

CHAPTER 15

Workmen's Compensation Act, 1923

15.1. WORKMEN'S COMPENSATION ACT, 1923

15.1.1. Introduction to the Act

The Workmen's Compensation Act, 1923 is one of the earliest labor welfare and social security legislation enacted in India. It recognizes the fact that if a workman is a victim of accident or an occupational disease in course of his employment, he needs to be compensated.

The Act does not apply to those workers who are insured under the Employees' State Insurance Act 1948. Section 53 of the Employees' State Insurance Act provides:

An insured person or his dependents shall not be entitled to receive or recover whether from the employer of the insured person or from any other person any compensation or damages under the Workmen's Compensation act 1923 or any other law for the time being in force or otherwise in respect of an employment injury sustained by the insured person as an employee under this Act.

15.1.2. Objectives of the Act

The Workmen's Compensation Act, aims to:

- 1) Provide workmen and/or their dependents some relief or to consider compensation payable by an employer to his workmen in case of accidents arising out of and in the course of employment and causing either death or disablement of workmen as a measure of relief and social security.
- 2) Provide for payment by certain classes of employers to their workmen compensation for injury by accident.
- 3) To enable a workmen to get compensation irrespective of his negligence.
- 4) It lays down the various amounts payable in case of an accident, depending upon the type and extent of injury. The employer now knows the amount of compensation he has to pay and is saved of many uncertainties to which he was subject before the Act came into force.

15.1.3. Scope of the Act

- 1) The Act is confined to industries which are more or less organized.
- 2) The workmen whose occupation is hazardous should be included within the scope of this Act.

15.1.4. Features of the Act

- 1) Act provides for cheaper and quicker mode of disposal of disputes through special proceedings than possible under Civil Laws.
- 2) Act provides compensation to workmen for injury caused by accident and occupational disease arising out of and in the course of employment.
- 3) The Act is applicable to apprentices also.
- 4) Procedure for settlement of claim is through Commissioners.

15.1.5. Definitions

- 1) **Commissioner [Section 2 (1) (b)]:** Commissioner means a Commissioner for Workmen's Compensation appointed under Section 20.
- 2) **Compensation [Section 2(1) (c)]:** Compensation means compensation as provided for by this Act.

- 3) **Dependent [Section 2(1) (d)]:** Dependent means any of the following relatives of a deceased workman, namely:
- i) A widow, a minor, legitimate or adopted son, an unmarried legitimate or adopted daughter or a widowed mother; and
 - ii) If wholly dependant on the earnings of the workman at the time of his death a son or a daughter who has attained the age of 18 years and who is infirm;
 - iii) If wholly or in part dependant on the earnings of the workman at the time of his death:
 - a) A widower,
 - b) A parent other than a widowed mother,
 - c) A minor, illegitimate son, an unmarried illegitimate daughter, or a daughter legitimate or illegitimate or adopted if married and a minor or if widowed and minor,
 - d) A minor brother or an unmarried sister or a widowed sister if a minor,
 - e) A widowed daughter-in-law,
 - f) A minor child of a pre-deceased son,
 - g) A minor child of a pre-deceased daughter where no parent of the child is alive, or
 - h) A paternal grandparent if no parent of the workman is alive.
- 4) **Employer [Section 2(1) (e)]:** Employer includes any body or persons whether incorporated or not and any managing agent of an employer and the legal representative of a deceased employer and when the services of a workman are temporarily lent or let on hire to another person by the person with whom the workman has entered into a contract of service or apprenticeship means such other person while the workman is working for him;
- 5) **Managing Agent [Section 2(1) (f)]:** Managing agent means any person appointed or acting as the representative of another person for the purpose of carrying on such other person's trade or business but does not include an individual manager subordinate to an employer;
- 6) **Minor [Section 2(1) (ff)]:** Minor means a person who has not attained the age of 18 years;
- 7) **Disablement:** Disablement means loss of capacity to work or to move. Disablement of a workman may result in loss or reduction of his earning capacity. In the latter case, he is not able to earn as much as he used to earn before his disablement. Disablement may be partial, or total. Further Partial disablement may be permanent, or temporary.
- i) **Partial Disablement [Section 2 (1) (g)]:** This means any disablement as reduces the earning capacity of a workman as a result of some accident. Partial disablement may be temporary or permanent.
 - a) Temporary partial disablement means any disablement as reduces the earning capacity of a workman in any employment in which he was engaged at the time of accident which resulted in such disablement.
 - b) Permanent partial disablement is one which reduces the earning capacity of a workman in every employment which he was capable of undertaking at the time of injury.
 - ii) **Total Disablement [Section 2 (1) (l)]:** It means such disablement, whether of a temporary or permanent nature, as incapacitates a workman for all work which he was capable of performing at the time of the accident resulting in such disablement. It refers to that condition where a workman becomes unfit for every type of work and is not able to get job anywhere due to that disablement.
- Total disablement is deemed to result from every injury specified in Part I of Schedule I or from any combination of injuries specified in Part II thereof where the aggregate percentage of the loss of earning capacity, as specified in Part II against those injuries, amounts to 100 per cent or more.
- Where an employee becomes unfit for a particular class of job but is fit for another class which is offered to him by the employer, the workman is entitled to claim compensation only on the basis of partial disablement and not total disablement.
- 8) **Qualified Medical Practitioner [Section (2) (i)]:** Qualified medical practitioner means any person registered under any Central Act or an Act of the Legislature of a State providing for the maintenance of a register of medical practitioners or in any area where no such last-mentioned Act is in force, any person declared by the State Government by notification in the Official Gazette to be a qualified medical practitioner for the purpose of this Act;

