



# RAJASTHAN STATE LEGAL SERVICES AUTHORITY

RAJASTHAN HIGH COURT PREMISES, JAIPUR BENCH, JAIPUR

(Phone: 0141-2227481, FAX: 2227602, Toll Free Help Line 15100/9928900900)

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No. F4 (192)/RSLSA/SS/NLA-I/2021/7259,

Date: 15.04.2021

## “Revised Guideline for Settlement in MACT Cases”

This Authority had issued Revised guideline for settlement of MACT Cases in National Lok Adalat vide its order dated 05.11.2018. On 15.04.2021, after deliberation with the representatives of Nationalized and Private Insurance Companies, it was further amended. After incorporating new amendment, the revised guideline is as under:

### 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.

(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 parts 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.



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### 3. Permanent Disability: -

Certificate regarding permanent disability shall be issued from the Government Medical Board and in case of dispute the opinion of Doctor/ Medical Board or the provisions of Workmen's Compensation Act, 1923 will be given preference.

#### (a) Permanent Disability Up to 10 %: -

Rs. 25,000/- (NET) + Rs. 3000/- for each percent of disability + 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 day for the period of Hospitalization.

#### (c) 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 day for the period of Hospitalization.

#### (d) 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 day for the period of Hospitalization.

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 Sufferings:

S. No.	Age of the injured Claimant	Amount payable
1.	Upto 30 years	25% of total Award (Excluding Medical bills/ Medical Expenses.).
2.	Above 30 years upto 40 years	20% of total Award (Excluding Medical bills/ Medical Expenses.).
3.	Above 40 years upto 50 years	17.50% of total Award (Excluding Medical bills/ Medical Expenses.).
4.	Above 50 years upto 60 years	15% of total Award (Excluding Medical bills/ Medical Expenses.).
5.	Above 60 years	12.5% of total Award (Excluding Medical bills/ Medical Expenses.).



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- (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.
- (d) **Future Prospects:** In case of permanent disability (irrespective of percentage of disability), if a person has been rendered permanently incapable of doing his/ her previous profession, vocation or business and his / her income generating capacity has been adversely affected, the future prospects shall be awarded in accordance with the judgment of S.C. in **Pappu Deo Yadav Vs Naresh Kumar & Ors., AIR 2020 SC 4424.**

## 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 **National Insurance Company Limited vs Pranay Sethi: AIR 2017 SC 5157**, 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 vs Delhi transport Corporation, AIR 2009 SC 3104.**
- 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.



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## (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 vs Lala, (2014) 1 SCC 244**)

## (d) In case of Non-earning Child/ Youth 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 in **National Insurance Company Limited vs Pranay Sethi: AIR 2017 SC 5157.**

- 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 Estate:** Rs. 15,000/-

## (f) **Interest:** All payments shall be made within 2 months from the date of award provided that Simple interest at the rate of 3% shall be paid on settlement amount from the date of filing of petition in MACT till the payment is made but if payment is not made within two months from the date of award, then interest at the rate of 6% per annum shall be paid for subsequent period (i.e. after 2 months from the date of award) till payment is made.

6. Learned Advocates of claimant shall provide the copy of insurance policy/related case details to the insurance companies (at the time of Pre-Counseling or on date of settlement or within 7 days of award at Lok Adalat) for facilitating early payment of award amount to the claimant.



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**Note:** No compromise in cases where-

## 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 guideline is in supersession of all earlier guidelines. This guideline is being circulated to reach at a just compensation and is 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 this guideline.

BY ORDER

  
15.4.2021.

(Brajendra Jain)

Member Secretary,

Rajasthan State Legal Services Authority,

Jaipur