfer of complaint.-** (1) If the adjudicating officer is of the view or it is made to appear that he does not have jurisdiction to entertain the complaint under these rules, he shall transfer the matter to the adjudicating officer concerned within fifteen days of the receipt of such complaint or information made available to him, after reasons to be recorded in writing.

(2) The adjudicating officer to whom such case is transferred shall proceed with the inquiry from the stage it is transferred to him.

15. **Extension of time. -** The adjudicating officer may, for reasons to be recorded in writing, where there is a reasonable cause for the delay or failure to act, extend any period specified in these rules till such period as he considers reasonable.

16. **Order and penalties. -** (1) Every order under these rules, shall be dated, signed and communicated to all the parties.

(2) All sums realised by way of penalties under the Act shall be credited to the Environmental Relief Fund.''.

9. For Form I and II in the said rules, the following Schedules shall be substituted, namely: -

THE FIRST SCHEDULE

FORM I

[See rule 3(1)]

FORM OF APPLICATION FOR RELIEF OR RESTORATION OF PROPERTY

Date:

Mr/Ms/Mrs.* _____ Son of/ daughter of/ Widow* of Mr. _____ died/had sustained- injuries in an accident on _____ Other information are given below: -

1. **Applicant Information:**

(i) Name of the Applicant:
(ii) Father's name:
(iii) Address:
(iv) City: State: Zip:
(v) Contact No.:

2. **Affected Party information:**

(i) Name:

(ii) Father's Name:
(iii) Sex of the person injured/dead/affected:
(iv) Nature of injuries sustained:
(v) Occupation of the person injured/dead:
(vi) Relationship with applicant:
(vii) Address:
(viii) City: State: Zip:

3. **Details of Accident:**

(i) Date of Accident:
(ii) Time of Accident:
(iii)Location of Accident:
(iv) Type of Accident: (tick the following)
[ ] Damage to private property from an accident
[ ] Death or Injury to any person (other than workman)

4. **Estimated financial loss (if applicable):**

5. **Description of accident and damage:**

_____

_____

_____

6. **List of relevant documents attached:**

(i) Medical certificate in case of death, injury or disability
(ii) Damage to property claimed
(iii) Proof of employment and wages received in case of wage loss
(iv) Any other document.

7. **Additional Information:**

(i) Name and address of police station in whose jurisdiction accident took place or was registered:

(ii) Name and address of the registered medical practitioner who attended on the injured or dead:

(iii) 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 APPLICANT/CLAIMANT

Date:_____
Place:_____

---

* Strike out whichever is not applicable

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FORM II

[See rule 3A(1)]

FORM OF APPLICATION FOR ALLOCATION OF FUNDS FROM ENVIRONMENTAL RELIEF FUND

Mr./Mrs./Miss _____ on behalf of Central Pollution Control Board / the State Pollution Control Board, [CPCB/SPCB], hereby submit an application for the allocation of funds from the Environmental Relief Fund (ERF) established under section 7A of the Public Liability Insurance Act, 1991. The details of the application are provided below:

1. Details:

(i) Name of [CPCB/SPCB]: _____
(ii) Address: _____
(iii) Contact person: _____
(iv) Contact number: _____
(v) Email address:_____

2. Purpose of allocation:

_____
_____
_____

3. Assessed environmental damage: _____

4. Estimated fund requirement:

(i)Total estimated fund requirement: _____
(ii)Breakdown of fund utilization: _____
_____

5. List of relevant documents attached:

6. Additional information:

(i) Name of the Unit/Units with detail of owner/owners: _____
(ii)Name of chemical manufactured/ handled by the unit/units causing accident: __
_____
(iii) Address and co-ordinates of the Site: _____
(iv) Place, date and time of Accident: _____
(v) State Pollution Control Board in whose Jurisdiction environmental damage took place or was registered: _____
(vi) Any other information: _____

I hereby declare that the information provided in this application is accurate to the best of my knowledge.

Date:_____
Place:_____

[Signature]
[Name]
[Designation]
[Organization Name]

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FORM-III
[See rule 3A(2)]

Application No.
Date:

SANCTION ORDER

I hereby sanction Rs. ……. From the Environmental Relief Fund for restoration of environmental damage at the place/unit/locality…… to the Central Pollution Control Board/ State Pollution Control Board …….. in reference to the application No…….. submitted by them.

