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Fourteenth Kerala Legislative Assembly

Bill No. 133

**THE EMPLOYEE'S COMPENSATION (KERALA
AMENDMENT) BILL, 2018**

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BILL

further to amend the Employee's Compensation Act, 1923, in its application to the State of Kerala

Preamble.—WHEREAS, it is expedient further to amend the Employee's Compensation Act, 1923 (Central Act 8 of 1923) in its application to the State of Kerala for the purposes hereinafter appearing;

BE it enacted in the Sixty-ninth Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Employee's Compensation (Kerala Amendment) Act, 2018.

(2) It extends to the whole of the State of Kerala.

(3) It shall come into force at once.

2. *Amendment of section 20.*—In section 20 of the Employee's Compensation Act, 1923 (Central Act 8 of 1923), in sub-section (1), after the words "industrial relations", the words "or any officer of the State Labour Department not below the rank of a Deputy Labour Commissioner" shall be inserted.

STATEMENT OF OBJECTS AND REASONS

Consequent to the amendment of sub-section (1) of section 20 of the Employee's Compensation Act, 1923 by the Workmen's Compensation (Amendment) Act, 2009 (No. 45 of 2009) the Deputy Labour Commissioners of
826/20018.

State Labour Department who have been appointed as Workmen's Compensation Commissioners became ineligible to perform their duties. Consequently Industrial Tribunal was entrusted to function as Commissioner for Employee's Compensation. The Hon'ble Kerala State Human Rights Commission, considering the difficulties faced by the workmen who died in accidents, suggested that Deputy Labour Commissioners may be appointed as Employee's Compensation Commissioners. Hence it has been decided to make suitable amendments to sub-section (1) of section 20 of the Employee's Compensation Act, 1923 in its application to the State of Kerala, so as to enable the Deputy Labour Commissioners to be appointed as Commissioners for Employee's Compensation in the State of Kerala.

The Bill is intended to achieve the above object.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any additional expenditure from the Consolidated Fund of the State.

T. P. RAMAKRISHNAN.

EXTRACT FROM THE RELEVANT PORTIONS OF THE EMPLOYEE'S
COMPENSATION ACT, 1923

(Central Act 8 of 1923)

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20. *Appointment of Commissioners.*—(1) The State Government may, by notification in the Official Gazette, appoint any person who is or has been a member of a State Judicial Service for a period of not less than five years or is or has been for not less than five years an advocate or a pleader or is or has been a Gazetted Officer for not less than five years having educational qualifications and experience in personnel management, human resource development and industrial relations to be a Commissioner for Employee's Compensation for such area as may be specified in the notification.

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