

REPORT ON THE WORKING OF THE EMPLOYEES' COMPENSATION ACT, 1923 FOR THE YEAR 2015

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, etc every year. The present report is for the year 2015.

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. 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 2013 to 2015 is presented in Table-1. During 2015, as many as 5980 compensated accidents resulting in death, permanent disablement and temporary disablement were reported by the States and Union Territories and an amount of Rs. 17774.38 lakh was paid as compensation. Out of the total compensated accidents, 38.49% were fatal accidents, 33.13% related to permanent disablement and 28.38% were temporary disablement cases.

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

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	Tempo- rary disable- ment	Total	Death	Perma- nent disable- ment	Tempo- rary disable- ment	Total
2013	3980568	2756 (36.79)	3078 (41.08)	1658 (22.13)	7492 (100.00)	12392.95	4034.87	696.18	17124.00
2014	4156885	2542 (33.50)	1801 (23.74)	3244 (42.76)	7587 (100.00)	10647.05	3619.49	1132.38	15398.92
2015	4118630	2302 (38.49)	1981 (33.13)	1697 (28.38)	5980 (100.00)	12815.80	4394.34	564.24	17774.38

Note: The figures in brackets indicate percentage share to total number of compensated cases

3.2 Industry/Establishment wise break-up of number of compensated accidents and the amount of compensation paid during the year 2015 is given in Table-2. Of the total compensated accidents, Miscellaneous accounted for highest i.e. 51.61% followed by Factories 22.47% and Railways 17.24%. Whereas in case of compensation paid, Miscellaneous has the maximum share of 49.48% followed by Factories 27.05% & Railways 13.55%.

Table 2
Number of Compensated Accidents and Compensation amount paid by the Establishments Submitting Returns During 2015

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
Factories	1829221	504	652	188	1344 (22.47)	3797.88 (29.63)	937.46 (21.33)	72.02 (12.76)	4807.36 (27.05)
Plantations	521598	24	55	99	178 (2.98)	134.91 (1.05)	130.20 (2.96)	26.04 (4.62)	291.15 (1.64)
Mines	5687	5	2	1	8 (0.13)	36.82 (0.29)	6.16 (0.14)	0.25 (0.04)	43.24 (0.24)
Ports & Docks	15765	3	1	2	6 (0.10)	23.33 (0.18)	4.64 (0.11)	5.26 (0.93)	33.23 (0.19)
Tramways	1672	0	0	0	0 (0.00)	0.00 (0.00)	0.00 (0.00)	0.00 (0.00)	0.00 (0.00)
Building and Construction	617550	211	75	22	308 (5.15)	1055.71 (8.24)	222.06 (5.05)	36.11 (6.40)	1313.89 (7.39)
Municipalities	30802	12	2	5	19 (0.32)	50.38 (0.39)	8.11 (0.18)	23.52 (4.17)	82.01 (0.46)
Miscellaneous	193828	1257	1084	745	3086	5542.74	2890.55	361.06	8794.34

Railways ++	902507	286	110	635	(51.61)	(43.25)	(65.78)	(63.99)	(49.48)
					1031	2174.04	195.15	39.98	2409.17
					(17.24)	(16.96)	(4.44)	(7.09)	(13.55)
All Establishments	4118630	2302	1981	1697	5980	12815.80	4394.34	564.24	17774.38
		(38.49)	(33.13)	(28.38)	(100)	(72.1)	(24.72)	(3.17)	(100.00)

Figures in brackets indicate percentage share to total of all Establishments.

+ inconsistent / Partly received data

++ due to non availability of clarification compensation cases for which amount has not been shown are also included

Totals may not tally due to rounding of figures.

3.3 The number of compensated accidents and the amount of compensation paid during the year 2015 in the States and Union Territories which submitted returns except Railways are presented in Table -3. Gujarat reported the largest number of compensated cases (1007) followed by Odisha (831) and Karnataka (690). The average amount of compensation paid per case was highest in chandigarh (Rs.8.59 lakh) followed by Tripura (Rs. 5.97 lakh) and A & Nicobar Islands (Rs. 5.82 lakh)

Table-3
Compensated Accidents and Compensation amount paid Except Railways During 2015

