

SEVENTH SCHEDULE*(See rules 39, 40, and 42)***FORMULAE TO DETERMINE THE QUANTUM OF COMPENSATION IN THE CASES OF CLINICAL TRIAL RELATED INJURY OR DEATH****1. Formula in case of clinical trial related death:**

$$\text{Compensation} = (B \times F \times R) / 99.37$$

Where,

B = Base amount (i.e. 8 lacs)

F = Factor depending on the age of the trial subject as per **Annexure 1** (based on Workmen Compensation Act)

R = Risk Factor depending on the seriousness and severity of the disease, presence of co-morbidity and duration of disease of the trial subject at the time of enrolment in the clinical trial between a scale of 0.5 to 4 as under:

- (1) 0.5 terminally ill patient (expected survival not more than (NMT) 6 months)
- (2) 1.0 Patient with high risk (expected survival between 6 to 24 months)
- (3) 2.0 Patient with moderate risk
- (4) 3.0 Patient with mild risk
- (5) 4.0 Healthy Volunteers or trial subject of no risk.

However, in case of patients whose expected mortality is 90% or more within 30 days, a fixed amount of Rs. 2 lacs should be given.

2. Formula in case of clinical trial related injury (other than death): For calculation of quantum of compensation related to injury (other than death), the compensation shall be linked to the criteria considered for calculation of compensation in cases of death of the trial subject as referred to in section of this Schedule. The quantum of compensation in case of Clinical Trial related SAE should not exceed the quantum of compensation which would have been due for payment in Case of death of the trial subject since the loss of life is the maximum injury possible. As per the definition of SAE, the following sequelae other than death are possible in a clinical trial subject, in which the trial subject shall be entitled for compensation in case the SAE is related to clinical trial.

(i) A permanent disability: In case of SAE causing permanent disability to the trial subject, the quantum of compensation in case of 100% disability shall be 90% of the compensation which would have been due for payment to the nominee (s) in case of death of the trial subject.

The quantum for less than 100% disability will be proportional to the actual percentage disability the trial subject has suffered.

Accordingly, following formula shall be applicable for determination of compensation:

$$\text{Compensation} = (C \times D \times 90) / (100 \times 100)$$

Where:

D = Percentage disability the trial subject has suffered.

C = Quantum of Compensation which would have been due for payment to the trial subject's nominees)

in case of death of the trial subject.

(ii) Congenital anomaly or birth defect: The congenital anomaly or birth defect in a baby may occur due to participation of anyone or both the parent in clinical trial. Following situations may arise due to congenital anomaly or birth defect.

- (a) Still birth;
- (b) Early death due to anomaly;
- (c) No death but deformity which can be fully corrected through appropriate intervention;
- (d) Permanent disability (mental or physical).

The compensation in such cases would be a lump sum amount such that if that amount is kept by way of fixed deposit or alike, it shall bring a monthly interest amount which is approximately equivalent to half of minimum wage of the

unskilled worker (in Delhi). The quantum of compensation in such cases of SAE shall be half of the base amount as per formula for determining the compensation for SAE resulting into death.

In case of birth defect leading to sub-clause (c) and (d) of this clause to any child, the medical management as long as required shall be provided by the Sponsor or his representative which will be over and above the financial compensation.

(iii) Chronic life-threatening disease; and

(iv) Reversible SAE in case it is resolved.

In case of clinical trial related SAE causing life-threatening disease and reversible SAE in case it is resolved, the quantum of compensation would be linked to the number of days of hospitalisation of the trial subject. The compensation per day of hospitalization shall be equal to the wage loss. The wage loss per day shall be calculated based upon the minimum wage of the unskilled worker (in Delhi).

Since, in case of hospitalisation of any patient not only the patient loses his/her wage, there will be direct or indirect losses of various kind including inconvenience, wage loss of attendant, etc. The compensation per day of hospitalisation in such case shall be double the minimum wage.

Accordingly, following formula shall be applicable for determination of compensation:

$$\text{Compensation} = 2 \times W \times N.$$

Where,

W = Minimum wage per day of the unskilled worker (in Delhi)

N = Number of days of hospitalization

Annexure 1

Factor (F) for calculating the amount of compensation

Age	Factor
Not more than...	
16	228.54
17	227.49
18	226.38
19	225.22
20	224.00
21	222.71
22	221.37
23	219.95
24	218.47
25	216.91
26	215.28
27	213.57
28	211.79
29	209.92
30	207.98
31	205.95
32	203.85
33	201.66
34	199.40
35	197.06
36	194.64
37	192.14
38	189.56
39	186.90
40	184.17
41	181.37
42	178.49
43	175.54
44	172.52
45	169.44
46	166.29
47	163.07

48	159.80
49	156.47
50	153.09
51	149.67
52	146.20
53	142.68
54	139.13
55	135.56
56	131.95
57	128.33
58	124.70
59	121.05
60	117.41
61	113.77
62	110.14
63	106.52
64	102.93
65 or more	99.37

EIGHTH SCHEDULE

FORM CT-01

(See rules 8, 10 and 17)

APPLICATION FOR REGISTRATION/RENEWAL OF ETHICS COMMITTEE RELATING TO CLINICAL TRIAL OR BIOAVAILABILITY AND BIOEQUIVALENCE STUDY OR BIOMEDICAL HEALTH RESEARCH

I/We,(name, designation and full postal address of the applicant) of (name and full address with contact details of the ethics committee) hereby apply for grant of registration of ethics committee.

The details of the application are as under:

1. Name of applicant:
2. Nature and constitution of applicant: (proprietorship, company, society, trust, independent, institutional, other to be specified)
3. (i) Applicant address including telephone number, mobile number, fax number and e-mail id: (ii) Address for correspondence: corporate or registered office or clinical trial site or bioavailability and bioequivalence study centre or biomedical health research
4. Details of accreditation, if any (self-attested copy of certificate to be attached):
5. I have enclosed the documents as specified in the Table 1 of the Third Schedule of the New Drugs and Clinical Trials Rules, 2019.