

REPORT ON THE WORKING OF THE EMPLOYEES' COMPENSATION ACT, 1923 FOR THE YEAR 2013

1. Introduction

The Workmen's Compensation Act, 1923 (Employees' Compensation Act w.e.f. 31-5-2010), which aims at providing financial protection to the employee's and/or their dependents in case of accidents arising out of and in the course of employment and causing either death or disablement of employee's, came into force on 1st July, 1924. Besides, the Act has a provision of paying compensation to the employee's for some occupational diseases contracted by them during the course of their employment.

Labour Bureau has been bringing out reviews/reports on the working of the Act based on the returns received from State Governments /Union Territories every year. The present report is for the year 2013

2. Main Provisions and Scope of the Act:

2.1 The Act extends to the whole of India and applies to workers employed in any capacity specified in Schedule II of the Act which includes Factories, Mines, Plantations, Mechanically Propelled Vehicles, Construction Work and certain other hazardous occupations and specified categories of Railway Servants. There is no wage limit for coverage of workers under the Act. It does not, however, apply to (i) persons serving in Armed Forces and (ii) workers covered by the Employees' State Insurance Act, 1948.

2.2 The State Governments administer the provisions of this Act through the Commissioners appointed for specified areas. The Commissioners thus appointed are empowered for (i) settlement of disputed claims, (ii) disposal of cases of injuries involving death, and (iii) revision of periodical payments. They are also empowered to impose penalty on employers who fail to pay compensation due to the injured workers within one month.

2.3 Sub-section (3) of Section 2 of the Act, empowers the State Governments to extend the scope of the Act to any class of persons whose occupations are considered hazardous after giving three months' notice, to be published in the Official Gazette. Similarly, under Section 3(3) of the Act, the State Governments are also empowered to add any other disease to the list mentioned in Parts A and B of Schedule-II, and the Central Government, in case of employments specified in Part C of Schedule III of the Act. Besides, the State Governments also make rules for ensuring that the provisions of the Act are complied with.

2.4 The amount of compensation payable to an employee depends on the nature of injury caused by accident, the monthly wage and the age of the employee concerned. In case of death the minimum amount of compensation fixed is Rs.1,20,000 whereas it is Rs.1,40,000 in case of permanent total disablement. These enhanced rates of compensation have come into force w.e.f. 18th January 2010. The wage ceiling limit for working out compensation has been increased from Rs.4,000/- to Rs.8,000/- per month w.e.f. 31.05.2010.

2.5 Compensation is payable under Sub-section (i) of Section 3 of the Act by the employers in the case of injury, caused by an accident arising out of and in the course of employment, exceeding 3 days. In cases where the disablement prolongs for 28 days or more, compensation is payable from the date of disablement. No compensation is, however, payable if the injury, not resulting in death, is caused by the fault of the worker, arising from factors such as influence of alcoholic drinks and drugs, willful disobedience of the employees to an order or rule, willful removal or disregard by the employees of any safety guard or other device, etc. Besides, under Sub-section (2) of Section 3 of the Act, compensation is also payable to such workers who contract occupational diseases in the course of their employment as specified in Schedule-III of the Act.

3. Number of Compensated Accidents and the Amount of Compensation Paid

3.1 The total number of compensated accidents and the amount of compensation paid on the basis of States and Union Territories submitting returns at all-India level for the years 2011 to 2013 is presented in Table-1. During 2013 as many as 7492 compensated accidents resulting in death, permanent disablement and temporary disablement were reported by the States and Union Territories and an amount of Rs. 17124.00 lakh was paid as compensation. Out of the total compensated accidents 36.79% were fatal accidents 41.08% related to permanent disablement and 22.13% were temporary disablement cases. The compensation paid in case of these categories was Rs.12392.95 lakh, Rs. 4034.87 lakh and Rs. 696.18 lakh respectively.

