



RAJASTHAN STATE LEGAL SERVICES AUTHORITY
RAJASTHAN HIGH COURT CAMPUS, JAIPUR BENCH, JAIPUR
(Phone: 0141-2227481, 2227555, FAX: 2227602, Help line No.15100)

A meeting under the Chairmanship of **Hon'ble Mr. Justice K. S. Jhaveri, Judge, Rajasthan High Court & Executive Chairman, Rajasthan State Legal Services Authority** has been organised on 16th November 2017 at Jaipur and broad guidelines for compromise / settlement of MACT Claims cases for Lok Adalats has been finalized with mutual consent of authorized officers of Nationalized and Private insurance companies namely 1. New India Insurance Company 2. United India Insurance Company 3. Oriental Insurance Company 4. National Insurance Company 5. Shree ram General Insurance Company Ltd. 6. SBI Insurance Company 7. Bajaj Alliance 8. Chola MS GIS 9. Tata AIG 10. Reliance GICL, 11. ICICI Lombard GICL & 12. Future General India Insurance Company;

Guidelines for settlement

Compensation under compromise settlement of MACT Claims in Lok Adalats

1. Simple Injury Cases

Rs. 2500/- for each simple injury plus Medical Expenses supported by Medical Bill (supported by prescription or verification by doctor in court)

2. Grievous injury cases:-

In cases where disability certificate is not produced but there is a case of grievous injury:

- (a) Fracture of both Tibia and Fibula with hospitalization – Rs. 50,000/- + Medical Bills supported by prescription or verification by doctor in court + Hospitalization Rs. 600/- per day.



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- (b) Fracture of only fibula – Rs. 25,000/- + Medical Bills supported by prescription or verification by doctor in court + Hospitalization Rs. 600/- per day.
- (c) Fracture both the Lower Limb Rs. 50,000/- + Medical Bills supported by prescription or verification by doctor in court + Hospitalization Rs. 600/- per day.
- (d) Fracture both the Upper Limb Rs. 45,000/- + Medical Bills supported by prescription or verification by doctor in court + Hospitalization Rs. 600/- per day.
- (e) Fracture of single lower and upper limb Rs 45,000/- + Medical Bills supported by prescription or verification by doctor in court + Hospitalization Rs. 600/- per day.
- (f) Fracture on other part of Body Rs. 15,000/- for each fracture (as per nature of fracture) + Medical Bills upto 10,000/- supported by prescription , Above 10,000/- verification by Doctor in court + Hospitalization Rs. 600/- per day.

(3) Permanent Disability

Certificate regarding permanent disability shall be issued from the Govt. Medical Board and in case of dispute the opinion of Doctor/ Medical Board or the provisions of W.C. Act 1923 will be given preference.

(a) Permanent Disability Up to 10 %

Rs. 25,000/- (NET) + Rs. 3000/- for each percent of disability plus medical expenses (supported with prescription) + Rs. 600/- per day for the period of Hospitalization.

(b) Permanent Disability: More than 10% and up to 25%

Rs. 25,000/- (NET) + Rs. 4000/- for each percent of disability + Medical Bills (supported with prescription) + Rs. 600/- per.



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(d) Permanent Disability: More than 25% and up to 50%

Rs. 25,000/- (NET) + Rs. 5000/- for each percent of disability Medical Bills (supported with prescription) + Hospitalization Rs. 600/- per.

(e) Permanent Disability: More than 50%

Rs. 25,000/- (NET) + Rs. 6000/- for each percent of disability Medical Bills (supported with prescription) + Hospitalization Rs. 600/- per.

NOTE: The Compensation in permanent disability cases above may vary depending upon age of victim

4. Other Heads of compensation under Injury Cases:

(a) Pain and Suffering: 12.5% of total award.

(b) Loss of income: Only in proven income cases where medical leave record is provided by claimant & in case of private and daily wagers – 500/- per day for the hospitalization period.

(c) Expenditure on attendants: Case to Case basis looking into the circumstance and facts of the case.

5. DEATH CASES:

(a) In case of Stable and Permanent jobs

The net salary after Income Tax is to be taken as base and as per Pranay Sethi Case, the dependency and multiplier are to be taken. Assessment Order from Income Tax Office is must for assessing income since mere submission of ITR is not a sufficient evidence of income.

(b) In case of unproved income & Self-employed and non-permanent

a) Deduction on Self-expenses (based on number of dependents) and Multiplier shall be as per Sarla Verma judgment.



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- b) For unproved income applicable Minimum Wages in the State of Rajasthan as on date of accident is to be considered for computation of compensation.
- c) In case of death of Bachelor, deduction of 50% for self expenses is to be considered and multiplier is to be taken on the basis of Age of deceased.

(c) In case of Child Death:

- a) Up to the age of 5 years – Rs. 2.50 Lac
- b) Between 5 years to 10 years – Rs. 3.50 Lac
- c) Between 10 years to 15 years – Rs.05 Lac

(As per Judgment of the Hon'ble Supreme Court in Kishan Gopal)

(d) In case of Student Death: Above 15 years to 21 years - To be assessed on basis of Notional Income Rs. 30,000 per annum.

(e) Other consideration in Death Cases: As per the Judgment of Hon'ble Supreme Court 'SPECIAL LEAVE PETITION (CIVIL) NO. 25590 OF 2014 National Insurance Company Limited V/S Pranay Sethi and Ors.

- a) **Future Prospects:** (As per the above Judgment of the Hon'ble Supreme Court in Pranay Sethi)
- b) **Consortium:** Rs. 40,000/-
- c) **Funeral Expenses:** Rs. 15,000/-
- d) **Loss of Estates:** Rs. 10,000/-

(f) Interest: Some amount to offset loss of interest can be included in compromise amount for cases pending from 10 years from the date of accident @ 3%. Component for future prospects shall not be included for consideration.

Note: No compromise in cases where-



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For High Court cases

- Company is exonerated in lower court

For Tribunal Cases:

- Where breach of policy conditions is there
- Liability is not admissible as per law or coverage in the policy
- There is any suspected manipulation or false involvement of vehicle.
- Delay in FIR (unless supported by documentary evidence to establish the accident and involvement of insured vehicle) Decision to be based on merits of the case

The above guidelines are in supersession of all earlier guidelines. These guidelines are being circulated to reach at a just compensation and are illustrative and not exhaustive. The concerned officials are at liberty to take decision of their own on the merits of the case and keeping in view the broad parameters laid down in these guidelines.



Member Secretary
Rajasthan State Legal Services Authority
Rajasthan High Court Bench
JAIPUR