

# The M.P. Workmen's Compensation Rules, 1962

MADHYA PRADESH

India

## The M.P. Workmen's Compensation Rules, 1962

### Rule THE-M-P-WORKMEN-S-COMPENSATION-RULES-1962 of 1962

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The M.P. Workmen's Compensation Rules, 1962 Published vide Notification No. 4053-3383-16, dated 1-6-1962, M.P. Rajpatra, Part 4 (Ga), dated 3-8-1962 In exercise of the powers conferred by Section 32 of the Workmen's Compensation Act, 1923 (VIII of 1923), the State Government hereby makes the following rules, the same having been previously published as required by sub-section (1) of Section 34 of the said Act, namely :-

#### 1. Short title and extent.

(1) These rules may be called the Workmen's Compensation (Madhya Pradesh) Rules, 1962. (2) The extend to the whole of Madhya Pradesh.

#### 2. Definitions.

- In these rules, unless there is anything repugnant subject or context :- (a) "the Act" means the Workmen's Compensation Act, 1923; (b) "Form" means a form appended to these rules; (c) "Section" means a section of the Act.

### Part I – Review of Half-Monthly Payments and Computation Thereof

#### 3. When application may be made without medical certificates.

- Application for review of a half-monthly payment under Section 6 may be made without being accompanied by a medical certificate :- (a) by the employer, on the ground that since the right to compensation was determined the workmen's wages have increased; (b) by the workmen, on the ground that since the right to compensation was determined his wages have diminished; (c) by the

workmen, on the ground that the employer, having commenced to pay compensation, has ceased to pay the same, notwithstanding the fact that there has been no change in the workmen's condition such as two warrant such cessation;(d)either by the employer or by the workmen, on the ground that the determination of the rate of compensation for the time being in force was obtained by fraud or undue influence or other improper means;(e)either by the employer or by the workman on the ground that in the determination of compensation there is a mistake or error apparent on the face of the record.

#### **4. Procedure on application for review.**

- If, on examining an application for review by an employer in which the reduction or discontinuance of half-monthly payments is sought it appears to the Commissioner that there is reasonable grounds for believing that the employer has a right to such reduction to discontinuance, he may at any time issue an order after giving the employee likely to be affected thereby an opportunity of being heard for withholding the half monthly payments in whole or in part pending his decision on the application.

#### **5. Procedure on application for commutation.**

(1)Where application is made to the Commissioner under Section 7 for redemption of a right to receive half-monthly payments by the payment of a lump-sum, the Commissioner shall form an estimated of the probable duration of the disablement, and shall not a sum equivalent to the total of half-monthly payments will would be payable for the period during which he estimated the disablement will continue, less one-half per cent, of that total for each month comprised in that period :Provided that fractions of a rupee included in the sum so computed shall be disregarded.(2)When, in any case to which sub-rule (1) applies, the Commissioner is unable to form an approximate estimate of the probable duration of the disablement, he may from time to lime postpone a decision on the application for a period not exceeding two months at any one time.

## **Part II**

### **Deposit of Compensation**

#### **6. Deposit under Section 8 (1).**

(1)An employer depositing compensation with the Commissioner under sub-section (1) of Section 8, in respect of workman whose injury has resulted in death shall furnish therewith a statement in Form A, and shall be given a receipt in Form B. In other cases of deposits with the Commissioner under sub-section (1) of Section 8, the employer shall furnish a statement in Form C and shall be given a receipt in Form B.(2)If, when depositing compensation in respect of fatal accidents, the employer indicates in the statement referred to in sub-rule (1) that he desires to he made a party to the distribution proceedings, the Commissioner, shall, before allotting the sum deposited as compensation, afford to the employer an opportunity of establishing that the person to whom he

proposes to allot such sum is not a dependent of the deceased workman, or, as the case may be, that no one of such person is a dependent.(3)The statement of disbursements to be furnished on application by the employer under sub-section (4) of Section 8 shall be in Form D.

## **7. Publication of lists of deposits.**

- The Commissioner shall cause to be displayed in a prominent position outside his office an accurate list of the deposits received by him under sub-section (1) of Section 8, together with the names and addresses of the depositors and of the workman in respect of whose death or injury the deposits have been made.

