



कर्मचारी क्षतिपूर्ति अधिनियम, 1923
Employees' Compensation Act, 1923
2017 की वार्षिक रिपोर्ट
Report for the year 2017

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Labour Bureau
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Ministry of Labour & Employment
भारत सरकार
Government of India

REPORT ON THE WORKING OF THE EMPLOYEES' COMPENSATION ACT, 1923 FOR THE YEAR 2017

1. Introduction

The Employees' Compensation Act, 1923 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 2017.

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 and the Central Government, in Part C of Schedule-III of the Act.

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 Employer's liability for compensation: If personal injury is caused to a workman by accident 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 Chapter -II:

Provided that the employer shall not be so liable -

(a) in respect of any injury which does not result in the total or partial disablement of the workman for a period exceeding three days,

(b) in respect of any injury not resulting in death or permanent total disablement caused by an accident which is directly attributable to 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 2015 to 2017 is presented in Table-1. During 2017, as many as 4983 compensated accidents resulting in death, permanent disablement and temporary disablement were reported by the States and Union Territories and an amount of Rs. 15237.85 lakh was paid as compensation. Out of the total compensated accidents, 38.01% were fatal accidents, 31.93% related to permanent disablement and 30.06% 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	Temp- orary disable- ment	Total	Death	Perma- nent disable- ment	Temp- orary disable- ment	Total
2015	4118630	2302 (38.49)	1981 (33.13)	1697 (28.38)	5980 (100.00)	12815.8	4394.34	564.24	17774.38
2016	3538053	2392 (43.59)	1651 (30.09)	1444 (26.32)	5487 (100.00)	11465.51	3446.83	1044.97	15957.31
2017	2939814	1894 (38.01)	1591 (31.93)	1498 (30.06)	4983 (100.00)	10745.73	3586.82	905.30	15237.85

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 2017 is given in Table-2. Out of total compensated accidents, Miscellaneous accounted for highest i.e.45.01% followed by Factories 33.96% and Railways 11.08%. Whereas in case of compensation paid, Miscellaneous has the maximum share of 50.66% followed by Factories 26.46% and Railways 10.92%.

Table 2
Number of Compensated Accidents and Compensation amount paid
by the Establishments Submitting Returns During 2017

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	662744	610	747	335	1692 (33.96)	2783.34 (25.90)	1052.23 (29.34)	196.50 (21.71)	4032.07 (26.46)
Plantations	302363	45	35	177	257 (5.16)	245.24 (2.28)	141.11 (3.93)	41.74 (4.61)	428.09 (2.81)
Mines	11513	16	5	5	26 (0.52)	63.25 (0.59)	20.14 (0.56)	5.92 (0.65)	89.31 (0.59)
Ports & Docks	1575	3	-	2	5 (0.10)	18.00 (0.17)	-	1.85 (0.20)	19.85 (0.13)
Tramways	-	-	-	-	-	-	-	-	-
Building and Construction	162857	118	53	16	187 (3.75)	862.11 (8.02)	273.58 (7.63)	27.85 (3.08)	1163.54 (7.64)
Municipalities	688476	14	4	3	21 (0.42)	56.90 (0.53)	58.05 (1.62)	6.50 (0.72)	121.45 (0.80)
Miscellaneous	527046	949	689	605	2243 (45.01)	5290.74 (49.24)	1919.19 (53.51)	509.31 (56.26)	7719.24 (50.66)
Railways	583240	139	58	355	552 (11.08)	1426.16 (13.27)	122.51 (3.42)	115.63 (12.77)	1664.30 (10.92)
All Establishments	2939814	1894 (38.01)	1591 (31.93)	1498 (30.06)	4983 (100)	10745.74 (70.52)	3586.81 (23.54)	905.30 (5.94)	15237.85 (100.00)

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

+ Partly received data, -Nil, Percentage total may not tally due to rounding of figures.

3.3 The number of compensated accidents and the amount of compensation paid during the year 2017 in the States and Union Territories which submitted returns are presented in Table -3. Gujarat reported the largest number of compensated cases (1403) followed by Karnataka (795) and Kerala (441). The average amount of compensation paid per case was highest in Tripura (Rs.7.15 lakh) followed by Nagaland (Rs. 6.62 lakh) and Rajasthan (Rs. 5.73 lakh).

