

## WORKMEN'S COMPENSATION ACT, 1923

### Section 2 - DEFINITIONS

1) In this Act, unless there is anything repugnant in the subject or context,- (a)3[\* \* \*] (b) "Commissioner" means a Commissioner for Workmen's Compensation appointed under section 20-; (c) "compensation" means compensation as provided for by this Act; 4[(d) "dependant" means any of the following relatives of a deceased work- man, namely:- (i) a widow, a minor legitimate5[or adopted] son, and unmarried legitimate5[or adopted] daughter, or a widowed mother; and (ii) if wholly dependent on the earnings of the workman at the time of his death, a son or a daughter who has attained the age of 18 years and who is infirm; (iii) if wholly or in part dependent on the earnings of the workman at the time of his death, (a) a widower, (b) a parent other than a widowed mother, (c) a minor illegitimate son, an unmarried illegitimate daughter or a daughter legitimate or illegitimate7[or adopted] if married and a minor or if widowed and a minor, (d) a minor brother or an unmarried sister or a widowed sister if a minor, (e) a widowed daughter-in-law, (f) a minor child of a pre-deceased son, (g) a minor child of a pre-deceased daughter where no parent of the child is alive, or (h) a paternal grandparent if no parent of the workman is alive. 9Explanation : For the purposes of sub-clause (ii) and items (f) and (g) of sub-clause (iii), references to a son, daughter or a child include an adopted son, daughter or child respectively. 6(e) "employer" includes any body of persons whether incorporated or not and any managing agent of an employer and the legal representative of a deceased employer, and, when the services of a workman are tempo- rarily lent or let on hire to another person by the person with whom the workman has entered into a contract of service or apprenticeship, means such other person while the workman is working for him; (f) "managing agent" means any person appointed or acting as the represen- tative of another person for the purpose of carrying on such other person's trade or business, but does not include an individual manager subordinate to an employer; 7[(ff) "minor" means a person who has not attained the age of 18 years;] (g) "partial disablement" means, where the disablement is of a temporary nature, such disablement as reduces the earning capacity of a workman in any employment in which he was engaged at the time of the accident resulting in the disablement, and, where the disablement is of a permanent nature, such disablement as reduces his earning capacity in every employment which he was capable of undertaking at that time: Provided that every injury specified8[in Part II of Schedule 1] shall be deemed to result in permanent partial disablement; (h) "prescribed" means prescribed by rules made under this Act; (i) "qualified medical practitioner" means any person registered10[\* \* \*] under any11[Central Act, Provincial Act, or an Act of the Legislature of a12[State]] providing for the maintenance of a register of medical practitioners, or, in any area where no such last-mentioned Act is in force, any person declared by the State Government, by notification in the Official Gazette, to be a qualified medical practitioner for the purposes of this Act;13[\* \* \*] 14(k) "seaman" means any person forming part of the crew of any15[\* \* \*] ship, but does not include the master of16[the] ship; (l) "total disablement" means such disablement, whether of a temporary or permanent nature, as incapacitates a workman for all work which he was capable of performing at the time of the accident resulting in such disablement:17[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;] 18(m) "wages" includes any privilege or benefit which is capable of being estimated in money, other than a travelling allowance or the value of any travelling concession or a contribution paid by the employer a workman towards any pension or provident fund or a sum paid to a workman to cover any special expenses entailed on him by the nature of his employment; 19(n) "workman" means any person28who is - (i) a railway servant as defined in20[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 21[(ia) (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] (ii) employed<sup>22</sup>[\* \* \*]<sup>23</sup>[\* \* \*] 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<sup>24</sup> [the Armed Forces of the Union]<sup>25</sup>[\* \* \*]; and any reference to a workman who has been injured shall, where the workman is dead, include a reference to his dependants or any of them. (2) The exercise and performance of the powers and duties of a local authority or of any department <sup>26</sup>[acting on behalf of the Government] shall, for the purposes of this Act, unless a contrary intention appears, be deemed to be the trade or business of such authority or department. <sup>27</sup>[(3) The Central Government or the State Government, by notification in the Official Gazette, after giving not less than three months' notice of its intention so to do, may, by a like notification, add to Schedule II any class of persons employed in any occupation which it is satisfied is a hazardous occupation, and the provisions of this Act shall thereupon apply, in case of a notification by the Central Government, within the territories to which the Act extends, or, in the case of a notification by the State Government, within the State, to such classes of persons: Provided that in making addition, the Central Government or the State Government, as the case may be, may direct that the provisions of this Act shall apply to such classes of persons in respect of specified injuries only.]