

Compensation to dependents of labourers

1139. SHRI ARVIND KUMAR SINGH:

SHRI NEERAJ SHEKHAR:

Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a) whether claims of compensations to dependents of the deceased labourer can be submitted either at labour office in the State where accident has occurred or in the native State/domicile State of the deceased as per the existing labour laws;

(b) if so, the details thereof, if not, the reasons therefor;

(c) the time-frame within which compensation are paid as per the labour laws; and

(d) the details of mechanism available with the dependents/Government in case employer of the deceased labourer refuse to pay the compensation even after the orders from labour department?

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI BANDARU DATTATREYA): (a) and (b) As per Section 21 of the Employees' Compensation Act, 1923, an employee or his dependent (in case of his death) can file; claim of compensation before the Commissioner of the area in which:

(i) the accident took place which resulted in the injury; or

(ii) the employee or in case of his death, the dependent claiming the compensation ordinarily resides; or

(iii) the employer has his registered office.

(c) As per Section 4(A) of the Employees' Compensation Act, 1923, the compensation shall be paid as soon as it falls due.

(d) As per Section 4(A)(3) of the Employees' Compensation Act, 1923, where any employer is in default in paying the compensation due under this Act within one month from the date it fell due, the Commissioner shall:

(i) direct that the employer shall, in addition to the amount of the arrears, pay simple interest thereon at the rate of twelve per cent per annum or at such higher rate not exceeding the maximum of the lending rates of any scheduled bank as may be specified by the Central Government, by notification in the Official Gazette, on the amount due; and

(ii) if, in his opinion, there is no justification for the delay, direct that the employer shall, in addition to the amount of the arrears and interest thereon, pay a further sum not exceeding fifty per cent of such amount by way of penalty.