Table-3
Compensated Accidents and amount of Compensation paid during 2017

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
1 Assam	300661	117	42	35	194	687.35 (5.87)	202.65 (4.83)	58.43 (1.67)	948.43 (4.89)
2 Chhattisgarh +	-	74	11	13	98	414.37 (5.60)	22.53 (2.05)	15.00 (1.15)	451.90 (4.61)
3 Goa	5861	-	-	-	-	-	-	-	-
4 Gujarat +	-	501	642	260	1403	2343.09 (4.68)	666.98 (1.04)	154.38 (0.59)	3164.45 (2.26)
5 Haryana	76086	-	-	-	-	-	-	-	-
6 Himachal Pradesh	22994	-	-	-	-	-	-	-	-
7 Jammu & Kashmir	38651	124	70	31	225	744.15 (6.00)	286.82 (4.10)	133.13 (4.29)	1164.10 (5.17)
8 Karnataka +	96	286	334	175	795	1670.95 (5.84)	918.53 (2.75)	204.93 (1.17)	2794.41 (3.51)
9 Kerala	132934	153	101	187	441	810.61 (5.30)	219.46 (2.17)	124.97 (0.67)	1155.04 (2.62)
10 Madhya Pradesh +	2514	140	48	1	189	396.83 (2.83)	82.63 (1.72)	0.31 (0.31)	479.77 (2.54)
11 Maharashtra	277961	19	8	396	423	138.95 (7.31)	17.14 (2.14)	46.61 (0.12)	202.70 (0.48)
12 Nagaland	-	1	1	1	3	7.88 (7.88)	8.39 (8.39)	3.58 (3.58)	19.85 (6.62)
13 Odisha	48723	23	53	-	76	171.61 (7.46)	191.94 (3.62)	-	363.55 (4.78)
14 Rajasthan	32657	61	18	7	86	385.37 (6.32)	74.84 (4.16)	32.65 (4.66)	492.86 (5.73)
15 Tamil Nadu	938780	3	-	30	33	14.11 (4.70)	-	0.99 (0.03)	15.10 (0.46)
16 Telangana	52	15	7	-	22	78.74 (5.25)	27.00 (3.86)	-	105.74 (4.81)
17 Tripura	52625	2	-	-	2	14.30 (7.15)	-	-	14.30 (7.15)
18 Uttar Pradesh	236961	91	11	6	108	441.96 (4.86)	33.06 (3.01)	13.80 (2.30)	488.82 (4.53)
19 A & N Islands	24337	7	3	-	10	36.80 (5.26)	16.35 (5.45)	-	53.15 (5.32)
20 Chandigarh +	-	4	1	-	5	35.25 (8.81)	7.85 (7.85)	-	43.10 (8.62)
21 D & N Haveli	112476	10	54	-	64	73.93 (7.39)	194.69 (3.61)	-	268.62 (4.20)
22 Daman & Diu	25970	3	19	-	22	23.02 (7.67)	63.70 (3.35)	-	86.72 (3.94)
23 National Capital Delhi	-	121	110	1	232	830.29 (6.86)	429.74 (3.91)	0.88 (0.88)	1260.91 (5.43)
24 Puducherry	26235	-	-	-	-	-	-	-	-
Total	2356574	1755	1533	1143	4431	9319.56	3464.3	789.66	13573.5
Railways	583240	139	58	355	552	1426.16	122.51	115.63	1664.30
Grand Total	2939814	1894	1591	1498	4983	10745.72	3586.81	905.29	15237.82

Figures in brackets indicate average compensation paid per case.

+ Data not reported/partly received information, -Nil, # Covered under ESIC.

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 cases and amount of compensation paid during 2017

State	Nature of Disease	Number of compensated cases of occupational diseases resulting in				Amount of compensation paid @ (Rs in Lakh.)			
		Death	Permanent disablement	Temporary disablement	Total	Death	Permanent disablement	Temporary disablement	Total
1	2	3	4	5	6	7	8	9	10
Chhattisgarh	+	9	-	1	10	44.42 (4.94)	-	4.88 (4.88)	49.30 (4.93)
Karnataka	+	4	4	-	8	26.02 (6.51)	11.65 (2.91)	-	37.67 (4.71)
Madhya Pradesh	+	129	69	45	243	435.07 (3.37)	26.04 (0.38)	43.08 (0.96)	504.19 (2.07)
Uttar Pradesh	+	45	32	33	110	32.77 (0.73)	115.06 (3.60)	24.87 (0.75)	172.70 (1.57)
Total		187	105	79	371	538.28 (2.88)	152.75 (1.45)	72.83 (0.92)	763.86 (2.06)

@ Figures in brackets indicate average compensation paid per case.

+Nature of disease not reported by the States, - Nil.

5. Cases dealt 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 2017. During the year under section 7, 8 and 10 of the Act, total 54448 cases were pending at the end of the year and 21318 cases were registered and 21704 cases were disposed off during the year. The total number of cases pending from previous year were 54834.

Table-5
Number of Cases Handled by the Commissioners for Workmen's Compensation during 2017

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	2846	1372	1445	2773
(b) Deposits U/s 8	6251	3091	2430	6912
(c) Award of Compensation U/s 10	45737	16855	17829	44763
Total	54834	21318	21704	54448

Figures, over the years, may not strictly comparable due to varying response from States/UT's.