## **8. Application by dependents for deposit of compensation.**

(1)A dependent of a deceased workman may apply to the Commissioner for the issue of an order to deposit compensation in respect of the death of the workman. Such application shall be made in Form I.(2)If compensation has not been deposited the Commissioner shall dispose of such application in accordance with the provisions of Part V of these rules :Provided that-(a)the Commissioner may, at any time cause notice to be given in such manner as he thinks fit to all or any of the dependents of the deceased workman who have not joined in the application, requiring them, if they desire to join therein, to appear before him on a date specified in this behalf;(b)any dependent to whom such notice has been given and who fails to appear and to join in the application on the date specified in the notice shall not be permitted thereafter to claim that the employer is liable to deposit compensation unless he satisfies the Commissioner that he was prevented by any sufficient cause from appearing when the case was called on for hearing.(3)If after completing the enquiry into the application, the Commissioner issues an order requiring the employer to deposit compensation in accordance with sub-section (1) of Section 8, nothing in sub-rule (2) shall be deemed to prohibit the allotment of any part of the sum deposited as compensation to a dependent of the deceased workman who failed to join the application.

## **9. Deposit under Section 8 (2).**

- An employer depositing compensation in accordance with sub-section (2) of Section 8, shall furnish therewith a statement in Form E, and shall be given a receipt in Form F.

## **10. Investment of money.**

- Money in the hands of Commissioner may be invested for the benefit of the dependents of deceased workman in Government securities or post office cash certificates or National Savings Certificate or in any other manner approved by the Government for this purpose.

## **Part III – Reports of Accidents**

### **11. Reports of fatal accidents.**

- The report required by Section 10-B shall subject to such rules, if any, as may be made by the State Government be in Form G.

### **12. Right of employer to present memorandum when information received.**

(1) Any employer who has received information of an accident may at any time, notwithstanding the fact that no claim for compensation has been instituted in respect of such accident present to the Commissioner a memorandum, supported by an affidavit made by himself or by any person subordinate to him having knowledge of the facts stated in the memorandum embodying the results of any investigation or inquiry which has been made into the circumstances or cause of the accident. (2) A memorandum presented under sub-rule (1) shall subject to the payment of such fee as may be prescribed, be recorded by the Commissioner.

## **Part IV – Medical Examination**

### **13. Workman not to be required to submit to medical examination save in accordance with rule.**

- A workman who is required by sub-section (1) of Section 11 to submit himself for medical examination shall be bound to do so in accordance with the rules contained in this part and not otherwise.

### **14. Examination when workman and medical practitioner both on premises.**

- When each workman is present at the employer's premises and the employer offers to have him examined free of charge by a qualified medical practitioner who is so present, the workman shall submit himself for examination forthwith.

### **15. Examination in other cases.**

- In cases to which Rule 14 does not apply the employer may :-(a) send the medical practitioner to the place where the workman is residing for the time being, in which case the workman shall submit himself for medical examination on being requested to do so by the medical practitioner; or (b) send to the workman any offer in writing to have him examined free of charge by a qualified medical practitioner, in which case the workman shall submit himself for medical examination at the employer's premises or at such other place in the vicinity as is specified in such offer and at such time as is so specified : Provided that :-(i) the time so specified shall not, save with the express consent of the workman, be between the hours of 7 p.m. and 6 a.m.; and (ii) in case where the

workman's condition renders it impossible or inadvisable that he should leave the place where he is residing for the time being, he shall not be required to submit himself for medical examination save at such place.

## **16. Restriction on number of examination.**

- A workman who is in receipt of a half-monthly payment shall not be required to submit himself for medical examination else where than at the place where he is residing for the time being more than twice in the first month following the accident, or more than once in any subsequent month.

## **17. Examination after suspension of right to compensation.**

- If a workman whose right to compensation has been suspended under sub-section (2) or sub-section (3) of Section 11 subsequently offers himself for medical examination, his examination shall take place on the employer's premises or at such other place in the vicinity as may be fixed by the employer, and at a time to be fixed by the employer not being, save with the express consent of the workman more than 72 hours after the workman has so offered himself.