Signature of the Concerned Authroized Officer

Copy to:

1. Fund Manager
2. Office of CPCB/SPCB.

FORM IV

FORM OF NOTICE

[See rule 9]

By Registered post acknowledgement due

From*

_____
_____
_____

To,

_____
_____
_____

Notice under clause (b) of Section 18 of the Public Liabilty 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

_____
_____
_____
_____

for violation of section of the Public Liability Insurance Act,1991.

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

Place _____

Date _____ Signature _____

* In case the notice is given in the name of the 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 handling/ manufacturing/ processing/ operating unit indicate the name of the unit/location and nature of activity,

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

FORM V
[See rule 12]

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To,

The Adjudication Officer
……
1.Particulars of complainant: -
(a) Name:
(b) Address for service:
(c) Contact No:
(d) Email (for service):
2. Particulars of complaint: -
(a) Date, time and instance of commission of the alleged contravention:
(b) Statement of contravention setting out all relevant material particulars:
(c) Evidence in support of the statement:
(d) Tentative amount of damage (in pecuniary terms) with cost break-up.

I/We……., the complainant……herein declare that the facts stated herein are correct to the best of
my/our knowledge.

3. Name and Signature of the Complainant:

Note. – Strike out whichever is not applicable.

Form –VI
[See rule 13(1)]

To

SHOW CAUSE NOTICE
Sub: Contravention of the Public Liability Insurance Act, 1991.

Sir/Madam,

As per the complaint received on dated _____(copy enclosed), contravention has been committed under section ---------- of the Public Liability Insurance Act, 1991 in……..……

2. The above contravention is liable for penalty.

3. Therefore, you are required to show cause within a period of ------ days of service of this notice, why an inquiry should not be initiated against you under the Public Liability Insurance Act, 1991 for imposition of penalty. In case, no reply is received within the given period, the further action shall be taken under the Act .

Date_____
Place_____

Adjudicating Officer
(Name and seal of the office)

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FORM-VII
[See rule 13(5)]
Furnishing of document or evidence by or on behalf of the contravener

To
Adjudication Officer
……
…….
…….

1.	I/We, ……..……. ……. ……. hereby give a counter statement to the complaint made in Form-I The grounds in which the counter statement is made are as follows: - …… ……	
2.	Complete address including postal index number/code and state along with mobile number and e-mail.	
3.	Signature of the contravener or his authorised representative:	
4.	Name of the person along with mobile number who has signed.	

THE SECOND SCHEDULE
[See rule 10(5)]

Reimbursement of medical expenses incurred in each case and other reliefs shall be as follows:-

(a) death due to fatal accidents, the relief will be Rs. 5,00,000/- per person in addition to reimbursement of medical expenses, if any, incurred on the person up to a maximum of Rs. 1,50,000/-;

(b) permanent total or permanent partial disability, the relief will be -

(i) reimbursement of medical expenses incurred, if any, up to a maximum of Rs. 25,000/- in each case; and
(ii) cash relief on the basis of percentage of disablement as certified by a registered medical practitioner in case of total permanent disability will be Rs. 5,00,000/-;

(c) loss of wages due to temporary partial disability which reduces the earning capacity of the victim, a fixed monthly relief will be actual amount not exceeding Rs. 25,000/- per month up to a maximum of 3 months in case the victim has been hospitalised for a period exceeding 3 days and is above 16 years of age;

(d) damage to private property, relief will be an amount not exceeding Rs. 50,00,000/- depending on the actual damage in each case.

(e) other injury or sickness, reimbursement of amount not exceeding Rs. 25,000/- of actual amount in each case.''.

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[F. No. HSM-12/96/2020-HSM]
VED PRAKASH MISHRA, Jt .Secy.

***Note**:* The Principal rules were published vide S.O.330 (E) dated 1st May, 1991 and amended subsequently vide G.S.R. No. 596 (E) dated 20th September, 1991, G.S.R. No. 87 (E) dated 6th February 1992 and G.S.R. No. 391 (E) dated 23rd April 1993.

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