


MAHARASHTRA STATE ELECTRICITY DISTRIBUTION CO. LTD.


MAHA VITARAN

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Ref. No.: LIR/B/ 141

Date: 03/01/2011

CIRCULAR

Sub: Amendment to the provisions of Workmen's Compensation Act, 1923. (hereinafter referred to be called as "*Employee's Compensation Act, 1923*")

The Workmen's Compensation Act, 1923 (Act No. 8 of 1923) (hereinafter referred to as the Principal Act,) has been amended by the Government of India by Act no. 45 of 2009 dt. 22.12.2009 to be implemented with immediate effect (i.e. w.e.f. 18.01.2010) The relevant amendments/omissions/substitutions, etc. in the principal Act are as follows:-

1. This Act hereinafter may be called the "*Employee's Compensation Act, 1923.*"
2. **Amendment of long title:-** In the long title to the Workmen's Compensation Act, 1923 (8 of 1923) (hereinafter referred to as the principal Act), for the word "workmen", the word "employees" shall be substituted.

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

In section I of the principal Act, in sub-section (1), for the word "workmen", the word "employees" shall be substituted.

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

3. **Amendment to Section 2. :-** In section 2 of the principal Act, in sub-section (1),--

After clause (d), the following clause shall be inserted, namely :-

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

- (i) (a) a person recruited as driver, helper, mechanic, cleaner of in any other capacity in connection with a motor vehicle,
- (b) a person recruited for work abroad by a company, and who is employed outside India in any such as is specified in Schedule II and the ship, aircraft of motor vehicle, or company, as the case may be, is registered in India, or
- (ii) Employed in any such capacity as is specified in Schedule II, whether the contract of employment was made before or after the passing of this Act and whether such contract is expressed or implied, oral or writing, but does not include any person working in the capacity of a member of the Armed Forces of the Union, and any reference to any employee who has been injured shall, where the employee is dead, include a reference to his dependants or any of them,
- (iii) clause (n) shall be omitted .

4. Amendment to Section 4, - In section 4 of the principal Act,--

(a) In sub-section (I),--

- (i) In clause (a), for the words "eighty thousand rupees", the words "one lakh and twenty thousand rupees" shall be substituted ;
- (ii) In clause (b), for the works "ninety thousand rupees", the words "one lakh and forty thousand rupees" shall be substituted;
- (iii) after clause (b), the **Explanation II shall be omitted;**

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

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

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

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

(d) in sub-section (4),-

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

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

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

Explanation :- In exercise of the powers conferred by sub-section (1B) of Section 4 of the Employee’s Compensation Act, 1923 (8 of 1923), the Central Government hereby specifies, for the purposes of sub-section (1) of the said section, the following amount “as monthly wages”, with effect from the date of publication of this notification i.e. 31st May, 2010, namely :- “Eight Thousand Rupees”

5. **Insertion of new section 25-A.-** After section 25 of the principal Act, the following section shall be inserted, namely :-

“25-A. Time limit for disposal of cases relating to compensation.-

The commissioner shall dispose of the matter relating to compensation under this Act within a period of three month from the data of reference and intimate the decision in respect thereof within the said period to the employee”.

6 **Amendment of Schedule II.-** In Schedule II to the principal Act, --

(i) for the word, numbers, brackets and letter “section 2(1) (n)”, wherever they occur, the word, figures, brackets and letters “section2(1) (dd)” shall be substituted;

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

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

- (iv) in item (iii), the words "wherein or within the precincts whereof twenty or more persons are so employed" shall be omitted;
- (v) in item (v), the words "other than clerical work" shall be omitted;
- (vi) in item (x), the words "otherwise than in a clerical capacity" shall be omitted;
- (vii) in item (xiv), the words "otherwise than in a clerical capacity" shall be omitted;
- (viii) in item (xvi), the words "in which on any one day of the preceding twelve months more than twenty-five persons have been employed" shall be omitted;
- (ix) in item (xix), the words "otherwise than in a clerical capacity" shall be omitted;
- (x) in item (xxvi),--
 - (a) in clause (a), the words "and in which on any one day of the preceding twelve months ten or more persons have been so employed" shall be omitted;
 - (b) in clause (b), the words "in which on any one day of the preceding twelve months fifty or more persons have been so employed" shall be omitted;
- (xi) in item (xxx), the words "otherwise than in a clerical capacity" shall be omitted;
- (xii) in items (xl) and (xli), the words "in which on any one day of the preceding twelve months more than twenty-five persons have been employed" shall be omitted;
- (xiii) the Explanation occurring after item (xlix), at the end, shall be omitted.

All the concerned field officers are hereby informed that they may take note of the above amendments/omissions/substitutions, etc. and seek guidance from the LIR section wherever necessary.

Rana
Chief Industrial relations Officer

To,
As per mailing list upto the level of Executive Engineer.