## **18. Examination of women.**

(1) No woman shall without her consent be medically examined by a male practitioner save in the presence of another woman. (2) No woman shall be required to be medically examined by a male practitioner if she deposits a sum sufficient to cover the expenses of examination by a female practitioner.

# **Part V – Procedure**

## **19. Introductory.**

- Save as otherwise provided in these rules, the procedure to be followed by Commissioners in the disposal of cases under the Act or these rules and by the parties in such cases shall be regulated in accordance with the rules contained in this part.

## **20. Applications.**

- Any application of the nature referred to in Section 32 may be sent to the Commissioner by registered post or may be presented to him or to any of his subordinate authorised by him in this behalf and, if so sent or presented, shall unless the Commissioner otherwise directs, be made in duplicate in the appropriate form, if any, and shall be signed and verified by the applicant in the manner prescribed by Order VI Rule 15 of the Code of Civil Procedure 1908 (V of 1908).

## **21. Production of documents.**

(1)When the application for relief is based upon a document, the document shall be appended to the application.(2)Any other document which the applicant desires to tender in evidence shall be produced at or before the first hearing.(3)Any document which is not produced at or within the time specified in sub-rule (1) or (2) as the case may be, shall not, without the sanction of the Commissioner be received in evidence on behalf of the applicant.(4)Nothing in this rule applied to any document which is produced for the purposes of cross-examining a witness or is handed to a witness to refresh his memory.

## **22. Application presented to wrong Commissioner.**

(1)If it appears to the Commissioner on receiving the application that it should be presented to another Commissioner, he shall return it to the applicant after endorsing upon it the date of the presentation and return, the reason for returning it and the designation of the Commissioner to whom it should be presented.(2)It appears to the Commissioner at any subsequent stage that an application should have been presented to another Commissioner, he shall send the application to the Commissioner empowered to deal with it and shall inform the applicant (and the opposite party) if he has received a copy of the application under Rule 26, accordingly.(3)The Commissioner to whom an application is transferred under sub-rule (2) may continue the proceedings as if the previous proceedings or any part of them had been taken before him, if he is satisfied that the interest of the parties will not thereby be prejudiced.

## **23. Examination of applicant.**

(1)On receiving the application of the nature referred to in Section 22, the Commissioner may examine the applicant on oath or may send the application to any officer authorised by the State Government in this behalf and direct such officer to examine the applicant and his witness and forward the record thereof to the Commissioner.(2)The substance of any examination made under sub-rule (1) shall be recorded in the manner provided for the recording of evidence in Section 25.

## **24. Summary dismissal of application.**

(1)The Commissioner may, after considering application and the result of any examination of the applicant under Rule 23 summarily dismiss the application, if, for reasons to be recorded, he is of opinion that there are no sufficient grounds for proceeding thereon.(2)The dismissal of the application under sub-rule (1) shall not itself preclude the applicant from presenting a fresh application for the settlement of the same matter.

## **25. Preliminary inquiry into application.**

- If the application is not dismissed under Rule 24, the Commissioner may, for reasons to be recorded, call upon the applicant to produce evidence in support of the application before calling

upon any other party, and if upon considering such evidence the Commissioner is of opinion that there is no case for the relief claimed, he may dismiss the application with a brief statement of his reasons for so doing.

## **26. Notice to opposite party.**

- If the Commissioner does not dismiss the application under Rule 24 or Rule 25, he shall send to the party from whom the applicant claims relief (hereinafter referred to as the opposite party), a copy of the application, together with a notice of date on which he will dispose of the application and may call upon the parties to produce upon that date any evidence which they may wish to tender.

## **27. Appearance and examination of opposite party.**

(1)The opposite party may, and if so required by the Commissioner, shall, at or before the first hearing or within such time as the Commissioner may permit, file a written statement dealing with the claim raised in the application, and any such written statement shall form part of the record.(2)If the opposite party contests the claim, the Commissioner may, and, if no written statement has been filed, shall proceed to examine him upon the claim, and shall reduce the result of the examination to writing.

