

**JOINT/SELECT COMMITTEE
REPORTS OF LEGISLATIVE
ASSEMBLY - 1933**

**The Workmen's Compensation
(Amendment) Bill**

List of Reports of Select or Joint Committees
presented in the Legislative Assembly in 1933.

Serial No.	Short title of the Bill.	Date of presentation. Remarks.
1.	The Hedjaz Pilgrims (<u>Muallims</u>) Bill.	6.2.33.
2.	The Workmen's Compensation (Amendment) Bill.	14.2.33.
3.	The Land Acquisition (Amendment) Bill.	14.2.33.
4.	The Auxiliary Force (Amendment) Bill.	14.2.33.
5.	The Indian Wireless Telegraphy Bill.	23.2.33.
6.	The Indian Railways (Amendment) Bill (Sec. 51).	24.3.33.
7.	The Indian Income-tax (Amendment) Bill.	1.4.33.
8.	The Indian Income-tax (Second Amendment) Bill.	10.4.33.
9.	The Indian Medical Council Bill.	1.9.33.
10.	The Indian Merchant Shipping (Second Amendment) Bill.	4.9.33.
11.	The Murshidabad Estate Administration Bill.	7.9.33.
12.	The Reserve Bank of India Bill.	20.11.33. Report of the Joint Committee
13.	The Imperial Bank of India Bill.	20.11.33. -do-
14.	The Indian Khaddar (Name Protection) Bill by Mr. Gaya Prasad Singh.	29.11.33.
15.	The Indian Tariff (Second Amendment) Bill.	1.12.33.

LEGISLATIVE ASSEMBLY.

WE, the undersigned, Members of the Select Committee to which the Bill further to amend the Workmen's Compensation Act, 1923, was referred,

Papers Nos. I—IV. have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

Clauses 10 to 22 have been re-numbered as clauses 11 to 23, in consequence of the introduction of a new clause after clause 9. The references are to the clauses as now re-numbered.

2. *Clause 1.*—We have postponed the date on which the amendments made by the Bill come into force, and in order to give time for the necessary insurance arrangements we have provided that certain clauses which have the effect of altering the amount of compensation payable shall not apply to compensation payable on account of injuries occurring before the new provisions come into operation.

3. *Clause 2, sub-clause (a) (i).*—We have recast the definition of "dependant" in the Act. The Bill was designed to add certain relatives to the list included in that definition. There are however certain relatives who though not infrequently dependent on a deceased workman would not be included in the definition of dependant as amended by the Bill. We consider that so long as no proof of dependence is required it is inexpedient to enlarge the definition, as every addition increases the risk of compensation going to persons who have no equitable claim. We have endeavoured to meet the difficulty by dividing the dependants into two categories, placing in the first those who are in practically all cases actually dependent and in the second those who may or may not be in that position. And we have provided that while those in the first category need not be called upon to prove dependence, those in the second category shall be so required.

With this modification certain additions can safely be made in the second category and we have included illegitimate children, and a widowed daughter-in-law.

Sub-clause (a) (ii) and (iii) and clause 9.—We have omitted the definition of "registered ship" from the Act, as we consider that there is no longer any need for making any distinction between ships which are registered in India, ships which are registered elsewhere and ships which are unregistered. We have inserted in item (vi) of Schedule II the ships to which we consider the Act should be applied. The alterations made by sub-clause (a) (iii) in the definition of seamen [section 2 (1) (k) of the Act] and by clause 9 are consequential.

Sub-clause (b).—In the revised draft of section 2 (3) of the Act we have omitted the reference to persons as opposed to classes of persons; for we do not think that circumstances could arise justifying the inclusion of individuals as such.

