

SCHEDULE II

[See ¹[section 2 (I) (dd)]]

LIST OF PERSONS WHO, SUBJECT TO THE PROVISIONS OF ¹[SECTION 2 (I) (dd)], 'ARE INCLUDED IN THE DEFINITION OF ²[EMPLOYEES]

The following persons are employee's within the meaning of ¹[section 2 (I) (dd)] and subject to the provisions of that section, that is to say, any person who is—

³[⁴(i) ⁵[employed in railways], in connection with the operation ⁶[repair or maintenance of a lift or a vehicle propelled by steam or other mechanical power or by electricity or in connection with the loading or unloading of any such vehicle; or

(ii) employed, ⁷***, in any premises wherein or within the precincts whereof a manufacturing process as defined in clause (k) of section 2 of the Factories Act, 1948 (63 of 1948) is being carried on, or in any kind of work whatsoever incidental to or connected with any such manufacturing process or with the article made ⁸[whether or not employment in any such work is within such premises or precincts], and steam, water or other mechanical power or electrical power is used; or

(iii) employed for the purpose of making, altering, repairing, ornamenting, finishing or otherwise adapting for use, transport or sale any 'article or part of an article in any premises ⁹***, ¹⁰***

⁷[*Explanation.*—for the purposes of this clause, persons employed outside such premises or precincts but in any work incidental to, or connected with, the work relating to making, altering, repairing, ornamenting, finishing or otherwise adapting for use, transport or sale any article or part of an 'article shall be deemed to be employed within such premises or precincts; or]

(iv) employed in the manufacture or handling of explosives in connection with the employer's trade or business; or

(v) employed, in any mine as defined in clause (j) of section 2 of the Mines Act, 1952 (35 of 1952), in any mining operation or in any kind of work, ¹¹***, incidental to or connected with any mining operation or with the mineral obtained, or in any kind of work whatsoever below ground; or

(vi) employed as the master or as a seaman of—

(a) any ship which is propelled wholly or in part by steam or other mechanical power or by electricity or which is towed or intended to be towed by a ship so propelled; or

¹²* * * * *

(c) any sea-going ship not included in sub-clause (a) ¹³*** provided with sufficient area for navigation under sails alone; or

1. Subs. by Act 45 of 2009, s. 10, for "section 2 (I) (n)" (w.e.f. 18-1-2010).

2. Subs. by s. 5, *ibid.*, for "workmen" (w.e.f. 18-1-2010).

3. Subs. by Act 15 of 1933, s. 21, for clauses (i) to (xiii).

4. Subs. by Act 8 of 1959, s. 18, for clauses (i) to (ix) (w.e.f. 1-6-1959).

5. Subs. by Act 45 of 2009, s. 10, for "employed, otherwise than in a clerical capacity or on a railway" (w.e.f. 18-1-2010).

6. Ins. by Act 30 of 1995, s. 15 (w.e.f. 15-9-1995).

7. The words "otherwise than in a clerical capacity" omitted by Act 45 of 2010, s. 10 (w.e.f. 18-1-2010).

8. Ins. by Act 64 of 1962, s. 10 (w.e.f. 1-2-1963).

9. The words "wherein or within the precincts whereof twenty or more persons are so employed" omitted by Act 45 of 2009, s. 10 (w.e.f. 18-1-2010).

10. The word "or" omitted by Act 64 of 1962, s. 10 (w.e.f. 1-2-1963).

11. The word "other than clerical work" omitted by Act 45 of 2009, s. 10 (w.e.f. 18-1-2010).

12. Clause (b) omitted by s. 10, *ibid.* (w.e.f. 18-1-2010).

13. The words, brackets and letter "or sub-clause (b)" omitted by s. 10, *ibid.* (w.e.f. 18-1-2010).

(vii) employed for the purpose of—

(a) loading, unloading, fuelling, constructing, repairing, demolishing, cleaning or painting any ship of which he is not the master or a member of the crew, or handling or transport within the limits of any port subject to ¹[(the Ports Act, 1908 (5 of 1908) or the Major Port Trusts Act, 1963 (38 of 1963)], of goods which have been discharged from or are to be loaded into any vessel; or

