

Regards,

Act further to amend the Workmen's Compensation Act, 1923.

It is enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

#### Short title and commencement

1. (1) This Act may be called the Workmen's Compensation (Amendment) Act, 2009.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

#### Amendment of long title

2. In the long title to the Workmen's Compensation Act, 1923 (8 of 1923) (hereinafter referred to as 'the principal Act'), for the word "workmen", the word "employees" shall be substituted.

#### Amendment of preamble

3. In the principal Act, in the preamble, for the word "workmen", the word "employees" shall be substituted.

#### Amendment of section 1

4. In section 1 of the principal Act, in sub-section (1), for the word "Workmen's", the word "Employee's" shall be substituted.

#### Substitution of references to certain expressions by certain other expressions

5. Throughout the principal Act, for the words "workman" and "workmen", wherever they occur, the words "employee" and "employees" shall respectively be substituted, and such other consequential amendments as the rules of grammar may require shall also be made.

#### Amendment of section 2

6. In section 2 of the principal Act, in sub-section (1),—

(i) after clause (d), the following clause shall be inserted, namely:—

"(dd) "employee" means a person, who is—

(i) a railway servant as defined in clause (34) of section 2 of the Railways Act, 1989 (24 of 1989), not permanently employed in any administrative district or sub-divisional office of a railway and not employed in any such capacity as is specified in Schedule II; or

(ii) (a) a master, seaman or other members of the crew of a ship,

(b) a captain or other member of the crew of an aircraft,

(c) a person recruited as driver, helper, mechanic, cleaner or in any other capacity in connection with a motor vehicle.

(d) a person recruited for work abroad by a company,

and who is employed outside India in any such capacity as is specified in Schedule II and the ship, aircraft or motor vehicle, or company, as the case may be, is registered in India; or

(iii) employed in any such capacity as is specified in Schedule II, whether the contract of employment was made before or after the passing of this Act and whether such contract is expressed or implied, oral or in writing; but does not include any person working in the capacity of a member of the Armed Forces of the Union; and any reference to any employee who has been injured shall, where the employee is dead, include a reference to his dependants or any of them;—

(ii) clause (n) shall be omitted.

#### Amendment of section 4

7. In section 4 of the principal Act,—

(a) in sub-section (1),—

(i) in clause (a), for the words “eighty thousand rupees”, the words “one lakh and twenty thousand rupees” shall be substituted;

(ii) in clause (b), for the words “ninety thousand rupees”, the words “one lakh and forty thousand rupees” shall be substituted;

(iii) after clause (b), the following proviso shall be inserted, namely:—

“Provided that the Central Government may, by notification in the Official Gazette, from time to time, enhance the amount of compensation mentioned in clauses (a) and (b).”;

(iv) after clause (b), the *Explanation* II shall be omitted;

(b) after sub-section (1A), the following sub-section shall be inserted, namely:—

“(1B) The Central Government may, by notification in the Official Gazette, specify, for the purposes of sub-section (1), such monthly wages in relation to an employee as it may consider necessary.”;

(c) after sub-section (2), the following sub-section shall be inserted, namely:—

“(2A) The employee shall be reimbursed the actual medical expenditure incurred by him for treatment of injuries caused during the course of employment.”;

(d) in sub-section (4),—

(A) for the words “two thousand and five hundred rupees”, the words “not less than five thousand rupees” shall be substituted;

(B) the following proviso shall be inserted, namely:—

“Provided that the Central Government may, by notification in the Official Gazette, from time to time, enhance the amount specified in this sub-section.”.

#### Amendment of section 20



In section 20 of the principal Act, in sub-section (1), after the words "appoint any person", the words "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" shall be inserted.

#### Insertion of new section 25A

9. After section 25 of the principal Act, the following section shall be inserted, namely:—

"25A. *Time limit for disposal of cases relating to compensation* – The Commissioner shall dispose of the matter relating to compensation under this Act within a period of three months from the date of reference and intimate the decision in respect thereof within the said period to the employee."