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	700140	357	81	0	438	2244.01	266.51	0.00	2510.51
						(6.29)	(3.29)		(5.73)
Arunachal Pradesh +	0	0	0	0	0	0.00	0.00	0.00	0.00
Assam	504722	118	69	37	224	481.96	172.07	41.42	695.46
						(4.08)	(2.49)	(1.12)	(3.10)
Bihar	212281	14	10	2	26	70.18	15.73	2.59	88.49
						(5.01)	(1.57)	(1.30)	(3.40)
Chhattisgarh +	0	0	0	0	0	0.00	0.00	0.00	0.00
Goa	2348	0	0	0	0	0.00	0.00	0.00	0.00
Gujarat +	0	387	527	93	1007	3307.15	753.43	31.21	4091.79
						(8.55)	(1.43)	(0.34)	(4.06)
Haryana	86467	0	0	0	0	0.00	0.00	0.00	0.00
Himachal Pradesh	32511	0	0	0	0	0.00	0.00	0.00	0.00
Jammu & Kashmir	36038	147	92	35	274	833.45	279.67	102.32	1215.44
						(5.67)	(3.04)	(2.92)	(4.44)
Jharkhand ++	0	104	8	0	112	503.88	26.46	0.00	530.33
						(4.84)	(3.31)		(4.74)
Karnataka +	0	186	278	226	690	723.85	507.21	148.15	1379.21
						(3.89)	(1.82)	(0.66)	(2.00)
Kerala	138678	84	100	76	260	515.20	148.84	112.66	776.70
						(6.13)	(1.49)	(1.48)	(2.99)
Maharashtra	131640	11	10	526	547	85.92	12.30	52.26	150.49
						(7.81)	(1.23)	(0.10)	(0.28)
Nagaland	0	0	0	0	0	0.00	0.00	0.00	0.00
Odisha	23901	298	533	0	831	889.18	1738.64	0.00	2627.83
						(2.98)	(3.26)		(3.16)
Rajasthan	20657	84	29	17	130	192.10	50.44	15.52	258.06

Sikkim	450	17	0	3	20	(2.29)	(1.74)	(0.91)	(1.99)
						84.65	0.00	8.15	92.80
Telangana	42923	54	20	0	74	(4.98)	(2.43)	(2.72)	(4.64)
						251.30	48.65	0.00	299.94
Tripura	64621	2	2	1	5	(6.74)	(5.44)	(5.49)	(5.97)
						13.49	10.89	5.49	29.87
Uttar Pradesh	972928	112	57	19	188	(1.66)	(1.29)	(0.02)	(1.39)
						186.43	73.73	0.30	260.46
Uttarakhand +	0	4	0	19	23	(5.30)		(0.07)	(0.98)
						21.19	0.00	1.39	22.58
West Bengal +^	47088	7	4	7	18	(5.39)	(2.06)	(0.22)	(2.64)
						29.11	0.00	0.00	29.11
A & N Islands	23929	5	0	0	5	(8.59)			(8.59)
						25.78	0.00	0.00	25.78
Chandigarh +	0	3	0	0	3	(8.59)			(8.59)
						109.78	45.45	1.26	156.49
D & N Haveli	124547	17	32	1	50	(6.46)	(1.42)	(1.26)	(3.13)
						35.44	40.92	0.00	76.36
Daman & Diu	22519	5	19	0	24	(7.09)	(2.15)		(3.18)
						0.00	0.00	0.00	0.00
Lakshadweep	0	0	0	0	0	0.00	0.00	0.00	0.00
Puducherry	27735	0	0	0	0	0.00	0.00	0.00	0.00
Total	3216123	2016	1871	1062	4949	10641.76	4199.19	524.26	15365.21
						5.28	2.24	0.49	3.10

Figures in brackets indicate average compensation paid per case.

+ = Inconsistent data or partly received information

+^ Due to non availability of clarification all cases have been treated in factories group

++ due to non availability of bifurcation all cases have been treated in Miscellaneous Industry group.

4. Occupational Diseases

As stated earlier, the Employees' Compensation Act, 1923 also has provision for paying compensation in cases of certain occupational diseases. The data is partly reported. The details are presented in Table 4

Table 4
Occupational Disease Compensated Accidents and Compensation amount paid During 2015

State/Union Territory	Nature of Disease	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
Karnataka	+	1	0	0	1	10.24	0.00	0.00	10.24
						(10.24)			(10.24)
Uttar Pradesh	+	35	7	26	68	53.29	7.76	12.21	73.26
						(1.52)	(1.11)	(0.47)	(1.08)
Uttarakhand	+	6	1	0	7	35.74	6.31	0	42.05
						(5.96)	(6.31)		(6.01)
Total		42	8	26	76	99.27	14.07	12.21	125.55
						2.36	1.76	0.47	1.65

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

+Nature of disease not reported by the source

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 Territories Administrations under section 20 of the Act. Table-5 shows the number of

cases handled under different sections of the Employees' Compensation Act, 1923 by the Employee's Compensation Commissioners during 2015. During the year under section 7, 8 and 10 of the Act, total 48089 cases were pending at the end of the year and 14312 cases were registered and 15450 cases were disposed off during the year. The total number of cases pending from previous year were 49227.

Table-5
Number of Cases Handled by the Commissioners for Workmen's Compensation during 2015

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 U/s 7	1486	1003	940	1549
(b) Deposits U/s 8	5738	1140	1838	5040
(c) Award of Compensation U/s 10	42003	12169	12672	41500
Total	49227	14312	15450	48089

Note: 1. Figures, over the years, may not strictly comparable due to varying response from State Govts./UT's.