(b) warping a ship through the lock; or

(c) mooring and unmooring ships at harbour wall berths or in pier; or

(d) removing or replacing dry dock caissons when vessels are entering or leaving dry docks;
or

(e) the docking or undocking of any vessel during an emergency; or

(f) preparing splicing coir springs and check wires, painting depth marks on lock-sides, removing or replacing fenders whenever necessary, landing of gangways, maintaining life-buoys up to standard or any other maintenance work of a like nature; or

(g) any work on jolly-boats for bringing a ship's line to the wharf; or

(viii) employed in the construction, maintenance, repair or demolition of—

(a) any building which is designed to be or is or has been more than one storey in height above the ground or twelve feet or more from the ground level to the apex of the roof; or

(b) any dam or embankment which is twelve feet or more in height from its lowest to its highest point; or

(c) any road, bridge, tunnel or canal; or

(d) any wharf, quay, sea-wall or other marine work including any moorings of ships, or

(ix) employed in setting up, maintaining, repairing or taking down any telegraph or telephone line or post or any overhead electric line or cable or post or standard or fittings and fixtures for the same;
or

(x) employed, ^{2***}, in the construction, working, repair or demolition of any aerial ropeway, canal, pipe-line, or sewer; or

(xi) employed in the service of any fire brigade; or

(xii) employed upon a railway as defined in ³[clause (31) of section 2 and sub-section (1) of section 197 of the Railways Act, 1890 (9 of 1890)], either directly or through a sub-contractor, by a person fulfilling a contract with the railway administration; or

(xiii) employed as an inspector, mail guard, sorter or van peon in the Railway Mail Service ⁴[or as a telegraphist or as a postal or railway Signaller], or employed in any occupation ordinarily involving-outdoor work in the Indian Posts and Telegraphs Department; or

(xiv) employed, ^{5***}, in connection with operations for winning natural petroleum or natural gas;
or

1. Subs. by Act 30 of 1995, s. 15 for certain words (w.e.f.15-9-95).

2. The words "otherwise than in a clerical capacity" omitted by Act 45 of 2009, s. 10 (w.e.f.18-1-2010).

3. Subs. by Act 30 of 1995, s. 15, for certain words (w.e.f.15-9-1995).

4. Ins. by Act 8 of 1959, s. 18 (w.e.f.1-6-1959).

5. The words "otherwise than in a clerical capacity" omitted by Act 45 of 2009, s. 10 (w.e.f.18-1-2010).

- (xv) employed in any occupation involving blasting operation; or
- (xvi) employed in the making of any excavation ^{1***} or explosives have been used, or whose depth from its highest to its lowest point exceeds ²[twelve] feet; or
- (xvii) employed in the operation of any ferry boat capable of carrying more than ten persons; or
- ³[(xviii) employed on any estate which is maintained for the purpose of growing cardamom, cinchona, coffee, rubber or tea; or]
- ⁴[(xix) employed, ^{5***}, in the generating, transforming, transmitting or distribution of electrical energy or in generation or supply of gas; or]
- (xx) employed in a lighthouse as defined in clause (d) of section 2 of the Indian Lighthouse Act, 1927 (17 of 1927); or
- (xxi) employed in producing cinematograph pictures intended for public exhibition or in exhibiting such pictures; or
- (xxii) employed in the training, keeping or working of elephants or wild animals; or
- ⁶[(xxiii) employed in the tapping of palm-trees or the felling or logging of trees, or the transport of timber by inland waters, or the control or extinguishing of forest fires; or]
- (xxiv) employed in operations for the catching or hunting of elephants or other wild animals; or]
- ⁷[(xxv) employed as a diver; ¹[or]
- (xxvi) employed in the handling or transport of goods in, or within the precincts of,—
- (a) any warehouse or other place in which goods are stored, ^{8***}; or
- (b) any market ^{9***}; or
- (xxvii) employed in any occupation involving the handling and manipulation of radium or X-rays apparatus, or contact with radio-active substances;] ¹⁰[or]
- ¹⁰(xxviii) employed in or in connection with the construction, erection, dismantling, operation or maintenance of an aircraft as defined in section 2 of the Indian Aircraft Act, 1934 (22 of 1934); or
- (xxix) ⁴[employed in horticultural operations, forestry, bee-keeping or farming” by tractors or other contrivances driven by steam or other mechanical power or by electricity; or
- (xxx) employed, ^{11***}, in the construction, working, repair or maintenance of a tubewell; or
- (xxxi) employed in the maintenance, repair or renewal of electric fittings in any building; or
- (xxxii) employed in a circus.]