#### Amendment of Schedule II

10. In Schedule II to the principal Act,—

- (i) for the word, figures, brackets and letter "section 2(1)(n)", wherever they occur, the word, figures, brackets and letters "section 2(1)(dd)" shall be substituted;
- (ii) in item (i), for the words "employed, otherwise than in a clerical capacity or on a railway", the words "employed in railways" shall be substituted;
- (iii) in item (ii), the words "otherwise than in a clerical capacity" shall be omitted;
- (iv) in item (iii), the words "wherein or within the precincts whereof twenty or more persons are so employed" shall be omitted;
- (v) in item (v), the words "other than clerical work" shall be omitted;
- (vi) in item (vi),—
  - (a) clause (b) shall be omitted;
  - (b) in clause (c), the words, brackets and letter "or sub-clause (b)" shall be omitted;
- (vii) in item (x), the words "otherwise than in a clerical capacity" shall be omitted;
- (viii) in item (xiv), the words "otherwise than in a clerical capacity" shall be omitted;
- (ix) in item (xvi), the words "in which on any one day of the preceding twelve months more than twenty-five persons have been employed" shall be omitted;
- (x) for item (xviii), the following item shall be substituted, namely:—
  - "(xviii) employed on any estate which is maintained for the purpose of growing cardamom, cinchona, coffee, rubber or tea; or";
- (xi) in item (xix), the words "otherwise than in a clerical capacity" shall be omitted;
- (xii) in item (xxvi),—

# men's Compensation (Amendment) act, 2009 | Tax Guru

In section 20 of the principal Act, in sub-section (1), after the words "appoint any person", the words "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" shall be inserted.

## Insertion of new section 25A

9. After section 25 of the principal Act, the following section shall be inserted, namely:—

"25A. *Time limit for disposal of cases relating to compensation* – The Commissioner shall dispose of the matter relating to compensation under this Act within a period of three months from the date of reference and intimate the decision in respect thereof within the said period to the employee."

## Amendment of Schedule II

10. In Schedule II to the principal Act,—

(i) for the word, figures, brackets and letter "section 2(1)(n)", wherever they occur, the word, figures, brackets and letters "section 2(1)(dd)" shall be substituted;

(ii) in item (i), for the words "employed, otherwise than in a clerical capacity or on a railway", the words "employed in railways" shall be substituted;

(iii) in item (ii), the words "otherwise than in a clerical capacity" shall be omitted;

(iv) in item (iii), the words "wherein or within the precincts whereof twenty or more persons are so employed" shall be omitted;

(v) in item (v), the words "other than clerical work" shall be omitted;

(vi) in item (vi),—

(a) clause (b) shall be omitted;

(b) in clause (c), the words, brackets and letter "or sub-clause (b)" shall be omitted;

(vii) in item (x), the words "otherwise than in a clerical capacity" shall be omitted;

(viii) in item (xiv), the words "otherwise than in a clerical capacity" shall be omitted;

(ix) in item (xvi), the words "in which on any one day of the preceding twelve months more than twenty-five persons have been employed" shall be omitted;

(x) for item (xviii), the following item shall be substituted, namely:—

"(xviii) employed on any estate which is maintained for the purpose of growing cardamom, cinchona, coffee, rubber or tea; or";

(xi) in item (xix), the words "otherwise than in a clerical capacity" shall be omitted;

(xii) in item (xxvi),—



- (g) in clause (a), the words "and in which on any one day of the preceding twelve months ten or more persons have been so employed" shall be omitted;
- (b) in clause (b), the words "in which on any one day of the preceding twelve months fifty or more persons have been so employed" shall be omitted;
- (xiii) in item (xxx), the words "otherwise than in a clerical capacity" shall be omitted;
- (xiv) in items (xi) and (xii), the words "in which on any one day of the preceding twelve months more than twenty-five persons have been employed" shall be omitted;
- (xv) the *Explanation* occurring after item (xix), at the end shall be omitted.

