

## WORKMEN'S COMPENSATION ACT, 1923

### Section 4 - AMOUNT OF COMPENSATION

1) Subject to the provisions of this Act, the amount of compensation shall be as follows. namely :- (a) where death results an amount equal to 43[fifty] per cent of from the injury the monthly wages of the deceased work- man multiplied by the relevant factor; or an amount of 45[Eighty] thousand rupees, whichever is more; (b) where permanent total an amount equal to 46[sixty] per cent of disablement results from the monthly wages of the injured the injury workman multiplied by the relevant factor; or an amount of 49[Ninety] thousand rupees, whichever is more. Explanation 1: For the purposes of clause (a) and clause (b), "relevant factor", in relation to a workman means the factor specified in the second column of Schedule IV against the entry in the first column of that Schedule specifying the number of years which are the same as the completed years of the age of the workman on his last birthday immediately preceding the date on which the compensation fell due; Explanation II: Where the monthly wages of a workman exceed 50[four] thousand rupees, his monthly wages for the purposes of clause (a) and clause (b) shall be deemed to be 50[four] thousand rupees only; (c) where permanent partial disablement results from the injury (i) in the case of an injury specified in Part II of Schedule I, such percent- age 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 that injury, and (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; (d) Where temporary a half monthly payment of the sum disablement, whether equivalent to twenty-five per cent of total or partial, results monthly wages of the workman, to from the injury be paid in accordance with the provisions of sub-section (2). 51[(1A) Notwithstanding anything contained in sub-section (1), while fixing the amount of compensation payable to a workman in respect of an accident occurred outside India, the Commissioner shall take into account the amount of compensation, if any, awarded to such workman in accordance with the law of the country in which the accident occurred and shall reduce the amount fixed by him by the amount of compensation awarded to the workman in accordance with the law of that country.] (2) The half-monthly payment referred to in clause (d) of sub-section (1) shall be payable on the sixteenth day- (i) from the date of disablement where such disablement lasts for a period of twenty-eight days or more, or (ii) after the expiry of a waiting period of three days from the date of disablement where such disablement lasts for a period of less than twenty-eight days; and thereafter half-monthly during the disablement or during a period of five years, whichever period is shorter: Provided that- (a) there shall be deducted from any lump sum or half-monthly payments to which the workman is entitled the amount of any payment or allowance which the workman has received from the employer by way of compensation during the period of disablement prior to the receipt of such lump sum or of the first half-monthly payment, as the case may be; and (b) no half-monthly payment shall in any case exceed the amount, if any, by which half the amount of the monthly wages of the workman before the accident exceeds half the amount of such wages which he is earning after the accident. (3) On the ceasing of the disablement before the date on which any half- monthly payment falls due, there shall be payable in respect of that half-month a sum proportionate to the duration of the disablement in that half-month.] 52[(4) If the injury of the workman results in his death, the employer shall, in addition to the compensation under sub-section (1), deposit with the Commissioner a sum of 57"two thousand and five hundred rupees" for payment of the same to the eldest surviving dependant of the workman towards the expenditure of the funeral of such workman or where the workman did not have a dependant or was not living with his dependant at the time of his death to the person who actually incurred such expenditure.]