2. Opening Balance may not tally with last year closing balance due to inclusion/revision/omission of data

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 2015 are presented in Table-6. It may be seen from the table that highest deposits (Rs. 636252476) was from Maharashtra followed by Odisha (Rs. 473646723) and Gujarat (Rs. 404890845) and highest disbursements (Rs. 573384210) was in Maharashtra followed by Odisha (Rs. 421653196) and Rajasthan (Rs. 397836695).

Table - 6
Deposits and Disbursements Under Section 8 of the Employee's Compensation Act, 1923 (except Railways) during 2015

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	193149741	285451809	283571606	31105	194998839
Arunachal Pradesh	-
Assam	36285704	134373752	78913293	0	91746163
Bihar	36926354	81641082	74111795	15856562	28599079
Chhattisgarh	60692617	102208512	82498841	1768807	78633481
Goa	2763257	3192677	4914511	0	1041423
Gujarat	575420989	404890845	350119503	1500000	628692331
Haryana	120306306	354237820	337340103	385000	136819023
Himachal Pradesh	41532928	17448874	22786902	0	36194900
Jammu & Kashmir	56687000	114609400	121374800	1946300	47975300

Jharkhand	-	-	-	-	-
Karnataka	45525723	295719826	201732305	6765581	132747663
Kerala	321468762	164553469	173053100	1027360	311941771
Maharashtra	542759788	636252476	573384210	1329835	604298219
Nagaland	-	-	-	-	-
Odisha	282815703	473646723	421653196	38600783	296208447
Rajasthan	228701453	352294779	397836695	453883	182705654
Sikkim	4499815	9768910	9279685	0	4989040
Telangana	320221639	402055588	352157990	4087556	366031681
Tripura	-	-	-	-	-
Uttar Pradesh	101099625	23934512	112665452	0	12368685
Uttrakhand	23575224	26886137	25407457	0	25053904
West Bengal	33255595	170135449	129575609	0	73815435
A & N Islands	413393	4710600	2910600	0	2213393
Chandigarh	8244960	1710096	2577801	0	7377255
Dadar & Nagar Haveli	3404858	15648772	15523004	0	3530626
Daman & Diu	3908339	6831273	8234207	0	2505405
Lakshadweep	-	-	-	-	-
Puducherry	6016712	940392	1087093	0	5870011
Total	3049676485	4083143773	3782709758	73752772	3276357728

+ = Previous year closing balance of Chattisgarh, Himachal Pradesh and Dadar & Nagar Haveli may not tally with the current year opening balance due to revision/ addition/deletion of data. Arunachal Pradesh and Jharkhand States have not submitted the Statements

5.3 The information regarding the number of appeals and disposal thereof during the year 2015, is shown in Table-7. Maximum number of appeals filed were in Odisha (319) as well as appeals disposed of were in the State of Karnataka (699). Out of 7896 number of appeals pending at the end of the year, Karnataka has the highest number (3599) followed by Telangana (828) and Odisha (744).

Table – 7

Disposal of Appeals in All Establishments except Railways during 2015

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	72	0	11	61
Arunachal Pradesh	-	-	-	-
Assam	-	-	-	-
Bihar	213	23	21	215
Chhattisgarh	151	42	28	165
Goa	-	-	-	-
Gujarat	380	88	70	398
Haryana	164	18	27	155
Himachal Pradesh	53	0	0	53
Jammu & Kashmir	148	45	44	149
Jharkhand	-	-	-	-
Karnataka	3967	301	669	3599

Kerala	393	12	8	397
Maharashtra	655	0	0	655
Nagaland	-	-	-	-
Odisha	696	319	271	744
Rajasthan	138	25	26	137
Sikkim	-	-	-	-
Telangana	895	59	126	828
Tripura	0	5	5	0
Uttar Pradesh	163	91	93	161
Uttarakhand	78	70	99	49
West Bengal	87	13	9	91
A & N Islands	-	-	-	-
Chandigarh	28	11	8	31
Dadar & Nagar Haveli	-	-	-	-
Daman & Diu	-	-	-	-
Lakshadweep	-	-	-	-
Puducherry	9	1	2	8
Total	8290	1123	1517	7896

+ = Previous year closing balance of Himachal Pradesh and West Bengal may not tally with the current year opening balance due to revision/ addition/deletion of data. Arunachal Pradesh and Jharkhand states have not submitted statements.

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 Madhya Pradesh, Manipur, Meghalaya, Mizoram, Punjab, Tamilnadu and NCT Delhi. Similarly, the data received from the States/UT's of Chandigarh, Chhattisgarh, Gujarat, Jharkhand, Karnataka, Tripura, Uttarakhand, West Bengal and Railways were 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.