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WORKPLACE FATALITIES AND EMPLOYER LIABILITY UNDER THE SOCIAL SECURITY CODE

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I. Introduction

India's labour law landscape underwent a sweeping transformation with the enactment of four consolidated labour codes, which together replaced twenty-nine pre-existing statutes. Among these, the Code (**Code**) holds particular significance for the working population, as it seeks to extend a unified social security net to both organised and unorganised sector workers. The Code consolidates provisions relating to employees' compensation, provident funds, maternity benefits, and gratuity, among others, into a single legislative instrument. By doing so, it reduces the compliance burden on employers while simultaneously clarifying the entitlements of workers and their dependants.

One of the most consequential provisions within this Code is Section 74¹, which governs an employer's obligation to compensate workers who suffer personal injury including death arising out of and in the course of their employment. This provision is substantively identical to Section 3 of the older Employees' Compensation Act, 1923² (**ECA**), meaning that judicial interpretations developed under the earlier statute continue to carry direct relevance under the new Code. The present paper examines the scope and application of Section 74 by analysing a significant recent decision of the Bombay High Court that considerably widened the ambit of employer liability in cases of fatal occupational accidents involving pre-existing health conditions.

¹ [Section 74 of the Social Security Code](#)

² [Section 3 of the Employees' Compensation Act, 1923](#)

II. The Legislative Framework: Section 74 of the Code

Section 74 of the Code requires employers to compensate employees for personal injury caused by an accident arising out of and in the course of employment, including occupational diseases peculiar to the employment (subject to six months' continuous service) and accidents during commute where a sufficient nexus with employment exists.

Exceptions apply where the injury causes disablement of three days or fewer, or where it results from the employee's wilful disobedience or deliberate removal of safety guards. The section further operates as an election of remedies a claimant cannot simultaneously pursue compensation under the Code and a civil suit for damages balancing worker protection with fairness to employers and insurers.

III. Smt. Harvinder Kaur Vishakha Singh & Ors. v. Shri Tarvinder Singh K. Singh & Ors (Harvinder Case)³: Facts and Procedural History

In the *Harvinder Case*⁴ the Bombay High Court addressed the application of Section 74 of the Code to cardiac fatalities during employment. The deceased, a truck driver, had been engaged by the respondent-employer to complete a solo round trip between Mumbai and Ranchi approximately 3,600 km over seventeen to eighteen days. He collapsed and died on the return leg in Nashik's Chinchwad district, with the post-mortem attributing death to coronary artery heart disease.

His family filed a compensation claim of Rs. 3,94,120 with interest and penalty against the employer and insurer. The Commissioner dismissed the claim, holding that death from a natural medical condition did not constitute an accident under the law, and that the failure to examine the accompanying truck cleaner the only eyewitness left insufficient evidence to establish that the fatal episode occurred during active driving.

The Commissioner placed significant reliance on the Supreme Court's ruling in *Shakuntala Shreshti v. Prabhakar Garvali & Anr.*⁵ (**Shakuntala Shreshti**), which had held that a heart attack occurring during employment does not in itself amount to an accident entitling the claimant to compensation, unless there is positive evidence establishing that the cardiac episode

³ [Smt. Harvinder Kaur Vishakha Singh & Ors v. Shri Tarvinder Singh K. Singh, First Appeal No. 1476 of 2007](#)

⁴ Id.

⁵ [Shakuntala Shreshti v. Prabhakar Garvali & Anr.](#)

was precipitated by the stress and strain of the work performed. Finding no such evidence on record, the Commissioner denied compensation and the family members appealed to the Bombay High Court.

IV. Issues Before the Court and Contentions of the Parties

The Court was asked to determine whether the employee's death constituted a fatal accident arising out of and in the course of employment under Section 3 of the ECA⁶, and whether the appellants were entitled to compensation, interest, and penalty.

The appellants argued that the Commissioner had erred by treating the employment duties as merely incidental to the death. They contended that driving a loaded truck over 3,600 km across more than two weeks was inherently sufficient to accelerate an existing cardiac condition fatally. They further argued that *Shakuntala Shreshthi* had been misapplied, as it concerned a vehicle cleaner a far less demanding role and that the Court should instead follow *Param Pal Singh v. Insurance Company*⁷ (**ParamPal**), where the Supreme Court held that a causal link between cardiac fatality and long-distance driving could be reasonably inferred without proof of stress at the precise moment of death.

