Serial No. 62/2011

EASTERN RAILWAY

No.E-1216/0/Pt.II. Kolkata, June/2011.

ALL CONCERNED.

Sub: Amendment in the "Employees' Compensation Act, 1923".

The following copy of Railway Board's letter No.2011/E (LL)/WC/2 dated 11.05.2011(RBE No.61/2011) is forwarded herewith for information, guidance and necessary action.
DA: As above.

(G.Bandopadhaya)
Asstt.Personnel Officer/R
For Chief Personnel Officer

Copy of Railway Board's letter No. 2011/E (LL)/WC/2 dated 11.05.2011 (RBE No.61/2011) addressed to the General Managers, All Indian Railways and others.

Sub: Amendment in the "Employees' Compensation Act, 1923".

The following amendments to the Workmen's Compensation Act, 1923 notified by Ministry of labour & Employment are enclosed for information and guidance:-

1. The Workmen's Compensation (Amendment) Act, 2009 (No.45 of 2009) published in the Gazette of India (Extraordinary) dated 23.12.2009. This amendment inter-alia renames the Workmen's Compensation (Amendment) Act as Employees' Compensation Act, 1923 and the word 'workman' is substituted by 'employee'.

2. A copy of Ministry of labour & Employment's notification No.S-37012/1/2008-SS.1(Vol.II)dated 31.05 2010 amending **Employees' Compensation Act, 1923.**

INDEX NO. 1008: Amendment in the "Employees' Compensation Act, 1923".

भारत सरकार GOVERNMENT OF INDIA
रेल मंत्रालय MINISTRY OF RAILWAYS
(रेलवे बोर्ड RAILWAY BOARD)

61/2011
RBE NO. ----

No. 2011/ E(LL)/WC/2

New Delhi, Dated: 11 .05.2011

The General Managers, All Indian Railways and Production Units.
Metro Railway, Kolkata, CORE, Allahabad
The CAO (Construction), All Indian Railways.
The Director General, RDSO, Lucknow.
The DG/Railway Staff College, Vadodara
The Directors, IRICEN, IRIEEN, IRISET, IRIMEE, IRITM
The CAO, COFMOW, Tilak Bridge, New Delhi
The CAO, MTP, Chennai and Mumbai
The Chief Administrative Officer, Rail Coach Factory, Delhi.

Sub: Amendment in the "Employee's Compensation Act, 1923".

The following amendments to the Workmen's Compensation Act, 1923 not Ministry of Labour & Employment are enclosed for information and guidance :-

1. The Workmen's Compensation (Amendment) Act, 2009 (No. 45 of published in the Gazette of India (Extraordinary) dated 23.12.2009. This amer inter-alia renames the Workmen's Compensation Act as Employee's Compensati 1923 and the word 'workman' is substituted by 'employee'.

2. A copy of the Ministry of Labour & Employment's Notification No. S-37012/ SS.I (Vol.II) dated 31.05.2010 amending **Employee's Compensation Act, 1923**.

(A.D. Ramacha
Director Es

D.A.: As above.

No. 2011/E (LL)/WC/2

Dated 11 .0

1. FA & CAOs, All Indian Railways/Production Units.
2. Executive Director (Finance) RDSO, Lucknow.

(A.D. Ramacha

रजिस्ट्री सं० डी० एल०-33004/99

REGD. NO. D. L.-33004/

भारत का राजपत्र
The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 1047] नई दिल्ली, सोमवार, मई 31, 2010/ज्येष्ठ 10, 1932

No. 1047] NEW DELHI, MONDAY, MAY 31, 2010/JYAISTHA 10, 1932

श्रम एवं रोजगार मंत्रालय

अधिसूचना

नई दिल्ली, 31 मई, 2010

का.आ. 1258(अ).—कर्मचारी प्रतिकर अधिनियम, 1923 (1923 का 8) की धारा 4 की उप-धारा (1ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एतद्द्वारा उक्त धारा की उप-धारा (1) के प्रयोजनार्थ इस अधिसूचना के सरकारी राजपत्र में प्रकाशन की तारीख से मासिक मजदूरी की निम्नलिखित राशि विनिर्दिष्ट करती है, अर्थात् :–

"आठ हजार रुपये"

