

THE WORKMEN'S COMPENSATION (AMENDMENT)
ACT, 1962

No. 64 OF 1962

[19th December, 1962]

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

BE it enacted by Parliament in the Thirteenth Year of the
Republic of India as follows:—

1. (1) This Act may be called the Workmen's Compensation (Amendment) Act, 1962.

Short title,
and com-
mence-
ment.

(2) It shall come into force on such date¹ as the Central Govern-
ment may, by notification in the Official Gazette, appoint.

8 of 1923. 2. In section 2 of the Workmen's Compensation Act, 1923 (herein-
after referred to as the principal Act), in sub-section (1),—

Amend-
ment of
section 2.

(i) in clause (g), for the words and figure "in Schedule I",
the words and figures "in Part II of Schedule I" shall be substitu-
ted;

(ii) in clause (l), for the proviso, the following proviso shall
be substituted, namely:—

"Provided that permanent total disablement shall be
deemed to result from every injury specified in Part I of
Schedule I or from any combination of injuries 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;"

(iii) in sub-clause (ii) of clause (n), for the words "four
hundred rupees", the words "five hundred rupees" shall be sub-
stituted.

¹1st February, 1963; vide Notification No. S.O. 320, dated 31-1-1963,
Gazette of India, Extraordinary, Pt. II, Sec. 3(ii), p. 75.

Amend-
ment of
section 3.

3. In section 3 of the principal Act,—

(i) in sub-section (2), the following provisos shall be inserted at the end, namely:—

“Provided that if it is proved,—

(a) that a workman 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 sub-section 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 be an injury by accident within the meaning of this 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 sub-section 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.”;

(ii) for sub-section (2A), the following sub-section shall be substituted, namely:—

“(2A) If a workman employed in any employment specified in Part C of Schedule 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 was under more than one employer, all such employers shall be liable for the payment of the compensation in such proportion as the Commissioner may, in the circumstances, deem just.”.

Amend-
ment of
section 4.

4. In section 4 of the principal Act, in sub-clause (i) of clause (c) of sub-section (1), for the word and figure “Schedule I”, the words and figures “Part II of Schedule I” shall be substituted.

5. In section 10 of the principal Act, in sub-section (1), after the first proviso, the following provisos shall be inserted, namely:— Amendment of section 10.

“Provided further that in case of partial disablement due to the contracting of any such disease 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:

Provided further that if a workman who, having been employed in an employment for a continuous period, specified under sub-section (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 two years of the cessation of employment, the accident shall be deemed to have occurred on the day on which the symptoms were first detected.”.

6. In sub-section (2) of section 18A of the principal Act, for the words “within six months of the date on which the offence is alleged to have been committed”; the words “within six months of the date on which the alleged commission of the offence came to the knowledge of the Commissioner” shall be substituted. Amendment of section 18A.

7. In the principal Act, in sections 20 and 21, the word “local”, wherever it occurs, shall be omitted. Amendment of sections 20 and 21.

8. After section 35 of the principal Act, the following section shall be inserted, namely:— Insertion of new section 36.

“36. Every rule made under this Act by the 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 two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, 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 that rule.”. Rules made by Central Government to be laid before Parliament.

Amend-
ment of
Schedule I

9. In Schedule I of the principal Act,—

(i) for the heading "LIST OF INJURIES DEEMED TO RESULT IN PERMANENT PARTIAL DISABLEMENT" the following heading shall be substituted, namely:—

"PART I

LIST OF INJURIES DEEMED TO RESULT IN PERMANENT TOTAL
DISABLEMENT";

(ii) after serial No. 6 and the entries relating thereto, the following heading shall be inserted, namely:—

"PART II

LIST OF INJURIES DEEMED TO RESULT IN PERMANENT PARTIAL
DISABLEMENT";

(iii) serial Nos. 7 to 54 shall respectively be re-numbered as serial Nos. 1 to 48.

Amend-
ment of
Schedule II.