Table-1
Number of Compensated Accidents and the Amount of Compensation paid
by the Establishments Submitting Returns During 2011 to 2013

Year	Average daily number of workers employed in establishments submitting returns	Number of compensated accidents resulting in				Amount of compensation paid (Rs. in Lakh.)			
		Death	Perma- nent disable- ment	Temp- orary disable- ment	Total	Death	Perma- nent disable- ment	Temp- orary disable- ment	Total
2011	1191653	2055 (39.17)	2170 (41.36)	1022 (19.48)	5247 (100.00)	6865.08	4130.03	285.38	11280.49
2012	2531962	2592 (40.79)	2676 (42.12)	1086 (17.09)	6354 (100.00)	10078.63	3852.00	631.68	14562.31
2013	3980568	2756 (36.79)	3078 (41.08)	1658 (22.13)	7492 (100.00)	12392.95	4034.87	696.18	17124.00

Note: The figures in brackets indicate percentage share to total

3.2 Industry/Establishment wise break-up of number of compensated accidents and the amount of compensation paid during the year 2013 is given in Table-2. Of the total compensated accidents, Miscellaneous accounted for highest i.e. 48.04% followed by Factories 24.91% and Railways 18.67%. Whereas in case of compensation paid, Miscellaneous has the maximum share of 46.36% followed by Factories 25.05% & Railways 18.68%.

Table 2
Number of Compensated Accidents and the Amount of Compensation paid
by the Establishments Submitting Returns During 2013

Establishment	Average daily No. of workers employed in establishments submitting returns	Number of compensated accidents resulting in				Amount of compensation paid (Rs. in Lakh.)			
		Death	Perma- nent disable- ment	Tempo- rary disable- ment	Total	Death	Perma- nent disable- ment	Tempo- rary disable- ment	Total
1. Factories	1674981	699	919	248	1866 (24.91)	2982.60 (24.07)	1039.75 (25.77)	267.92 (38.48)	4290.28 (25.05)
2. Plantations	535682	39	36	43	118 (1.58)	260.29 (2.10)	10.47 (0.26)	12.05 (1.73)	282.82 (1.65)
3. Mines	7734	14	10	10	34 (0.45)	46.70 (0.38)	6.23 (0.15)	0.41 (0.06)	53.33 (0.31)
4. Ports & Docks	22345	13	5	1	19 (0.25)	97.32 (0.79)	6.92 (0.17)	0.00 (0.00)	104.23 (0.61)
5. Tramways+	-	-	-	-	0 (0.00)	0.00 (0.00)	0.00 (0.00)	0.00 (0.00)	0.00 (0.00)
6. Building and Construction	611597	255	121	57	433 (5.78)	980.03 (7.91)	172.28 (4.27)	46.12 (6.62)	1198.43 (7.00)
7. Municipalities	33040	10	7	7	24	46.50	9.20	2.37	58.06

					(0.32)	(0.38)	(0.23)	(0.34)	(0.34)
8. Railways	926683	324	134	941	1399	2907.01	180.28	111.00	3198.29
					(18.67)	(23.46)	(4.47)	(15.94)	(18.68)
9. Miscellaneous	168506	1402	1846	351	3599	5072.50	2609.74	256.32	7938.57
					(48.04)	(40.93)	(64.68)	(36.82)	(46.36)
All Establishments	3980568	2756	3078	1658	7492	12392.95	4034.87	696.18	17124.00
		(36.79)	(41.08)	(22.13)	(100)	(72.37)	(23.56)	(4.07)	(100.00)

Note = Figures in brackets indicate percentage share to total of all Establishments.
+ inconsistent / Partly received data
Totals may not tally due to rounding off

3.3 The details of Accident rate per one thousand workers employed, average amount of compensation paid and cost of compensated accidents per worker during 2013 are given in Table-3. It reveals that during 2013 accident rate per one thousand workers was highest in Miscellaneous 21.36 followed by Mines 4.40 and Railways 1.51. Whereas the average amount of compensation paid per case was the highest in Ports & Docks (Rs. 548586) followed by Building & Construction (Rs.276774) and Municipalities (Rs 241915). The compensation paid per worker employed was highest in Miscellaneous (Rs.4711) followed by Mines (Rs. 690) and Port & Docks (Rs 466) though the average of all establishments stood at Rs. 430 only.