4. *Clause 4 and clause 23—Compensation for death and permanent disablement of adults.*—We have by a majority made certain reductions affecting the first two and the last two of the

wage classes in Schedule IV. These are shown for purposes of comparison in tabular form below:—

Wage-group (See Schedule IV).	Compensation as proposed in the Bill for—		Compensation as modified in Committee for—	
	Death.	Perma- nent total disabili- ty.	Death.	Perma- nent total disabili- ty.
First	600	840	500	700
Second	600	840	550	770
Sixteenth	3,750	5,250	3,500	4,900
Seventeenth	4,500	6,300	4,000	5,600

The increases proposed by the Bill in these classes are heavy and it seemed to the majority of us impossible to ignore the fact that since the Royal Commission reported there has been a very substantial change in the price level. The Commission indicated that their proposals were based on conditions prevailing in 1929 and early 1930. Since then the prices have fallen to a much lower level and wages have been reduced to some extent. The greater part of the Schedule is based directly on wages, and therefore reductions in wages make themselves felt automatically in reducing the amount of compensation. But this does not hold good at the extreme ends of the Schedule, for the maximum and minimum are fixed sums. At the lower end particularly, the effect of a fall in the wage-level is to increase the proportion which compensation bears to the wages of those receiving it. We would observe that even with the reductions we have proposed the minimum rate of compensation represents an increase of over 100 per cent. on that given by the present Act, while the maximum compensation is increased by 60 per cent.

Permanent disablement of minors.—In place of column 4 of the Schedule in the Bill we have substituted unanimously a fixed rate of compensation, *viz.*, Rs. 1,200. The greater part of the column previously in the Bill had no meaning as no minor could earn wages entitling him to any of the higher figures there shown; and our proposal will have the effect in most cases of giving appreciably more to a minor who is disabled than the amount which the Bill as introduced would have given.

Temporary disablement.—We have by a majority made small reductions in the rate of half-monthly payments for the 6th, 7th and 8th wage classes only reducing the amounts from Rs. 9, 10 and 10 to Rs. 8-8-0, 9-0-0 and 9-8-0, respectively.

5. *Clause 8. Proposed section 10A.*—We have extended the period for sending notice and making a deposit from ten days to thirty days, as we think that it is in the interest of both parties that adequate time should be given to the employer to make the necessary inquiries and to consult those with whom he may have insured his liability.

Proposed section 10B.—We have altered the wording to make it clear that notices are required when the accident occurs in the premises,

irrespective of the place where the death occurs, and have provided that the period of seven days should begin from the date of death and not the date of the accident. We consider that the task of those sending notices would be lightened in many cases if they were permitted to send the notice required by this section to the authority (e.g., the factory inspector) to whom notice has to be sent under other Acts; the latter could then forward it to the Commissioner. We have therefore provided that Local Governments may introduce this modification by rule.

6. *Clause 9.*—We have expanded the amendment in order to give the contractor the right to be indemnified by the sub-contractor if he has had to pay compensation either to the principal or to the workman.

7. *Clause 11.*—The alteration made in section 10B inserted by clause 8 of the Bill has necessitated the change in clause (c) of new section 18A. A sub-section has been added to new section 18A in order to secure that prosecutions will be instituted only after sanction and to provide a period of limitation.

8. *Clause 19.*—The alteration is consequential on the change made in section 10B as inserted by clause 8 of the Bill.

9. *Clause 20.*—We have simplified the wording, while providing that the provisions of the new section shall apply to foreign countries as well as to parts of His Majesty's Dominions.

10. *Clause 21.*—The alterations here made are all designed to add to the categories of workmen benefited by the Act. The change in item (i) has the effect of extending the Act to drivers of private motor cars. Item (iv) provides for workmen employed in handling explosive substances. Item (vi) extends the Act to workmen employed on all ships propelled by power and all except the smallest sailing ships. Items (viii) and (x) have been widened in scope and other additions have been made with the same object in items (xiii), (xviii), (xix), (xxi), (xxii) and (xxiii).

11. The Bill was published as follows:—

IN ENGLISH.

Gazette.	Date.
Gazette of India	20th February, 1932.
Fort St. George Gazette	8th March, 1932.
Bombay Government Gazette	31st March, 1932.
Calcutta Gazette	24th March, 1932.
United Provinces Gazette	27th February, 1932.
Punjab Government Gazette	15th April, 1932.
Burma Gazette	12th March, 1932.
Central Provinces Gazette	5th March, 1932.
Assam Gazette	24th February, 1932.
Bihar and Orissa Gazette	16th March, 1932.
Coorg District Gazette	1st April, 1932.
Sind Official Gazette	7th April, 1932.
North-West Frontier Gazette	17th June, 1932.

IN THE VERNACULARS.

