

HC 01, MBA –III Semester,
Unit: 2
Topic: Fatal Accidents in case of WCA, 1923.
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Fatal Accidents in Case of Workmen Compensation Act

Fatal accidents (Secs. 10-A and 10-B). Where a Commissioner receives information from any source regarding fatal accident of a workman, he may send by registered post a notice to the workman's employer. The notice requires the employer to submit, within 30 days of the service of the notice, a statement in the prescribed form giving the circumstances leading to the death of the workman. The employer has further to indicate whether, in his opinion, he is or is not liable to deposit compensation on account of death [Sec. 10-A (1)].

If the employer feels that he is liable for compensation, he shall make the deposit within 30 days of the service of the notice (Sec. 10-A (2)). If he is of opinion that he is not liable, he shall indicate the ground for such disclaimer (Sec. 10-A (3)). In case the employer has disclaimed liability, the Commissioner may, after such inquiry as he may think fit, inform any of the dependents of the deceased workman, that it is open to them to make a claim for compensation and may give them such information as he may think fit [Sec. 10-A (4)].

Report of fatal accidents and serious bodily injury. Sec. 10-B provides that an employer, who is required to give a notice to any authority of any accident occurring on his premises resulting in death or serious bodily injury. shall send a report to the Commissioner within 7 days of the accident. The report shall give the circumstances leading to the death or serious bodily injury. If the State Government permits, the person required to give notice may instead of sending such report to the Commissioner send it to the authority to whom he is required to give notice [Sec. 10-B (1)].

Sec. 10-B does not apply to the factories to which the Employees State Insurance Act, 1948 applies (Sec. 10-B (3)).