

THE WORKMEN'S COMPENSATION ACT, 1923

[Act No. 8 of 1923]¹

An Act to provide for the payment by certain classes of employers to their workmen of compensation for injury by accident.

Whereas it is expedient to provide for the payment by certain classes of employers to their workmen of compensation for injury by accident; It is hereby enacted as follows :-

CHAPTER I

PRELIMINARY

1- **Short title, extent and commencement** - The Act may be called the Workmen's Compensation Act, 1923,

(2) It extends to the whole of India. ²[***]

(3) It shall come into force on the first day of July, 1924.

2- **Definitions-** (1) In this Act, unless there is anything repugnant in the subject or context, -

(a) ³[****].

(b) "Commissioner" means a Commissioner for Workmen's Compensation appointed under Section 20;

(c) "Compensation" means compensation as provided for by this Act;

⁴(d) "Dependant" means any of the following relatives of a deceased workman, namely :-

(i) a widow, a minor legitimate son, an unmarried ⁵[legitimate or adopted] daughter, or a widowed mother, and

(ii) if wholly dependent on the earning 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;

1- For Statement of Objects and Reasons see Gazette of India. 1922, Pt. V. p. 313 and for Report of joint Committee, See Ibid. 1923 Pt. V.P. 37.

2- Omitted by Act 51 of 1970. Sec. 2 and SChe. w.e.f. 1-9-1971.

3- Cl. (a) omitted by Act 8 of 1959, Sec. 2, (w.e.f. 1-6-1959).

4- Subs by Act 8 of 1959, Sec. 2.

5- Subs by Act 30 of 1995, Sec. 2.

6- Ibid.

- (iii) If wholly or in part dependent on the earnings of the workmen at the time of his death-
 - a A widower;
 - b A parent other than a widowed mother¹
 - c a minor illegitimate son, an unmarried illegitimate daughter or a daughter² [illegitimate or illegitimate or adopted] if married and a minor or if widowed and 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 predeceased son,
 - g a minor child of predeceased daughter where one parent of the child is alive, or
 - h a paternal grandparent if no parent of the workmen is alive;³

¹[*Explanation* - For the purposes of sub-clause (ii) and items (f) and (g) of sub-clause (iii), references to a son, daughter or child include an adopted son, daughter or child repetitively.]

- (c) “Employer” includes any body of persons whether incorporated or not and any managing agent of an employer and the legal representative of a deceased employer, and, when the services of a workmen are temporarily lent or let on hire to another persons by the person with whom the workman has entered into a contract of service or apprenticeship, means such other persons while the workman is working for him;
- (f) “Managing Agent” means by person appointed or acting as the representative of another person for the purpose of carrying on such other person’s trade or business, but does not include an individual manager subordinate to an employer;
- ²[(ff) “Minor” means a person who has not attained the age of 18 years;

1- Ins by Act 30 of 1995, Sec. 2.
 2- Ins. by Act 8 of 1959, Sec. 2.
 3- Subs. by Act. 64 of 1962, Sec. 2.
 4- Certain words omitted by Act 8 of 1959, Sec. 2.
 5- Subs. by Act 64 of 1962, Sec. 2.

- (g) “partial disablement in which he what engaged at the time of the accident resulting in the disablement, and, where the disablement is of a permanent nature, such disablement a reduces his earning capacity in every employment which he was capable of undertaking at that time : provided that every injury specified in ³ [Part II of Schedule I] shall be deemed to result in permanent partial disablement;
- (h) “Prescribed” means prescribed by rules made under this Act;
- (i) “Qualified medical practitioner” means any person registered 4[* * * *] under any Central Act, Provincial Act, or an Act of the Legislature of a State providing for the maintenance of a register of medical practitioners, or, in any area where no such last-mentioned Act is in force, any person declared by the State Government, by notification in the Official Gazett, to be a qualified medical practitioner for the purposes of this Act;
- [(j) Omitted by Act 15 of 1933, S. 2];
- (k) “seaman” means by any person forming any part of the crew of any ship, but does not include the master of the ship;
- (l) “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 :
- ⁵[Provided that permanent total disablement shall be deemed shall be deemed to result from every injury specified in Part I of Schedule I or from any combination of injury specified in Part II thereof where the aggregate percentage of the loss of earning capacity, as specified in the said Part II against those injuries, amounts to one hundred per cent or more;]
- (m) “wage” includes any privilege or benefit which is capable of being estimated in money, other than a travelling allowance or the value of any travelling concession or a contribution paid by the employer of a workman towards nay pension or provident fund or a sum paid to a workman to cover any special expenses entailed on him by the nature of his employment;
- (n) “workman” means nay (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 ¹[Clause (34) Section 2 of the Railway's Act, 1989 (24 of 1989), not permanently employed in any administrative, district or sub-divisional officer of a railway and not employed's in any such capacity as it specified in Schedule II, or

²[(ia) (a) a master seaman or other member 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,

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

(ii) employed [* * * *]³ 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, includes a reference to his dependants or any of them.

(2) The exercise and Performance of the powers and duties of a local authority or of any department acting on behalf of the Government shall, for the purposes of this Act, unless a contrary intention appears, be deemed to be the trade or business of such authority or deemed to be the trade or business of such authority or department.

[(3) The Central Government or the State Government, by notification in the Official Gazette, after giving not less than three months notice of its intention so to do, may, by a like notification add to Schedule II any class of persons employed in any occupation which it is satisfied is a hazardous occupation, and the provisions of this Act shall thereupon apply, in case of a notification by the Central Government, within the territories to which the Act

1- Ins by Act 30 of 1995, Sec. 2.
2- Ins by Act 30 of 1995, Sec. 2.
3- Omitted by Act 22 of 1984, w.e.f. 1-2-1984.
4- Subs by *ibid*.

extends, or, in the case of a notification by the State Government, within the State, to such classes of persons:

Provided that in making addition, the Central Government or the State Government, as the case may be, may direct that the provisions of this Act shall apply to such classes of persons in respect of specified injuries only.”]

NOTES

Scope of.-Clause (1)- If the workman is incapacitated to do all the work which he was capable of performing at the of accident it is a case of total disablement. If may be that in view of the injuries the workman is capable enough to render some other sort of work, but still when there is incapacity to do the work which he was capable of performing by the date of the accident it is a case of total disablement. The certificate of the doctor of physical impairment and loss of physical function is not material in deciding the question of total disablement. [*National Insurance Co. Ltd.v. Mohd. Salem Khan and another*, (1992) 11 Lab LJ 377 (AP).]

Clause (m).- Insurance company is not liable to pay interest for non-deposit of payment of compensation. [*National Insurance Co. Ltd.v. Mohd. Mutjataba Khan*, 1994-1 LLN 259 (AP).]

Clause (n).- One who was employed as a security guard through a contractor diel due to heavy machines lying in the premises falling over him. He was employed in a premises where manufacturing process was intended to be carried on. It was held that the authorities should avoid adopting the traditional conservative and literal approach while interpreting the provisions of the Act. The object of the Act is achievement of the ideals of social security. Viewed in this light the security guard employed in a factory which was yet to commence production would be a workman. [*Juthi Devi and others v. M/s. Pine Chemicals Ltd. and another*, (1991) 11 Lab LJ 386 or & K].]

“Wages”.-Batta paid to driver of van, an allowance not to be included in wages in awarding compensation under the Act. [*National Insurance co. Ltd. v. mohd. Mujatalxi khan*, 93 (66) FLR 809 (AP).]

“Workman”.- A photographer is really an artist and cannot be called an artisan/workman. let Ram Gauri v. Municipal Corporation of Delhi and others, 1994-1 LLN 203 (Del).]

Sections (2) (1) (d), 8 (4), 23, 28.- On question of liability of employer it was held that once a right seats in dependant it becomes a civil right and employer’s liability does not cease on the bath of the dependant. While interpreting the term dependant it was held that legal representative of the dependant would be entitled to step into the shoes of the deceased dependant. Appeal synthetic v. workmen’s compensation commissioner, Koha, (1995) 70 FLR 72 (JB).

Section 2 (1) (e) and (n) Schedule 2 item (xxii).- Where a coconut tree climber an dependent self-employed, plucks coconut for those who send him, cannot first liability under Act an owner of tree as there is no relationship of employer and employee. [Thames v. Babu, (1995) 70 FLR 637 (Ker).]

Section 2 (1) (1) & Employees State Insurance Act, 1948.- The question whether there is “permanent total deployment” is a question of fact. Where a workmen met with an accident and came incapable of doing his job of work and no other work was allotted it was held that it ld amount to permanent total disablement and he would be entitled to 100 per cent disablement benefit ever if the medical board has fixed 40 per cent. [Employees state Insurance portion v. p.k. Raju, (1995) 70 FLR 1143 (Ker).]

Workmen’s compensation Act, 1923, Section 2 (l) (n).- The Driver in Government employment comes under the category irrespective of the position whether he is in service of government or non-government office. [Radhamory V. secretary Department of Home Affairs, (1995) 70 FLR 617.]

CHAPTER II

WORKMEN’S COMPENSATION

3- Employer’s liability for compensation.- (1) If personal injury is ed 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 this Chapter :

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 workmen for a period exceeding ¹[three] days ;
- (b) In respect of any injury, not resulting in death, ²[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 wilful disobedience of the workman to an order expressly given, or the a rule expressly framed, for the purpose of securing the safety of workman, or
 - (iii) The wilful removal or disregard by the workman of any safety guard or other device which he knew to have been provide for the purpose of securing the safety of workmen.