Province.	Language.	Date.
Madras	Tamil . . .	24th May, 1932.
	Telugu . . .	24th May, 1932.
	Hindustani . . .	17th May, 1932.
	Kanarese . . .	24th May, 1932.
	Malayalam . . .	21st June, 1932.
Bombay	Marathi . . .	19th May, 1932.
	Gujarathi . . .	19th May, 1932.
	Kanarese . . .	19th May, 1932.
	Urdu . . .	28th May, 1932.
Punjab	Urdu . . .	15th April, 1932.
Coorg	Kanarese . . .	1st June, 1932.
Sindh	Sindhi . . .	28th April, 1932.

12. We think that the Bill has not been so altered as to require re-publication, and we recommend that it be passed as now amended.

B. L. MITTER.

F. NOYCE.

R. D. DALAL.

H. P. MODY.

M. A. AZIM.

K. AHMED.

A. G. CLOW.

*K. P. THAMPAN.

*N. M. JOSHI.

*ABDUL MATIN CHAUDHURY.

*G. MORGAN.

*R. T. H. MACKENZIE.

*B. V. JADHAV.

S. C. SEN.

*S. C. MITRA.

ISMAIL ALI KHAN.

S. G. JOG.

NEW DELHI;

The 10th February, 1933.

MINUTES OF DISSENT.

In regard to clause 4 and the Schedule thereunder we are of opinion that any increase in benefits as now existing under the Act is not only unnecessary but undesirable as being liable to cause malingering as well as imposing an increased burden on already overstrained industries.

In 1924, when the Act started working, commodity prices were high, the general index number for all articles being 155, on the basis of 100 in 1914. Prices have now dropped again to the 1914 level, whereas wages have not dropped, so the scale of compensation has automatically increased.

In clause 21, item (xviii), we see no justification for extending the Bill to cover all estate labour other than factory labour, but if it is to be so extended then we maintain that it should be extended to all organised plantations and on an acreage basis.

This would involve the definition of "estate" as "land of 10 acres or more held by one or more person or persons as owner or co-owners, whether in one or more blocks, which is being prepared for the production of or actually produces tea, coffee, pepper, cardamom, cinchona, cocoanuts, or such other products as the Government of India may by order duly notified specify".

G. MORGAN.

R. T. H. MACKENZIE.

The 7th February, 1933.

We are sorry that we cannot agree with the views of the majority in several points.

1. Compensation is allowed in the case of death of a workman and the employer is not permitted to raise contributory negligence or intoxication as a plea or pleas in defence. This is right. But we claim that in the case of permanent disablement not less than 50 per cent. the same rule should apply. This proposal is supported by the Royal Commission on Labour and in England also the same principle is accepted.

2. We regret that the Government of India have thought fit to go back on their first proposals as regards scales of compensation. In the original draft of the Bill as introduced in the Legislative Assembly the recommendations of the Royal

Commission were accepted by Government. But it is sad to see that the cries of the capitalists touched the heart of Government who have now thought fit to reduce the amount in respect of very low paid labourers.

3. We do not agree with the majority for excluding those who do clerical work in the same building. If other manual workers are entitled to compensation, the clerks too when exposed to like risks should be similarly protected.

4. Modern medical science has found out that people working in mines and on plantations and such places are liable to suffer from hookworm. This should therefore be classified as an occupational disease for workers working on plantations.

B. V. JADHAV.

S. C. MITRA.

The 8th February, 1933.

We regret we are unable to agree with the conclusions of the majority in several respects.

Firstly.—We do not approve of the new proposal made by the majority that in the case of some dependents of the man who has met with an accident, dependence must be proved. We hold this is a departure from the principle on which the original Act has been based, and as the amount of compensation does not vary according to the number of dependants, proof of dependence should not be required.

Secondly.—We consider that the waiting period of seven days is too long and should be reduced to three days which is the period laid down in the British Act. No special circumstances exist in India which can justify this departure from British practice.