- 9) **Wages [Section 2(1) (m)]:** Wages includes any privilege or benefit which is capable of being estimated in money other than a traveling allowance or the value of any traveling concession or a contribution paid by the employer of a workman towards any pension or provident fund or a sum paid to a workman to cover any special expenses entailed on him by the nature of his employment.
- 10) **Workman [Section 2(1) (n)]:** Workman means any person (other than a person whose employment is of a casual nature and who is employed otherwise than for the purposes of the employer's trade or business) who is:
- i) A railway servant as defined in section 3 of the Indian Railways Act 1890 not permanently employed in any administrative district or sub-divisional office of a railway and not employed in any such capacity as is specified in Schedule II, or
 - a) A master seaman or other member of the crew of a ship.
 - b) A captain or other member of the crew of an aircraft.
 - c) A person recruited as driver, helper, mechanic, cleaner, or in any other capacity in connection with a motor vehicle.
 - d) A person recruited for work abroad by a company and who is employed outside India in any such capacity as is specified in Schedule II and the ship aircraft or motor vehicle or company as the case may be is registered in India or;
 - ii) Employed in any such capacity as is specified in Schedule II

whether the contract of employment was made before or after the passing of this Act and whether the contract is expressed or implied oral or in writing; but does not include any person working in the capacity of a member of the Armed Forces of the Union; and any reference to a workman who has been injured shall where the workman is dead includes a reference to his dependants or any of them.

15.1.6. Workmen's Compensation

15.1.6.1. Employer's Liability for Compensation [Section 3]

An employer is liable to pay compensation to a workman:

- 1) For personal injury caused to him by accident, and
 - 2) For any occupational disease contracted by him.
- 1) **Personal Injury:** Personal injury includes:
- i) Must have been caused during the course of his employment; and
 - ii) Must have been caused by accident arising out of his employment.

An accident alone does not give a workman a right to compensation. To entitle him to compensation at the hands of the employers the accident must arise out of and in the course of his employment. The language in Section 3 shows that injury is caused by accident and not 'by an accident'. So the injury should be caused by accident by some mishap, unexpected or unforeseen.

The personal injury caused to the worker must have resulted in total or partial disablement of the workman for a period exceeding three days or it must have resulted in the death of the worker.