¹[(2) If a workman employed in any employment specified in part A of scheduled III contracts any disease specified therein as an occupational disease peculiar to that employment, or if a workman, whilst in the service of an employer in whose service he has been employed for a continuous period of not less than six months (which period shall not include a period of service under any other employer in the same kind of employment) in any employment specified in Part B of schedule III, contracts any disease specified therein as an occupational disease peculiar to that employment, or if a workman whilst in the service of one or more employers in any employment specified in Part C of schedule III for such continuous period as the Central Government may specify in respect of each such employment, contracts any disease specified therein as an occupational disease peculiar to that employment, the contracting of the disease shall be deemed to be an injury by accident within the meaning of

1- Subs. by Act 8 of 1959, Sec. 3.
2- Ins. by Act 30 of 1995, Sec. 3.

1- Subs. for sub-secs. (2) and (3) by Act 8 of 1959, sec. 3.
2- Provisos Ins. by Act 64 of 1962, Sec. 3.

this section, and unless the contrary is proved, the accident shall be deemed to have arisen out of, and in the course of, the employment :

²[Provided that if it is proved,-

- (a) That a workmen whilst in the service of one or more employers in any employment specified in Part C of Schedule III has contracted a disease specified therein as an occupational disease peculiar to that employment during a continuous period which is less than the period specified under this subsection for that employment, and
- (b) That the disease has arisen out of and in the course of the employment; the contracting of such disease shall be deemed to an injury by accident within the meaning of the section :

Provided further that if it is proved that a workman who having served under any employer in any employment specified in Part B of schedule III or who having served under one or more employers in any employment specified in Part C of that Schedule, for a continuous period specified under this subsection for that employment and he has after the cessation of such service contracted any disease specified in the said Part B or the said Part C, as the case may be, as an occupational disease peculiar to the employment and that such disease arose out of the employment, the contracting of the disease shall be deemed to be an injury by accident within the meaning of this section.

¹[(2-A) If a workman employed in any employment specified in Part C of scheduled III contracts any occupational disease peculiar to that employment, the contracting whereof is deemed to be an injury by accident within the meaning of this section, and such employment

1- Ins. by Act No. 8 of 1959, s.3
2- Subs. by Act 30 of 1999, sec. 3.
3- Ins. by *ibid.*

was under more than one employer, all such Players shall be liable for the payment of the compensation in such proportion as the commissioner may, in the circumstances, deem just.

(3) ²[The Central Government or the state government] after giving, by notification in the Official Gazette, not less than three month's notice of its intention to do, may, by a like notification, add any description of employment to the employment specified in schedule III, and shall specify in the case of employment

added the diseases which shall be deemed for the purposes of this section to be occupational diseases peculiar to those employment respectively and thereupon the provisions of subsection (2) shall apply ³[in the case of a notification by the central Government, within the territories to which this Act extends or, in case of a ratification by the State Government, within the State] as if such diseases had been declared by this Act to be occupational diseases peculiar to those employment.

(4) Save as provided by subsection (2), (2A) and (3), no compensation shall be payable to a workman in respect of any disease unless the disease is directly attributable to a specific injury by accident arising out of and in the course of employment.

(5) Nothing herein contained shall be deemed to cover any right to compensation on a workman in respect of any injury if he has instituted in a Civil court a suit for damages in respect of the injury against the employer or any other person; and no suit for damages shall be maintainable by a workman in any court of law in respect of any injury-

(a) if he has instituted a claim to compensation in respect of the injury before a Commissioner ; or

(b) if an agreement has come to between the workman and his employer providing for the payment of compensation in respect of the injury in accordance with the provisions of this act.

NOTES

Scope of.-(1) Mere vague offer to keep and continue the workman in the employment even after the injury and the resultant disablement is not sufficient to disqualify the workman's claim under Section 3 of the Act. [*Jayabharat Saw Mill v. Babulal Ambulal Sodh Parmar, (1992) 1 Lab LJ 186 (Guj).*]

(ii) Where employee is suffering heart attack out of and in the course of employment, employer is liable to pay compensation. It is not necessary to establish that employee was actually doing the job encased to him at the time of death. [*National Insurance Co. Ltd. v. Balawwa 1989 II LLN 433 (Kar).*]

The Liability of Employer.-The liability of the employer under the Act is connubially equal different from the liability under tort. The Act should be construed in a broad and liberal manner. Thereof the death of a bus driver of a State Road Transport Corporation who sustained heart attack and collapsed while changing destination name board is death arising out of and in the use of employment. [*Zubeda Bano & others v. Maharashtra S.R.T. Corpn. & other, (1991) 1 Lab Lj 66 (Bom).*]

Jeep Driver of Bank.-A Jeep driver of Bank took the officers of the bank to a village in connection with recovery proceedings conducted by the bank. He rested the jeep in the rest house and went to the market where he was assaulted by some unknown persons in the crowd and was voting dead. It was held that the expression "accident arising out of and in the course of employment" rather denotes a point of time than a fatal connection with the employment and the accident. The risk incurred by the driver for going to the market was incidental to his employment of taking the jeep to the village. Thus the accident having taken place without the fault of driver and while he was on duty in the village must be taken to be arising out of and in the course of employment. [*Salamabegum v. District Branch Manager, Maharashtra. State Cooperative Land Development Bank, Beed & another, (1990) 1 Lab LJ 112 (Bom).*]

Manufacturer.-A manufacturer had taken a Group Insurance covering four employees of the establishment to the amount of Rs.25,000/- each in respect of any miscellaneous injury suffered by the employees in the manufacturing unit. It was held that the Insurance Company was liable to pay under the policy. The fact that the Insurance Company has different types of policies including the one under the provisions of Workmen's Compensation Act, will not absolve the Insurance Company from paying under the Miscellaneous Group Insurance Scheme. There is no due liability of the Insurance Company to the insured as well as the workman. [*New India Assurance Co. Ltd.v.R. Shridhara and another, (1992) II Lab LJ 144 (MP.)*]

Burden of proof.-In order to disown any claim for compensation the employer has to show not only disobedience of rules and safety devices but such disobedience must be wilful and the order must be express. The burden of proving intentional disobedience on the part of the employee would be on the employer who claims the benefit of the proviso.[*Chaitram v. Steel Authority of India Ltd. Bihar*, (1991) II Lab LJ 144 (MP.)]

Where some unknown persons assaulted pointsman in Railway Station on duty and the pointsman died it was held that the pointman died due to accident that arose out of and in course of the employment and, therefore, the wife of the deceased would be entitled to compensation under the Act.[*Sen. Div. Per. Officer Southern Railway. Tricky v. Kanagambal (smt.)*, (1995) 70 FLR 881.]

1[4. Amount of compensation.- (1) Subject to the provisions of this Act, the amount of compensation shall be as follows, namely:-

(a) Where death results form injury

an amount equal to ²[fifty per cent of the monthly wages of the deceased workman multiplied by the relevant factor;

or

an amount of ³[fifty thousand rupees which ever is more

(b) Where permanent total disablement results from the injury.

an amount equal to ⁴[sixty per cent of the Monthly wages of the injured workman multiplied by the relevant factor;

or an amount of ⁵[sixtey thousand rupees, whichever is more;

1- Sec. 4 Subs. by Act 22 of 1984, vide Sec.3.

2- Subs. by Act 30 of 1995, see. 4.

3- Ins. by ibid.

4- Ibid.

5- Ibid.

6- Ibid.

7- Ibid.

Explanation I.-For the purposes of clause (a) and clause (b), “relevant factor”, in relation to a workman means the factor specified in the second column of Schedule IV against the entry in the first column of the Schedule specifying the number of years which are the same as the completed years of the age of the workman on his last birthday immediately preceding the date on which the compensation fell due;

Explanation II.- Where the monthly wages of a workman exceed ⁶[two thousand rupees, his monthly wages for the purposes of clause (a) and clause (b) shall be deemed to be ⁷[two thousand rupees only.

(c) where permanent partial disablement results from the injury	(i) incase of an injury specified in Part II Part II of Schedule I, such percentage of the compensation which would have been payable in the case
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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 of 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 (as assessed by the qualified medical practitioner) permanently caused by the injury;

Explanation I.-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;

Explanation II.- In assessing the loss of earning capacity for the purposes of sub-clause (ii), the qualified medical practitioner shall have due regard to the percentages of loss of earning capacity in relation to different injuries specified in Schedule I;

(d) Where temporary disablement, whether total or partial, result from the injury a half-monthly payment of the sum equivalent to twenty-five per cent of monthly wages of the workman, to be paid in accordance with the provisions of subsection (2).

¹[(1-A) Notwithstanding anything contained in subsection (1), while fixing the amount of compensation payable to a workman in respect of an accident occurred outside India, the Commissioner shall take into account the amount of compensation, if any, awarded to such workman in accordance with the law of the country in which the accident occurred and shall reduce the amount fixed by him by the amount of Compensation awarded to the workman in accordance with the law of that Country”];

(2) The half-monthly payment referred to in clause (d) of subsection (1) shall be 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

1- Ins. by Act 8 of 1959, Sec. 4.

(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.