Thirdly.—We consider that the employer should not be permitted to plead the plea of the wilful misconduct of the worker in the case of permanent

loss of 50 per cent. of the earning capacity. Our proposal has the support of the majority of the members of the Royal Commission on Indian Labour and also of the British Law on the subject. Workmen's Compensation Legislation is based upon the recognition of the fact that there exist some risks which are inherent in certain occupations and industries and for which the workman must be compensated. If the workman is to be deprived of his right to compensation on the ground of his wilful misconduct it is necessary that when an accident takes place on account of the fault of the employer the compensation must be increased as is done in France and in some other countries. Moreover, under the Indian Act the workman is practically denied the alternative remedy of proceeding in the Civil Court as he cannot afford to take the risk of losing compensation under the Workmen's Compensation Act if his suit in the Civil Court fails which does not happen under the British Act.

Fourthly.—We regret very much that the Government of India have gone back upon their original proposals in the Bill as regards scales of compensation which had the support of the Royal Commission on Indian Labour and have proposed reductions in the amounts of increases proposed in the original Bill. We disagree with the new proposals of the Government of India which unfortunately have been accepted by the majority of the Committee. We consider that the scales of compensation in the original Act were very much low and even the increases originally proposed in the present Bill which were also limited only to a few classes of workmen were inadequate. With the compensation of Rs. 600 the dependants of a deceased workman can only secure an annual income of Rs. 24 which by the fresh proposals of the Government will be reduced to Rs. 20 a year. Similarly in the case of permanent total disablement of the adult the minimum compensation of Rs. 840 as proposed in the original Bill would have given to the worker for the rest of his life an annual income of

only Rs. 33½ which has now been proposed to be reduced to Rs. 28. In these cases in Great Britain the workman gets half of his wages throughout the rest of his life.

Fifthly.—We do not agree with the proposals approved by the majority for excluding from the benefit of the Act clerks working in the industries or occupations, the manual workers in which are entitled to compensation. There is not much justification for their exclusion unless they work in a separate building at a distance and have no occasion at all to go near the place where the manual workers work. We also hold that workmen working in a factory where any kind of power is used and where five or more persons are employed should get the benefit of this Bill and that workers working in workshops in which no power is used and where 25 or more persons are employed should similarly benefit from the Bill,

Sixthly.—We propose that 'Hookworm' should be classified as an occupational disease for workers working on plantations.

K. P. THAMPAN.

N. M. JOSHI.

ABDUL MATIN CHAUDHURY.

'BILL

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

WHEREAS it is expedient further to amend the Workmen's Compensation Act, 1923 ; It is hereby ~~VIII of 1923~~ enacted as follows :—

1. (1) This Act may be called the Workmen's Compensation (Amendment) Act, 1933.

(2) *It shall come into force on the 1st day of July, 1933 ; but sections 2, 3, 4, 5, 21, 22 and 23 shall not have effect until the 1st day of January, 1934, and shall have effect thereafter only in respect of compensation payable on account of an injury caused to a workman by an accident occurring on or after the 1st day of January, 1934.*

2. In section 2 of the Workmen's Compensation Act, 1923 (hereinafter referred to as the said Act),—

(a) in sub-section (1),—

(i) for clause (d) the following shall be substituted, namely :—

"(d) 'dependant' means any of the following relatives of a deceased workman, namely :—

(i) a wife, a minor legitimate son, an unmarried legitimate daughter, or a widowed mother ; and

(ii) if wholly or in part dependent on the earnings of the workman at the time of his death, a husband, a parent other than a widowed mother, a minor illegitimate son, an unmarried illegitimate daughter, a daughter legitimate or illegitimate if married and a minor or if widowed, a minor brother, an unmarried or widowed sister, a widowed daughter-in-law, a minor child of a deceased son, or, where no parent of the workman is alive, a paternal grandparent,"

(ii) clause (j) shall be omitted,

(iii) in clause (k), the word "registered" shall be omitted, and for the words "any such" the word "the" shall be substituted, and

(iv) in sub-clause (ii) of clause (n), the words "either by way of manual labour or" shall be omitted ;

(b) for sub-section (3), the following sub-section shall be substituted, namely :—

"(3) The Governor General in Council, after giving, by notification in the Gazette of India, not less than three months' notice of his intention so to do, may, by a like notification, add to Schedule II * * any class of persons employed in any occupation which he is satisfied is a hazardous occupation, and the provisions of this Act shall thereupon apply to such * * classes of persons :

Provided that in making such addition the Governor General in Council may direct that the provisions of this Act shall apply to such * * classes of persons in respect of specified injuries only."