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Tags: administrative district, central government, commencement, compensation act, compensation amendment act, consequential amendments, official gazette, preamble, section 1, servant, workman, workmen

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(नियोजन का विनियमन तथा सेवा शर्तें) अधिनियम, 1979 (1979 की संख्या 30) के प्रयोजनों के लिए निरीक्षक के रूप में नियुक्त करती है; तथा म० प्र० दुकान एवं स्थापना अधिनियम, 1958 (क्रमांक 25 सन् 1958) की धारा 40 के अधीन उनको समानुदेशित की गई; स्थानीय सीमाओं को उन स्थानीय सीमाओं के रूप में परिशिष्टित करती है, जिसके भीतर वे अन्तर्राष्ट्रीय प्रवासी कर्मकार (नियोजन का विनियमन तथा सेवा शर्तें) अधिनियम, 1979 (क्रमांक 30 सन् 1979) के अधीन उनकी शक्तियों का प्रयोग करेंगे।

[Published in Chhattisgarh Rajpatra Part I dated 19-7-2002 Page 880]

[96] अधिसूचना क्र० भम/17 दिनांक 20 मार्च, 2002.—अन्तर्राष्ट्रीय प्रवासी कर्मकार (नियोजन का विनियमन तथा सेवा शर्तें) अधिनियम, 1979 (क्रमांक 30 सन् 1979) जैसा कि छत्तीसगढ़ राज्य में प्रयुक्त है, की धारा द्वारा प्रदत्त शक्तियों को प्रयोग में लाते हुए, राज्य सरकार एतद्वारा समस्त सहायक श्रमायुक्तों एवं समस्त श्रम पदाधिकारियों को अनुज्ञापन अधिकारी नियुक्त करती है, जो उनकी अपनी-अपनी अधिकारिता के विनिर्दिष्ट क्षेत्रों के भीतर शक्तियां प्रयोग करेंगे।

[Published in Chhattisgarh Rajpatra Part I dated 19-7-2002 Page 880]

[97] अधिसूचना क्र० भम/18 दिनांक 20 मार्च, 2002.—अन्तर्राष्ट्रीय प्रवासी कर्मकार (नियोजन का विनियमन तथा सेवा शर्तें) अधिनियम, 1979 (क्रमांक 30 सन् 1979) जैसा कि छत्तीसगढ़ राज्य में प्रयुक्त है, की धारा 3 द्वारा प्रदत्त शक्तियों को प्रयोग में लाते हुए, राज्य सरकार एतद्वारा समस्त सहायक श्रमायुक्तों एवं समस्त श्रम पदाधिकारियों को पंजीयन अधिकारी नियुक्त करता है, जो उनकी अपनी-अपनी अधिकारिता के विनिर्दिष्ट क्षेत्रों के भीतर शक्तियां प्रयोग करेंगे।

[Published in Chhattisgarh Rajpatra Part I dated 19-7-2002 Page 880]

[98] अधिसूचना क्र० भम/19 दिनांक 20 मार्च, 2002.—अन्तर्राष्ट्रीय प्रवासी कर्मकार (नियोजन का विनियमन तथा सेवा शर्तें) अधिनियम, 1979 (क्रमांक 30 सन् 1979) जैसा कि छत्तीसगढ़ राज्य में प्रयुक्त है, की धारा 11 की उपधारा (1) द्वारा प्रदत्त शक्तियों को प्रयोग में लाते हुए, राज्य सरकार एतद्वारा उप श्रमायुक्त मुख्यालय को छत्तीसगढ़ राज्य के लिए अपीलीय प्राधिकारी नियुक्त करती है।

[Published in Chhattisgarh Rajpatra Part I dated 19-7-2002 Page 880]

[99] अधिसूचना क्र० भम/20 दिनांक 20 मार्च, 2002.—अन्तर्राष्ट्रीय प्रवासी कर्मकार (नियोजन का विनियमन तथा सेवा शर्तें) अधिनियम, 1979 (क्रमांक 30 सन् 1979) जैसा कि छत्तीसगढ़ राज्य में प्रयुक्त है, की धारा 12 की उपधारा (2) के स्पष्टीकरण द्वारा प्रदत्त शक्तियों को प्रयोग में लाते हुए, राज्य सरकार एतद्वारा उक्त अधिनियम की धारा 7 के अधीन नियुक्त किये गये अनुज्ञापन अधिकारियों को विनिर्दिष्ट करती है, जो उनकी अपनी-अपनी अधिकारिता के भीतर उसकी धारा 12 तथा 16 के प्रयोजन के लिए विनिर्दिष्ट प्राधिकारी होंगे।

