

**CHAPTER FIFTEEN**

**QUANTUM OF RELIEF UNDER  
THE SCHEDULE**

## QUANTUM OF RELIEF UNDER THE SCHEDULE

### 15.1 The Schedule and its scheme

By virtue of Section 3(1), the owner is under liability to give "relief" for death, injury or damage to property "as is specified in the Schedule".

The Schedule to the Act accordingly makes provisions on the subject, arranged under five items. In each item, there is a monetary limit. And one should remember that the Act is exclusively concerned with no fault liability, leaving it open to the victim of an accident to claim compensation under any other law for the time being in force.

Item (i) of the Schedule is concerned with medical expenses and applies in all cases. Item (ii) is concerned with fatal accidents. Item (iii) relates to permanent total or permanent partial disability or other injury or sickness. Item (iv) is concerned with loss of wages due to temporary partial disability, the amount being calculated, this time, on the basis of the period of disability which reduces earning capacity- subject to a maximum of 3 months. Item (v) is concerned with damage to private property.

### 15.2 Schedule, item (i)

Item (i) in the schedule reads:-

"reimbursement of medical expenses incurred, upto a maximum of Rs.12,500 in each case."

The intention seems to be to allow reimbursement under this head in every case of accident- fatal or non-fatal- and to make it available, whatever be the duration of the disability (if any) or the nature of the injury or sickness, if any. One would have thought that item (i), as a self-contained item, should suffice for reimbursing medical expenses. But it is found that items (ii) and (iii)(a) in the Schedule also deal with medical expenses. The better course would be to remove medical expenses from other items, or at least to indicate more clearly what the intention is.

Incidentally, from the grammatical point of view, item (i) needs comment. It does not constitute a full grammatical sentence, unlike items (iii) and (iv).

### 15.3 Schedule, item (ii)

Item (ii) of the Schedule provides for relief of Rs. 25,000 per person for fatal accident in addition to medical reimbursement. As pointed out above in the comment on Schedule item (i), there is repetition in items (i) and (ii) in regard to medical expenses.

### 15.4 Schedule, item (iii)

Item (iii) of the Schedule applies where there is "permanent total or permanent partial disability or other injury or sickness". The item is in two parts. Under part (a), there is reimbursement of medical expenses upto

Rs.12,500. This seems to be a repetition of item (i), as already mentioned in the comment on that item. Part (b) provides for "cash relief on the basis of percentage of disablement as certified by an *authorised* physician". The words "authorised physician" need to be defined. It is provided in item (iii) that relief for permanent total disability will be Rs.25,000. Apparently, this is a fixed amount.

#### 15.5 Schedule, item (iv)

Item (iv) of the Schedule provides that for loss of wages due to temporary partial disability which reduces the earning capacity of the victim, there will be a fixed monthly relief not exceeding Rs.1000 per month upto maximum of 3 months provided the victim has been hospitalised for a period exceeding 3 days and is above 16 years of age.

The condition of hospitalisation appears to be an unnecessary restriction. There may be a temporary disability not needing hospitalisation, or needing hospitalisation only for a day. Many disabilities and injuries (such as those affecting the eye) do not now involve long hospitalisation. Besides this, since reduction of earning capacity has to be proved in any case, the right to relief under the head of loss of wages need not be encumbered with other rigid requirements.

The restriction that the victim must be above 16 years of age, also appears to be unnecessary and can be deleted.

#### 15.6 Schedule, item (v)

Item (v) of the Schedule permits relief upto Rs. 6,000, depending on the actual damages for any damage to *private property*.

The adjective "private" needs to be deleted, both on grounds of logic and on the merits. Logically, when the operative provision in Section 3(1) provides for relief for "damage to any property", there is no reason why the Schedule should leave out the quantification of relief for damage to *public property*. On the merits also, such damage should be covered. If (for example) the property of a Panchayat, Municipal Committee or other local authority or of a University is damaged by the handling of a hazardous substance, there is no reason why no fault relief upto Rs. 6,000 should not be available, when the same is available to the owners of private property.