

ACT No. I OF 1942.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the
2nd March, 1942.)

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

VIII of 1923,

WHEREAS it is expedient further to amend the Workmen's Compensation Act, 1923, for the purpose hereinafter appearing ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Workmen's Compensation (Amendment) Act, 1942. Short title and commencement.

(2) It shall be deemed to have come into force on the 3rd day of September, 1939.

2. In section 15 of the Workmen's Compensation Act, 1923, for clause (5) the following clauses shall be substituted, namely :— Amendment of section 15, Act VIII of 1923.

"(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 Pensions and Detention Allowances (Mercantile Marine, etc.) Scheme, 1939, or the War Pensions and Detention Allowances (Indian Seamen, etc.) Scheme, 1941, made under the Pensions (Navy, Army, Air Force and Mercantile Marine) Act, 1939, or under the War Pensions and Detention Allowances (Indian Seamen) Scheme, 1942, made by the Central Government.

(6) Failure to give a notice or make a claim or commence proceedings within the 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

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- (b) the Provincial 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 provision 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 Provincial Government was furnished to the person commencing the proceedings."

Repeal.

3. The Workmen's Compensation Second Amendment) Act, 1939, is hereby repealed.

XLII of 1939.