[फा. सं. एस-37012/1/2008-एस.एस.-I (खण्ड. II)]

एस. के. देव वर्मन, संयुक्त सचिव

MINISTRY OF LABOUR AND EMPLOYMENT

NOTIFICATION

New Delhi, the 31st May, 2010

S.O. 1258(E).—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 in the Official Gazette, namely :—

"Eight thousand rupees"

[F. No. S-37012/1/2008-S.S.-I (Vol. II)]

S. K. DEV VERMAN, Jt. Secy.

रजिस्ट्री सं० डी० एल०—(एन)04/0007/2003—09 REGISTERED NO. DL—(N)04/0007/2003—09

भारत का राजपत्र
The Gazette of India
असाधारण
EXTRAORDINARY
भाग II — खण्ड 1
PART II — Section 1
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 52] नई दिल्ली, बुधवार, दिसम्बर 23, 2009 / पौष 2, 1931
No. 52] NEW DELHI, WEDNESDAY, DECEMBER 23, 2009 / PAUSA 2, 1931

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

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

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

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

Amendment of long title.

2. In the long title to the Workmen's Compensation Act, 1923 (hereinafter referred to as the principal Act), for the word "workmen", the word "employees" shall be substituted. 8 of 1923.

Amendment of preamble.

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

Amendment of section 1.

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

Substitution of references to certain expressions by certain other expressions.

5. 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.

Amendment of section 2.

6. 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, 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 24 of 1989.

(*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.

Amendment of section 4.

7. 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*).";

भारत सरकार GOVERNMENT OF INDIA
रेल मंत्रालय MINISTRY OF RAILWAYS
(रेलवे बोर्ड RAILWAY BOARD)

RBE NO. 61/2011

No. 2011/ E(LL)/WC/2 New Delhi, Dated: 11 .05.2011

The General Managers, All Indian Railways and Production Units.
Metro Railway, Kolkata, CORE, Allahabad
The CAO (Construction), All Indian Railways.
The Director General, RDSO, Lucknow.
The DG/Railway Staff College, Vadodara
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The CAO, COFMOW, Tilak Bridge, New Delhi
The CAO, MTP, Chennai and Mumbai
The Chief Administrative Officer, Rail Coach Factory, Delhi.

Sub: Amendment in the "Employee's Compensation Act, 1923".

The following amendments to the Workmen's Compensation Act, 1923 notified by Ministry of Labour & Employment are enclosed for information and guidance :-

1. The Workmen's Compensation (Amendment) Act, 2009 (No. 45 of 2009) published in the Gazette of India (Extraordinary) dated 23.12.2009. This amendment inter-alia renames the Workmen's Compensation Act as Employee's Compensation Act, 1923 and the word 'workman' is substituted by 'employee'.

2. A copy of the Ministry of Labour & Employment's Notification No. S-37012/1/2008-SS.I (Vol.II) dated 31.05.2010 amending **Employee's Compensation Act, 1923**.

(A.D. Ramachandran)
Director Estt. (LL)

D.A.: As above.

No. 2011/E (LL)/WC/2 Dated 11 .05.2011

1. FA & CAOs, All Indian Railways/Production Units.
2. Executive Director (Finance) RDSO, Lucknow.

(A.D. Ramachandran)
Director Estt. (LL)

No.2011/E (LL)/WC/2 Dated: 11 .05.11

Copy to: Deputy Comptroller and Auditor General of India (Railways), Room No. 222, Rail Bhawan, New Delhi (10 spares).

for Financial Commissioner (Railways)

(*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 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.".

Amendment of section 20.

8. 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 Gazetted Officer for not less than five years having educational qualifications and experience in personnel management, human resource development and industrial relations" shall be inserted.

Insertion of new section 25A.

9. After section 25 of the principal Act, the following section shall be inserted, namely:—

Time limit for disposal of cases relating to compensation.

"25 A. 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.".

Amendment of Schedule II.

10. 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 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;

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

(*xiv*) 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;

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

V. K. BHASIN,
Secry. to the Govt. of India.

PRINTED BY THE GENERAL MANAGER, GOVT. OF INDIA PRESS, MINTO ROAD, NEW DELHI
AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI, 2009.

