

## ZURICH KOTAK PUBLIC LIABILITY (ACT) INSURANCE

### PROSPECTUS

#### Commercial

#### Introduction

The Public Liability Insurance Act was passed with an objective of protecting the interest of members of public who get affected due to accidents which take place in such undertakings and industrial units. This Act provides for mandatory Public Liability Insurance for industries involved in manufacture, storage, transportation and use of hazardous substances as defined in the Environmental Protection Act, 1986 and exceeding the minimum quantity as specified by notification by the Central Government. The mandatory Public Liability Insurance has been based on the principle of “no fault” liability as it is limited to only relief on a limited scale. However, availability of immediate relief does not prevent the victims to go to courts for claiming larger compensation.

Thus the Public Liability Insurance Act, 1991 (and subsequent amendments) imposes no fault liability i.e. irrespective of wrongful act, neglect or default on the owner to pay relief in the event of (a) death of or injury to any person, or (b) damage to property of any person arising out of an accident while handling any hazardous substance.

#### Who can take this insurance?

Any establishment(s) that owns or has control over handling any hazardous substance at the time of accident and includes:

1. in the case of a firm any of its partners
2. in the case of an association, any of its members,
3. 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.

#### What the Policy does not cover?

This policy does not cover liability:

- 1) any accident not covered under the Act.
- 2) arising out of wilful or intentional non-compliance of any Statutory Provisions
- 3) in respect of fines, penalties, punitive and/or exemplary damages
- 4) arising under any other legislation except in so far as is provided for in section 8 sub-section (1) and (2) of the Act.
- 5) arising out of damage to property owned, leased or hired or under hire purchase or on loan to the Insured or otherwise in the Insured Owner’s control, care or custody.
- 6) directly or indirectly occasioned by, happening through or in consequence of war, invasion, act of foreign enemy, hostilities (whether war be declared or not), civil war, rebellion, revolution, insurrection or military or usurped power.

- 7) directly or indirectly caused by or contributed to by
- (a) ionising radiation or contamination by radioactivity from any nuclear fuel or from any nuclear waste from the combustion of nuclear fuel.
  - (b) the radioactive, toxic, explosive or other hazardous properties of any explosive nuclear assembly or nuclear component thereof.

### **What is the Sum Insured?**

In Public Liability Policy, the sum insured is referred to as Limit of Indemnity. This limit is fixed per accident and per policy period which is called Any One Accident (AOA) limit and Any One Year (AOY) limit respectively basis Public Liability Insurance Act 1991 and its amendments thereon.

### **TERRITORIAL LIMITS**

The Company's liability to make any payment shall be to make payment within India and in Indian Rupees only.

### **What to Do in Event of a Claim?**

- Ensure safety of employees.
- Initiate Loss minimization measures.
- Inform incident to Public Authorities if required.
- Call Zurich Kotak GIC Call Centre on Toll Free No: 1800-266-4545 OR
- Send Letter or Fax to Zurich Kotak GIC corporate office
- Email us at [care@zurichkotak.com](mailto:care@zurichkotak.com)
- Zurich Kotak GIC will depute an IRDAI licensed surveyor to attend to the loss
- Please provide necessary assistance to surveyor or company officials for finalization of loss.
- Please furnish required documents and any clarifications that may be sought.

### **Grievance**

For resolution of any query or grievance, Insured may contact the respective branch office of the Company or may call toll free number 1800 266 4545 or may write an e- mail at [care@zurichkotak.com](mailto:care@zurichkotak.com).

In case the Insured is not satisfied with the response, Insured may contact the Grievance Officer of the Company at [grievanceofficer@zurichkotak.com](mailto:grievanceofficer@zurichkotak.com). In case if the Insured is not satisfied with the solution the Grievance Officer has provided, Insured can write to [seniorgrievanceofficer@zurichkotak.com](mailto:seniorgrievanceofficer@zurichkotak.com)/ [chiefgrievanceofficer@zurichkotak.com](mailto:chiefgrievanceofficer@zurichkotak.com).

However, if the resolution provided by us is not satisfactory you may approach Insurance Regulatory and Development Authority of India (IRDAI) through the Bima Bharosa Portal: <https://bimabharosa.irdai.gov.in>.

You may also approach Insurance Ombudsman, subject to vested jurisdiction, for the redressal of grievance. The details of the Insurance Ombudsman is available at Annexure I of Policy wordings.

The details of the Insurance Ombudsman/ complete Grievance Redressal Process is also available at Company's website: [www.zurichkotak.com](http://www.zurichkotak.com)

The updated details of Insurance Ombudsman offices are also available on the website of Council for Insurance Ombudsmen [www.cioins.co.in/Ombudsman](http://www.cioins.co.in/Ombudsman).

**Duty of Disclosure:**

We rely on information that you provide while accepting your proposal for insurance cover. If that information is not accurate, we can reduce or deny any claim you may make or cancel your policy. We never want to have to do that, so you must answer honestly, correctly and completely the questions asked.

**Note:**

For detailed Coverage, Exclusions, Conditions etc., it is recommended to go through the Specimen copy of the Policy Wording which can be collected from any of our branch or downloaded from company web site.

**STATUTORY WARNING - PROHIBITION OF REBATES  
(Under Section 41 of Insurance Act 1938)**

- 1) No person shall allow or offer to allow, either directly or indirectly as an inducement to any person to take out or renew or continue an insurance in respect of any kind of risk relating to lives or property, in India, any rebate of the whole or part of the commission payable or any rebate of the premium shown on the Policy, nor shall any person taking out or renewing or continuing a Policy accept any rebate, except such rebate as may be allowed in accordance with the published prospectuses or tables of the Insurer.
- 2) Any person making default in complying with the provisions of this section shall be liable for a penalty which may extend to ten lakh rupees