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 2017 are presented in Table-6. It may be seen from the table that highest **deposits** (Rs. 1042453394) was from Maharashtra followed by Tamil Nadu (Rs.796095627) and Uttar Pradesh (Rs. 619397138) and highest **disbursements** (Rs. 878434129) was in Maharashtra followed by Gujarat (Rs. 842370060) and Rajasthan (Rs. 688277734).

Table-6
Deposits and disbursements under Section 8 of the Employee's Compensation Act, 1923 during 2017
Deposits and Disbursements in Rs.

State/UT	Opening balance	Deposits	Disbursements	Amount refundable to employers	Closing Balance (Col.2+3-4-5)
1	2	3	4	5	6
1 Assam	81253750	96955857	91317530	-	86892077
2 Chhattisgarh	58357644	87324151	86872819	506745	58302231
3 Goa	2005579	3425846	2620242	-	2811183
4 Gujarat	379453307	486225582	842370060	110964	23197865
5 Haryana	191146450	404163424	349664791	-	245645083
6 Himachal Pradesh	25258413	10579812	3974622	-	31863603
7 Jammu & Kashmir	34784430	119525770	108229700	-	46080500
8 Karnataka	189927165	501020017	433524922	4352454	253069806
9 Kerala	314813707	234492569	193285398	125053198	230967680
10 Madhya Pradesh	117301148	282013560	363156942	-	36157766
11 Maharashtra	456720592	1042453394	878434129	77284	620662573
12 Nagaland	-	1985237	1985237	-	-
13 Odisha	326857033	279812346	361898021	31992768	212778590
14 Punjab	61496304	119873298	100957109	18	80412475
15 Rajasthan	187428116	693231432	688277734	276816	192104998
16 Tamil Nadu	543577806	796095627	625340067	215477	714117889
17 Telangana	336835575	316406246	301738005	-	351503816
18 Tripura	-	1429877	1429877	-	-
19 Uttar Pradesh	60428273	619397138	564030892	-	115794519
20 A & N Islands	1903593	7540530	5314495	92235	4037393
21 Chandigarh	3032514	6101912	4310318	-	4824108
22 Dadar & Nagar Haveli	7096022	13709655	26862516	-	-6056839
23 Daman & Diu	3160102	11626754	8671552	-	6115304
24 National Capital Delhi	8296311	28134313	130997197	-	-94566573
25 Puducherry	3015237	1091101	1778805	-	2327533
Total	3394149071	6164615448	6177042980	162677959	3219043580

Previous year closing balance of some State/UT may not tally with the current year opening balance due to revision/ addition/deletion of data.

- Nil.

5.3 The information regarding the number of appeals and disposal thereof during the year 2017, is shown in Table-7. Maximum number of appeals filed were in Odisha (2247) as well as appeals disposed of were also in the State of Odisha (1091). Out of 13433 number of appeals pending at the end of the year, Karnataka has the highest number (3292) followed by Madhya Pradesh (3038) and Odisha (2082).

Table-7
Disposal of appeals in all establishments during 2017

State/UT	No. of cases pending at beginning of the year	Filled / received	Disposed off	Pending at end of the year
1	2	3	4	5
1 Assam	-	1580	19	1561
2 Chhattisgarh	98	29	40	87
3 Gujarat	332	104	109	327
4 Haryana	167	38	31	174
5 Himachal Pradesh	53	-	-	53
6 Jammu & Kashmir	154	72	54	172
7 Karnataka	3402	394	504	3292
8 Kerala	395	58	47	406
9 Madhya Pradesh	2968	290	220	3038
10 Maharashtra	655	283	257	681
11 Nagaland	-	3	3	-
12 Odisha	926	2247	1091	2082
13 Punjab	5	2	-	7
14 Rajasthan	130	66	23	173
15 Tamil Nadu	545	95	133	507
16 Telangana	738	30	98	670
17 Tripura	-	2	2	-
18 Uttar Pradesh	156	68	58	166
19 Chandigarh	32	9	16	25
20 National Capital Delhi	7	-	-	7
21 Puducherry	6	-	1	5
Total	10769	5370	2706	13433

Previous year closing balance of some State/UT may not tally with the current year opening balance due to revision/ addition/deletion of data.

6. Limitations of Statistics

Number of States despite repeated reminders did not submit their annual returns while some States submitted defective return and/or could not submit clarifications to the Labour Bureau despite vigorous efforts. The States with deficient response are cited below:

Annual returns not received from

1. Andhra Pradesh
2. Bihar
3. Jharkhand
4. Manipur
5. Sikkim and
6. West Bengal

Annual returns received but defective/partial/inconsistent

1. Chhattisgarh
2. Gujarat
3. Haryana
4. Karnataka
5. Madhya Pradesh
6. Nagaland
7. Punjab
8. Uttarakhand (Entire return defective) and
9. UT Chandigarh

The States of Arunachal Pradesh, Meghalaya, Mizoram and UT Lakshadweep submitted Nil (-) data in annual returns. 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.



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