

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

(ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ ದಿನಾಂಕ: ಫೆಬ್ರವರಿ 25, 2010 ಭಾಗ-4 ಪುಟಸಂಖ್ಯೆ:20-23)

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 6 ಕೇಶಾಪ್ರ 2010, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 1ನೇ ಫೆಬ್ರವರಿ, 2010

2009ನೇ ಸಾಲಿನ ಡಿಸೆಂಬರ್ 23ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟಿನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ-II ಸೆಕ್ಷನ್ (i)ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ The Workmen's Compensation (Amendment) Act, 2009 (Act No. 45 of 2009) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 23rd December, 2009/Pausa 2, 1931 (Saka)

The following Act of Parliament received the assent of the President on the 22nd December, 2009 and is hereby published for general information:-

THE WORKMEN'S COMPENSATION (AMENDMENT) ACT, 2009

No. 45 OF 2009

[22nd December, 2009]

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

BE it enacted by parliament in the Sixtieth Year of the Republic of India as follows:

1. Short title and commencement: (1) This Act may be called the Workmen's Compensation (Amendment) Act, 2009

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

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.

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

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

5. Substitution of references to certain expressions by certain other expressions: 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.

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

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

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

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

(ii) (a) a master, seaman or other 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,

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

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

(ii) clause (n) shall be omitted.

7. Amendment of section 4 : In section 4 of the principal Act,

(a) in sub-section (1)-

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

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

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

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

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

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

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

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

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

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

(A) for the words "two thousand and five hundred rupees", the words "not less than 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”,

8. Amendment of section 20: In section 20 of the principal Act, in sub-section (1), after the words “appoint any person” the words “who is or has been a member of a State Judicial Service for a period of not less than five years or is or has been for not less than five years an advocate or a pleader or is or has been a Gazette Officer for not less than five years having educational qualifications and experience in personnel management, human resource development and industrial relations” shall be inserted.

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

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

10. Amendment of Schedule II : In Schedule II to the principal Act-

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

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

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

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

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

(vi) in item(vi)-

(a) clause (b) shall be omitted;

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

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

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

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

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

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

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

(xii) in item (xxvi)-

(a) in clause (a) the words “and in which on any one day of the preceding twelve months
terror more persons have been so employed” shall be omitted;

(b) in clause (b), the words “in which on any one day of the preceding twelve months fifty
or more persons have been so employed” shall be omitted;

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

(xiv) in items (xi)and (xli), the words “in a which on any one day of the preceding twelve
months more than twenty-five persons have been employed” shall be omitted;

(xv) the Explanation occurring after item (xlix) at the end shall be omitted.

V.K. BHASIN,

Secy, to the Govt of India

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ
ಹೆಸರಿನಲ್ಲಿ,

ಆರ್. ಆಂಜಿನಿ

ಪಿ.ಆರ್. 8

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ

ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.