## **28. Framing of issues.**

(1)After considering the written statement and the result of any examination of the parties, the Commissioner shall ascertain upon what material propositions of fact or of law the parties are at variance, and shall thereupon proceed to frame and record the issues upon which the right decision of the case appears to him to depend.(2)In recording the issues, the Commissioner shall distinguish between those issues which in his opinion concern points of fact and those which concern points of law.

## **29. Power to postpone trial of issues of fact where issues of law arise.**

- When issues both of law and of fact arise in the same case, and the Commissioner is of opinion that the case may be disposed of on the issues of law only, he may try those issues first, and for that purpose may, if he thinks fit, postpone the settlement of the issues of fact until after the issues of law' have been determined.

## **30. Diary.**

- The Commissioner shall maintain under his hand a brief diary of the proceedings on an application.

### **31. Reasons for postponement to be recorded.**

- If the Commissioner finds it impossible to dispose of an application at one hearing he shall record the reasons which necessitate a postponement.

### **32. Judgement.**

(1)The Commissioner in passing orders, shall record concisely a judgement, and his finding on each of the issues framed and his reasons for such finding.(2)The Commissioner, at the time of signing and dating his judgement, shall pronounce his decision, and thereafter no addition or alteration shall be made to the judgement other than the correction of a clerical or arithmetical mistake arising from any accidental slip or omission.

### **33. Summoning of witnesses.**

- If an application is presented by any party to the proceedings for the citation of witnesses, the Commissioner shall on payment of the prescribed expenses and fee, issue summons for the appearance of such witnesses, unless he considers that their appearance is not necessary for the just decision of the case.

### **34. Exemption from payment of costs.**

- If the Commissioner is satisfied that the applicant is unable, by reason of poverty, to pay the prescribed fees, he may remit any or all of such fees. If the case is decided in favour of the applicant, the prescribed fees which, they had not been remitted, would have been due to be paid, may be added to the cost of the case and recovered in such manner as the Commissioner in his order regarding costs may direct.

### **35. Right of entry for local inspection.**

- A Commissioner before whom any proceeding relating to an injury by accident is pending may at any time enter the place where the workman was injured, or where the workman ordinarily performed his work, for the purpose of making a local inspection or of examining any persons likely to be able to give information relevant to the proceedings :Provided that the Commissioner shall not enter any premises of any industrial establishment except during the ordinary working hours of that establishment save with the permission of the employer or of some person directly responsible to him for the management of the establishment.

### **36. Procedure in connection with local inspection.**

(1)If the Commissioner proposes to conduct a local inspection with a view to examining on the spot the circumstances in which an accident took place, he shall give the parties or their representative notice of his intention to conduct such inspection, unless in his opinion the urgency of the case



renders the giving of such notice impracticable.(2)Such notice may be given orally or in writing, and, in the case of an employer may be given to any person upon whom notice of a claim can be served under sub-section (2) of Section 10, or to the representatives of any such person.(3)Any party, or the representative of any party, may accompany the Commissioner at a local inspection.(4)The Commissioner, after making local inspection, shall note briefly in a memorandum any facts observed, and shall show the memorandum to any party who desires to see the same, and, on payment of the prescribed fees, shall supply any party with a copy thereof.(5)The memorandum shall form part of the record.

### **37. Powers of summary examination.**

(1)The Commissioner during a local inspection or at any other time, save at a formal hearing of a case pending before him, may examine summarily any person likely to be able to give information relating to such case, whether such person has been or is to be called as a witness in the case or not, and whether any or all of the parties are present or not.(2)No oath shall be administered to a person examined under sub-rule (1).(3)Statements made by persons examined under sub-rule (1), if reduced to writing, shall not be signed by the person making the statement, nor shall they except as hereinafter provided, be incorporated in the record or utilised by the Commissioner for the purpose of arriving at a decision in the case.(4)If a witness who has been examined under sub-rule (1) makes in evidence any material statement contradicting any statement made by him in such examination and reduced to writing, the Commissioner may call his attention to such statement, and shall in that case direct that the parties be furnished with the relevant part of such statement for the purpose of examining or cross-examining the witness.(5)Any statement or part of a statement which is furnished to the parties under sub-rule (4) shall be incorporated in the record.(6)Where a case is settled by agreement between the parties, the Commissioner may incorporate in the record any statement made under sub-rule (1), and may utilise such statement for the purpose of justifying his acceptance of, or refusal to accept, the agreement reached.

