

249/25.6.2021
Brcat 1110/25/06/21

Jitendra Kumar Singh
HJS
Member Secretary



U.P. STATE LEGAL SERVICES AUTHORITY

(Constituted under the Legal Services Authorities Act, 1987)

- To
1. All the District Judges/Chairperson
District Legal Services Authorities
Uttar Pradesh
 2. All the Presiding Officers
Motor Accident Claims Tribunal
Uttar Pradesh

No. 1374/SLSA-11/2021 (PS Header) Dated: June 24, 2021
Sub: Regarding Advisory Guidelines for Settlement in MACT Cases in Lok Adalats.

Madam/Sir,

Under the directions of Hon'ble the Executive Chairman, UPSLSA, the UP State Legal Services Authority has framed Advisory guidelines for the settlement of the Motor Accident Claims Cases in the Lok Adalats (copy enclosed).

I have been directed to get circulated above mentioned guidelines amongst all concerned for speedy disposal of MAC cases in Lok Adalats in the State of Uttar Pradesh.

Kindly get it acknowledged.

With regards,

Encl: As above

Yours sincerely
Jitendra Kumar Singh
(Jitendra Kumar Singh)
Member Secretary

Copy to:

1. The Member Secretary, National Legal Services Authority, 12/11, Jammagar House, New Delhi.
2. Registrar cum PPS to Hon'ble the Senior Judge, Hon'ble High Court of Judicature at Allahabad Executive Chairman, UPSLSA with the request to get it placed before His Lordship.

See copy to be send
P.O. M.A.C.T. and Secy
A.L.S.A.

(Jitendra Kumar Singh)
Member Secretary



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"Advisory Guidelines for Settlement in MACT Cases In Lok Adalats"

Hon'ble, The Executive Chairman, UPSLSA, has been pleased to approve following guidelines for the settlement of Motor Accident Claim cases in Lok Adalats by the tribunals-

1. Simple Injury Cases:-

Rs. 2500/- for each simple injury plus Medical expenses (supported by medical bills and prescription or verification by the doctor in court).

2. Grievous Injury Cases:-

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

- (a) Fracture of both Tibia and fibula with hospitalization- 50,000/- + Medical bills (supported by prescription or verification by the doctor in court) + Hospitalization Rs. 600/- per day.
- (b) Fracture of only fibula - Rs 25,000/- + Medical bills (supported by prescription or verification by the doctor in court) + Hospitalization RS. 600/- per day.
- (c) Fracture of both Lower Limb - Rs. 50,000/- + Medical bills (supported by prescription or verification by the doctor in court) + Hospitalization Rs. 600/- per day.
- (d) Fracture of both Upper Limb - Rs. 45,000/- + Medical bills (supported by prescription or verification by the 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 the doctor in court) + Hospitalization Rs. 600/- per day.
- (f) Fracture on the other part of body - Rs. 15,000/- for each fracture (as per nature of fracture) + Medical bills up to 10,000/- (supported by prescription or verification by doctor the in court) + Hospitalization Rs. 600/- per day.

3. Permanent Disability:-

Certificate regarding permanent disability shall be issued from the Government Medical Board and in cases of dispute the opinion of Doctor/ Medical Board or the provision of the 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 above permanent disability cases may vary depending upon age of victims.

4. Other Heads of compensation under injury Cases:-

(a) Pain and Sufferings:

S. No.	Age of the Injured Claimant	Amount payable
1.	Up to 30 years	25% of total Award (excluding Medical Bills/ Medical Expenses).
2.	Above 30 years up to 40 years	20% of total Award (excluding Medical Bills/ Medical Expenses).
3.	Above 40 years up to 50 years	17.50% of total Award (excluding Medical Bills/ Medical Expenses).
4.	Above 50 years up to 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).

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

(c) **Expenditure on attendants:** Case to case basis looking into the circumstances 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 as per **National Insurance Company Limited Vs Pranay Sethi: AIR 2017 SC 5157**, the dependency and multipliers 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, the provision of Minimum Wages Act will be applicable in the State of Uttar Pradesh as on date of accident is to be considered for computation of compensations.

(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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- (e) 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. 15000/-
- (d) Loss of Estate: Rs. 15000/-

(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.

7. No compromise in cases where-

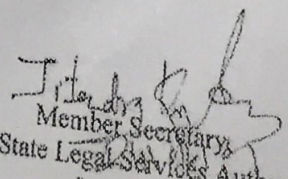
For High Court Cases:

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.

NOTE :- These guidelines are being circulated to reach at a just compensation and are illustrative and not exhaustive. The concerned officers are at liberty to take decision of their own on the merits of the case and keeping in view the board parameters laid down in these guidelines.


Member Secretary,
U.P. State Legal Services Authority,
Lucknow