The injury should not have been caused by accident which is directly attributable to:

- i) The workman having been under the influence of drink or drugs at the time of the accident;
 - ii) Willful disregard of instruction relating to safety precautions given by the employer; and/or
 - iii) The willful disregard of the usage of the safety device or safety guard provided for the purpose of securing safety of the workman by the employer.
- 2) **Occupational Disease:** Section 3(2) of the Act also recognizes that the workman employed in certain types of industries of occupation risk exposure to certain occupational disease peculiar to that employment. This section states that the contracting of any of these occupational diseases shall be deemed to be:
- i) An injury by accident within the meaning of the Act and compensation is payable to the workman who contracts such disease;

- ii) The types of employment which exposes the workman to occupational disease as well as the list of occupational diseases are contained in Schedule III of the Act.

Schedule III is divided into three parts, viz., A, B and C. No specific period of employment is necessary for a claim for compensation with respect to occupational diseases mentioned in Part A. For diseases specified in Part B the workman must be in continuous service of the same employer for a period of six months in the employment specified in that part. For diseases in Part C the period of employment would be such as is specified by the Central Government for each of such employment whether in the service of one or more employers. If a workman employed in any employment mentioned in Part C of the Schedule II contracts any occupational disease peculiar to that employment, the contracting whereof is deemed to be an injury by accident within the meaning of Section 3 and such employment was under more than one employer then all the employers shall be liable for the payment of compensation in such proportion as the commissioner in the circumstances may deem just.

15.1.6.2. Amount of Compensation [Section 4]

Section 4 of the Act prescribes the amount of compensation payable under the provisions of the Act. The amount of compensation payable to a workman depends on:

- 1) The nature of the injury caused by accident.
- 2) The monthly wages of the workman concerned, and
- 3) The relevant factor for working out lump-sum equivalent of compensation amount as specified in Schedule IV (as substituted by Amendment Act of 1984).

There is no distinction between an adult and a minor worker with respect to the amount of compensation.

New Section 4 (as substituted by the Amendment Act of 1984) provides for compensation for:

- 1) Death;
 - 2) Permanent total disablement;
 - 3) Permanent partial disablement; and
 - 4) Temporary disablement – total or partial.
- 1) **Compensation for Death:** Where death results from an injury, the amount of compensation shall be equal to 50 percent of the monthly wages of the deceased workman multiplied by the relevant factor, or Rs. 85,000 whichever is more.

The formula for calculating the amount of compensation in case of death resulting from an injury will be as follows:

$$\frac{50 \text{ Monthly wages Relevant factor}}{100} \text{ or } ₹ 80,000 \text{ whichever is more.}$$

- 2) **Compensation for Permanent Total Disablement:** Where permanent total disablement results from an injury, the amount of compensation payable shall be equal to 60 percent of the monthly wages of the injured workman multiplied by the relevant factor, or Rs. 90,000, whichever is more.

The formula for calculating the amount of compensation in case of permanent total disablement resulting from an injury will be as follows:

$$\frac{60 \text{ Monthly wages Relevant factor}}{100} \text{ or } ₹ 90,000 \text{ whichever is more.}$$

- 3) **Compensation for Permanent Partial Disablement:**

- i) In the case of an injury specified in Part II of Schedule I, such percentage of the compensation which would have been payable in the case of permanent total disablement as is specified therein as being the percentage of the loss of earning capacity caused by the injury; and in other words, the percentage of compensation payable is proportionate to the loss of earning capacity permanently caused by the scheduled injury. Thus, if the loss of earning capacity caused by an injury specified in Part II of Schedule I is 30 percent, the amount of compensation shall be 30 percent of compensation payable in case of permanent total disablement.

