

FORM F

(Abstracts of the Workmen's Compensation Act, 1923)

1. Definitions.-Section 2(1), section 2(1) (d).-(a) 'Dependent' means any of the following relatives of a deceased workman, namely :-

- (i) a widow, a minor legitimate son, and unmarried legitimate daughter, or a widowed mother; and
- (ii) if wholly dependent on the earnings of the workman at the time of his death, a son or a daughter who has attained the age of 18 years and who is infirm;
- (iii) if wholly or in part dependent on the earnings of the workman at the time of his death,-
 - (a) a widower,
 - (b) a parent other than a widowed mother,
 - (c) a minor illegitimate son, an unmarried illegitimate daughter or a daughter legitimate or illegitimate if married and a minor or if widowed if a minor,
 - (d) a minor brother or an unmarried sister or a widowed sister if a minor,
 - (e) a widowed daughter-in-law,
 - (f) a minor child of a pre-deceased son,
 - (g) a minor child of a pre-deceased daughter where no parent of the child is alive, or
 - (h) a paternal grandparent if no parent of the workman is alive.

(b) Section 2(1)(g).- 'Partial disablement' means, where the disablement is of a temporary nature, such disablement as reduces the earning capacity of a workman in any employment in which he was engaged at the time of the accident resulting in the disablement, and, where the disablement is of a permanent nature, such disablement as reduces his earning capacity in every employment which he was capable of undertaking at that time : Provided that every injury specified in Schedule I, shall be deemed to result in permanent partial disablement;

(c) Section 2(1)(I).- 'Total disablement' means such disablement, whether of a temporary or permanent nature, as incapacitates a workman for all work which he was capable of performing at the time of the accident resulting in such disablement : Provided that permanent total disablement shall be deemed to result from the permanent total loss of the sight of both eyes or from any combination of injuries specified in Schedule I where the the aggregate percentage of the loss of earning capacity, as specified in that Schedule against those injuries, amounts to one hundred per cent or more;

(d) Section 2(1)(n).- "workman" means any person (other than a person whose employment is of a casual nature and who is employed otherwise than for the purposes of the employer's trade or business) who is-

- (i) a railway servant as defined in Section 3 of the Indian Railways Act, 1890, 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,
- (ii) employed on monthly wages not exceeding one thousand rupees, 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 a workman who has been injured shall, where the workman is dead, include a reference to his dependants or any of them.

SCHEDULE II

List of persons who, subject to the provision of Section 2(1)(n) are included in the definition of workmen

The following persons are workmen within the meaning of section 2(1)(n) and subject to the provisions of that section, that is to say, any person who is-

- (i) employed, otherwise than in a clerical capacity or on a railways in connection with the operation 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 vehicles; or
- (ii) employed, otherwise than in a clerical capacity, 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, 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, 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, transport or sale of any article or part of an article in any premises wherein or within the precincts whereof twenty or more persons are so employed; or
- (iv) employed, in the manufacture or handling of explosive 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, in any mining operation or in any kind of work other than clerical work; incidental to or connected with any mining operation or with minerals 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
- (b) Any ship not included in sub-clause (a), of 25,000 kgs net tonnage or over or
- (c) Any sea-going ship not included in sub-clause (a) or sub-clause (b) provided with sufficient area for navigation under sails alone; or

(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 a crew, or handling or transport within the limits of any port, subject to the Indian Ports Act, 1908, 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 harbor 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 any emergency;
- (f) Preparing splicing coir springs and check wires painting depths 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;
- (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 3.65 meters or more from the ground level to the apex of the roof; or
 - (b) any dam or embankment which is 3.657 meters 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, otherwise than in a clerical capacity, in construction, working, repair or demolition of any aerial ropeway, canal, pipeline, sewer; or
- (xi) employed in the service of any fire brigade; or
- (xii) employed upon a railway as defined in clause (4) of section 3 and sub-section (1) of Section 148 of the Indian Railways Act, 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 (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 otherwise than in a clerical capacity, in connection with operations for winning natural petroleum or natural gas; or
- (xv) employed in any occupation involving blasting operations; or