3. In section 3 of the said Act,—

Amendment of section 3, Act VIII of 1923.

(a) in sub-section (1),—

- (i) in proviso (a), for the word "ten" the word "seven" shall be substituted, and
- (ii) in proviso (b), for the words "injury to a workman resulting from" the words "injury, not resulting in death, caused by" shall be substituted; and
- (l) in sub-section (4), the words "solely and" shall be omitted.

4. For sub-section (1) of section 4 of the said

Amendment of section 4, Act VIII of 1923.

the following sub-section shall be substituted, namely :—

"(1) Subject to the provisions of this Act, the amount of compensation of compensation shall be as follows, namely :—

A. Where death results from the injury—

- (i) in the case of an adult in receipt of monthly wages falling within limits shown in the first column of Schedule IV—the amount shown against such limits in the second column thereof, and
- (ii) in the case of a minor—two hundred rupees;

B. Where permanent total disablement results from the injury—

- (i) in the case of an adult in receipt of monthly wages falling within limits shown in the first column of Schedule IV—the amount shown against such limits in the third column thereof, and
- (ii) in the case of a minor—twelve hundred rupees;

C. Where permanent partial disablement results from the injury—

- (i) in the case of an injury specified in Schedule I, such percentage of the compensation which would have been payable in the case of permanent total disablement as is specified therein as being the percentage of the loss of earning capacity caused by that injury, and
- (ii) in the case of an injury not specified in Schedule I, such percentage of the compensation payable in the case of permanent total disablement as is proportionate to the loss of earning capacity permanently caused by the injury;

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

D. Where temporary disablement, whether total or partial, results from the injury, a half-monthly payment payable on the sixteenth day after the expiry of a waiting period of seven days from the date of the disablement, and thereafter half-monthly during the disablement or during a period of five years, whichever period is shorter,—

- (i) in the case of an adult in receipt of monthly wages falling within limits shown in the first column of Schedule IV—of the sum shown against such limits in the fourth column thereof, and
- (ii) in the case of a minor—of one-half of his monthly wages, subject to a maximum of thirty rupees :

Provided that—

- (a) there shall be deducted from any lump sum or half-monthly payments to which the workman is entitled the amount of any payment or allowance which the workman has received from the employer by way of compensation during the period of disablement prior to the receipt of such lump sum or of the first half-monthly payment, as the case may be : and
- (b) no half-monthly payment shall in any case exceed the amount, if any, by which half the amount of the monthly wages of the workman before the accident exceeds half the amount of such wages which he is earning after the accident.”

5. In section 5 of the said Act,—

Amendment of section
6, Act VIII of 1923.

(a) in sub-section (1),—

(i) for the word and figure “section 4” the words “this Act” shall be substituted,

(ii) after clause (a) the following clause shall be inserted, namely :—

“(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 deemed to 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 ; ”,

(iii) clause (b) shall be re-lettered as clause (c), and

(iv) the proviso shall be omitted ; and

(b) sub-section (2) shall be omitted.

6. In section 8 of the said Act,—

Amendment of section
8, Act VIII of 1923.

(a) for the proviso to sub-section (1) the following shall be substituted, namely :—

“ Provided that, in the case of a deceased workman, an employer may make to any dependant advances on account of compensation not exceeding an aggregate of one hundred rupees, and so much of such aggregate as does not exceed the compensation payable to that dependant shall be deducted by the Commissioner from such compensation and repaid to the employer.” ; and

(b) in sub-section (4),—

(i) for the words “ may deduct ” the words “ shall deduct ” shall be substituted, and
(ii) for the words “ fifty rupees or so much of that cost or of fifty rupees, whichever is less, as has not already been advanced by the employer on account of such expenses ” the words “ twenty-five rupees ” shall be substituted.

7. In section 10 of the said Act,—

Amendment of section
10, Act VIII of 1923.

(a) in sub-section (1), after the first proviso the following proviso shall be inserted, namely :—

“ Provided further that the want of or any defect or irregularity in a notice shall not be a bar to the maintenance of proceedings—

(a) if the claim is made 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 had knowledge of the accident from any other source at or about the time when it occurred : ” ; and

(b) for sub-section (3) the following sub-sections shall be substituted, namely :—

“ (3) The Local 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 of business of the person on whom it is to be served, or, where a notice book is maintained, by entry in the notice book.