- ii) In the case of an injury not specified in Schedule I such percentage of the compensation payable in the case of permanent total disablement as is proportionate to the loss of earning capacity (as assessed by the qualified medical practitioner) permanently caused by the injury.
- 4) **Compensation for Temporary Disablement:** A half monthly payment of the sum whether total or partial results equivalent to 25% of monthly wages of the from the injury workman to be paid in the manner prescribed.
- 5) **Compensation to be Paid when due and Penalty for Default:** Section 4A provides for the payment of compensation and the penalty for default. It provides that compensation shall be paid as soon as it falls due. Section 4 mandates employer to pay compensation amount as soon as it falls due to victim or his or her legal heirs.

However, where the employer does not accept the liability for compensation to the extent claimed, he shall be bound to make provisional payment based on the extent of liability which he accepts, and such payment shall be deposited with the Commissioner or made to the workman, as the case may be, without prejudice to the right of workman to make any further claim.

15.1.6.3. Distribution of Compensation/Procedure for Compensation [Section 8]

Section 8 of the Act provides for the deposit of the compensation before the Commissioner, as also to the distribution of compensation by the Commissioner. Section 8 lays down following rules with regard to distribution of compensation:

- 1) No payment of compensation in respect of workman whose injury has resulted in death, and no payment of lump sum as compensation to a woman or a person under a legal disability, shall be made otherwise than by deposit with the Commissioner, and no such payment made directly by an employer shall be deemed to be a payment of compensation.
- 2) Any other sum amounting to not less than ten rupees which is payable as compensation may be deposited with the Commissioner on behalf of the person entitled thereto.
- 3) The receipt of the Commissioner shall be a sufficient discharge in respect of any compensation deposited with him.
- 4) On the deposit of any money under sub-section (1), as compensation in respect of a deceased workman the Commissioner shall, if he thinks necessary, cause notice to be published or to be served on each dependant in such manner as he thinks fit, calling upon the dependents to appear before him on such date as he may fix for determining the distribution of the compensation. If the Commissioner is satisfied, after any inquiry which he may deem necessary, that no dependant exists, he shall repay the balance of the money to the employer by whom it was paid.
- 5) Compensation deposited in respect of a deceased workman shall, subject to any deduction made under sub-section (4), be apportioned among the dependants of the deceased workman or any of them in such proportion as the Commissioner thinks fit or may, in the discretion of the Commissioner, be allotted to any one dependant.
- 6) Where any compensation deposited with the Commissioner is payable to any person, the Commissioner shall, if the person to whom the compensation is payable is not a workman or a person under a legal disability, and may, in other cases, pay the money to the person entitled thereto.
- 7)
 - i) Where any lumpsum deposited with the Commissioner is payable to a woman or a person under a legal disability, such sum may be invested, applied or otherwise dealt with for the benefit of the woman, or of such person during his disability, in such manner as the Commissioner may direct.
 - ii) Where a half-monthly payment is payable to a person under legal disability, the Commissioner may pay it to any dependant of the workman or to any other person whom the Commissioner thinks best fitted to provide for the welfare of the workman.
- 8) The Commissioner may, on account of neglect of children on the part of a parent or on account of the variation of the circumstances of any dependant, or for any other sufficient cause, vary his earlier orders regarding distribution or investment of compensation. But no such order prejudicial to any person shall be made unless such person has been given an opportunity of showing because why the order should not be made.

- 9) Where the Commissioner varies any order under sub-section (8) by reason of the fact that payment of compensation to any person has been obtained by fraud, impersonation or other improper means any amount so paid to or on behalf of such person may be recovered as an arrear of land revenue.

15.1.6.4. Notice and Claim for Compensation [Section 10]

Section 10 of the Act prescribes that a claim for compensation shall be entertained by the commissioner only after a notice of the accident has been given to him. Such notice should be given as soon as practicable after the date of the accident. The claim of compensation however be preferred within 2 years form the date of accident or death. In case of deemed accident arising out of occupational disease the date of accident will be recorded as the first day on which the workman starts absenting himself continuously as a consequence of the disease. Failure to give notice shall not bar the entertainment of the claim by the commissioner under the following circumstances, namely:

- 1) If the death of a workman resulting from the accident occurred on the premises of the employer or at any place where the workman at the time of accident was working under the control of the employer and the workman died at such place or at such premises belonging to the employer and died without having left the vicinity of the premises or the place where the accident occurred; or
- 2) If the employer or any of the several employers or his manager has knowledge of the accident from any other source at or about the time when it occurred.

