

Workmen's Compensation Act-1923

Introduction: This act play vital role in the area of staff's welfare. An Act to provide for the payment by certain classes of employers to their workmen of compensation for injury by accident. It become into force on the first day of July, 1924.this act provide the compensation to employee or dependent in case of accident during their employment causing disablement or death to worker. This act is also applicable in the case of occupational diseases .

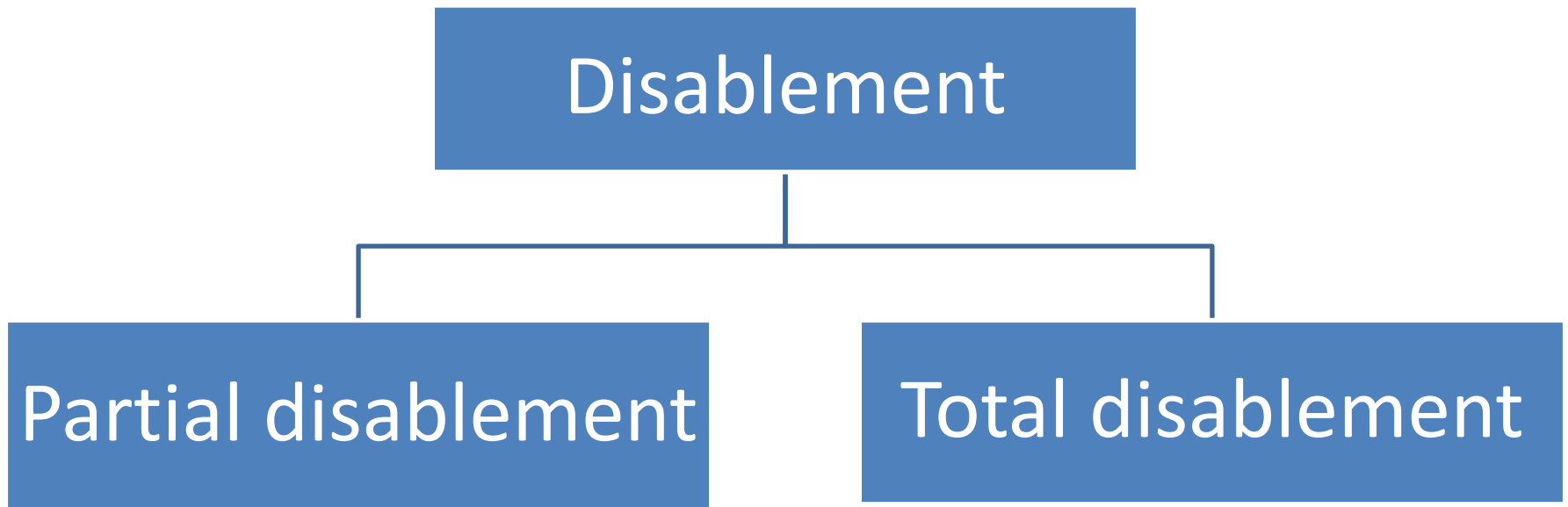
Salient points to be taken into consideration while providing compensation under this act.

- A. If the worker's accident is caused by working against the safety rule, avoid the safety device or in the case of consuming alcohol and this can be proven then compensation will be stopped. for this a verified medical practitioner is required.
- B. In this type of most cases the compensation amount will be deposited in government fund.

C. “Dependant” means any of the following relatives of a deceased workman.

- (i) a widow, a minor son, an unmarried daughter, or a widowed mother; and**
- (ii) if wholly dependant on the earnings of the workman at the time of his death, a son or a daughter who has attained the age of 18 years .**
- (iii) if wholly or in part dependant on the earnings of the workman at the time of his death.**
 - (a) a widower**
 - (b) a parent other than a widowed mother**
 - (c) a minor illegitimate son, an unmarried illegitimate daughter or a daughter legitimate or illegitimate or adopted .if married and a minor or if widowed and a minor.**
 - (d) a minor brother or an unmarried sister or a widowed sister if a minor,**
 - (e) a widowed daughter-in-law,**
 - (f) a minor child of a pre-deceased son.**
 - (g) a minor child of a pre-deceased daughter where no parent of the child is alive, or**
 - (h) a paternal grandparent if no parent of the workman is alive.**

D. “Disablement”: When the working capacity of an employee decreases after an accident is called disablement.



Partial disablement: when the working capacity of an employee decreases partially after an accident.

Type of Partial disablement

Partial disablement

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graph TD; A[Partial disablement] --> B[Permanent partial physical disablement]; A --> C[Temporary physical disablement];
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Permanent partial
physical disablement

Temporary physical
disablement

Permanent partial physical disablement

when the working capacity of an employee decreases permanently after an accident i.e physical injury is not diagnosed after treatment.

Example: Loss of one hand, one eye, one or more fingers, thumb etc

Temporary partial physical disablement

when the working capacity of an employee decreases temporarily after an accident i.e physical injury is diagnosed after treatment.

Example: hand injury. Head injury, leg injury etc.

Total disablement: when the working capacity of an employee decreases totally after an accident.

Example:

Loss of both hand.

Loss of both eye.

Loss of both leg.

Severe facial disfigurement.

Absolute deafness.

Amount of compensation

A) Incase of death: (50%Of Monthly wages x Relevant factor) or Rs 1,20,000/-
Whichever is less.

B) Incase of total permanent disablement:
(60% of monthly wages x relevant factor) or
Rs 1,20,000/- whichever is less.

Note: Relevant factor would be decided
according to age of an employee.

Incase of partial permanent disablement:

- First of all calculate the compensate money as permanent total disablement then calculate the loss of earning capacity due to partial disablement then should be paid the compensate money.