

**Press Information Bureau
Government of India
Ministry of Health and Family Welfare**

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Health Ministry approves compensation formula for Hip implant cases

The Ministry of Health & Family Welfare, Government of India today approved formula for determination of compensation for those patients who had received (prior to August, 2010) faulty Articular Surface Replacement (ASR) hip implants manufactured by M/s. DePuy International Limited, U.K (M/S Johnson & Johnson Pvt Ltd).

An expert committee was constituted by the Ministry under the Chairmanship of Dr. Arun Kumar Agarwal, Ex-Dean and Professor of ENT, Maulana Azad Medical College, New Delhi to examine the issues relating to faulty ASR Hip Implants. The committee, after detailed examination of the issue, submitted its report alongwith its final recommendation. The report was accepted by the Central Government.

Based on the recommendations, the Government constituted a Central Expert Committee under the Chairmanship of Dr. R.K. Arya, Director, Sports Injury Centre to determine the quantum of compensation. All the State/UTs Government have also been requested by the Ministry to form State Level Committees to examine the effected patients within the respective states and to make the process less arduous for the patients. These committees would send their recommendations to the Central Committee.

All the State/UTs Government had also been requested to make people aware through newspaper advertisements so that they may approach either Central Expert Committee or State Level Committee.

Dr. R.K. Arya, Chairman, Central Expert Committee after holding five meetings prepared a formula for determining compensation for the ASR victim patients. This reads as

B x R x F + Rs 10 lakh towards non-pecuniary damages.

99.37

B is the base amount i.e., Rupees Twenty Lakh (Rs 20,00,000)

R is the Risk Factor-Disability

F is the Age Factor

Risk Factor (R)

Percentage Disability	Risk factor to be assigned
20% - 30%	1
30% - 40%	1.5
40% - 50%	2
50% & above	2.5

Age Factor (F)

Age	Factor
16	228.54
17	227.49
18	226.38
19	225.22
20	224.00
21	222.71
22	221.37
23	219.95
24	218.47

25	216.91
26	215.28
27	213.57
28	211.79
29	209.92
30	207.98
31	205.95
32	203.85
33	201.66
34	199.40
35	197.06
36	194.64
37	192.14
38	189.56
39	186.90
40	184.17

41	181.37
42	178.49
43	175.54
44	172.52
45	169.44
46	166.29
47	163.07
48	159.80
49	156.47
50	153.09
51	149.67
52	146.20
53	142.68
54	139.13
55	135.56
56	131.95
57	128.33

58	124.70
59	121.05
60	117.41
61	113.77
62	110.14
63	106.52
64	102.93
65 & more	99.37

For easy understanding of the patients, illustrative cases of the amount of compensation payable to the patients with ASR Hip implant with disability in relation to their Age and Percentage Disability would work out as below:

Age	Age Factor as per Clinical Trial Formula	Compensation Amount (in lakhs) for Disability 20-30% (Risk Factor 1)	Compensation Amount (in lakhs) for Disability 30-40% (Risk Factor 1.5)	Compensation Amount (in lakhs) for Disability 40-50% (Risk Factor 2)	Compensation Amount (in lakhs) for Disability 50% above (Risk Factor 2.5)
20	<i>224.00</i>	55.08	77.63	100.17	122.71
25	<i>216.91</i>	53.66	75.49	97.31	119.14
30	<i>207.98</i>	51.86	72.79	93.72	114.65

35	<i>197.06</i>	49.66	69.49	89.32	109.15
40	<i>184.17</i>	47.07	65.60	84.14	102.67
45	<i>169.44</i>	44.10	61.15	78.21	95.26
50	<i>153.09</i>	40.81	56.22	71.62	87.03
55	<i>135.56</i>	37.28	50.93	64.57	78.21
60	<i>117.41</i>	33.63	45.45	57.26	69.08
65 & above	<i>99.37</i>	30.00	40.00	50.00	60.00

The Government today accepted the formula prepared by Central Expert Committee, paving the way for patients to secure compensation from M/S Johnson & Johnson Pvt Ltd in days to come. Compensation will be paid in a time bound manner through bank accounts of affected persons by M/S Johnson & Johnson Pvt Ltd.

MV/SK