

Employee's Compensation Act, 1923

Schedule - I

PRESENTED BY: SHAILESH JAYPRAKASH SINGH

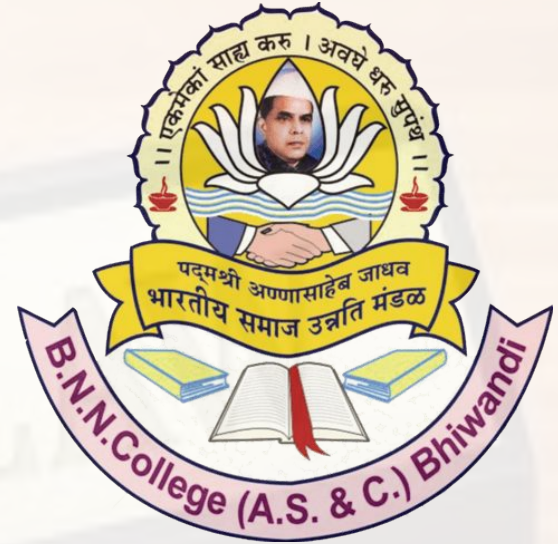
GUIDED BY: PROF. ADV. YOGESH JADHAV

ROLL NO: 16

SUBJECT: LABOUR LAW

CONTACT NO.: 9699 742 111

EMAIL: shailesh.singh5@hotmail.com



**BHARAT RATNA DR. BABASAHEB AMBEDKAR
LAW COLLEGE**

Table Of Content

Serial No	Particulars	Page No
1	Objective	3
2	The Act At Glance	4
3	Types Of Disabilities	5
4	Exceptions	6
5	Compensation	7-10

Objective

The **Employee's Compensation Act** 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.

The Act imposes statutory liability upon an employer to provide payment to employees when they suffer from physical disabilities and diseases during course of employment.

- It extends to the whole of India.
- It came into force on the first day of July, 1924.

The Act At Glance...

- **Section 1 :** states that the Employee's compensation Act, 1923 , which came into force on 1st July, 1924, extends to the whole of India. Moreover, the provisions of this Act do not apply to person covered by the provisions of the employee's state Insurance Act
- **Section 2:** the interpretation clause, is important, as it contains the definition to terms like employee, dependent, employer, wages, partial and total disablement, etc. Which are vital to understand the scheme of the Act
- **Section 3:** it is undoubtedly the most important section of Act. It lays down the basis for the liability to pay compensation. It is exhaustive, as it not only provides the principal on which compensation is payable but also specifies when compensation is not payable, and when contracting an occupational disease is deemed to be an injury arising out of accident. This section must be read with schedules I, II, III, IV of the Act. It is this section that enables an injured employee to recover compensation when the injury results in his death.
- **Section 3(5):** it is of the Act prescribes that a compensation claim under this Act is an alternative to a civil suit for damages, and therefore, the exercise of the two options, bars the other

Types Of Disabilities

Permanent Total Disability

Definition: Permanent total disability is a condition in which an individual may never be able to work again. When an individual becomes physically incapable of being employed in any sort of work.

- It refers to the Part - I of Schedule - I

Permanent Partial Disability

Definition: Permanent partial disability is a condition in which an individual is still able to work but not with the skill and efficiency demonstrated prior to the injury. As a result, the earning capability of the worker is affected.

- It refers to the Part - II of Schedule - I

Exceptions

When the employer is not liable to pay compensation-

- If the injury does not end in the entire or partial disablement of the employee for a period exceeding three days.
- If the injury, not leading in death or permanent total disablement, is caused by an accident which is directly attributable to:
- The employee having at the time of the accident is under the influence of drink or drugs;
- The willful disobedience of the employee to an order if the rule is expressly given or expressly framed, for the purpose of securing the safety of employees; or
- The willful removal or disregard by the employee of any safety guard or other device which has been provided for the purpose of securing the safety of employees.

Compensation

List of Injuries Deemed to Result in Permanent Total Disablement

Serial No.	Description of injury	Percentage of loss of earning capacity
1	Loss of both hands or amputation at higher sites	100
2	Loss of hand and a foot	100
3	Double amputation through leg or thigh, or amputation through leg or thigh on one side and loss of other foot	100
4	Loss of sight to such an extent as to render the claimant unable to perform any work for which eyesight is essential	100
5	Very severe facial disfigurement	100
6	Absolute deafness	100

List of Injuries Deemed to Result in Permanent Partial Disablement

Serial No.	Description of injury	Percentage of loss of earning capacity
1	Amputation through shoulder joint	90
2	Amputation below shoulder with stump less than [20.32 cms][iv] from tip of acromion	80
3	Amputation from [20.32 cms][v] from tip of acromion to less than [11.43 cms][vi] below tip of olecranon	70
4	Loss of hand or of the thumb and four fingers of one hand or amputation from [11.43 cms][vii] below tip of olecranon	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 through both feet proximal to the metatarso-phalangeal joint	80
13	Loss of all toes of both feet through the metatarso-phalangeal joint	40
14	Loss of all toes of both feet proximal to the proximal inter-phalangeal joint	30
15	Loss of all toes of both feet distal to the proximal inter-phalangeal joint	20
16	Amputation at hip	90

List of Injuries Deemed to Result in Permanent Partial Disablement

Serial No.	Description of injury	Percentage of loss of earning capacity
18	Amputation below hip with stump exceeding [x][12.70 cms] in length measured from tip of great trochanter but not beyond middle thigh	70
19	Amputation below middle thigh to [xi][8.89 cms] below knee	60
20	Amputation below knee with stump exceeding [xii][8.89 cms] but not exceeding [xiii][12.70 cms]	50
21	Amputation below knee with stump exceeding [xiv][12.70 cms]	[50][xv]
22	Amputation of one foot resulting in end-bearing	[50][xvi]
23	Amputation through one foot proximal to the metatarso-phalangeal joint	[50][xvii]
24	Loss of all toes of one foot through the metatarso-phalangeal joint	20
Other injuries		
25	Loss of one eye, without complications, the other being normal	40
26	Loss of vision of one eye, without complications or disfigurement of eye-ball, the other being normal	30
A.—Fingers of right or left hand Index finger		
27	Whole	14
28	Two phalanges	11
29	One phalanx	9
30	Guillotine amputation of tip without loss of bone	5

List of Injuries Deemed to Result in Permanent Partial Disablement

Serial No.	Description of injury	Percentage of loss of earning capacity
Middle finger		
31	Whole	12
32	Two phalanges	9
33	One phalanx	7
34	Guillotine amputation of tip without loss of bone	4
Ring or little finger		
35	Whole	7
36	Two phalanges	6
37	One phalanx	5
38	Guillotine amputation of tip without loss of bone	2
B.—Toes of right or left foot Great toe		
39	Through metatarso-phalangeal joint	14
40	Part, with some loss of bone	3
Any other toe		
41	Through metatarso-phalangeal joint	3

THANK YOU