Explanation - Any payment or allowance the workman has received from the employer towards his medical treatment shall not be deemed to be a payment or allowance received by him by way of compensation within the meaning of clause (a) of the proviso.

(3) On the ceasing of the disablement before the date on which 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.

¹“(4) If the injury of the workman result in his death, the employer shall in addition to the compensation under subsection (1), deposit with the Commissioner a sum of one thousand rupees for payment of the same to the eldest surviving dependent of the work towards the expenditure of the funeral of such workman or where the workman did not have a dependant or was not living with his dependant at the time of his death, to the person who actually incurred such expenditure.”]

² [**4-A. Compensation to be paid when due and penalty for default.** - (1) Compensation under section 4 shall be paid as soon as it falls due.

(2) In cases where the employer does not accept the liability for compensation to the extent claimed, he shall be bound to make provisional payment based on the extent of liability which he accept, and, such payment shall be deposited with the Commissioner or made to the workman, as the case may be, without prejudice to the right of the workman to make any further claim.

³“(3) Where any employer is in playing the compensation due under this Act within one month from the date it fell due, the Commissioner shall-

1- Ins. by Act 8 of 1959, Sec. 4.
2- Ins. by Act 8 of 1959, Sec. 5.
3- Subs. by Act 30 of 1995, Sec. 5.

(a) direct that the employer shall, in addition to the amount of the arrears, pay simple interest thereon at the rate of twelve per cent. Per annum or at such higher rate not exceeding the maximum of the lending rates of any scheduled bank as may be specified by the Central Government, by notification in the Official Gazette, on the amount due; and

(b) if, in his opinion, there is no justification for the delay, direct that the employer shall, in addition to the amount of the arrears, and interest thereon, pay a further sum not exceeding fifty per cent. of such amount by way of penalty:

Provided that an order for the payment of penalty shall not be passed under clause (b) without giving a reasonable opportunity to the employer to show cause why it should not be passed.

Explanation.-For the purposes of this subsection, "scheduled bank" means a bank for the being included in the Second Schedule to the Reserve Bank of India Act. 1934.

(3A) The interest payable under subsection (3) shall be paid to the workman or his dependent, as the may be, and the penalty shall be credited to the State Government.”]

NOTE

Scope of.- Even without any claim for penalty in the application, the Commissioner is bound to impose penalty if the conditions of Section 4-A (3) of the Act are satisfied. A court of law is not to go to the relief clause in the petition while granting an appropriate relief. It has to see as to what relief is to be granted to an aggrieved party. [*Dalip Kaur and others v. Northern Railway and others*, (1992) 1 Lab LJ 762 (P & H).]

5. Method of calculating wages.-In this Act and for the purposes thereof the expression "monthly wages" means the amount of wages deemed to be payable for a month's service (whether the wages are payable by the month or by whatever other period or at piece rates), and calculated as follows, namely:-

(a) where the workman has, during a continuous period of not less than twelve months immediately preceding the accident, been in the service of the employer who is liable to pay compensation, the monthly wages of the workman shall be one-

twelfth of the total wages which have fallen due for payment to him by the employer in the last twelve months of that period;

(b) where the whole of the continuous period of service immediately preceding the accident during which the workman was in the service of the employer who is liable to pay the compensation was less than one month, the monthly wages of the workman shall be the average monthly amount which, during the twelve months immediately preceding the accident, was being earned by a workman employed on the same work by the same employer, or, if there was no workman so employed, by a workman employed on similar work in the same locality;

(c)¹[in other cases including cases in which it is not possible for want of necessary information to calculate the monthly wages under clause (b), the monthly wages shall be thirty times the total wages earned in respect of the last continuous period of service immediately preceding the accident from the employer who is liable to pay compensation, divided by the number of days comprising such period.

Explanation - A period of service shall, for the purposes of this section, be deemed to be contiguous which has not been interrupted by a period of absence from work exceeding fourteen days.

6. Review.- (1) Any half-monthly payment payable under this Act either under an agreement between the parties or under the order of a Commissioner, may be reviewed by the Commissioner, on the application either of the employer or of the workman accompanied by the certificate of a qualified medical practitioner that there has been a change in the condition of the workman or, subject to rules made under this Act, on application made such certificate.

1- Subs. by Act 8 of 1959, S. 6.

(2) Any half-monthly payment may, on review under this section, subject to the provisions of this Act, be continued, increased, decreased or ended, or if the accident is found to have resulted in permanent disablement, be converted to the lump sum to which the workman is entitled less any which he has already received by way of half-monthly payments.

7. Commutation of half-monthly payments.-Any right to receive half-monthly payment may, by agreement between the parties or, if the parties cannot agree and the payments have been continued for not less than six months, on the application of either party to the Commissioner, be redeemed by the payment of a lump sum of such amount as may be agreed to by the parties or determined by the Commissioner, as the case may be.

8. Distribution of compensation.- (1) No payment of compensation in respect of a workman whose injury has resulted in death, and no payment of a lump sum as compensation to a woman or a person under a legal disability, shall be made otherwise than by deposit with the Commissioner, and no such payment made directly by an employer shall be deemed to be a payment of compensation:

Provided that, in the case of a deceased workman, an employer may make to any dependant advances on account of compensation ¹[of an amount equal to there month. wages of such workman and so much of such amount] as does not exceed the compensation payable to that dependant shall be deducted by the Commissioner from such compensation and repaid to the employer.

(2) Any other sum amounting to not less than ten rupees which is payable as compensation may be deposited with the Commissioner on behalf of the person entitled thereto.

(3) The receipt of the Commissioner shall be a sufficient discharge in respect of any compensation deposited with him.

(4) On the deposit of any money under subsection (1), as compensation in respect of a deceased workman the Commissioner ²[* * *]shall, if he thinks necessary, cause notice to be published or to be served on each dependant in such manner as he thinks fit, calling upon the dependants to appear before him on such date as he may fix for determining the distribution of the compensation. If the Commissioner is satisfied after any inquiry which he may deem

1- Subs. by Act 30 of 1995, S. 6.

2- Omitted by *ibid*.

necessary, that no dependant exists, he shall repay the balance of the money to the employer by whom it was paid. The Commissioner shall, on application by the employer, furnish a statement showing in detail all disbursements made.

(5) Compensation deposited in respect of a deceased workman shall, subject to any deduction made under subsection (4), be apportioned among the dependants of the deceased workman or any of them in such proportion as the Commissioner thinks fit, or may, in the discretion of the Commissioner, be allotted to any one dependant.

(6) Where any compensation deposited with the Commissioner is payable to any person, the Commissioner shall, if the person to whom the compensation is payable is not a woman or a person under a legal disability, and may, in other cases pay the money to the person entitled thereof.

(7) Where any lump sum deposited with the Commissioner is payable to a woman or a person under a legal disability, such sum may be invested, applied or otherwise dealt with for the benefit of the woman, or of such person during his disability, in such manner as the Commissioner may direct; and where a half-monthly payment is payable to any person under a legal disability, the Commissioner may, of his own motion or on an application made to him in this behalf, order that the payment be made during the disability to any dependant of the workman or to any other person, whom the commissioner thinks best fitted to provide for the welfare of the workman.

(8) Where, an application made to him in his behalf or otherwise, the Commissioner is satisfied that, on account of neglect of Children on the part of a parent or on account of the variation of the circumstances of any dependant or for any other sufficient cause, an order of the Commissioner as to the distribution of any sum paid as compensation or as so the manner in which any sum payable to any such dependant is to be invested, applied or otherwise dealt with, ought to be varied, the Commissioner may make such orders for the variation of the former order as he thinks just in the circumstances of the case :

Provided that no such order prejudicial to any person shall be made unless such person has been given an opportunity of showing cause why the order should not be made, or shall be made in any case in which it would involve the repayment by a dependant of any sum already paid to him.

(9) Where the Commissioner varies any order under subsection (8) by reason of the fact that payment of compensation to any person has been obtained by front, impersonation or

other improper means, any amount so paid to or on behalf of such person may be recovered in the manner hereinafter provided in section 31.

NOTES

Scope of - When the dependants of a workman to whom the compensation is apportioned are majors, the Commissioner should leave to such dependants to use the money apportioned to them in any manner they liked. He Cannot direct deposit of the compensation amount in National Savings Certificate in respect of major dependants though he has jurisdiction to be so in respect of minor dependants. [Bunion Alluddin v. Mohd. Aliah Mustqu Ahmad & others, (1990) I Lab LJ 333 (Bom)].

Where a claim of lesser compensation than statutory fixed was made, statutory fixed compensation cannot be denied. [Radhamony v. Sec. Deptt. of Home-Affairs, (1995) 70 FLR 617].

9. Compensation not to be assigned, attached or charged- Save as provided by this Act, no lump sum or half-monthly payment payable under this Act shall in any way be capable of being assigned or charged or be liable to attachment or pass to any person other than the workman by operation of law, nor shall any claim be set-off against the same.

10. Notice and claim - (1) No claim for compensation shall be elertained by a commissioner unless notice of the accident has been given in the manner hereinafter provided as soon as practicable after the hopping thereof and unless the claim is preferred before him within ¹[two years] of the occurrence of the accident of, in case of death, within two years from the date of death;

²[**Provided** that, where the accident is the contracting of a disease in respect of which the provisions of subsection (2) of section 3 are applicable, the accident shall be deemed to have occurred on the first of the days during which the workman has continuously absent from work in consequence of the disablement caused by the disease:

Provided further that in case of a partial disablement due to the contracting of any such diseases and which does not force the workman to absent himself from work, the period of two years shall be counted from the day the workman gives notice of the disablement to his employer :

1- Subs. by Act 8 of 1959, Sec. 8.