Table-3
Accident Rate Per One Thousand Workers Employed, Average Amount of
Compensation Paid and Cost of Compensated Accidents Per Worker During 2013

Establishments	Accident rate per one thousand workers employed	Average amount of compensation paid per case (in Rs.)	Compensation paid per worker employed in the Industry (in Rs.)
1	2	3	4
1. Factories	1.11	229918	256
2. Plantations	0.22	239675	53
3. Mines	4.40	156859	690
4. Ports & Docks	0.85	548586	466
5. Tramways	-	-	-
6. Building and Construction	0.71	276774	196
7. Municipalities	0.73	241915	176
8. Railways	1.51	228612	345
9. Miscellaneous	21.36	220577	4711
All Industries	1.88	228564	430

'-' = Nil

Totals may not tally due to rounding off

3.4 The number of compensated accidents and the amount of compensation paid during the year 2013 in the States and Union Territories which submitted returns except Railways are presented in Table - 4. Karnataka reported the largest number of compensated cases (1778) followed by Gujarat (1425) and Kerala (588). In all there were 2432 fatal accidents, out of which the highest number (499) occurred in Gujarat followed by Karnataka (466) and Kerala(265). The average amount of compensation paid per case was highest in Chandigarh (Rs.6.70 lakh) followed by Uttarakhand (Rs.4.50 lakh) and Andhra Pradesh (Rs. 3.92 lakh)

Table-4
Compensated Accidents and Amount of Compensation paid Except Railways During 2013

State/Union Territory	Average daily number of workers employed in establishments submitting returns	Number of compensated cases of accidents resulting in				Amount of compensation paid @ (Rs in Lakh.)			
		Death	Perma- nent disable- ment	Tempo- rary disable- ment	Total	Death	Perma- nent disable- ment	Tempo- rary disable- ment	Total
1	2	3	4	5	6	7	8	9	10
Andhra Pradesh %	660427	199	49	0	248	806.96 (4.06)	164.21 (3.35)	0.00 -	971.17 (3.92)
Assam	449473	206	128	113	447	773.64 (3.76)	237.87 (1.86)	113.89 (1.01)	1125.40 (2.52)
Bihar	29	1	0	0	1	3.88 (3.88)	0.00 -	0.00 -	3.88 (3.88)
Chhattisgarh^	+	50	3	4	57	194.03 (3.88)	1.43 (0.48)	13.87 (3.47)	209.33 (3.67)
Goa	1547	-	-	-	-	0.00 -	0.00 -	0.00 -	0.00 -
Gujarat	+	499	674	252	1425	2209.38 (4.43)	585.41 (0.87)	277.45 (1.10)	3072.23 (2.16)
Haryana	106673	-	-	-	-	0.00 -	0.00 -	0.00 -	0.00 -
Himachal Pradesh	31098	+	+	+	+	0.00 -	0.00 -	0.00 -	0.00 -
Jammu & Kashmir	16773	64	56	20	140	245.95 (3.84)	83.14 (1.48)	17.62 (0.88)	346.72 (2.48)
Karnataka	72094	466	1283	29	1778	1846.84 (3.96)	1190.36 (0.93)	4.37 (0.15)	3041.57 (1.71)
Kerala	200290	265	97	226	588	751.01 (2.83)	191.61 (1.98)	115.80 (0.51)	1058.43 (1.80)
Madhya Pradesh^	1429	90	47	32	169	304.13 (3.38)	88.52 (1.88)	18.46 (0.58)	411.11 (2.43)
Nagaland	+	-	1	-	1	0.00 -	0.97 (0.97)	0.00 -	0.97 (0.97)
Odisha	27445	155	259	0	414	676.32 (4.36)	704.50 (2.72)	0.00 -	1380.81 (3.34)
Punjab	-	-	-	-	-	0.00 -	0.00 -	0.00 -	0.00 -
Rajasthan	5807	110	44	14	168	333.64 (3.03)	104.57 (2.38)	1.56 (0.11)	439.76 (2.62)
Tamil Nadu	-	-	-	-	-	0.00 -	0.00 -	0.00 -	0.00 -
Tripura	62088	4	1	3	8	24.56 (6.14)	0.18 (0.18)	0.00 (0.00)	24.74 (3.09)
Uttar Pradesh	1035063	67	62	6	135	183.59 (2.74)	58.60 (0.95)	0.29 (0.05)	242.48 (1.80)
Uttarakhand	102039	70	2	2	74	315.76 (4.51)	5.25 (2.63)	11.95 (5.98)	332.96 (4.50)
West Bengal	41324	11	-	7	18	47.15 (4.29)	0.00 -	4.34 (0.62)	51.49 (2.86)
A & N Islands	23949	5	2	1	8	12.00 (2.40)	4.61 (2.31)	0.64 (0.64)	17.26 (2.16)
Chandigarh	14523	7	2	-	9	58.78 (8.40)	1.56 (0.78)	0.00 -	60.33 (6.70)
D & N Haveli	156525	12	51	4	67	58.86 (4.90)	82.86 (1.62)	0.60 (0.15)	142.31 (2.12)
Daman & Diu	18604	5	19	-	24	39.51 (7.90)	24.79 (1.30)	0.00 -	64.29 (2.68)
NCT Delhi	+	146	164	4	314	599.97 (4.11)	324.16 (1.98)	4.33 (1.08)	928.46 (2.96)
Lakshadweep	-	-	-	-	-	0.00 -	0.00 -	0.00 -	0.00 -
Puducherry	26685	-	-	-	-	0.00 -	0.00 -	0.00 -	0.00 -
Total	3053885	2432	2944	717	6093	9485.94 3.90	3854.59 1.31	585.19 0.82	13925.71 2.29