### **38. Agreement to abide by Commissioner's decision.**

(1)If a party states in writing his willingness to abide by the decision of the Commissioner, the Commissioner shall inquire whether the other party is willing to abide by his decision.(2)If the other party agrees to abide by the Commissioner's decision, the fact of his agreement shall be recorded in writing and signed by him.(3)If the other party does not agree to abide by the Commissioner's decision, the first party shall not remain under an obligation so to abide.

### **39. Procedure where indemnity claimed under Section 12 (2).**

(1)Where the opposite party claims that if compensation is recovered from him he will be entitled under sub-section (2) of Section 12 to be indemnified by a person not being a party to the case, he shall, when first called upon to answer the application, present a notice of such claim to the Commissioner accompanied by the prescribed fee, and the Commissioner shall thereupon issue notice to such person in Form K.(2)If any person served with a notice under sub-rule (1) desires to contest the applicant's claim for compensation, or the opposite party's claim to be indemnified, he

shall appear before the Commissioner on the date fixed for the hearing of the case or on any date to which the case may be adjourned and if he so appears, shall have all the rights of a party to the proceedings; and in default of so appearing he shall be deemed to admit the validity of any award made against the opposite party and to admit its own liability to indemnify the opposite party for any compensation recovered from him :Provided that, if any person so served appears subsequently and satisfies the Commissioner that he was prevented by any sufficient cause from appearing, the Commissioner shall, after giving notice to the aforesaid opposite party, hear such person and may set-aside or vary any award made against such person under this rule upon such terms as may be just.(3)If any person served with a notice under sub-rule (1), whether or not he desires to contest the applicant's claim for compensation or the opposite party's claim to be indemnified, claims that being a contractor he is himself a principal and is entitled to be indemnified by a person standing to him in the relation of a contractor from whom the workman could have recovered compensation he shall on or before the date fixed in the notice under sub-rule (1) present a notice of such claim to the Commissioner accompanied by the prescribed fee and the Commissioner shall thereupon issue notice to such person in Form L.(4)If any person served with a notice under sub-rule (3) desires to contest the applicant's claim for compensation, or the claim under sub-rule (3) to be indemnified he shall appear before the Commissioner on the date fixed in the notice in Form L or on any date to which the case may be adjourned and if he so appears, shall have all the rights of a party to the proceedings in default of so appearing he shall be deemed to admit the validity of any award made against the original opposite party or the person served with a notice under sub-rule (1) and to admit his own liability to indemnify the party against whom such award is made for any compensation recovered from him :Provided that, if any person, so served appears subsequently and satisfies the Commissioner that he was prevented by any sufficient cause from appearing, the Commissioner shall, after giving notice to all parties on the record, hear such person, and may set-aside or vary any award made against such person under this rule upon such terms as may be just.(5)In any proceeding in which a notice has been served on any person under sub-rule (1) or sub-rule (3), the Commissioner shall, if he awards compensation, record in his judgement a finding in respect of each of such persons whether he is or is not liable to indemnify any of the opposite parties, and shall specify the party, if any, whom he is liable to indemnify.

#### **40. Procedure in connected cases.**

(1)Where two or more cases pending before a Commissioner arise out of the same accident, and any issue involved is common to two or more such cases, such cases may, so far as the evidence bearing on such issue is concerned, be heard simultaneously.(2)Where action is taken under sub-rule (1), the evidence bearing on the common issue or issues shall be recorded on the record of one case, and the Commissioner shall certify under his hand on the records of any such other case, the extent to which the evidence so recorded applies to such other case, and the fact that the parties to such other case had the opportunity of being present, and, if they were present of cross-examining the witnesses.