2- Ins.by Act 64 of 1962, S. 5.

Provided further that if a workman who, having been employed in an employment for a continuous period specified under subsection (2) of section 3 in respect of that employment, ceases to be so employed and develops symptoms of an occupational disease peculiar to that employment within to years of the cessation of employment, the accident shall be deemed to have occurred on the day on which the symptoms were first detected:

Provided further that the want of or any defect or irregularity in a notice shall not be a bar to the entertainment of a claim-

(a) If the claim is preferred in respect of the death of a workman resulting from an accident which occurred on the premises of the employer, or at any place where the workman at the time of the accident was working under the control of the employer or of any person employed by him, and the workman died on such premises or at such place, or on any premises belonging to the employer, or died without having left the vicinity of the premises or place where the accident occurred, or

(b) If the employer or any one of several employers or any person responsible to the employer of the management of any branch of the trade or business in which the injured workman was employed has knowledge of the accident from any other source at or about the time when it occurred:

Provided further that the Commissioner may entertain the decide any claim to compensation in any case notwithstanding that the notice has not been given, or the claim has not been preferred in due time as provided in this subsection, if he is satisfied that the failure so to give the notice or prefer the claim, as the case may be, was due to sufficient cause.

(2) Every such notice shall give the name and address of the person injured and shall state in ordinary languages the cause of the injury and the date on which several

employers, or upon any person responsible to the employer for the management of any branch of the trade or business in which the injured workman was employed.

(3) The State Government may require that any prescribed class of employers shall maintain at their premises at which workmen are employed a notice-book, in the prescribed form, which shall be readily accessible at all reasonable times to any injured workman employed on the premises and to any person acting bona fide on his behalf.

(4) A notice under this section may be served by delivering it at, or sending it by registered post addressed to, the residence or any office or place or business or the person on whom it is to be served, or, where a notice-book is maintained, by entry in the notice-book.

10-A. Power to require from employers statements regarding fatal accidents- (1) Where a commissioner receives information from any source that a workman has died as a result of an accident arising out of and in the course of his employment, he may send by registered post a notice to the workman's employer requiring him to submit, within thirty days of the service of the notice, a statement, in the prescribed form, giving the circumstances attending the death of the workman, and indicating whether, in the opinion of the employer, he is or is not liable to deposit compensation on account of the death.

(2) If the employer is of opinion that he is liable to deposit compensation, he shall make the deposit within thirty days of the service of the notice.

(3) If the employer is of opinion that he is not liable to deposit compensation, he shall in his statement indicate the grounds on which, he disclaims liability.

(4) Where the employer has no disclaimed liability, the Commissioner, after such enquiry as he may think fit, may inform any of the dependants of the deceased workman, that it is open to the dependant to prefer a claim for compensation, and may give them such other further information as he may think fit.

10. B- Reports of fatal accidents and serious bodily injuries - (1) Where, by any law for the time being in force, notice is required to be given to any authority, by or on behalf of an employer, of any accident occurring on his premises which results in death or serious bodily injury, send a report to the Commissioner giving the circumstances attending the death or serious bodily injury:

Provided that where the State Government has so prescribed the person required to give the notice may instead of sending such report to the Commissioner send it to the authority to whom it is required to give the notice.

¹[Explanation - “Serious bodily injury” means an injury which involves or in all probability will involve, the permanent loss of or injury to the sight or hearing, or the fracture of any limb, or the enforced absence of the injured person from work for a period exceeding, twenty days.

(2) The State Government may, by notification in the Official Gazette, extend the provisions of subsection (1) to any class of premises other than those coming within the scope of that subsection, and may, by such notification, specify the persons who shall send the report to the Commissioner.

²(3) Nothing in this section shall apply to the factories to which the Employees’ State Insurance Act, 1948 (34 of 1948), applies.

11- Medical Examination - (1) Where a workman has given notice of an accident, he shall, if the employer, before the expiry of three days from the time at which service of the notice has been effected, offers to have him examined free of charge by a qualified medical practitioner, submit himself for such examination, and any workman who is in receipt of and half-monthly payment under this Act shall, if so required, submit himself for such examination from time to time:

Provided that a workman shall not be required to submit himself for examination by a medical practitioner otherwise than in accordance with rules made under this Act, or at more frequent intervals than may be prescribed.

(2) If a workman, on being required to do so by the employer under subsection (1) or by the Commissioner at any time, refuses to submit himself for examination by a qualified medical practitioner or in any way obstructs the same, his right to compensation shall be suspended during the continuance of such refusal or obstruction unless, in the case of refusal, he was prevented by any sufficient cause from so submitting himself.

(3) If a workman, before the expiry of the period within which he is liable under subsection (1) to be required to submit himself for medical examination, voluntarily leaves

1- Ins. by Act 8 of 1959, S. 9.

2- Ins. by *ibid.*

without having been so examined the vicinity of the place in which he was employed, his right of compensation shall be suspended until he returns and offers himself for such examination.

(4) Where a workman, whose right to compensation has been suspended under subsection (2) or subsection (3), dies without having submitted himself of medical examination as required by either of those subsection, the commissioner may, if hi thinks fit, direct the payment of compensation to the dependants of the deceased workman.

(5) Where under subsection (2) or subsection (3) a right of compensation is suspended, no compensation shall be payable in respect of the period of suspension, and, if the period of suspension commences before the expiry of the waiting period referred in the clause (d) of subsection (1) of section 4, the waiting period shall be increased by the period during which the suspension continues.

(6) Where an injured workman has refused to be attended by a qualified medical practitioner whose services has been offered to him by the employer fee of charge or having accepted such offer has deliberately disregarded the instruction of such medical practitioner, then, if it is proved that workman has not thereafter been regularly attended by a qualified medical practitioner or having been so attended has deliberately failed to follow his instructions and that such refusal, disregard or failure was unreasonable in the circumstances of the case and that the injury has been aggravated thereby, the injury and resulting disablement shall be deemed to be of the same matters and duration as they might reasonably have been expected to be if the workman has been regularly attended by a qualified medical practitioner, whose instructions he had followed, and compensation, if any, shall be payable accordingly.

12. Contracting - (1) Where any person (hereinafter in this section referred to as the principal) in the course of or for the purposes of this trade of the contractor) for the execution by or under the contractor of the whole or any part of any work which is ordinarily part of the trade or business of the principal, the principal shall be liable to pay to any workman employed in the execution of the work any compensation which the would have been liable to pay if that workman had bee immediately employed by him; and where compensation is claimed from the principal, this Act shall apply as if references to the principal were substituted for references to the employer except that the amount of compensation shall be calculated with reference to the wages of the workman under the employer by whom he is immediately employed.

(2) Where the principal is liable to pay compensation under this section, he shall be entitled to be indemnified by the contractor, or any other person from whom the workman could have recovered compensation and where a contractor who is himself a principal is liable to pay compensation or to indemnify a principal under this section he shall be entitled to be indemnified by any person standing to him in relation of a contractor from whom the workman could have recovered compensation, and all questions as to the right to and the amount of any such indemnity shall, in default of agreement, be settled by the Commissioner.

(3) Nothing in this section shall be construed as preventing a workman from recovering compensation from the contractor instead of the principal.

(4) This section shall not apply in any case where the accident occurred elsewhere than on, in or about the premises on which the principal has undertaken or usually undertakes, as the case may be, to execute the work or which are otherwise under his control or management.

NOTE

Scope of - The principal employer cannot refuse to make payment or compensation to the workman on the basis of some agreement of indemnity between him and the contractor. It was further held that though the principal employer is liable for compensation under Section 12 (1) he is not liable for interest and penalty. [Sarjerao Unkar Jadhav v. Gurinder Singh and another (1992) 1 Lab LJ 156 (Bom.)].

13. Remedies of employer against stranger - Where a workman has recovered compensation in respect of any injury caused under circumstances creating a legal liability of some person other than the person by whom the compensation was paid to pay damages in respect thereof, the person by whom the compensation was paid and any person who has been called on to pay an indemnity under section 12 shall be entitled to be indemnified by the person so liable to pay damages as aforesaid.

14. Insolvency of employer - (1) Where any employer has entered into a contract with any insurers in respect of any liability under this Act to any workman, then in the event of the employer becoming insolvent or making a composition or scheme of arrangement with his creditors or if the employer is a company, in the event of the company having commenced to be wound up, the rights of the employer against the insurers as respects that liability shall, notwithstanding anything in any law for the time being in force relating to insolvency or the winding up of companies, be transferred to and vest in the workman, and upon any such transfer the insurers shall have the same rights and remedies and be subject to the same liabilities as if they were the employer, so, however, that the insurers shall not be under any greater liability to the workman than they would have been under to the employer.

(2) if the liabilities of the insurers to the workman is less than the liability of the employer to the workman. The workman may prove for the balance in the insolvency proceedings of liquidation.