The respondents maintained that the Commissioner's order was correct. They argued that death during a work trip did not by itself establish liability, particularly when it could not be shown that the employee was driving at the moment of the cardiac arrest, and when the vehicle cleaner the only available eyewitness had not been examined.

V. The Judgment of the Bombay High Court

The Bombay High Court reversed the Commissioner's order, holding that the employee's death constituted a fatal accident arising out of employment and that the appellants were entitled to compensation along with the applicable penalty.

On the cleaner's non-examination, the Court acknowledged that his testimony might have added clarity, but held that its absence could not alone defeat the claim. Far more material was the undisputed fact that the employee had driven a round trip of 3,600 km over eighteen days without a co-driver. Such sustained physical and mental exertion was, in the Court's view,

⁶ Supra note 2

⁷ [Param Pal Singh v. National Insurance Company, AIR 2013 SC 974](#)

inherently likely to strain a person's cardiovascular system even if that strain built gradually rather than manifesting in a single identifiable event.

The Court distinguished *Shakuntala Shreshti*, which involved a vehicle cleaner with considerably less demanding duties, from the present case involving a long-haul driver. Relying on *ParamPal* and *Subhadrabai v. Maharashtra State Road Transportation*⁸, the Court held that for employees engaged in prolonged, physically demanding work, it is appropriate to infer that such work contributed to or accelerated an underlying cardiac condition, without requiring proof of a specific triggering event. The overall burdensome nature of the employment was therefore sufficient to treat the death as an occupational accident attracting employer liability.

VI. Analysis: The Judgment's Contribution to Employee Compensation Law

The Bombay High Court's decision merits attention for three distinct reasons, each of which has implications for the interpretation of Section 74 of the Code.

First, the Court's interpretation of the phrase arising out of and in the course of employment is notably generous to claimants. By holding that a natural medical condition coronary artery disease can qualify as an accident when it is aggravated or accelerated by the demands of employment, the Court removed the artificial barrier that would have excluded health-related fatalities from the protective umbrella of the law. This approach recognises a practical reality: many occupational fatalities occur not because of a discrete traumatic event, but because employment conditions silently erode a worker's health over time. To deny compensation in such cases would allow employers to benefit from assigning unduly onerous duties to workers without bearing any responsibility for the foreseeable consequences.

Second, the Court's recognition of subconscious or cumulative stress as a basis for establishing the causal link between employment and injury significantly eases the evidentiary burden on claimants. In many cases, particularly those involving deceased employees, it is practically impossible for dependants to produce direct evidence of a specific moment of physical strain. The Court's approach focusing on the overall nature and duration of the employment duties

⁸ [Subhadrabai v. Maharashtra State Road Transportation, II\(2004\)ACC253](#)

rather than a particular incident ensures that the statute achieves its remedial purpose of protecting workers' families, rather than becoming a dead letter in precisely those cases where protection is most needed. Going forward, this reasoning may support the development of a rebuttable presumption in favour of compensation whenever the nature of employment is demonstrably strenuous and a causal link with the fatal condition is plausible.

Third, the judgment is consistent with the legislative purpose underlying both the older Employees' Compensation Act and the new Code. The core objective of these enactments is to ensure that workers or their families are not left destitute as a consequence of injuries sustained during the performance of employment duties. The Court's decision upheld this purpose by ensuring that the family of a worker whose pre-existing condition was fatally worsened by an unduly demanding assignment did not go without any remedy, merely because the employer or insurer could point to the natural origin of the underlying disease.

VII. Conclusion

The Code marks a significant step in unifying India's social protection framework, with Section 74 governing employer liability for workplace injuries and deaths. Effective implementation, however, depends heavily on judicial interpretation. The Bombay High Court's decision in the *Harvinder Case* demonstrates this well by recognising cumulative occupational stress as a basis for compensation and easing the evidentiary burden on claimants' families, the Court gave the law its intended protective effect. This judgment stands as a valuable precedent for future claims under Section 74.