

LABOUR LAWS

WORKER'S ORGANISATION

TRADE UNION ACT, 1926

WAGES

PAYMENT OF WAGES ACT, 1936

MINIMUM WAGES ACT, 1948

INDUSTRIAL RELATIONS

INDUSTRIAL DISPUTES ACT, 1947

WORKING CONDITIONS

FACTORIES ACT 1948

SOCIAL SECURITY

WORKMEN'S COMPENSATION ACT 1923

MATERNITY BENEFIT ACT 1961

PAYMENT OF GRATUITY ACT 1972

OTHERS

APPRENTICES ACT 1961

EMPLOYEES' STATE INSURANCE ACT 1948

EMPLOYMENT EXCHANGE (NOV) ACT 1959

PAYMENT OF BONUS ACT, 1952

WORKMEN'S COMPENSATION ACT 1923

1 INTRODUCTION

2 DEFINITION

**3 ESSENTIAL CONDITIONS FOR
PAYMENT OF COMPENSATION**

**4. CONDITIONS UNDER WHICH
COMPENSATION IS NOT PAYABLE**

5. AMOUNT OF COMPENSATION

6. MISC. PROVISION

DEFINITION

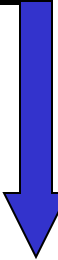
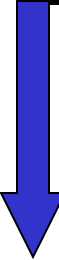
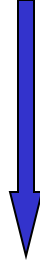
WORKMEN - A RLY SERVANT AS DEFINED IN

SECTION-2 (34) OF THE RLY. ACT. 1989

**NOT PERMANENTLY EMPLOYED IN ANY
ADMINISTRATIVE, DISTRICT OR SUB-
DIVISIONAL OFFICE OF A RAILWAY.**

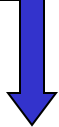
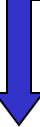
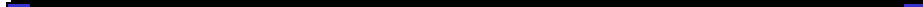
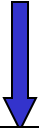
**WORKMAN GOVERNED BY FACTORY
ACT 1948 IS ALSO INCLUDED IN THE
DEFINITION OF WORKMEN.**

DISABLEMENT



PERMANENT

TEMPERORY



PARTIAL

TOTAL

ESSENTIAL CONDITIONS FOR PAYMENT OF COMPENSATION

1. PERSONAL INJURY TO WORKMAN

Schedule-I

Schedule-III

**2. SUCH INJURY MUST HAVE
BEEN CAUSED BY AN
ACCIDENT.**

**3. THE ACCIDENT MUST
HAVE ARISEN OUT OF
AND IN THE COURSE
OF EMPLOYMENT**

**4. THE INJURY MUST HAVE
RESULTED EITHER IN DEATH
OF WORKMAN OR HIS TOTAL
OR PARTIAL DISABLEMENT
FOR A PERIOD EXCEEDING
THREE DAYS**

CONDITIONS UNDER WHICH COMPENSATION IS NOT PAYABLE

- 1. IF THE INJURY DID NOT RESULT IN TOTAL OR PARTIAL DISABLEMENT FOR A PERIOD EXCEEDING THREE DAYS.**
- 2. IN RESPECT OF INJURY NOT RESULTING IN DEATH OR PTD**
 - A) THE WORKMAN WAS AT THE TIME OF ACCIDENT UNDER THE INFUENCE OF DRINK OR DRUGS**

B) THE WORKMAN WILFULLY DISOBEYED

ORDER OR RULE OF SAFETY

C) WILFULLY DISREGARDED OR REMOVED

SAFETY DEVICES

CASE LAW ON ACCIDENT ARISING OUT OF AND IN THE COURSE OF EMPLOYMENT

1. UNION OF INDI VS. HARPHOOL 1988

IT WAS HELD BY THE COURT THAT INJURY BY ACCIDENT NEED NOT BE CONFINED TO INJURY CAUSED BY MECH. PROCESS OR BY SOME VEHICLE. COVERS BITING POISONOUS INSECT

2. LAXMIBHAI VS. CHAIRMAN & TRUSTEES BPT 1954

**IT WAS HELD THAT IF THE DEATH WAS NOT
ONLY DUE TO DISEASE AND IT WAS COUPLED
WITH EMPLOYMENT, THE EMPLOYER WOULD BE
LIABLE FOR COMPENSATION.**

3. DRM VS. SHAMSADI – 1988

WORKMAN ON DUTY BITTEN BY SCORPION AND DURING OPERATION AND WHILE UNDER TREATMENT AS INDOOR PATIENT IN THE HOSPITAL, DEVELOPED TETANUS AND ULTIMATELY DIED. IT WAS HELD BY THE COURT THAT COMPENSATION IS PAYABLE.

SCHEDULE - IV

| COMPLETED YEAR OF AGE | FACTOR |
|----------------------------------|---------------|
| 16 YEARS | 228.54 |
| 20 YEARS | 224.00 |
| 25 YEARS | 216.91 |
| 29 YEARS | 209.92 |
| 40 YEARS | 184.1 |
| 45 YEARS | 169.44 |
| 54 YEARS | 139.13 |

**SCHEDULE- I THIS SCHEDULE INDICATES THE PERCENTAGE
OF LOSS OF EARNING CAPACITY OF A WORKMEN
FOR THE VARIOUS TYPES OF INJURIES. IT
CERTIFIES BY THE RAILWAY DOCTOR**

**SCHEDULE-II INDICATS THE LIST
OF PERSON WHO ARE INCLUDED IN
THE CATEGORY OF WORKMEN
ENTITLED FOR THE PAYMENT OF
COMPENSATION**

SCHEDULE-III

**INDICATES THE LIST OF
OCCUPATIONAL DISEASES**

SCHEDULE-IV

**INDICATES THE FACTORS ACCORDING TO
COMPLETED YEARS OF AGE FOR
AMOUNT OF COMPENSATION PAYABLE
TO WORKMEN.**