(3) Where in any case such as is referred to in subsection (1) the contract of the employer with the insurers is void or voidable by reason of noncompliance on the part of the employer with an terms or conditions of the contract (other than stipulation for the payment of premier), the provisions of that subsection shall apply as if the contract were not void or voidable, and the insurers shall be entitled to prove in the insolvency proceeding or liquidation for the amount paid to the workman:

Provided that the provisions of this subsection shall not apply in any case in which the workman fails to give notice to the insurers of the happening of the accident and of any resulting disablement as soon as practicable after he becomes aware of the institution of the insolvency of liquidation proceedings.

(4) There shall be deemed to be included among the debts which under section 49 of the Presidency Towns Insolvency Act, 1909 (3 of 1909), or under section 61 of the Provincial Insolvency Act, 1920 (5 of 1920) or under ¹[Section 50 of the companies Act, 1956] (1 of 1956), are in the distribution of the property of insolvent of in the distribution of the assets of a company being wound up to paid in priority to all other debts, the amount due in respect of

any compensation the liability wherefore accrued before the date of the order of adjudication of the violent or the date of the commencement of the winding up, as the case may be and those acts shall have effect accordingly.

(5) Where the compensation is a half-monthly payment, the amount due in respect thereof shall, for the purposes of this section, be taken to be the amount of lump sum for which the half-monthly payment could, if redeemable, be redeemed if application were made for that purpose under section 7, and a certificate of the Commissioner as to the amount of such sum shall be conclusive proof thereof.

(6) The provisions of subsection (4) shall apply in the case of any amount for which an insurer is entitled to prove under subsection (3), but otherwise those provisions shall not apply where the insolvent or the company being wound up has entered into such a contract with insurers as if referred to in subsection (1).

(7) This section shall not apply where a company is wound up voluntarily merely for the purpose of reconstruction or of amalgamation with another company.

² [**14-A Compensation to be first Charged on assets transferred by employer** - Where an employer transfers his assets before any amount due in respect of any compensation, the liability where for accrued before the date of the transfer, has been paid, such amount shall, notwithstanding anything contained in any other law for the time being in force, be a first charge on that part of the assets so transferred as consists of immovable property.]

15. Special provisions relating to masters and seamen - This Act shall apply in the case of workman who are masters of ships or seaman subject to the following modifications, namely :-

(1)The notice of the accident and the claim for compensation may, except where the person injured is the master of the ship, be served on the master of the ship as if he were the employer, but where the accident happened and the disablement commenced on board the

1- Subs. by Act 30 of 1995, Sec. 7.
2- Ins. by Act 8 of 1959 S. 10.

ship, it shall not be necessary for any seaman to give any notice of the accident.

(2) In the case of the death of a master or seaman, the claim for compensation shall be made within ¹[one year] after the news of the death has been received by the claimant or, where the ship has been or is deemed to have been lost with all hands, within eighteen months of the date on which the ship was, or is deemed to have been, so lost :

²[**Provided** that the Commissioner may entertain any claim to compensation in any case notwithstanding that the claim has not been preferred in due time as provided in this subsection, if he is satisfied that the failure so to prefer the claim was due to sufficient cause.

(3) Where an injured master or seaman is discharged or left behind in any part of India ³[or an any foreign country] and depositions taken by any Judge or Magistrate in the part or by any Consular Officer in the foreign Country transmitted by the person by whom they are taken to the Central Government or any State Government shall, in any proceedings for enforcing the claim be admissible in evidence -

- (a) If the deposition is authenticated by the signature of the Judge, Megistrate or consular Officer before whom it is made;
- (b) If the defendant or the person accused, as the case may be, had an opportunity by himself or his agent to cross-examine the witness; and
- (c) If the deposition was made in the course of a criminal proceeding, on proof that the deposition was made in the presence of the person accused ;

and it shall not be necessary in any case to prove the signature of official character of the person appearing to have signed any such depositing and a certificate by such person that the defendant or the person accused had an opportunity or cross-examining the witness and that the deposition if made in a criminal proceeding was made in presence of the person

1- Subs. by *ibid* , S. 11

2- Ins. by *ibid* , S. 11.

3- Subs by Act 22 of 1984, vide Sec. 4.

accused shall, unless the contrary is proved, be sufficient evidence that he had that opportunity and that it was so made.

(4) No half-monthly payment shall be payable in respect of the period during which the owner of the ship is, under any law in force for the time being relating to merchant shipping liable to defray the expenses of maintenance of the injured master or seaman.

(5) No Compensation shall be payable under this Act in respect of any injury in respect of which provision is made for payment of a gratuity, allowance or pension under the war Pension and Detention allowances (Mercantile Marine, etc.) Scheme, 1939, or the War Pension and Detention allowances (Indian seaman) Scheme, 1942 made by the Central Government.

(6) Failure to give a notice or make a claim or commence proceedings within a time required by this Act shall not be a bar to the Maintenance of proceedings under this Act in respect of any personal injury, if-

- (a) An application has been made for payment in respect of that injury under any of the schemes referred to in the preceding clause, and
- (b) The State Government certifies that the said application was made in the reasonable belief that the injury was one in respect of which the scheme under which the application was made makes provisions for payments, and that the application was rejected or that payments made in pursuance of the application were discontinued on the ground that the injury was not such an injury, and
- (c) The proceedings under this act are commenced within one month from the date on which the said certificate of the State Government was furnished to the person commencing the proceedings.

1["15 A. This Act shall apply in the case of workmen who are captains or other members of the crew of aircraft subject to the following modifications, beenely:-

- (1) The notice of the accident and the claim for compensation may. Except where the person injured is the captain of the aircraft, be served on the captain of the aircraft as if he were the employer, but where the accident happened and the disablement commenced on board the aircraft the aircraft it shall not be necessary for any member of the crew to give notice of the accident.
- (2) In the case of the death of the caption or other member of the crew, the claim for compensation shall be made within one year after the news of the death has been received by the claimant or, where the aircraft has been or is deemed to have been lost with all hands, within eighteen months of the date on which the aircraft was, or is deemed to have been, so lost:

Provided that the Commissioner may entertain any claim for compensation in any case notwithstanding that the claim has not been preferred in due time as provided in this subsection, if he is satisfied that the failure so to refer the claim was due to sufficient cause.

(3)Where an injured caption or other member of the crew of the aircraft is dischafted or left behind in any part of India or in any other country any depositions taken by any judge or Magistrate in the part or by any Consular Officer in the foreign country and transmitted by the person by whom they are taken to the Central Government or any State Government shall, in any proceedings for enforcing the claims, be admissible in evidence-

- (a) if the deposition is authenticated by the signature of the Judge, Magistrate or Dinosaur Officer before whom it is made;
- (b) if the defendant or the person accused, as the case may be, had an opportunity by himself or his agent to cross-examine the witness;
- (c) it the deposition was made in the course of a criminal proceeding, on proof that the deposition was made in the presence of the person accused,

and it shall not be necessary in any case to prove the signature or official character of the person appearing to have signed any such deposition and a certificate by such person that the defendant or the person accused had an opportunity of cross-examining the witness and that the deposition if made in a criminal proceeding was made in the presence of the person accused shall, unless the contrary is proved, be sufficient evidence that he had that opportunity and that it was so made.

15B. This Act shall apply-

(i) in the case of workman who are persons rerouted by companies registered under the Motor Vehicles Act, 1988 as drivers, helpers, mechanics, cleaners or other workman, subject to the following modifications, namely:-

(1) The notice of the accident and the claim for compensation may be served on the local agent of the company, or the local agent of the owner of the motor vehicle, in the country of accident, as the may be.

(2) In the case of death of the workman in respect of whom the provisions of this section shall apply, the claim for compensation shall be made within one year after the news of the death has been received by the claimant:-

Provided that the Commissioner may entertain any claim for compensation due any case notwithstanding that the claim has not been preferred in due time as provided in this subsection, if he is satisfied that the failure so to prefer the claim was due to sufficient cause.

(3) Where an injured workman is discharged or left behind in any part of India or in any other country any depositions taken by any judge or Magistrate in that part or by any Consular Officer in the foreign country and transmitted by the person by whom they are taken to the Central Government or any State Government shall, in any proceedings for enforcing the claims be admissible in evidence-

- (a) if the deposition is authenticated by the signature of the Judge, Magistrate or Consular Officer before whom it is made;
- (b) if the defendant or the person accused, as the case may be, had an opportunity, by himself or his agent to cross-examine the witnesses;
- (c) if the deposition was made in the course of a criminal proceeding on proof that the deposition was made in the presence of the person accused,

and it shall not be necessary in any to prove the signature or official character of the person appearing to have signed any such deposition and a certificate by such person that the defendant or the person accused had an opportunity of cross-examining the witnesses and that the deposition if made in a criminal proceeding was made in the presence of the person shall, unless that contrary is proved, be sufficient evidence that he had that opportunity and that it was so made.”]

16. Returns as to compensation.-The State Government may, by notification in the Official Gazette, direct that every person employing workman, or that any specified class of such person, shall send at such time and in such form and to such authority, as may be specified in the notification, a correct return specifying the number of injuries in respect of which compensation has been paid by the employer during the previous years and the amount of such compensation together with such other particulars as to the compensation as the State Government may direct.

17. Contracting out.- Any contract or agreement whether made before or after the commencement of this Act, whereby a workman relinquishes any right of compensation from the employer for personal injury arising out of or in the course of the employment, shall be null and void insofar as it purports to reduce the liability of any person to pay compensation under this Act.