Every notice shall be served upon the employer. It may be served by delivering it at or sending it by registered post and addressed to the residence or any of office or place of business of the person on whom it is to be served.

Where a workman has given a notice of accident he should submit himself for medical examination if required by the employer. And such medical examination shall take place within 3 days from the date of service of the notice of accident to the employer Refusal to submit himself for medical examination will result in the suspension of the right of the workman for compensation during the period of refusal During the period of suspension of the right no compensation shall be paid to the workman.

15.1.6.4.1. Power to Require from Employers Statements Regarding Fatal Accident [Section 10A]

- 1) Where a Commissioner receives information from any source that a workman has died as a result of an accident arising out of and in the course of his employment he may send by registered post a notice to the workman's employer requiring him to submit within thirty days of the service of the notice a statement in the prescribed form giving the circumstances attending the death of the workman and indicating whether in the opinion of the employer he is or is not liable to deposit compensation on account of the death.
- 2) If the employer is of opinion that he is liable to deposit compensation he shall make the deposit within thirty days of the service of the notice.
- 3) If the employer is of opinion that he is not liable to deposit compensation he shall in his statement indicate the grounds on which he disclaims liability.
- 4) Where the employer has so disclaimed liability the Commissioner after such inquiry as he may think fit may inform any of the dependants of the deceased workman that it is open to the dependants to prefer a claim for compensation and may give them such other further information as he may think fit.

15.1.6.4.2. Reports of Fatal Accidents and Serious Bodily Injuries [Section 10B]

- 1) Where by any law for the time being in force notice is required to be given to any authority by or on behalf of an employer of any accident occurring on his premises which results in death or serious bodily injury the person required to give the notice shall within seven days of the death or serious bodily injury send a report to the Commissioner giving the circumstances attending the death or serious bodily injury; provided that where the State Government has so prescribed the person required to give the notice may instead of sending such report to the Commissioner send it to the authority to whom he is required to give the notice.

Explanation: "Serious bodily injury" means an injury which involves or in all probability will involve the permanent loss of the use of or permanent injury to any limb or the permanent loss of or injury to the sight or hearing or the fracture of any limb or the enforced absence of the injured person from work for a period exceeding twenty days.

- 2) The State Government may by notification in the Official Gazette extend the provisions of sub-section (1) to any class of premises other than those coming within the scope of that sub-section and may by such notification specify the person who shall send the report to the Commissioner.
- 3) Nothing in this section shall apply to factories to which the Employees' State Insurance Act 1948 applies.