#### **41. Certain provisions of Code of Civil Procedure, 1908 to apply.**

- Save as otherwise expressly provided in the Act or these rules, the following provisions of the First Schedule to the Code of Civil Procedure, 1911)8. namely, those contained in Order V Rules 9 to 13 and

15 to 30, Order IX. Order XII Rules 3 to 10, Order XVI Rules 2 to 21, Order XVII, Order XVIII Rules 1 and 2 shall apply to proceedings before Commissioners, in so far they may be applicable thereto :Provided that :-(a)For the purpose of facilitating the applying of the said provisions, the Commissioner may construe them with such alterations not affecting the substantive as may be necessary or proper to adopt them to the matter before him;(b)The Commissioner may, for sufficient reasons, proceed otherwise than in accordance with the said provisions, if he is satisfied that the interests of the parties will not thereby be prejudiced.

#### **42. Provisions regarding signature of forms.**

- Any form, other than a receipt for compensation, which is by these rules required to be signed by a Commissioner may be signed under his direction and on his behalf by any officer subordinate to him appointed by him in writing for this purpose.

#### **43. Apportionment of compensation among dependents.**

- The provisions of this part except those contained in Rules 26, 27 and 39 shall as far as may be apply in the case of any proceedings relating to the apportionment of compensation among dependents of a deceased workman.

### **Part VI – Transfer**

#### **44. Transfer for report.**

(1)A Commissioner transferring any matter to another Commissioner for report in accordance with sub-section (2) of Section 21 shall, along with the documents referred to in that sub-section, transmit to such other Commissioner a concise statement, in the form of questions for answer, of the matter on which report is required.(2)A Commissioner to whom a case is so transferred for report shall not be required to report on any question of law.

#### **45. Transmission of money.**

- Money transmitted by one Commissioner to another in accordance with sub-section (2) of Section 21 shall be transmitted either by remittance transfer receipt, or by money order, or by messenger, as the Commissioner transmitting the money may direct.

### **Part VII**

Appointment of Representatives

#### **46. When representative must be appointed.**

- Where any party to a proceeding is under the age of 15 years or is unable to make an appearance, the Commissioner shall appoint some suitable persons, who consents to the appointment, to represent such party for the purpose of the proceedings.

#### **47. When new representative to be appointed.**

- If the Commissioner considers that the interests of any party for whom a representative has been appointed under Rule 46 are not being adequately protected by that representative or if a person appointed to act as a representative dies or becomes incapable of acting, or otherwise ceases to act as such, the Commissioner shall appoint in his place another person who consents to the appointment.

### **Part VIII**

#### **Record of Memoranda of Agreement**

#### **48. Form of Memorandum.**

- Memoranda of agreement sent to the Commissioner under sub-section (1) of Section 28 shall, unless the Commissioner otherwise directs be in duplicate and shall be in as close conformity as the circumstances of the case admit with Form M or Form N or Form O, as the case may be.

#### **49. Procedure where Commissioner does not consider that he should refuse to record memorandum.**

(1) On receiving a memorandum of agreement, the Commissioner shall, unless he considers that there are grounds for refusing to record the memorandum, fix a date for recording the same, and shall issue a notice in writing in Form P to the parties concerned that in default of objections he proposes to record the memorandum on the date so fixed ; Provided that the notice may be communicated orally to any parties who are present at (he time when notice in writing would otherwise issue. (2) On the date so fixed, the Commissioner shall record the memorandum unless, after hearing any of the parties who appear and desire to be heard, he considers that it ought not to be recorded : Provided that the issue of a notice under sub-rule (1) shall not be deemed to prevent the Commissioner from refusing to record the memorandum on the date so fixed even if no objection be made by any party concerned. (3) If on such date, the Commissioner decides that the memorandum ought not to be recorded, he shall inform the parties present of his decision and of the reasons therefor, and if any party desiring the memorandum to be recorded is not prevent, he shall send information to that party in Form Q.

## **50. Procedure where Commissioner considers he should refuse to record memorandum.**

(1) If, on receiving a memorandum of agreement, the Commissioner considers that there are grounds for refusing to record the same, he shall fix a date for hearing the party or parties desiring the memorandum to be recorded, and shall inform such party or parties and, if he thinks fit, any other party concerned, of the date so fixed and of the grounds on which he considers that the memorandum should not be recorded. (2) If the parties to be informed are not present, a written notice shall be sent to them in Form R or Form S, as the case may be, and the date fixed in such notice shall be not less than seven days after the date of the issue of the same. (3) If, on the date fixed under sub-rule (1), the party or parties desiring the memorandum to be recorded show adequate cause for proceeding to the record of the same, the Commissioner may, if information has already been given to all the parties concerned, record the agreement. If information has not been given to all such parties, he shall proceed in accordance with Rule 49. (4) If, on the date so fixed, the Commissioner refuses to record the memorandum, he shall send notice in Form Q to any party who did not receive information under sub-rule (1).