18. Proof of age.-omitted *by the Workmen’s Compensation (Amendment) Act, 1959, w.e.f 1-6-1959*].

18-A. Penalties - (1) Whoever

- (a) Fails to maintain a notice-book which he is required to maintain under subsection (3) of Section 10, or

- (b) Fails to send to the commissioner a statement which he is required to send under subsection (1) of Section 10-A, or
- (c) Fails to send a report which he is required to send under section 10-B, or
- (d) Fails to make a return which he is required to make under Section 16, shall be punishable with fine which may extend to ¹[five thousand rupees.]

(2) No prosecution under this section shall be instituted except by or with the previous sanction of a commissioner, and no Court shall take cognizance of any offence under this section, unless complaint thereof is made ¹[within six months of the date on which the alleged commission of the offence came to the knowledge of the Commissioner.

1- Subs. by Act 30 of 1995. Sec. 9

CHAPTER III
COMMISSIONERS

19- Reference to Commissioners - (1) If any question arises in any proceeding under this Act as to the liability of any person to pay compensation (including any question as to whether a person injured is or is not a workman) or as to the amount or duration of compensation (including any question as to the nature or extent of disablement), the question shall, in default of agreement, be settled by a Commissioner]

(2) No Civil Court shall have jurisdiction to settle, decide or deal with any question which is by or under this Act required to be settled, decided or dealt with by a commissioner or to enforce any liability incurred under this Act.

NOTE

Code of Civil procedure 1908, Sec. 115 - Revision under Section 115 of C.P.C. against the order of the Commissioner Workmen's Compensation is not maintainable as the workmen's Compensation Commissioner is a tribunal and not a subordinate court to High Court for the purpose of Section 115 C.P.C. [Bashir Khan v. Ranger, Social Vaniki, (1995) 70 F.L.R. 800 (Raj.) (J.B.).

20. Appointment of Commissioners - (1) The State Government may, by notification in the official Gazette, appoint any person to be a commissioner for workmen's Compensation for such ²[**] area as may be specified in the notification.

(2) When more than one Commissioner has been appointed for any area, the State Government may, by general or special order, regulate the distribution of business between them.

(3) Any commissioner may, for the purpose of deciding any matter referred to him for decision under this Act, choose one or more persons possessing special knowledge of any matter relevant to the matter under inquiry to assist him in holding the inquiry.

(4) Every Commissioner shall be deemed to be a public servant within the meaning of the Indian Penal Code (45 of 1860).

21. Venue of proceedings and transfer - ³[(1) Where any matter under this Act to be done by or before a Commissioner, the same shall, subject to the provision of this Act and to any rules made hereunder, be done by or before the Commissioner for the area in which -

1- Subs. by Act 64 of 1962. S. 6

2- Word 'Local' Omitted by Act 64 of 1962 . S. 7.

- (a) The accident took place which resulted in the injury; or
- (b) The workman or in case of his death, the dependent claiming the compensation ordinary resides ; or
- (c) The employer has his registered officer:

provided that no matter shall be processed before or by a commissioner, other than the Commissioner having jurisdiction over the area in which the accident took place, without his giving notice in the manner proscribed by the Central Government to the Commissioner having Jurisdiction over the area and the State Government concerned :

Provided further that, where the workman, being the master of a ship or a seaman or the Captain or a member of the crew of an aircraft or a workman in a Labour vehicle or a company, meets with the accident outside India any such matter may be done by or before a Commissioner for the area in which the owner or agent of the ship, aircraft or motor vehicle resides or carries on business or the registered office of the company is situate, as the case may be.

(1A) If a Commissioner other than the Commissioner with whom any money has been deposited under section 8, proceeds with a matter under this Act, he may for the proper disposal of the matter call for transfer of any records or money remaining with the latter and on receipt of such a request, he shall comply the same.”;]

(2) If a commissioner is satisfied that any matter arising out of any proceeding pending before him can be more conveniently dealt with by any other Commissioner, whether in the same state or not, he may, subject to rules made under this Act, order such matter to be transferred to such other Commissioner further for report or for disposal, and, if he does so, shall forthwith transmit to such the Commissioner all documents relevant for the disposal of such matter and where the matter is transferred for disposal, shall also transmit in the prescribed manner any money remaining in his hands or invested by him for the benefit or any to the proceeding :

Provided that the Commissioner shall not, where any party to the proceeding has appeared before him, make any order of transfer relating to the distribution among dependants of a lamb sum without giving such party an opportunity of being :

¹[***]

(3) The Commissioner to whom any matter is so transferred shall, subject to rules made under this Act, inquire there into and, if the matter was transferred for report return his report thereon or, if the matter was transferred for disposal continue the proceedings as if they had originally commenced before him.

(4) On receipt of a report from a Commissioner to whom any matter has been transferred for report under subsection (2), the Commissioner by whom it was referred shall decide the matter referred in conformity with such report.

(5) The State Government may transfer any matter from any Commissioner appointed by it to any other Commissioner appointed by it.

1- Omitted by Act 30 of 1995. Sec. 10,

2- Subs by Act 30 of 1995, Sec. 11.

NOTE

Section 21 (1)- Rule 41 of the Rules - Where the accident occurred at Bombay and claim was made before the Commissioner, Hyderabad who had no jurisdiction, it was held that the order by him awarding compensation, interest and penalty is liable to be set aside and the objection of lack of jurisdiction can be raised in appeal. (United India Insurance Comp. Ltd.v. Alumuddin, (1995) 70 F.L.R. 631.]

22- Form of application - ²“(1) Where an accident occurs in respect of which liability to pay compensation under this Act arises, a claim for such compensation may, subject to the provisions of this Act, be made before the Commissioner.

(1A) Subject to the provisions of subsection (1), no application for the settlement”] of any matter by a Commissioner, other than an application by a dependant dependants for compensation shall be made unless and until some question has arisen between the parties in connection therewith which they have been unable to settle by agreement.

(2) An application to a Commissioner may be made in such form and shall be accompanied by such fee, if any, as may be prescribed, and shall contain in addition to any particular which may be prescribed, the following particulars namely -

- (a) A concise Statement of the circumstance in which the application is made and the relief or order which the applicant claims;
- (b) In the case of a claim for compensation against an employer, the date of service of notice of the accident on the employer and, if such notice has not been served or has not been served in due time, the reason for such omission;
- (c) The names and addresses of the parties; and
- (d) except in the case of an application by dependants for compensation, a concise statement of the matters on which agreement has and of those on which agreement has not been come to.

(3) If the applicant is illiterate or for any other reason is unable of furnish the required information in writing, the application shall, if the applicant so desires, be prepared under the direction of the Commissioner.

22-A. Power of Commissioner to require further deposit in cases of fetal accident - (1) Where any sum has been deposited by an employer as compensation payable in respect of a workman whose injury has resulted in death, and in the opinion of the Commissioner such sum is insufficient, the Commissioner may, be notice in writing stating his reasons, call upon the employer to show cause why he should not make a further deposit within such time as may be stated in the notice.

(2) If the employer fails to show cause to the satisfaction of the commissioner, the Commissioner may make an award determining the total amount payable, and requiring the employer to deposit the deficiency.

23. Powers and procedure of commissioner.- The Commissioner shall have all the powers of a Civil court under the code of civil procedure, 1908 (5 of 1908), for the purpose of taking evidence on oath (which such commissioner is hereby empowered to impose) and of enforcing the attendance of witnesses and compelling the production of documents and material objects, and the Commissioner shall be deemed to be a Civil Court for all the purposes of ¹[Section 195 and of Chapter XXVI of the code of Criminal procedure, 1973] (2 of 1974).

² **[24. Appearance of parties.-** Any appearance, application or act required to be made or done by any person before or to a commissioner (other than an appearance of a party which is required for the purpose of his examination as a witness) may be made or done on behalf of such person by a legal practitioner or by an official of an Insurance Company or registered Trade Union or by an Inspector appointed under subsection (1) of section 8 of the Mines Act, 1952 (35 Of 1948), or under subsection (1) of section 5 of the Mines Act, 1952 (35 of 1952), or

1- Subs. by Act 30 of 1995, sec. 12

2- Subs by Act 8 of 1959, s. 14, for former action 24.

by any other officer specified by the state Government in this behalf, authorised in writing by such person, or, with the permission of the Commissioner, by any other person so authorised.]

25. Method of recording evidence.- The Commissioner shall make a brief memorandum of the substance of the evidence of every witness as the examination of the witness proceeds, and such memorandum shall be written and signed by the commissioner with his own hand and shall form part of the record:

Provided that, if the Commissioner is prevented from making such memorandum, he shall record the reason of his inability to do so and shall cause such memorandum, to be made in writing from his dictation and shall sign the same, and such memorandum shall form part of the record:

Provide further, that the evidence of any medical witness shall be taken down as nearly as may be word for word.

26. Costs.- All costs, incidental to any proceedings before a commissioner, shall, subject to rules made under this Act, be in the discretion of the Commissioner.

27. Power to submit cases.- A Commissioner may, if he thinks fit, submit any question of law for the decision of the High Court and, if he does so, shall decide the question in conformity with such decision.

