

## **THE WORKMEN'S COMPENSATION ACT, 1923**

### **INTRODUCTION**

The growing complexity of Industry in our country, with the increasing use of machinery and consequent danger to workmen, along with the comparative poverty renders it advisable that they should be protected as far as possible from hardship arising on account of accidents. The Workmen's Compensation Act, 1923 provides for payment of compensation to the workmen suffered injury by accident.

### **OBJECTIVES**

The Workmen's Compensation Act, 1923, **aims to provide workmen and/or their dependents some relief in case of accidents arising out of and in the course of employment** and causing either death or disablement of workmen.

### **SCOPE AND COVERAGE**

As per Section 1, the Act extends to the whole of India and it applies to railways and other transport establishments, factories, establishments engaged in making, altering, repairing, adapting, transport or sale of any article, mines, docks, establishments engaged in constructions, fire-brigade, plantations, oilfields and other employments listed in Schedule II of the Act. The Workmen's Compensation (Amendment) Act, 1995, has extended the scope of the Act to cover workers of newspaper establishments, drivers, cleaners, etc. working in connection with, motor vehicle, workers employed by Indian companies abroad, persons engaged in spraying or dusting of insecticides or pesticides in agricultural operations, mechanised harvesting and thrashing, horticultural operations and doing other mechanical jobs.

### **EMPLOYERS LIABILITY FOR COMPENSATION**

1. As per the Section 3 of the Act, if a worker suffered personal injury by accidents arising out of and in the course of his employment, his employer shall be liable to pay compensation in accordance with the provisions of the Act.
2. To submit a statement to the Commissioner (within 30 days of receiving the notice) in the prescribed form, giving the circumstances attending the death of a workman as result of an accident and indicating whether he is liable to deposit any compensation for the same.

3. To submit accident report to the Commissioner in the prescribed form within 7 days of the accident, which results in death of a workman or a serious bodily injury to a workman.

In case, where the employer does not accept the liability for compensation to the extent claimed, he shall be bound to make provisional payment to the extent of liability which he accepts and such payment shall be deposited with the Commissioner or make it to the workmen as the case may be without prejudice to the right of a workmen.

### **WORKERS LIABILITY**

The claim application should be made to the Commissioner of Workmen's Compensation in Form VIII, IX, X and XI appended to the Workmen's Compensation (Puducherry) Rules, 1964 within two years from the date of occurrence of the accident.

The Commissioner of Labour functions as Commissioner for Workmen's Compensation for the whole UT of Puducherry. The Deputy Labour Commissioner of Puducherry has been declared as Additional Commissioner for Workmen's Compensation in respect of Puducherry/Mahe/Yanam regions.

The Labour Officer, Karaikal has been declared as Additional Commissioner for Workmen's Compensation in respect of Karaikal region