1. The words “in which on any one day of the preceding twelve months more than twenty-five persons have been employed” omitted by Act 45 of 2009, s. 10 (w.e.f. 18-1-2010).

2. Subs. by Act 8 of 1959, s. 18, for “twenty” (w.e.f. 1-6-1959).

3. Subs. by Act 45 of 2009, s. 10 for item (xviii) (w.e.f. 18-1-2010).

4. Subs. by Act 30 of 1995, s. 15, for item (xix) and “employed in farming” (w.e.f. 15-9-1995).

5. The words “otherwise than in a clerical capacity” omitted by Act 45 of 2009, s. 10 (w.e.f. 18-1-2010).

6. Ins. by Act 9 of 1938, s. 11.

7. Original cl. (xxiii) renumbered (xxv) by s. 11, *ibid.*

8. The words “and in which on any one day of the preceding twelve months ten or more persons have been so employed” omitted by Act 45 of 2009, s. 10 (w.e.f. 18-1-2010).

9. The words “in which on any one day of the preceding twelve months fifty or more persons have been so employed” omitted by s. 10, *ibid.* (w.e.f. 18-1-2010).

10. Ins. by Act 8 of 1959, s. 18 (w.e.f. 1-6-1959).

11. The words “otherwise than in a clerical capacity” omitted by Act 45 of 2009, s. 10 (w.e.f. 18-1-2010).

- ¹[(xxxiii) employed as watchman in any factory or establishment; or
 (xxxiv) employed in any operation in the sea for catching fish; or
 (xxxv) employed in any employment which requires handling of snakes for the purpose of extraction of venom or for the purpose of looking after snakes or handling any other poisonous animal or insect; or
 (xxxvi) employed in handling animals like horses, mules and bulls; or
 (xxxvii) employed for the purpose of loading or unloading a mechanically propelled vehicle or in the handling or transport of goods which have been loaded in such vehicles; or
 (xxxviii) employed in cleaning of sewer lines or septic tanks within the limits of a local authority; or
 (xxxix) employed on surveys and investigation, exploration or gauge or discharge observation of rivers including drilling operations, hydrological observations and flood forecasting activities ground water surveys and exploration; or
 (xl) employed in cleaning of jungles or reclaiming land or ponds ^{2***}; or
 (xli) employed in cultivation of land or rearing and maintenance of live-stock or forest operations of fishing ^{2***}; or
 (xlii) employed in installation, maintenance or repair of pumping equipment used for lifting of water from wells, tubewells, ponds, lakes, streams and the like; or
 (xliii) employed in the construction, boring or deepening of an open well or dug well, bore well, bore-cum-dug well, filterpoint and the like; or
 (xliv) employed in spraying and dusting of insecticides or pesticides in agricultural operations or plantations; or
 (xlv) employed in mechanised harvesting and threshing operations; or
 (xlvi) employed in working or repair or maintenance of bulldozers, tractors, power tillers and the like; or
 (xlvii) employed as artist for drawing pictures on advertisement boards at a height of 3.66 metres or more from the ground level; or
 (xlviii) employed in any newspaper establishment as defined in the Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 and engaged in outdoor work].

Explanation.—In this Schedule, “the preceding twelve months” relates in any particular case to the twelve months ending with the day on which the accident in such case occurred.]

1. Ins. by Act 30 of 1995, s. 15 (w.e.f.15-9-1995).

2. The words “in which on any one day of the preceding twelve months more than twenty-five persons have been employed” omitted by Act 45 of 2009, s. 10 (w.e.f.18-1-2010).