28. Registration of agreements.- (1) Where the amount of any lump sum payable as compensation has been settled by agreement, whether by way of redemption of a half-monthly payment or otherwise, or where any compensation has been so settled as being payable to a woman or a person under a legal disability, a memorandum thereof shall be sent by the employer to the Commissioner, who shall, on being satisfied as to its genuineness record the memorandum in a register in the prescribe manner :

Provided that-

- (a) no such memorandum shall be recorded before seven days after communication by the commissioner of notice to the parties concerned;
- (b) (Omitted by Act 5 of 1929, s.6);
- (c) the commissioner may at any time rectify the register;
- (d) where it appears to the Commissioner that an agreement as to the payment of a lump sum whether by way of redemption of a half-monthly payment of a lump sum whether by way of redemption of a half-monthly payment or otherwise, or an agreement as to the amount

of compensation payable to a woman or a person under a legal disability ought not to be registered by reason of the inadequacy of the sum or amount, or by reason of the agreement having been obtained by fraud or undue influence or other improper means, he may refuse to record the memorandum of the agreement and may make such order, including an order as to any sum already paid under the agreement, as he thinks just in the circumstances.

(2) An Agreement for the payment of compensation which has been registered under subsection (1) shall be enforceable under this Act, notwithstanding anything contained in the Indian Contract Act, 1872 (9 of 1872), or in any other law for the time being in force.

NOTE

Sec. 28 (1) (d) - Workman's Compensation Rules - Rule 51. - Where there was an agreement from which the workmen resoled, the Commissioner cannot probe into the respect of propriety or otherwise of compensation. Workman having resided the agreement cannot in role the jurisdiction of Commissioner to adjudicate under section 28 (1) (d). rather they can approach Commissioner under section 22 of the Act. (1995), 70 F.L.R. 168 (Bom.) (N.B.).

29. Effect of failure to register agreement - Where a memorandum of any agreement, the registration of which is required by section 28, is not sent to the Commissioner as required by that section, the employer shall be liable to pay the full amount of compensation which he is liable to pay the full amount of compensation which he is liable to pay under the provision of this Act, and notwithstanding anything contained in the proviso to subsection (1) of Section 4, shall not, unless the Commissioner otherwise directs, be entitles to deduct more than half of any amount, paid to the workman by way of compensation whether under the agreement or otherwise.

30. Appeals - (1) An appeal shall lie to the High Court from the following orders of a commissioner, namely :-

(a) An order awarding as compensation a lump-sum whether by way of redemption of a half-monthly payment or otherwise or disallowing a claim in full or in part for a lum-sum;

¹[(aa) An order awarding interest or penalty under Section 4-A;

1- Ins. by act 8 of 1959, S. 15.

- (b) An order refusing to allow redemption of a half-monthly payment;
- (c) An order providing for the distribution of compensation among the dependants of a deceased workman, or disallowing any claim of a person alleging himself to be such dependant;
- (d) an order allowing or disallowing any claim for the amount of an indemnity under the provisions of subsection (2) of Section 12; or
- (c) An order refusing or register a memorandum of agreement or registering the same or providing for the registration of the same subject to conditions :

Provided that no appeal shall lie against any order unless a substantial question of law in involved in the appeal and, in the case of an order other than an order such as is referred to the clause (b), unless the amount in dispute in the appeal in not less than three hundred rupees:

Provided further that no appeal shall lie in any case in which the parties have agreed to abide by the decision of the Commissioner, or in which the order of the Commissioner gives effect to an agreement come to by the parties:

Provided further that no appeal by an employer under clause (a) shall lie unless the memorandum of appeal is accompanied by a certificate by the Commissioner to the effect that the appellant has deposited with him the amount payable under the order appellate against.

(2) The period of limitation for an appeal under this section shall be sixty days.

(3) The provision of Section of 5 of 2[the Limitation Act, 1963], shall be applicable to appeals under this section.

NOTES

1- Subs. by Act 30 of 1995 Sec. 13.

2- Ins. by Act 8 of 1959, S. 15

3- Subs. by Act 30 of 1995 Sec. 13.

Scope of - (i) In the absence of any provision in the Workmen's Compensation Act or under the rules imposing a duty to communicate the order passed by the Commissioner, the time for making appeal should be counted from the date of pronouncement of the order of the Commissioner and not from the date of communication of the order even if such a communication was made. Disposition of the amount of interest or penalty imposed under section 4-A of the Act in addition to the amount of compensation awarded or otherwise is not a condition for preferring an appeal under section 30 (1) of the Act. [M/s. Kap. Steel Ltd. v. Smt. R. Sasikata, (1992) 1 Lab LJ 61 (Karn.)]

(2) the word "employer" as found in the 3rd proviso must be construed so as to give effect to the scope and object of the Act with a view to advance the cause of justice and not defeat it. [United India Insurance Co. Ltd. v. Kasimsab and others, 1994- 1- LLN 500 (Kar.)]

Effective adjudication - The Commissioner for Workmen's Compensation decides the claim as a tribunal. He exercises the powers of a civil court for certain purposes but is not a civil court. Therefore, likely any other judge or a court he does not become a necessary or a preparatorily to the appeal unless allegations are made against him which require his personal presence before the court to explain the same. For effective adjudication of the appeal the presence of the Commissioner is not necessary because he has no personal right or interest in the subject matter of the appeal. [General Manager v. Chickabara, (1992) 1 Lab LJ 717 (Karn.)]

(iii) Appeal by the owner or insurer has to be confined to the question of law only. [New India Assurance Co. Ltd. v. Shailendra Kumar Naik, (1995) 70 F.L.R. 204 (Ori.)]

(iv) Where the question involved was that of grant of compensation it was held that the right of compensation claimed by a workman, on his death, is transmitted to his heirs and the application of heirs to be brought on record as legal heirs shall not be dismissed since there is no provision for dismissal of such application. [Proprietor, Radha Krishana Estate v. Smt. Mary. (1995) 70 F.L.R. 211 (Kar.)]

(v) The liability of the Insurance Company is to deposit. The amount of compensation only and not the amount of interest and penalty. [United India Insurance Comp. v. shaik alimuddin. (1995) 70 F.L.R. 631.]

Welfare legislation.- The Workmen's Compensation Act is a welfare legislation and when it provided a right of appeal with a condition, viz., the deposit of amount of compensation for the security of the workman, then such a provision cannot be held to be inadequate right of appeal. Writ is no substitute for ordinary remedies. The remedy of appeal provided under this Act is adequate and efficacious. [Krishna Line Works v. Presiding Officer/W.C. Commissioner, (1990) 1 Lab LJ 302 (Raj.)]

30-A. Withholding of certain payments pending decision of appeal - Where an employer makes an appeal under clause (a) of subsection (1) of Section 30, the Commissioner may, and if so directed by the High Court shall, pending the decision of the appeal, withhold payment of any sum in deposit with him.

31. Recovery - The Commissioner may recover as an officer of land-revenue any amount payable by any person under this Act, whether under an agreement for the payment of compensation or otherwise, and the Commissioner shall be deemed to be a public officer within the meaning of Section 5 of the Revenue Recovery Act. 1980 (1 Of 1890).

CHAPTER IV

RULES

32. Power of the State Government to make rules- (1) The State Government may make rule to carry out the purpose of this act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely-

- (a) for prescribing the intervals at which and the conditions subject to which an application for review may be made under section 6 when not accompanied by a medical certificate;
- (b) for prescribing the intervals at which and the condition subject to which a workman may be required to submit himself for medical examination under subsection (1) of section 11;
- (c) for prescribing the procedure to be followed by Commissioner in the disposal of cases under this Act and by the parties in such cases;

- (d) for regulating the transfer of matters and cases from one Commissioner to another and the transfer of money in such cases;
- (c) for prescribing the manner in which money in the hands of Commissioner may be invested for the benefit of dependants of a deceased workman and for the transfer of money so invested from one Commissioner to another ;
- (f) for the representation in proceedings before Commissioner of parties who are minor or are unable to make an appearance;
- (g) for prescribing the form and manner in which memoranda of agreements shall be presented and registered ;
- (h) for the without by Commissioner, whether in whole or in part, of half- monthly payment pending decision on applications for review of the same;
- (i) for regulating the scale of costs which may be allowed in proceedings under this Act ;
- (j) for prescribing and determining the amount of the fees payable in respect of any proceedings before them ;
- (k) for the maintenance by Commissioner of registers and records of proceedings before them ;
- (l) for prescribing the form of statement to be submitted by employers under subsection (3) of Section 10, and the form of such notice-books ;
- (m) for prescribing the form of statement to be submitted by employers under subsection 10-A ;^{1[**]}
- (n) for prescribing the cases in which the report referred to in Section 10-B may be sent to an authority other than the Commissioner ;
- ²(o) for prescribing the manner in which diseases specified as occupational diseases may be diagnosed ;
- (p) for prescribing the manner in which diseases specified as occupational diseases may be diagnosed ;
- (q) for prescribing the manner in which diseases may be certified for any of the purpose of this Act ;

1- word 'and' omitted by Act 58 of 1960, S, 3 and Sch.
 2- Cls. (o) to (r) inserted by Act 8 of 1959, Sec. 16.
 3- Ins. by Act 4 of 1986, S. 2 and Schedule.

(r) for prescribing the manner in which, and the standing by which incapacity may be diagnosed ;

³ (3) Every rule made under this section shall be laid, and soon as may be after it is made, before the State Legislature]

33- [Repealed by the A. O. 1937].

34. Publication of rules. - (1) The power to make rules conferred by section 32 shall be subject to the condition of the rules being made after previous publication.