भारत सरकार
रेल मंत्रालय (रेलवे बोर्ड)

आरबीई सं. 61/2011

सं. 2011/ई (एलएल)/डब्ल्यूसी/2 **नई दिल्ली, दिनांक: ।। .05.2011**

महाप्रबंधक,
सभी भारतीय रेलें और उत्पादन इकाइयां।
मैट्रो रेलवे, कोलकाता, कोर, इलाहाबाद।
मुख्य प्रशासनिक अधिकारी (निर्माण), सभी भारतीय रेलें।
महानिदेशक, अ.अ.मा.सं./लखनऊ।
महानिदेशक, रेलवे स्टाफ कॉलेज, वडोदरा।
निदेशक इरिसेन, इरीन, इरिसेट, इरिमी, आईआरआईटीएम।
मुख्य प्रशासनिक अधिकारी, कॉफमो, तिलक ब्रिज, नई दिल्ली।
मुख्य प्रशासनिक अधिकारी/मपप, चेन्नै और मुंबई।
मुख्य प्रशासनिक अधिकारी/रेल कोच फैक्टरी, दिल्ली।

विषय: "कर्मचारी प्रतिकर अधिनियम, 1923" में संशोधन।

श्रम एवं रोजगार मंत्रालय द्वारा अधिसूचित कर्मकार प्रतिकर अधिनियम, 1923 में निम्नलिखित संशोधन सूचना एवं मार्गदर्शन हेतु संलग्न है:-

1. कर्मकार प्रतिकर (संशोधन) अधिनियम, 2009 (2009 का सं. 45) को दिनांक 23.12.2009 के भारत के राजपत्र (असाधारण) में प्रकाशित किया गया। इस संशोधन में अन्य बातों के साथ-साथ कर्मकार प्रतिकर अधिनियम का नाम बदलकर कर्मचारी प्रतिकर अधिनियम, 1923 कर दिया गया है तथा 'कर्मकार' शब्द के स्थान पर 'कर्मचारी' किया गया है।

2. श्रम एवं रोजगार मंत्रालय की दिनांक 31.05.2010 की अधिसूचना सं. एस-37012/1/2008-एसएस.1 (वॉल्यूम-II) की प्रति संलग्न है जिसमें कर्मचारी प्रतिकर अधिनियम, 1923 में संशोधन किया गया है।

ए.डी. रामचन्द्रन

संलग्नक : यथोक्त

(ए.डी. रामचन्द्रन)
निदेशक स्थापना (एल एल)

सं. 2011/ई (एलएल)/डब्ल्यूसी/2 **नई दिल्ली, दिनांक: 11 .05.2011**

प्रतिलिपि प्रेषित:

1. वित्त सलाहकार एवं मुख्य लेखाधिकारी, सभी भारतीय रेलें/उत्पादन इकाइयां।
2. कार्यपालक निदेशक (वित्त), अ.अ.मा.सं., लखनऊ।

ए डी रामचन्द्रन

(ए.डी. रामचन्द्रन)
निदेशक स्थापना (एल एल)

सं. 2011/ई (एलएल)/डब्ल्यूसी/2 **नई दिल्ली, दिनांक: 11 .05.2011**

प्रतिलिपि प्रेषित : भारत के उप नियंत्रक एवं महालेखा परीक्षक (रेलें), कमरा नं. 222, रेल भवन, नई दिल्ली (10 अतिरिक्त प्रतियों सहित)

सोनाली चटर्जी

कृते वित्त आयुक्त (रेलें)

सं. 2011/ई (एलएल)/डब्ल्यूसी/2 **नई दिल्ली, दिनांक: 11 .05.2011**

महासचिव, एआईआरएफ, एनएफआईआर, (35 अतिरिक्त प्रतियों सहित)।
महासचिव, ऑल इंडिया एससी एंड एसटी रेलवे इम्पलाईज़ एसोसिएशन (2 अतिरिक्त प्रतियों सहित)।
महासचिव, इरपोफ, फ्रोआ, एआईआरपीएफए (2 अतिरिक्त प्रतियों सहित)।

ए डी रामचन्द्रन

(ए.डी. रामचन्द्रन)
निदेशक स्थापना (एल एल)