8. After section 10 of the said Act the following insertion of new sec. sections shall be inserted, sections 10A and 10B in Act VIII of 1923.

" 10A. (1) Where a Commissioner receives information from employers statements regarding fatal accidents. 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 so disclaimed liability, the Commissioner, after such inquiry as he may think fit, may inform any of the dependants of the deceased workman that it is open to the dependants to prefer a claim for compensation, and may give them such other further information as he may think fit.

10B. (1) Where, by any law for the time being in force, Reports of fatal accident 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, the person required to give the notice shall, within seven days of the death, send a report to the Commissioner giving the circumstances attending the death:

Provided that where the Local 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 he is required to give the notice.

- (2) The Local Government may, by notification in the local official Gazette, extend the provisions of sub-section (1) to any class of premises other than those coming within the scope of that sub-section, and may, by such notification, specify the persons who shall send the report to the Commissioner."

9. In sub-section (2) of section 12 of the said Act, after the words "the Amendment of section 12, Act VIII of 1923. contractor" the words "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 the relation of a contractor from whom the workman could have recovered compensation" shall be inserted.

10. *In section 15 of the said Act, the word "Amendment of section "registered" shall be 15, Act VIII of 1923. omitted.*

11. *In Chapter II and after section 18 of the said Act, the following insertion of new sec. 18A in Act VIII of 1923. section shall be inserted, 1923. namely :—*

"18A. (1) Whoever—

Penalties.

- (a) fails to maintain a notice-book which he is required to maintain under sub-section (3) of section 10, or
- (b) fails to send to the Commissioner a statement which he is required to send under sub-section (1) of section 10A, or
- (c) fails to send * * * a report * * * which he is required to send under section 10B, 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 one hundred 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 within six months of the date on which the offence is alleged to have been committed."

12. *In sub-section (1) of section 19 of the said Act, for the words "Amendment of section 19, Act VIII of 1923. the words "a Commissioner" shall be substituted.*

13. In section 20 of the said Act,—

Amendment of section 20, Act VIII of 1923.

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

"(2) Where more than one Commissioner has been appointed for any local area, the Local Government may, by general or special order, regulate the distribution of business between them. "; and

(b) sub-sections (2) and (3) shall be renumbered as sub-sections (3) and (4).

14. In section 21 of the said Act,—

Amendment of section 21, Act VIII of 1923.

(a) in sub-section (1), for the words "the Commissioner", in both places where they occur, the words "a Commissioner" shall be substituted, and

(b) after sub-section (4) the following sub-section shall be inserted, namely :—

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

15. In section 22 of the said Act,—

Amendment of section
22, Act VIII of 1923.

- (a) in sub-section (1), after the word "Commissioner", the words "other than an application by a dependant or dependants for compensation," shall be inserted; and
- (b) in sub-section (2),—
 - (i) for the words "Where any such question has arisen, the application" the words "An application to a Commissioner" shall be substituted, and
 - (ii) in clause (d), after the brackets and letter "(d)", the words "except in the case of an application by dependants for compensation," shall be inserted.

16. After section 22 of the said Act, the following

Insertion of new sec. section shall be inserted, 22A in Act VIII of namely :—
1923.

" 22A. (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, by 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."

17. To sub-section (1) of section 30 of the

Amendment of section said Act, after the exist-
30, Act VIII of 1923. ing provisos, the follow-
ing further proviso shall be added, namely :—

" 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 not less than one-tenth of the amount payable under the order appealed against or one hundred rupees, whichever is less."

18. After section 30 of the said Act the follow-

Insertion of new sec. ing section shall be 30A in Act VIII of inserted, namely :—
1923.

" 30A. Where an employer makes an appeal Withholding of certain under clause (a) of sub- payments pending decision of appeal. section (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:

Provided that the Commissioner may distribute, in such manner as he may think fit, out of any sum in deposit with him, a sum not exceeding one-tenth of the sum payable under his

order, or one hundred rupees, whichever is less, among persons entitled under his order to receive compensation who, in his opinion, are unable to support themselves, and in the event of the appeal being successful such sum shall not be recoverable by the employer."