(2) The date to be specified in accordance with clause (3) of Section 23 of the General Clauses Act, 1897 (10 of 1897), as that after which a draft of rules proposed to be made under section 32 will be taken into consideration, shall not be less than three months from the date of which the drafts of the proposed rules was less than three months from the date on which the drafts of the proposed rules was published for general information,

(3) Rule so made shall be published in the Official Gazette, and on such publication, shall have effect as if enacted in this Act.

35. Rules to give effect to arrangements with other countries for the transfer of money paid as compensation. - The Central Government may by notification in the Official Gazette, make rules for the transfer¹ [to any foreign country] to money deposited with a Commissioner under the Act which has been awarded to or may be due to, any person residing or about to reside in ²[Such foreign Country] and for the receipt, distribution and administration in any State of any money deposited under the law relating to workmen's compensation ³[in any foreign country] which has been awarded to or may be due to any person residing or about to reside in any State :

Provided that no sum deposited under this Act in respect of fatal accidents shall be so transferred without the consent of the employer concerned until the Commissioner receiving the sum has passed orders determining its distribution and apportionment under the provisions of subsection (4) and (5) of Section 8.

(2) Where money deposited with a Commissioner has been so transferred in accordance with the rule made under this section, the provision elsewhere contained in this Act regarding distribution by the Commissioner of compensation deposited with him shall cease to apply in respect of any such money.

⁴[36. Rule made by Central Government to be laid before Parliament.- Every rule made under this Act by Central Government shall be laid as soon as may be after it is made before each house of parliament while it is in session for a total period of thirty days which may be comprised in one session or in ⁵[two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid], both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be ; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under this rule].

¹[SCHEDULE I]

See Sections 2 (1) and 4]

²[PART I]

**LIST OF INJURIES DEEMED TO RESULT IN PERMANENT TOTAL
DISABLEMENT**

Serial No	Description of injury	Percentage of loss of earning Capacity
1.	Loss of both hands or ambulation at higher sites	100
2.	Loss of hand and a foot	100
3.	Double amputation through leg or thigh, or impulsion through leg or thigh on one side loss of other foot	100
4.	Loss of sight to such an extent as to render the claimant unable to perform any work for which eyesight is essential	100

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- 1- Subs. by Act 22 of 1984, vide Sec. 5 (i)
 - 2- Subs. by Act 22 of 1984, vide Sec. 5 (ii)
 - 3- Subs. by Act *ibid.*
 - 4- Ins. by Act 64 of 1962, S. 8
 - 5- Subs by Act 65 of 1976 S. 3.
 - 1- Subs. by Act 65 of 1976, S. 17 for original sch.I
 - 2- Subs. by Act 64 of 1962, S. 9.
 - 3- Subs. by Act 64 of 1962, S. 9.
 - 4- Entries 7 of 54 renumbered as entries 1 to 48 by *ibid.*
 - 5- Subs. by Act 30 of 1995, Sec 14.
 - 6- *Ibid.*
 - 7- *Ibid.*
 - 8- *Ibid.*
 - 5- *Subs by ibid*

5.	Very severe facial disfigurement	100
6.	Absolute deafness	100

¹ [Note.- Complete and permanent loss of the use of any limb or member referred to in this Schedule shall be deemed to be the equivalent to the loss of that limb or member].

SCHEDULE II

[See Section 2 (l) (n)]

List of persons who, subject to the provisions of section 2 (l) (n) are included in the definition of workman

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

(1)	(2)	(3)
2.	Diseases caused by work in compressed air	All work involving exposure to the risk concerned.
3.	Diseases caused by lead or its toxic compounds	All work involving exposure to the risk concerned.
4.	Poisoning by nitrous fumes	All work involving exposure to the risk concerned.
5.	Poisoning by organo phosphorus compounds	All work involving exposure to the risk concerned.
	Part – B	
1-	Diseases caused by phosphorus or its toxic compounds	All work involving exposure to the risk concerned.
2.	Diseases caused by mercury or its toxic compounds.	All work involving exposure to the risk concerned.
3.	Diseases caused by benzene or its toxic homologues	All work involving exposure to the risk concerned.

1- Note added by Act 58 of 1960, sec. 3 and sch. II.
2- Cl. (1) to (ix) Subs. by Act 8 of 1959, s. 18.
3- Ins. by Act 30 of 1995, Sec 15.

4.	Diseases caused by nitro and arnido toxie derivatives of benzene or its homologues.	All work involving eposure to the risk concerned.
5-	Diseases caused by chromium or its toxie compounds.	All work involving eposure to the risk concerned.
6.	Diseases caused by arsenic or its toxie compounds.	All work involving eposure to the risk concerned.
7.	Diseases caused by radioactive substances and ionising radiations.	All work involving eposure to the action of radioactivesubstances or iosingradians.
8.	Primary epitheliomatous cancer of the skin caused by tar, pitch, bitumen, mineral oil, anthracite, or the compounds, products or resides of these sustenance.	All work involving eposure to the risk concerned.
9.	Diseases caused by the toxie halogen derivatives of hyrocarbans (of the aliphatic and aromatic series).	All work involving eposure to the risk concerned.

²[(i) employed, otherwise than in a clerical capacity or on a railway, in connection with the operation ³[; 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, 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 (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, ¹[whether or not employment in any such work is within such premises or percents] and stern water or other mechanical power or electrical power is used; or

(1)	(2)	(3)
10	Diseases caused by carbon disphide.	All work involving eposure to the risk concerned.

1- Ins by Act 64 of 1992, s. 10.

11	Occupational contact due to infrared radiations	All work involving exposure to the risk concerned.
12	Diseases caused by Manganese or its toxic compounds	All work involving exposure to the risk concerned.
13	Skin diseases caused by Physical Chemical or biological agents not included in other items.	All work involving exposure to the risk concerned.
14	Hearing impairment caused by noise.	All work involving exposure to the risk concerned.
15	Poisoning by dinitrophenol or homologue or by substituted dinitrophenol or by the salts of such substance	All work involving exposure to the risk concerned.
16	Diseases caused by beryllium or its toxic compounds	All work involving exposure to the risk concerned.
17	Diseases caused by cadmium or its toxic compounds.	All work involving exposure to the risk concerned.
18	Occupational Asthma caused by recognised sensitising agents inherent to the work process.	All work involving exposure to the risk concerned.
19	Diseases caused by fluorine or its toxic compounds.	All work involving exposure to the risk concerned.
20	Diseases caused by nitroglycerine or other nitro acidesters.	All work involving exposure to the risk concerned.
21	Diseases caused by alcohols and ketons.	All work involving exposure to the risk concerned.
22	Diseases caused by asphyxiants: carbon monoxide, and its toxic derivatives, hydrogen sulphide.	All work involving exposure to the risk concerned.
23	Long cancer and mesotheliomas caused by asbestos.	All work involving exposure to the risk concerned.
24	Primary neoplasm of the epithelial lining of the urinary bladder or the kidney or the ureter.	All work involving exposure to the risk concerned.
1 ¹ 25	Snow blindness in snow bound areas	All work involving exposure to

		the risk concerned
26	Disease due to effect of heart in extreme hot climate	All work involving exposure to the risk concerned.

(1)	(2)	(3)
27	Disease due to effect of cold in extreme cold climate.	All work involving exposure to the risk concerned.

Part - C

1.	Pneumoconioses caused by sclerogenic mineral dust (silicosis, anthraosilicosis, asbestosis) and silico-tuberculosis provided that silicosis is an essential factor in causing the resultant incapacity of death	All work involving exposure to the risk concerned.
2.	Baggesosis	All work involving exposure to the risk concerned.
3.	Bronchopulmonary diseases caused by cotton, flax hemp and sisal dust (Byssinosis).	All work involving exposure to the risk concerned.
4.	Extrinsic allergic alveolitis caused by the inhalation of organic dusts	All work involving exposure to the risk concerned.
5.	Bronchopulmonary diseases caused by hard metals	All work involving exposure to the risk concerned.
6.	Acute Pulmonary Oedema of high Altitude.	All work involving exposure to the risk concerned.

1 [SCHEDULE IV

[See Section 4]

Factors for working out lump sum equivalent of compensation amount in case of Permanent disablement and death

Completed year of age on the last birthday of the workman immediated preceding the date on Which the compensation fell due		Factors
(1)		(2)
not more than	16	228.54
	17	227.49
	18	226.38
	19	225.22
	20	224.00
	21	222.71
(1)		(2)
	22	221.37
	23	219.95
	24	218.47
	25	216.91
	26	215.28
	27	213.57
	28	211.79
	29	209.92
	30	207.98
	31	205.95
	32	203.85
	33	201.66
	34	199.40
	35	197.06

1- Sch. IV. Subs. by Act 22 of 1984, vide sec. 7

36	194.64
37	192.14
38	189.56
39	186.90
40	184.17
41	181.37
42	178.49
43	175.54
44	172.52
45	169.44
46	166.29
47	163.07
48	159.80
49	156.47
50	153.09
51	149.67
52	146.20
53	142.68
54	139.13
55	135.56
56	131.95
57	128.33
58	124.70
59	121.05
60	117.41
61	113.77
62	110.14
63	106.52
64	102.93
65 or more	99.37]

Notes - This Table is introduced in 1984 not helpful in determining the amount of compensation payable for accidents under the Motor Vehicles Act; AIR. 1987 A.P. 127. (FB).