- (xvi) employed in the making of any excavation on any one day of the preceding twelve months more than twenty-five persons have been employed or explosives have been used, or whose depth from its highest to its lowest point exceed 3.657 meters; or
- (xvii) employed in the operation of any ferry boat capable of carrying more than ten persons; or
- (xviii) Employed, otherwise than in a clerical capacity, on any state which is maintained for the purpose growing cinchona, coffee, rubber or tea, and on which any one day in the preceding twelve months twenty-five or more persons have been so employed; or
- (xix) Employed, otherwise than in a clerical capacity in the generating, transforming or supplying of electrical energy or in the generating or supplying of gas; or
- (xx) employed in a light house as defined in clause (d) of Section 2 of the Indian Lighthouse Act, 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
- (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
- (xxv) employed as a driver; 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 , and in which on any one day of the preceding twelve months ten or more persons have been so employed; or
 - (b) any market in which on any one day of the preceding twelve months fifty or more persons have been so employed; or
- (xxvii) employed in any occupation involving the handling any manipulation of radium or X-rays apparatus, or contact with radio-active substances; or
- (xxviii) employed in or in connection with the constructions, erection, dismantling, operation or maintenance of an aircraft as defined in Section 2 of the Indian Air-Craft Act, 1934; or
- (xxix) employed in farming by tractors or other contrivances driven by steam or other mechanical power or by electricity; or
- (xxx) employed otherwise than in a clerical capacity, in the construction 'working' repair or maintenance of tube-well; or
- (xxxi) employed in the maintenance, repair or renewal of electric fitting in any building; or
- (xxxii) employed in a circus.

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) Persons employed for the purpose of loading or unloading any mechanically propelled vehicle, or in the handling or transport of goods which have been loaded into any mechanically propelled vehicle.
- (2) Persons employed in any occupation ordinarily involving outdoor work by any Municipality or by any District Local Board.

Persons employed in handling tractors or other mechanical contrivances in a farm.

2. Section 3(1)-Employer's liability for compensation.- If personal injury is caused to a workman by accident arising out of and in the course of his employment, his employer shall be liable to pay compensation in accordance with the provisions of Chapter II of the Act, provided that the employer shall not be so liable –

(a) in respect of any injury which does not result in the total or partial disablement of the workman for a period exceeding three days;

(b) in respect of any injury, not resulting in death or permanent total disablement, caused by an accident which is directly attributable to –

(i) the workman having been at the time thereof under the influence of drink or drugs, or

(ii) the willful disobedience of the workman to an order expressly given, or to a rule expressly framed, for the purpose of securing the safety of workmen, or

(iii) the willful removal or disregard by the workman of any safety guard or other device which he knew to have been provided for the purpose of securing the safety of workmen,

3. Section 4-Amount of compensation.-Subject to the provisions of this Act, the amount of compensation shall be as follows, namely:-

(a) where death results from the injury and the deceased workman has been in receipt on monthly wages falling within limits shown in the first column of schedule IV, the amount shown against such limits in the second column thereof;

(b) where permanent total disablement results from the injury and the injured workman has been in receipt on monthly wages falling within limits shown in the first column of schedule IV, the amount shown against such limits in the third column thereof;

(c) where permanent partial disablement results from the injury

(i) in the case of an injury specified in Schedule I, such percentage of the compensation which would have been payable in the case of permanent total disablement as is specified therein as being the percentage of the loss of earning capacity caused by that injury, and

(ii) in the case of an injury not specified in Schedule I, such percentage of the compensation payable in the case of permanent total disablement as is proportionate to the loss of earning capacity permanently caused by the injury:

Explanation.-Where more injuries than one are caused by the same accident, the amount of compensation payable under this head shall be aggregated but not so in any case as to exceed the amount which would have been payable if permanent total disablement had resulted from the injuries;

(d) Where temporary disablement, where total or partial, results from the injury and the injured workman has been in receipt on monthly wages falling within limits shown in the first column of schedule IV, a half monthly payment of the sum shown against such limits in the fourth column thereof payable on the sixteenth day-

(i) from the date of disablement where such disablement lasts for a period of twenty-eight days or more; or

(ii) after the expiry of a waiting period of three days from the date of disablement where such disablement lasts for a period of less than twenty-eight days; and thereafter half-monthly during the disablement or during a period of five years, whichever period is shorter :

Provided that –

(a) there shall be deducted from any lump sum or half-monthly payments to which the workman is entitled the amount of any payment or allowance which the workman has received from the employer by way of compensation during the period of disablement prior to the receipt of such lump sum or of the first half-monthly payment, as the case may be; and

(b) no half-monthly payment shall in any case exceed the amount, if any, by which half the amount of the monthly wages of the workman before the accident exceeds half the amount of such wages which he is earning after the accident.

(2) On the ceasing of the disablement before the date on any half-monthly payment falls due, there shall be payable in respect of that half-month a sum proportionate to the duration of the disablement in that half-month.