

PROPOSALS

SUBMITTED BY

FOUR PUBLIC SECTOR GENERAL INSURANCE COMPANIES

TO

THE RAJASTHAN STATE LEGAL SERVICES AUTHORITY

REGARDING

WORKING OUT COMPENSATION UNDER COMPROMISE
SETTLEMENT OF MACT CLAIMS IN NATIONAL LOK ADALAT.

These proposals 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 keeping in view the broad parameters laid down in these proposals and decision may be taken if a particular case so warrants.

Proposal submitted to Rajasthan State Legal Services Authority
for working out compensation under compromise settlement of MACT
Claims at Lok Adalat

1. Simple Injury cases

Rs. 1500/- 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.

- ❖ Fracture of both Tibia and Fibula **with hospitalisation** - Rs. 40,000/- + Medical Bills supported by prescription or verification by doctor in court + Hospitalization Rs. 500/- per day.
- ❖ Fracture of only Fibula - **Rs. 15,000/-** + Medical Bills supported by prescription or verification by doctor in court + Hospitalization Rs. 500/- per day.
- ❖ Fracture Both the Lower Limb **Rs. 45000/-** + Medical Bills supported by prescription or verification by doctor in court + Hospitalization Rs. 500/- per day.
- ❖ Fracture of Single Lower and Upper Limb **Rs. 35000/-** + Medical Bills supported by prescription or verification by doctor in court + Hospitalization Rs. 500/- per day.
- ❖ Fracture on other part of Body Rs 10000 to **Rs.15000/-** for each fracture (as per nature of fracture) + Medical Bills supported by prescription or verification by doctor in court + Hospitalization Rs. 500/- per day.

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.

Permanent Disability Up to 10%

Rs. 25000/- (NET) + Rs. 2000/- for each percent of disability plus medical expenses (supported with prescription) + Rs. 500/- per day for the period of Hospitalization

Permanent Disability : More than 10% and up to 25%

Rs. 25000/-(NET) + Rs. 3000/- for each percent of disability + Medical Bills (supported with prescription) + Hospitalization Rs. 500/- per day.

Permanent Disability : More than 25% and up to 50%

Rs. 25000/-(NET) + Rs. 3000/- for each percent of disability Medical Bills (supported with prescription) + Hospitalization Rs. 500/- per day.

Permanent Disability More than 50% :

The award for the death is to be calculated on the basis of his earning status and proportionate award is to be calculated on the basis of percentage of disability plus Medical Bills (supported with prescription). For unproven income, applicable minimum wages as on date of accident in the state of Rajasthan shall be taken for computation.

DEATH CASES :

In case of -Stable and Permanent jobs

The net salary after Income Tax is to be taken as base and as per Sarla Verma's Case, the dependency and multiplier are to be taken.

Future prospects may be considered at a flat rate of 15% for Age group: 30 to 50 years

In case of unproved income & Self-employed and non- permanent jobs :

No future prospects to be considered .

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

For unproved income applicable Minimum wages in the state of Rajasthan as on date of accident is to be considered for computation of compensation.

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 Average Age of parents.

In case of Child Death (as per decision of RHC case Nana Devi vs. Gurmeel Singh)

³⁵ / ₁₇ Upto the age of 5 years	-	Rs. 1.50 Lac
³⁵ / ₁₇ Between 5 years to 10 years	-	Rs. 2.00 Lac
³⁵ / ₁₇ Between 10 years to 15 Years	-	Rs. 2.50 Lac

Interest

Some amount to offset loss of interest can be included in compromise amount for cases more than two years old. Component for future prospects shall not be included for consideration.

Note:

No compromise in cases where -

➤ **For High court cases**

- company is exonerated in lower court
- *company has filed an appeal .*

➤

➤ **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 .

Jaipur, 14th November 2013