15.1.6.5. Medical Examination [Section 11]

- 1) Where a workman has given notice of an accident he shall, if the employer before the expiry of three days from the time at which service of the notice has been effected offers to have him examined free of charge by a qualified medical practitioner submit himself for such examination and any workman who is in receipt of a half-monthly payment under this Act shall if so required submit himself for such examination from time to time; provided that a workman shall not be required to submit himself for examination by a medical practitioner otherwise than in accordance with rules made under this Act or at more frequent intervals than may be prescribed.
- 2) If a workman on being required to do so by employer under sub-section (1) or by the Commissioner at any time refuses to submit himself for examination by a qualified medical practitioner or in any way obstructs the same his right to compensation shall be suspended during the continuance of such refusal or obstruction unless in the case of refusal he was prevented by any sufficient cause from so submitting himself.
- 3) If a workman before the expiry of the period within which he is liable under sub-section (1) to be required to submit himself for medical examination voluntarily leaves without having been so examined the vicinity of the place in which he was employed his right to compensation shall be suspended until he returns and offers himself for such examination.
- 4) Where a workman whose right to compensation has been suspended under sub-section (2) or sub-section (3) dies without having submitted himself for medical examination as required by either of those sub-sections, the Commissioner may if he thinks fit direct the payment of compensation to the dependants of the deceased workman.
- 5) Where under sub-section (2) or sub-section (3) a right to compensation is suspended no compensation shall be payable in respect of the period of suspension and if the period of suspension commences before the expiry of the waiting period referred to in clause (d) of sub-section (1) of section 4 the waiting period shall be increased by the period during which the suspension continues.
- 6) Where an injured workman has refused to be attended by a qualified medical practitioner whose services have been offered to him by the employer free of charge or having accepted such offer has deliberately disregarded the instructions of such medical practitioner then if it is proved that the workman has not thereafter been regularly attended by a qualified medical practitioner or having been so attended has deliberately failed to follow his instructions and that such refusal, disregard or failure was unreasonable in the circumstances of the case and that the injury has been aggravated thereby, the injury and resulting disablement shall be deemed to be of the same nature and duration as they might reasonably have been expected to be if the workman had been regularly attended by a qualified medical practitioner whose instructions he had followed and compensation if any shall be payable accordingly.

15.1.6.6. Contracting [Section 12]

- 1) Where any person (hereinafter in this section referred to as the principal) in the course of or for the purposes of his trade or business contract with any other person (hereinafter in this section referred to as the contractor for the execution by or under the contractor of the whole or any part of any work which is ordinarily part of the trade or business of the principal the principal shall be liable to pay to any workman employed in the execution of the work any compensation which he would have been liable to pay if that workman had been immediately employed by him; and where compensation is claimed from the principal this Act shall apply as if references to the principal were substituted for references to the employer except that the amount of compensation shall be calculated with reference to the wages of the workman under the employer by whom he is immediately employed.
- 2) Where the principal is liable to pay compensation under this section he shall be entitled to be indemnified by the contractor or any other person from whom the workman could have recovered compensation and where a contractor who is himself a principal is liable to a pay compensation or to

indemnify a principal under this section he shall be entitled to be indemnified by any person standing to him in the relation of a contractor from whom the workman could have recovered compensation and all questions as to the right to and the amount of any such indemnity shall in default of agreement be settled by the Commissioner.

- 3) Nothing in this section shall be construed as preventing a workman from recovering compensation from the contractor instead of the principal.
- 4) This section shall not apply in any case where the accident occurred elsewhere than on in or about the premises on which the principal has undertaken or usually undertakes as the case may be to execute the work or which are otherwise under his control or management.

15.1.6.7. Returns as to Compensation [Section 16]

The State Government may, by notification in the Official Gazette direct that every person employing workmen or that any specified class of such persons shall send at such time and in such form and to such authority as may be specified in the notification a correct return specifying the number of injuries in respect of which compensation has been paid by the employer during the previous year and the amount of such compensation together with such other particulars as to the compensation as the State Government may direct.

15.1.6.8. Contracting Out [Section 17]

Any contract or agreement whether made before or after the commencement of this Act whereby a workman relinquishes any right of compensation from the employer for personal injury arising out of or in the course of the employment shall be null and void in so far as it purports to remove or reduce the liability of any person to pay compensation under this Act.

15.1.7. Penalties [Section 18A]

- 1) Whoever:
 - i) Fails to maintain a notice-book which he is required to maintain under sub-section (3) of section 10, or
 - ii) Fails to send to the Commissioner a statement which he is required to send under sub-section (1) of section 10A, or
 - iii) Fails to send a report which he is required to send under section 10B, or
 - iv) Fails to make a return which he is required to make under section 16 shall be punishable with fine which may extend to five thousand rupees.
- 2) No prosecution under this section shall be instituted except by or with the previous sanction of a Commissioner and no Court shall take cognizance of any offence under this section unless complaint thereof is made within six months of the date on which the alleged commission of the offence came to the knowledge of the Commissioner.