## **51. Procedure on refusal to record memorandum.**

(1) If, in any case, the Commissioner refuses to record a memorandum of agreement, he shall briefly record his reasons for such refusal. (2) If, the Commissioner refuses to record a memorandum of agreement, he shall not pass any order directing the payment of any sum or amount over and above the sum specified in the agreement, unless opportunity has been given to the party liable to pay such sum to show-cause why it should not be paid. (3) Where the agreement is for the redemption of half monthly payments by the payment of lump-sum, and the Commissioner considers that the memorandum of agreement should not be recorded by reason of the inadequacy of the amount of such sum as fixed in the agreement, he shall record his estimate of the probable duration of the disablement of the workman.

## **52. Registration of memorandum accepted for record.**

- In recording a memorandum of agreement, the Commissioner shall cause the same to be entered in a register in Form T and shall cause an endorsement to be entered under his signature on a copy of the memorandum to be retained by him in the following terms, namely :- "This memorandum of agreement bearing serial No.....of.....19.....in the register has been recorded this day.....of.....19.....Signature of Commissioner"

## **Part IX**

Scale of Costs and the Fees Payable in Respect of Proceedings before a Commissioner

### 53. Fees.

- The following fee shall be payable in respect of proceedings under this Act :-

- |       |   |  |
|-------|---|--|
| I.    | Application for compensation -  |  |
|       | (a) Where compensation is claimed in the form of recurring payments.                                    | 50 paise   |
|       | (b) Where compensation is claimed in the Form of lump-sum   | One rupee where the sum does not exceed Rs. 500/- plus Rs.1/-for each additional sum of Rs. 500/- or fraction thereof. |
| II.   | Application for communication -   |  |
|       | (a) By agreement between the parties.   | 50 Paise   |
|       | (b) In all other cases  | 1/-  |
| III   | Application for the deposit of compensation-  |  |
|       | (a) Under Section 8 (1) of the Act  | Nil  |
|       | (b) Under Section 8 (2) of the Act (in respect of each person to whom compensation is payable).         | 50 Paise   |
| IV.   | Application for distribution by dependents for each deponent.   | Re. 1/-  |
| V.    | Application for review -  | 50 Paise   |
|       | (a) Where the review claimed is the continuance, increase, decrease or ending of half-monthly payments. |  |
|       | (b) Where the half-monthly payments are sought to be converted into a lump-sum                          | Rs. 2/-  |
|       | (e) In all other cases.   | Re. 1/-  |
| VI.   | Application for the registration of agreements -  |  |
|       | (a) Where the application for the memorandum of agreement issued by both parties                        | Nil  |
|       | (b) In all other cases.   | 50 Paise   |
| VII.  | Applications to summons witness -   |  |
|       | (a) For the first witness mentioned in the application.   | 50 Paise   |
|       | (b) For every subsequent witness  | 25 Paise.  |
| VIII. | Application for the indemnification   | Rs. 3/-  |
| IX.   | Application for the recovery of compensation-   |  |

- (a) Under the order already passed by the Commissioner 50 Paises
- (b) In all other cases The same fee as is payable on a similar application for compensation.

X. All applications not otherwise provided 50 Paise :

Provided that in the case of any application falling under head X, the Commissioner may, if he thinks fit, permit the application to be made without fee.

#### **54. Applicant may be required to deposit excess fee.**

- If in any case the Commissioner considers that he ought to pass orders granting relief of a different kind or to a different extent from that claimed by the applicant, and if the fee which would have been payable by the applicant on an application for the relief which the Commissioner considers to be due is greater than the fee which has actually been paid, the Commissioner may require the applicant to deposit fees to the extent of the difference. The order shall not be executed until the difference is paid.