19. In section 33 of the said Act,—

Amendment of section
33, Act VIII of 1923.

- (i) in clause (c), the word "and", in the second place where it occurs, shall be omitted;
- (ii) after clause (c) the following clauses shall be inserted, namely :—
 - "(d) for prescribing the classes of employers who shall maintain notice-books under sub-section (3) of section 10, and the form of such notice-books;
 - (e) for prescribing the form of statement to be submitted by employers under section 10A;
 - (f) for prescribing the cases in which the report referred to in section 10B may be sent to an authority other than the Commissioner; and"
- (iii) clause (d) shall be re-lettered as clause (g).

20. After section 34 of the said Act, the following section shall be inserted, namely :—

Insertion of new section 35 in Act VIII of 1923.

"35. * * * * *

Rules to give effect to
arrangements * * * * *
with other countries for
the transfer of money
paid as compensation.

The Governor General in Council may, by notification in the Gazette of India, make rules * * * * * for the transfer to *any part of His Majesty's Dominions or to any other country* of money paid to a Commissioner under this Act * * * for the benefit of any person residing or about to reside in such part or *country* and for the receipt and administration in British India of any money awarded under the law relating to workmen's compensation in *any part of His Majesty's Dominions or in any other country*, and * * * * * applicable for the benefit of any person residing or about to reside, in British India."

21. In Schedule II to the said Act, for clauses (i) to (xiii), the following clauses and explanation shall be substituted, namely :—

- "(i) employed, otherwise than in a clerical capacity or on a railway, in connection with the operation or maintenance of mechanically propelled vehicles * * * * * ; or
- (ii) employed, otherwise than in a clerical capacity, in any premises wherein, or within the precincts whereof, on any on

day of the preceding twelve months, ten or more persons have been employed in any manufacturing process, as defined in clause (4) of section 2 of the Indian Factories Act, 1911, or in any ~~XII of 1911~~, kind of work whatsoever incidental to or connected with any such manufacturing process or with the article made, and steam, water or other mechanical power or electrical power is used ; or

(iii) employed, otherwise than in a clerical capacity, in any premises wherein, or within the precincts whereof, on any one day of the preceding twelve months, fifty or more persons have been employed in any manufacturing process, as defined in clause (4) of section 2 of the Indian Factories Act, 1911, ~~XII of 1911~~, or in any kind of work whatsoever incidental to or connected with any such manufacturing process or with the article made ; or

(iv) employed in the manufacture or handling of explosives in any premises wherein, or within the precincts whereof, on any one day of the preceding twelve months, ten or more persons have been so employed ; or

(v) employed, in any mine as defined in clause (f) of section 3 of the Indian Mines Act, 1923, in any mining operation, or in ~~IV of 1923~~, any kind of work, other than clerical work, incidental to or connected with any mining operation or with the mineral obtained, or in any kind of work whatsoever below ground :

Provided that any excavation in which on no day of the preceding twelve months more than fifty persons have been employed or explosives have been used, and whose depth from its highest to its lowest point does not exceed twenty feet shall be deemed not to be a mine for the purpose of this clause ; or

(vi) employed as the master or as a seaman of—

(a) any ship which is propelled wholly or in part by steam or other mechanical power or by electricity or which is towed or intended to be towed by a ship so propelled, or

(b) any ship not included in sub-clause (a) of fifty tons net tonnage or over ; or

(vii) employed for the purpose of loading, unloading, fuelling, constructing, repairing, demolishing, cleaning or painting any ship of which he is not the master or a member of the crew, or in the handling or transport * * within the limits of any port subject to the Indian Ports Act, 1908, of goods which have been discharged from or are to be loaded into any vessel ; or

(viii) employed in the construction, repair or demolition of—

(a) any building which is designed to be or is or has been more than one storey in height above the ground or twenty feet or more from the ground level to the apex of the roof, or