@ = Figures in brackets indicate average compensation paid per case.

'-' = Nil.

% Based on 13 districts

+ = Not reported

^ inconsistent / Data partly received

4. Occupational Diseases

As stated earlier, the Employee's Compensation Act, 1923 also has provision for paying compensation in cases of certain occupational diseases. The data reported in most of the cases is either partially reported or inconsistent. Madhya Pradesh reported the largest number of cases (82) followed by Uttar Pradesh (61). In all there were 119 fatal accidents, out of which the highest number (61) occurred in Madhya Pradesh followed by Uttar Pradesh (46). The average amount of compensation paid per case was highest in Uttarakhand (Rs.8.64 lakh) followed by Tripura (Rs.7.49 lakh).

5. Cases Dealt With by the Commissioners for Employee's Compensation

5.1 The Act is administered by the Commissioners for Employee's Compensation appointed by respective State Governments/Union Territory Administrations under section 20 of the Act. Table-5 shows the number of cases handled under different sections of the Employee's Compensation Act, 1923 by the Employee's Compensation Commissioners during 2013. During the year 2013, under section 7, 8 and 10 of the Act 18550 cases were registered. Of the total cases registered 18963 cases were disposed of during the year. The total number of cases pending were 63618 at the end of the year as against 64031 at the beginning of the year.

Table-5
Number of Cases Handled by the Commissioners for Workmen's Compensation during 2013

Item	Number of cases pending at the beginning of the year	Number of cases filed during the year including those received from other Commissioners for disposal	Total number of cases disposed of during the year including those transferred to others for disposal	Number of cases pending at the end of the year
1	2	3	4	5
(a) Compensation under Section 7	1670	618	425	1863
(b) Deposits under Section 8	8588	2577	2451	8714
(c) Award of Compensation under Section 10	53773	15355	16087	53041
Total	64031	18550	18963	63618

Note: Figures, over the years, may not be strictly comparable due to varying response from State Govts./UT Administrations.

5.2 Section 8 of the Act makes it obligatory for the employers to deposit the amount of compensation payable in cases of fatal accidents or a lump sum compensation payable to a woman or a person under legal disability for disbursement with the Commissioners. Data relating to such deposits and disbursements submitted by the various States/Union Territories excluding Railways for the year 2013 are presented in Table-6. It may be seen from the table that both deposits (Rs. 720407066) and disbursements (Rs. 669211270) were highest in Karnataka while lowest deposit was in Nagaland (Rs 97216) and lowest disbursement (Rs. 1189644) was in Pudducherry

Table - 6
Deposits and Disbursements Under Section 8 of the Employee's Compensation Act, 1923
(except Railways) during 2013