10. In Schedule II of the principal Act,—

(i) in clause (ii), after the words "with any such manufacturing process or with the article made", the words "whether or not employment in any such work is within such premises or precincts" shall be inserted;

(ii) in clause (iii),

(a) the word "or" occurring at the end shall be omitted;

(b) the following *Explanation* shall be inserted, namely:—

Explanation.—For the purposes of this clause, persons employed outside such premises or precincts but in any work incidental to, or connected with, the work relating to making, altering, repairing, ornamenting, finishing or otherwise adapting for use, transport or sale any article or part of an article shall be deemed to be employed within such premises or precincts; or";

(iii) in clause (xviii), after the word "growing", the word "cardamom" shall be inserted.

11. In Schedule III of the principal Act,—

Amend-
ment of
Schedule
III.

(a) in Part A, after the existing entries, the following entry shall be inserted, namely:—

<p>“Poisoning by Organic Phosphorus insecticides.</p>	<p>Any process involving the use or handling or exposure to the fumes, dust or vapour containing any of the organic phosphorus insecticides.”;</p>
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(b) in Part B,—

(i) against the entry “Poisoning by lead, its alloys or compounds or its sequelae excluding poisoning by lead tetra-ethyl” in the first column, for the words “use of lead” in the entry in the second column, the words “use of lead ore or lead” shall be substituted;

(ii) against the entry, “poisoning by phosphorus or its compounds, or its sequelae” in the first column, for the entry in the second column, the following entry shall be substituted, namely:—

“Any process involving the liberation of phosphorus or use or handling of phosphorus or its preparations or compounds”;

(iii) against the entry “Poisoning by benzene, or its homologues their amido and nitroderivatives or its sequelae” in the first column, for the entry in the second column, the following entry shall be substituted, namely:—

“Any process involving the manufacture, liberation, or use of benzene, benzene homologues and their amido and nitroderivatives”;

(iv) against the entry “Chrome ulceration or its sequelae” in the first column, the following words shall be inserted at the end in the entry in the second column, namely:—

“or the manufacture of bichromate”;

(v) against the entry “Poisoning by halogenated hydrocarbons of the aliphatic series and their halogen derivatives” in the first column, for the word “distillation” in the entry in the second column, the word “liberation” shall be substituted;

(vi) after the existing entries, the following entry shall be inserted, namely:—

“Poisoning by manganese or a compound of manganese, or its sequelae. Any process involving the use of, or handling of, or exposure to the fumes, dust or vapour of, manganese or a compound of manganese, or a substance containing manganese”.

Substitution of Schedule IV.

12. For Schedule IV of the principal Act, the following Schedule shall be substituted, namely:—

“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 disablement
		Death	Permanent total disablement	
I		2	3	4
Rs.	But not more than Rs.	Rs.	Rs.	Rs. nP.
0	10 . . .	1,000	1,400	Half his monthly wages
10	13 . . .	1,100	1,540	Do.
13	18 . . .	1,200	1,680	6 50
18	21 . . .	1,260	1,764	7 00
21	24 . . .	1,440	2,016	8 00
24	27 . . .	1,620	2,268	8 50
27	30 . . .	1,800	2,520	9 50
30	35 . . .	2,100	2,940	9 50
35	40 . . .	2,400	3,360	10 00
40	45 . . .	2,700	3,780	13 00
45	50 . . .	3,000	4,200	13 00
50	60 . . .	3,600	5,040	18 50
60	70 . . .	4,200	5,880	18 50
70	80 . . .	4,800	6,720	20 00
80	100 . . .	6,000	8,400	26 00

Monthly wages of the workman injured		Amount of compensation for—		Half-monthly payment as compensation for temporary disablement
		Death	Permanent total disablement	
I		2	3	4
More than Rs.	But not more than Rs.	Rs.	Rs.	Rs. nP.
100	150 . .	7,000	9,800	37 50
150	200 . .	7,000	9,800	52 50
200	300 . .	8,000	11,200	60 00
300	400 . .	9,000	12,600	75 00
400	10,000	14,000	87 50''