

# A Study on Judicial Approach Towards Fatal Accident of Labour at Workplace

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## ABSTRACT

This research paper focuses on the main issue of when employment starts and ends.

It looks at the reasoning provided by Lord Porter in the case of **Weaver v. Tredgar Iron Coal Co.** He expanded the idea of the duty of care, especially regarding the phrase 'arising during or in the course of employment'. The paper explains that this duty does not end when an employee stops working, like when they show the 'down tool' signal or leave the workshop.

The study aims to examine various legal rules and court decisions about the meaning of 'arising during or in the course of employment'.

This research is important to protect workers' basic rights, especially in cases where workplace accidents lead to death. The researcher focuses on one specific type of fatal workplace accident involving labour. This study helps in understanding the role of the courts in such cases.

**KEYWORDS:** Arising during or in the course of employment, fatal accident of labour at workplace.

## Introduction

Judicial interpretation of Section 3(1) of the Workmen Compensation Act, 1923 Section 3(1) of the Workmen Compensation Act, 1923 says that if a worker suffers personal injury due to an accident that happens because of and during their job, the employer must compensate the worker or their legal representative according to the rules in Chapter II.

The key parts of this rule are: accidents that happen because of and during employment, and personal injury. In the nineteenth century, the term "scope of employment" was replaced with "in the course of employment." This means the risk involved in the worker's job, due to their service to the employer, is considered part of their duty. It is reasonable to believe that without this duty, the worker would not have been injured.

## Personal injury

Personal injury has not been clearly defined in this Act. However, the term "Employment Injury" is defined in Section 2(8) of the Employees State Insurance Act, 1948. This term includes a personal injury caused by an accident or an occupational disease that happens during or as part of employment. The employee has to prove that the accident was connected to their job. Section 3 of the Workmen Compensation Act, 1923 says that for a claim to be valid, the following must be true: first, the workman must suffer a personal injury; second, the injury must be caused by an accident; third, the accident must happen during or as part of employment; and fourth, the workman must be totally or partially disabled for not more than three days

or must have died because of the injury. This definition makes it clear that any physical injury that occurs during work is considered a personal injury. Even though the term doesn't specifically mention mental health issues, the employer is still responsible if the employee suffers from psychological problems, mental stress, or mental illness because of their job. In one case, a death caused by nervous shock due to excitement and fear, or a heart attack, was considered a personal injury, and the family was allowed to receive compensation.

### Accident

Lord Lindley said that the word 'accident' includes any event that happens without being planned and causes harm or loss.

The courts need to understand the word 'accident' in a way that shows how one thing leads to another, without favouring one over the other. Usually, an accident is caused by something outside the body. However, there are some rare cases where an accident happens inside the body, like a problem with the heart muscle, overexertion causing tiredness, or nervous shock leading to injury. Lord Atkin called these 'internal accidents'. In these cases, it's hard to tell the difference between an accident and an injury, so the two are connected. The main factors used to decide if something is an injury caused by an accident include:

1. There needs to be a clear reason why the accident, the injury, and the job the person was doing are connected.
2. It's up to the worker to show that the job they were doing made things worse for their injury.
3. The proof given must be real and not just guesses.

So, even if someone died while at work, it doesn't automatically mean it was an accident.

You have to prove it was an accident. An accident is something that happens unexpectedly and not on purpose.

When an injury happens because of or during work, it is considered to have occurred 'in the course of employment.' This phrase means that if the worker's actions are connected to an accident, even if the activity was a side task, it still counts. The phrase isn't just about the type of job, but also includes the worker's position, situation, and responsibilities. If a worker is in a dangerous area, the injury is usually considered work-related, unless the worker knowingly put themselves in another danger. The word 'work' refers to the whole time the job is being done, not just when the worker starts and ends the task.

The terms 'scope of work' and 'accident' have become more widely understood as courts must consider various factors like risks, working conditions, and the nature of the employee's activities when deciding compensation. In the case of **Ravuri Kotayya v. Dasari Nagavardhanamma**, the Andhra Pradesh High Court established a method to assess whether an injury is related to work.

1. The employee should be working or doing their job when the accident happens.
2. The injury must occur at the workplace where the employee was required to be present to do their job.
3. The injury should directly result from the work being done, showing a clear link between the injury and the job.

Section 2 (8) of the National Labor Insurance Act explains what is meant by an occupational injury. It includes any personal injury or occupational disease that happens while doing work in India.

In the case of **State of Rajasthan v. State of Rajasthan**, Ram Prasad and Another, the Supreme Court said that if a worker is hurt because of an unexpected natural event, like a natural disaster, the employer is still responsible and must pay compensation. The doctrine of contributory negligence is a valid defense for the employer, but the employer has to prove it.

This rule was followed by the Karnataka High Court in **United India Insurance Co. Ltd v. Smt. Kanakavalli**.

In that case, a worker went to relax by a river after getting permission from his employer, and he died. The court decided that the employer was still responsible and gave compensation to the employer.

### **Economic impact**

A serious accident at work can have big financial effects on the family of the person who died, the company, and society as a whole. These effects include both direct and indirect costs. For the family of the deceased worker, the biggest problem is losing the main income earner. This can cause financial trouble and even lead to poverty. Without the main source of money, the family has to deal with everyday expenses and future plans. Dependents may have to borrow money or take on debt, which can lead to problems with food and other basic needs. The stress and sadness from the accident can also cause health issues, both mental and physical, which might affect future generations. In India, there is a law called the Employees' Compensation Act, 1923, that requires employers to give money to the family of the deceased worker. This includes paying for the funeral and a lump sum or regular payments based on the worker's income and age. For the employer, there are several costs involved, some of which are not obvious. Direct costs include paying compensation to the family, which is usually covered by insurance. There are also legal fees if there are lawsuits, especially if the company didn't follow safety rules. Insurance costs might go up in the future. The company might have to cover medical bills and fix any damage caused by the accident. Indirect costs include lost work time and production because the workplace has to shut down. The company may need to spend time and money on an investigation, reporting to government agencies, and dealing with the aftermath. They might also have to hire and train a new worker to replace the one who died, which can be expensive. A fatal accident can also hurt the company's reputation, making it harder to attract customers, investors, and employees.

### **CONCLUSION AND SUGGESTIONS**

In recent years, the courts have used a limited view of what is called "conceptual expansion of the workplace." Because of this, injuries that happened when a worker was traveling to work were not considered as part of the definition of "accidents" that take place "both outside of work and in the course of operation." The phrase "derived from" has been understood in this way since it was first used, and usually, the courts have tried to give it a broad meaning. Today, the term is also often used together with the word "quit." Even though the ideas behind these two terms are not exactly the same, they are closely connected. In the past, it was believed that "on the way" referred to a larger area and "out" referred to a smaller area within it. However, the more common view now is that these two terms are like two points that connect somewhere. To be eligible for compensation, both of these conditions need to be satisfied. Under the law, these two terms are considered to mean the same thing. If they were different, many other factors would need to be considered. In the UK, vicarious liability means that an employer can be held legally responsible for the mistakes or improper actions of their employees if those actions are related to their job. So, this idea is a way of deciding who pays for losses, and it is connected to economic and social policies. These legal ideas help achieve the main goals of the laws by protecting the rights of workers.