

THE WORKMEN'S COMPENSATION ACT, 1923 (Amended in 1984, 2000)

- The Workmen's Compensation Act 1923 was enacted to help workmen face the hardships resulting from accidents. These legal provisions apply equally to women workers also. An employer liable to provide monetary compensation to a disabled workman, or to his dependents, in case of his death, if the disablement or death occurs "out of and in the course of employment."

Any worker employed in any of a wide variety of hazardous occupations who has suffered an injury is eligible for compensation. If he dies, his dependents can claim the benefits provided by the Act. The injury must disable him for more than 3 days, totally or partially. The disablement means the loss in the earning capacity of a workman in every employment which he was capable of doing at the time of the accidents. Its effect may be temporary or permanent (Schedule 1). To get compensation for an occupational disease, a workman must have been employed in the specified occupation for a continuous period of at least 6 months. If the compensation is not paid within one month after the date due, a simple interest at 6% per annum on the arrears can be recovered from the employer.

The compensation is paid to the worker according to the damage:

1. In case of death: 40% of the monthly wage of the deceased workman, multiplied by the relevant factor or Rs. 20,000; whichever is more.
2. In case of total permanent disablement: 50% of the monthly wage, multiplied by the relevant factor: or Rs. 24,000; whichever is more.
3. In case of partial permanent disablement: The compensation is a percentage of that payable in the case of total permanent disablement. The earning capacity is determined by a qualified medical practitioners.
4. In case of (total or partial) temporary disablement" A sum equal to 25% of the monthly wages of the workman shall be paid half-monthly.

The minimum rate of compensation is proposed to be raised from 50,000 to Rs. 80,000 for death and from Rs. 60,000 to Rs. 90,000 in case of permanent/total disablement.

State Government appoint Commissioners to investigate and solve every case for workmen's compensation. The appointed Commissioner's tribunal has some of the powers of a civil court. An appeal against any order of the Commissioner can be filed in the High Court. This must be done within 60 dasy of the order or decision of the Commissioner.

Scheduled I

SNO.Description of injury Earning capacity

% of loss of

Part I

Injuries Deemed to Result in Permanent Total Disablement

1.	Loss of both hands	100
2.	Loss of hand and a foot	100
3.	Amputation of one leg/thigh and loss of other foot	100
4.	Loss of sight and unable to work	100
5.	Very severe disfigurement	100
6.	Absolute deafness	100

Part II

Injuries Deemed to Result in Permanent Partial Disablement

1.	Amputation through shoulder joint	90
2.	Amputation below shoulder with stump <8" from tip of acromion	80
3.	Amputation from 8" from tip of acromion to <4-1/2" Below top of olecranon	70
4.	Loss of hand or of thumb and four fingers of one hand	60
5.	Loss of thumb	30
6.	Loss of thumb and its metacarpal bone	40
7.	Loss of four fingers of one hand	50
8.	Loss of three fingers of one hand	30
9.	Loss of two fingers of one hand	20
10.	Loss of terminal phalanx of thumb	20

Amputation cases-lower limbs

11.	Amputation of both feet resulting in end-bearing stumps	90
12.	Amputation though both feet proximal to metatarsophalangeal joint	80
13.	Loss of all toes of both feet through the	40

	metatarsophalangeal joint	
14.	Loss of all toes of both feet proximal to the interphalangeal joint	30
15.	Loss of all toes of both feet distal to the proximal interphalangeal joint	20
16.	Amputation at hip	90
17.	Amputation below hip with stump not exceeding 5" from tip of greater trochanter	80
18.	Amputation below hip with stump exceeding 5" but not beyond high	70
19.	Amputation below middle thigh to 3-1/2" below knee	60
20.	Amputation below knee with stump exceeding 3-1/2" but not 5"	50
21.	Amputation below knee with stump exceeding 5"	40
22.	Amputation of one foot resulting in end-bearing	30
23.	Amputation through one foot proximal to metatarsophalangeal joint	30
24.	Loss of all toes of one foot through the metatarsophalangeal joint	20

Other injuries

25.	Loss of one eye, without complication to other	40
26.	Loss of vision of one eye and other is normal	30

Index Finger of right or left hand

27.	Whole	14
28.	Two phalanges	11
29.	One phalanx	9
30.	Guillotine amputation of tip without loss of bone	5

Middle finger

31.	Whole	12
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32. Two	9
33. One phalanx	7
34. Guillotine amputation of tip without loss of bone	4

Ring or little

35. Whole	7
36. Two	6
37. One phalanx	5
38. Guillotine amputation of tip without loss of bone	2

Toes of right or left foot Great Toe

39. Through metatarsophalangeal joint	14
40. Part, without loss of bone	3
41. Any other toe	3
42. Part, any other toe without some loss of bone	1
43. Two toes of one foot through metatarsophalangeal joint	5
44. Part, two toes without loss of bone	2
45. Three toes	6
46. Three toes part only without loss of bone	3
47. Four toes of one foot, exceeding great toe	9
48. Part of four toes, without loss of bone	3