[Published in Chhattisgarh Rajpatra Part I dated 19-7-2002 Page 880]

[100] अधिसूचना क्र० भम/21 दिनांक 20 मार्च, 2002.—छत्तीसगढ़ राज्य को लागू हुए रूप में कर्मकार प्रतिकर अधिनियम, 1923 (क्रमांक 8 सन् 1923) की धारा 20 की उपधारा (1) द्वारा प्रदत्त शक्तियों को प्रयोग में लाते हुए राज्य सरकार एतद्वारा म० प्र० औद्योगिक संबंध अधिनियम, 1960 द्वारा नियुक्त समस्त सहायक श्रमायुक्तों को इस अधिनियम के अधीन कर्मकारों की क्षतिपूर्ति के लिए अपनी-अपनी अधिकारिता हेतु आयुक्त नियुक्त करती है।

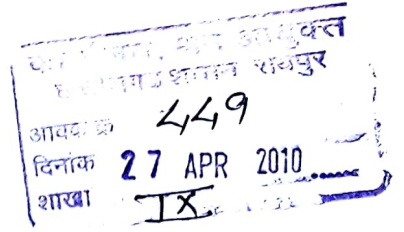
[Published in Chhattisgarh Rajpatra Part I dated 19-7-2002 Pages 880-881]

[101] अधिसूचना क्र० भम/22 दिनांक 20 मार्च, 2002.—बाल श्रमिक (प्रतिषेध एवं विनियमन) अधिनियम, 1986 जैसा कि यह छत्तीसगढ़ राज्य में प्रयुक्त है, की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग, राज्य सरकार एतद्वारा म० प्र० दुकान एवं स्थापना अधिनियम, 1958 (क्रमांक 25 सन् 1958) की धारा 40 की उपधारा (2) के अधीन नियुक्त किये गये निरीक्षकों को अपनी-अपनी अधिकारिता की सीमाओं के भीतर, बाल श्रमिक अधिनियम के उपबंधों का पालन सुनिश्चित करने के प्रयोजन के लिए निरीक्षक (इन्स्पेक्टर) के रूप में नियुक्त करता है।

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छत्तीसगढ़ शासन  
श्रम विभाग  
मंत्रालय  
दाऊ कल्याण सिंह भवन, रायपुर



क्रमांक १०३ / 708 / 2010 / 16,

रायपुर दिनांक 26.4.10

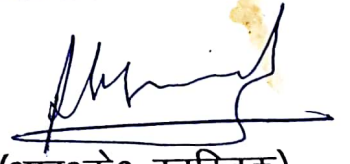
प्रति,

- (1) ✓ श्रमायुक्त,  
श्रमायुक्त कार्यालय,  
रायपुर (छ.ग.)
- (2) समस्त सहायक श्रमायुक्त / *एम प्रदाधिकारी*,  
जिला ..... (छ.ग.)
- (3) समस्त उप संचालक / सहायक संचालक,  
औद्योगिक स्वास्थ्य एवं सुरक्षा,  
जिला ..... (छ.ग.)
- (4) प्रभारी पंजीयक,  
राज्य औद्योगिक न्यायालय,  
रायपुर (छ.ग.)

विषय:- कर्मकार क्षतिपूर्ति अधिनियम 1923 में संशोधन ।

उपरोक्त विषयांतर्गत कर्मकार क्षतिपूर्ति (संशोधन) अधिनियम 2009 की छायाप्रति इस पत्र के साथ आवश्यक कार्यवाही हेतु संलग्न प्रेषित है।

संलग्न:- उपरोक्तानुसार।

  
(आर०के० स्वस्तिक)

अवर सचिव  
छत्तीसगढ़ शासन, श्रम विभाग  
24-4-10