State/Union Territory	Deposits and Disbursements (in Rs.)				
	Opening balance	Deposits	Disbursements	Amount refunded to employers	Closing balance (Col. 2+3-4-5)
1	2	3	4	5	6
Andhra Pradesh	160996602	194625481	135041729	170532	220409822
Assam	47010252	56656612	62041228	-	41625636
Bihar	48413006	39253232	32614495	-	55051743
Chhattisgarh	54012718	85640836	72765504	153127	66734923
Goa	4494758	4056225	6825390	-	1725593
Gujarat	153288780	550466560	379609913	1457322	322688105
Haryana	88976047	220253341	210641930	2066574	96520884
Himachal Pradesh	25975864	24919625	15696671	-	35198818
Jammu & Kashmir	42517500	72795000	56692100	1661500	56958900
Karnataka	698940500	720407066	669211270	4463453	745672843
Kerala	270665270	211877921	206396225	2115858	274031108
Madhya Pradesh	70460255	208594090	185317666	-	93736679
Nagaland	-	97216	-	-	97216
Odisha	226562227	306776708	276094119	5410631	251834185
Punjab	43908982	85364690	79711489	-	49562183
Rajasthan	1114332520	449753744	407959326	57528	1156069410
Tamil Nadu	389558470	554421738	470567705	9627304	463785199
Tripura	-	2473556	2473556	-	-
Uttar Pradesh	58643873	312512013	344447345	13698320	13010221
Uttrakhand	2799734	69128515	39444471	-	32483778
West Bengal	55701072	83746480	88157832	1494089	49795631
A & N Islands	1796203	2655851	4038661	-	413393
Chandigarh	7939239	6772140	6033452	-	8677927
D & N Haveli	3325526	21613855	14230865	-	10708516
Daman & Diu	5572528	6548732	8947515	-	3173745
NCT Delhi	48499000	137164000	123443000	43000	62177000
Lakshadweep	-	-	-	-	-
Puducherry	2149534	2776363	1189644	-	3736253
Total	3626540460	4431351590	3899593101	42419238	4115879711

-' = Nil

5.3 The information regarding the number of appeals and disposal thereof during the year 2013 is shown in Table-7. Maximum number of appeals filed (325) as well as appeals disposed of (452) were in the State of Karnataka. Out of 5036 number of appeals pending at the end of the year 2013, Karnataka has the highest number (1401) followed by Tamilnadu (744) and Odisha (683). However, in the States/U.T's of Assam, Goa, West Bengal, Andaman & Nicobar Islands, Dadar & Nagar Haveli, Daman & Diu and Lakshadweep neither any appeal was pending at the beginning of the year nor any filed during the year.

Table – 7
Disposal of Appeals in All Establishments during 2013

State/Union Territory	Pending at the beginning of the year	Filed during the year	Disposed off during the Year	Pending at the end of the year
Andhra Pradesh	74	5	3	76
Assam	-	-	-	-
Bihar	137	27	7	157
Chhattisgarh	99	36	48	87
Goa	-	-	-	-
Gujarat	203	149	67	285
Haryana	147	61	68	140
Himachal Pradesh	53	-	-	53
Jammu & Kashmir	188	37	46	179
Karnataka	1528	325	452	1401
Kerala	393	87	90	390
Madhya Pradesh	408	206	172	442
Nagaland	-	1	1	-
Odisha	620	316	253	683
Punjab	3	-	-	3
Rajasthan	141	33	40	134
Tamil Nadu	722	134	112	744
Tripura	-	2	2	-
Uttar Pradesh	170	71	69	172
Uttarakhand	21	40	-	61
West Bengal	-	-	-	-
A & N Islands	-	-	-	-
Chandigarh	11	23	13	21
Dadar & Nagar Haveli	-	-	-	-
Daman & Diu	-	-	-	-
National Capital Delhi	6	4	2	8
Lakshadweep	-	-	-	-
Puducherry	-	-	-	-
Total	4924	1557	1445	5036

6. Limitations of statistics

A large number of States/UT's despite repeated reminders did not submit their annual returns to the Labour Bureau. The States/UT's not submitting returns are Arunachal Pradesh, Jharkhand, Maharashtra, Manipur Meghalaya and Mizoram. Similarly, the data received from the States of Andhra Pradesh, Chhattisgarh, Gujarat, Goa, Haryana, Himachal Pradesh, Madhya Pradesh, Nagaland, Punjab, Dadar & Nagar Haveli, Daman & Diu, and NCT Delhi was partly reported or inconsistent. In view of this, all-India figures in the report may not be truly comparable over the years as the responding States/UT's vary from year to year.