15.1.8. Enforcement of the Act

15.1.8.1. Commissioners [Section 19]

- 1) If any question arises in any proceedings under this Act as to the liability of any person to pay compensation (including any question as to whether a person injured is or is not a workman) or as to the amount of duration of compensation (including any question as to the nature or extent of disablement) the question shall in default of agreement be settled by a Commissioner.
- 2) No Civil Court shall have jurisdiction to settle decided or deal with any question which is by or under this Act required to be settled decided or dealt with by a Commissioner or to enforce any liability incurred under this Act.

15.1.8.2. Appointment of Commissioner [Section 20]

- 1) The State Government may, by notification in the Official Gazette, appoint any person to be a Commissioner for Workmen's Compensation for such area as may be specified in the notification.
- 2) Where more than one Commissioner has been appointed for any area the State Government may by general or special order regulate the distribution of business between them.

- 3) Any Commissioner may for the purpose of deciding any matter referred to him for decision under this Act choose one or more persons possessing special knowledge of any matter relevant to the matter under inquiry to assist him in holding the inquiry.
- 4) Every Commissioner shall be deemed to be a public servant within the meaning of the Indian Penal Code (45 of 1860).

15.1.8.3. Power of Commissioner to Require Further Deposit in Cases of Fatal Accident [Section 22A]

- 1) Where any sum has been deposited by an employer as compensation payable in respect of a workman whose injury has resulted in death and in the opinion of the Commissioner such sum is insufficient the Commissioner may by notice in writing stating his reasons call upon the employer to show cause why he should not make a further deposit within such time as may be stated in the notice.
- 2) If the employer fails to show cause to the satisfaction of the Commissioner the Commissioner may make an award determining the total amount payable and requiring the employer to deposit the deficiency.

15.1.8.4. Powers and Procedure of Commissioners [Section 23]

The Commissioner shall have all the powers of a Civil Court under the Code of Civil Procedure 1908 for the purpose of taking evidence on oath (which such Commissioner is hereby empowered to impose) and of enforcing the attendance of witnesses and compelling the production of documents and material objects and the Commissioner shall be deemed to be a Civil Court for all the purposes of section 195 and of Chapter XXVI of the Code of Criminal Procedure 1973.

15.1.8.5. Appeals [Section 30]

- 1) An appeal shall lie to the High Court from the following orders of a Commissioner namely:
 - i) An order as awarding as compensation a lump sum whether by way of redemption of a half-monthly payment or otherwise or disallowing a claim in full or in part for a lump sum;
 - ii) An order awarding interest or penalty under section 4A;
 - iii) An order refusing to allow redemption of a half-monthly payment;
 - iv) An order providing for the distribution of compensation among the dependants of a deceased workman or disallowing any claim of a person alleging himself to be such dependant;
 - v) An order allowing or disallowing any claim for the amount of an indemnity under the provisions of sub-section (2) of section 12; or
 - vi) An order refusing to register a memorandum of agreement or registering the same or providing for the registration of the same subject to conditions; provided that no appeal shall lie against any order unless a substantial question of law is involved in the appeal and in the case of an order other than an order such as is referred to in clause (b) unless the amount in dispute in the appeal is not less than three hundred rupees; provided further that no appeal shall lie in any case in which the parties have agreed to abide by the decision of the Commissioner or in which the order of the Commissioner gives effect to an agreement come to by the parties; provided further that no appeal by an employer under clause (a) shall lie unless the memorandum of appeal is accompanied by a certificate by the Commissioner to the effect that the appellant has deposited with him the amount payable under the order appealed against.
- 2) The period of limitation for an appeal under this section shall be sixty days.
- 3) The provisions of section 5 of the Limitation Act 1963 (36 of 1963) shall be applicable to appeals under this section.

15.1.8.6. Withholding of Certain Payments Pending Decision of Appeal [Section 30A]

Where an employer makes an appeal under clause (a) of sub-section (1) of section 30 the Commissioner may and if so directed by the High Court shall pending the decision of the appeal withhold payment of any sum in deposit with him.