

Bill Summary

The Workmen's Compensation (Amendment) Bill, 2009

- The Workmen's Compensation (Amendment) Bill, 2009, was introduced in the Lok Sabha on August 7, 2009 by the Minister of Labour and Employment, Shri Mallikarjun Kharge. The Bill was not referred to the Standing Committee.
- The Bill amends the Workmen's Compensation Act, 1923, which provides for payment of compensation to the workmen and their dependents in the case of injury or death by industrial accidents. The Act applies to a specified group of people such as those employed in factories, mines, and plantations.
- The Bill substitutes the word "workman" with "employee" so that the law is applicable to all types of employees and is gender neutral. It also amends Schedule II to increase the list of persons who are included in the definition of workmen. For example, the Act only included those people who were employed in repairing or altering any article in a place with more than 20 employees. The Bill includes all persons employed in such work by omitting the requirement that the place should have 20 employees.
- The compensation to employees in case of injury or death is a percentage of their monthly wage or a specified amount, whichever is more. The Bill increases the specified amount in case of death from Rs 80,000 to Rs 1.20 lakh. In case of permanent disablement, the amount is increased from Rs 90,000 to Rs 1.40 lakh.
- The Bill allows the central government to revise the monthly wage from time to time.
- The employee shall be reimbursed for any medical expense incurred for treatment of injuries during the course of employment.
- The funeral expense of the deceased workman has been increased from Rs 2,500 to Rs 5,000. It also allows the central government to modify the amount from time to time.
- The state government may appoint any person to be a Commissioner for Workmen's Compensation. The Bill stipulates that the person should be a member of a State Judicial Service for a minimum of five years or an advocate or pleader for a minimum of five years or a Gazetted officer with minimum of five years service having educational qualification and experience in personnel management, human resource development and industrial development.
- The Commissioner shall dispose of cases related to compensation within a period of three months from the date of reference.

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