- (b) any dam or embankment which is twenty feet or more in height from its lowest to its highest point, or
- (c) any * * * road, * bridge, * * * or tunnel ; or
- (d) any wharf, quay, sea-wall or other marine work including any moorings of ships ; or
- (ix) employed in setting up, repairing, maintaining, or taking down any telegraph or telephone line or post or any over-head electric line or cable or post or standard for the same ; or
- (x) employed, otherwise than in a clerical capacity, in the construction, working, repair or demolition of any aerial ropeway, canal, pipe-line, or sewer ; or
- (xi) employed in the service of any fire brigade ; or
- (xii) employed upon a railway as defined in clause (4) of section 3, and sub-section (1) of section 148 of the Indian Railways Act, 1890, either directly or through a sub-contractor, by a person fulfilling a contract with the railway administration ; or
- (xiii) employed as an inspector, mail guard, sorter or van peon in the Railway Mail Service, or employed in any occupation ordinarily involving outdoor work in the Indian Posts and Telegraphs Department ; or
- (xiv) employed, otherwise than in a clerical capacity, in connection with operations for winning natural petroleum or natural gas ; or
- (xv) employed in any occupation involving blasting operations ; or
- (xvi) employed in the making of any excavation in which on any one day of the preceding twelve months more than fifty persons have been employed or explosives have been used, or whose depth from its highest to its lowest point exceeds twenty feet ; or
- (xvii) employed in the operation of any ferry boat capable of carrying more than ten persons ; or
- (xviii) employed, otherwise than in a clerical capacity, on any estate which is maintained for the purpose of growing cinchona, coffee, rubber or tea, and on which on any one day in the preceding twelve months twenty-five or more persons have been so employed ; or
- (xix) employed, otherwise than in a clerical capacity, in the * generating, * transforming or supplying of electrical energy or in the generating or supplying of gas ; or
- * * * *
- (xx) employed in a lighthouse as defined in clause (d) of section 2 of the Indian Lighthouse Act, 1927 ; or
- (xxi) employed in producing cinematograph pictures intended for public exhibition or in exhibiting such pictures ; or

(xxii) employed in the training, keeping or working of elephants or wild animals ; or
 (xxiii) employed as a diver.

Explanation.—In this Schedule, ‘the preceding twelve months’ relates in any particular case to the twelve months ending with the day on which the accident in such case occurred.”

22. In Schedule III to the said Act, after the Amendment of Schedule III, Act VIII of 1923. entry relating to phosphorus poisoning, the following entries shall be added, namely :—

“ Mercury poisoning or its sequelæ.	Any process involving the use of mercury or its preparations or compounds.
Poisoning by benzene and its homologues, or the sequelæ of such poisoning.	Handling benzene or any of its homologues ; and any process in the manufacture or involving the use of benzene or any of its homologues.
Chrome ulceration or its sequelæ.	Any process involving the use of chromic acid or bichromate of ammonium, potassium or sodium, or their preparations.
Compressed air illness or its sequelæ.	Any process carried on in compressed air.”

23. For Schedule IV to the said Act, the following shall be substituted, Schedule for Schedule IV, namely :—
 IV, Act VIII of 1923.

" SCHEDULE IV.

(See section 4)

Compensation payable in certain cases.

Monthly wages of the workman injured.	Amount of compensation for—			Half-monthly payment as compensation for TEMPORARY DISABILITY OF ADULT.
	DEATH OF ADULT.	PERMANENT TOTAL DISABILITY OF ADULT.	8	
1	2	3	4	
More than—	But not more than—			
Rs.	Rs.	Rs.	Rs.	Rs. ▲
0	10	500	700	Half his monthly wages.
10	15	550	770	5 0
15	18	600	840	6 0
18	21	630	882	7 0
21	24	720	1,008	8 0
24	27	810	1,134	8 8
27	30	900	1,260	9 0
30	35	1,050	1,470	9 8
35	40	1,200	1,680	10 0
40	45	1,350	1,890	11 4
45	50	1,500	2,100	12 8
50	60	1,800	2,520	15 0
60	70	2,100	2,940	17 8
70	80	2,400	3,360	20 0
80	100	3,000	4,200	25 0
100	200	3,500	4,900	30 0
200	—	4,000	5,600	30 0"

GOVERNMENT OF INDIA.
LEGISLATIVE ASSEMBLY
DEPARTMENT.

Report of the Select Committee on the
Bill further to amend the Workmen's
Compensation Act, 1923, with the Bill
as amended.