#### **55. Procedure when costs not to follow the event.**

- Where the Commissioner directs that any costs shall not follow the event, he shall state his reasons in writing.

#### **56. The costs which may be awarded shall include.**

(a) The charges necessarily incurred on account of Court-fees; (b) The charges necessarily incurred on subsistence money to witness; and (c) Pleader's fee on the scale prescribed in the following rules.

#### **57. Pleader's fee.**

- In any proceeding involving an application for compensation in the form of a lump sum, an application for commutation or an application for indemnification the pleader's fee allowed shall be Rs. 10/- subject by special order of the Commissioner to diminution to a sum not less than Rs. 5/- and to increase to a sum not more than Rs. 50/- for such proceedings. In any other applications, the pleader's fee allowed shall be Rs. 5/- subject to increase by special order to a sum not exceeding Rs. 2.

#### **58. Costs when more than one pleader is engaged.**

- When a party engages more pleaders than one to conduct or defend a case he shall be allowed one set of costs only.

## **59. Appointment of costs among several defendants.**

- If several defendants have substantially one defence to make succeed thereon not more than one pleader's fee shall be allowed and such fee shall be apportioned by the Court among the several defendants as it may think fit.

## **60. Allowance of witnesses.**

- In cases where a Commissioner has to issue summons to a witness either at the instance of a party to a proceeding before him, or on his own initiative, the allowances to be paid to the witness according to the scale for the time being in force with respect to witnesses in Civil Courts in Madhya Pradesh.

## **Part X – Notice under section 10-A and the Statement by the Employer in reply Thereto**

### **61.**

(1)The notice to be sent by a Commissioner under sub-section (1) of Section 10-A of the Act shall be in Form V and shall be accompanied by a blank copy of Form V.(2)The statement to be submitted by an employer under Section 10-A shall be in Form V(3)The report in respect of an accident under sub-section (1) of Section 10-B may be sent to the authority to whom the notice of such accident is required to be given.

### **61A. [ [Substituted by Notification No. 6474-3955-XVI, dated 20-9-1965.]**

Notice in Form X containing abstract from the Act in Hindi shall be displayed by the employer on the main entrance of the premises in which the workmen to whom the Act is applicable is employed.]

## **Part XI**

### **62. Repeal.**

- The Central Provinces Workmen's Compensation Rules, 1924 in their application to the Mahakoshal Region, the Madhya Bharat Workmen's Compensation Rules, 1952, the Bhopal Workmen's Compensation Rules, 1953, the Vindhya Pradesh Workmen's Compensation Rules, 1955, and the Rajasthan Workmen's Compensation Rules, 1924, in their application to the Sironj Region are hereby repealed :Provided that such repeal shall not affect the previous operation of the said rules or any thing done or any action taken thereunder.Form A[See Rule 6(1)]Deposit of Compensation for Fatal Accidents



**1. Compensation amounting to Rs..... is hereby presented for deposit in respect of injuries resulting in death of the Workman, whose particulars are given below which occurred on ..... Name..... Father's Name.....(Husband's Name in case of married woman or widow) Caste ..... Local Address Permanent address .....his/her monthly wages are estimated at Rs.....he/she was over/under the age of 15 years at the time of his/her death.**

**2. The said workman had, prior to the date of his/her death received the amount in all lo Rs.....**

Rs.....on.....Rs.....on.....Rs.....on.....Rs.....on.....

**3. An advance of Rs..... has been made on account of compensation to.....being his/her dependent.**

**4. I [do not] [Any employer desiring to be made a party to the proceeding should strike out the words 'do not'.] desire to be made a party to the proceedings for distribution of the aforesaid compensation.**

date.....19.....EmployerForm B[See Rule 6]Receipt for Compensation[Deposited under Section 8 (1) of the Workmen's Compensation Act, 1923]Book No.....Receipt No. ....Register No.....Depositor.....Deceased or injured workman.....Date of deposit.....19...Sum deposited Rs.....CommissionerForm C[See Rule 6 (1)]Deposit of Compensation for Non-Fatal Accident to a Woman or Person Under Legal Disability[Section 8 (1) of the Workmen's Compensation Act, 1923]

**1. Compensation amounting to Rs..... is hereby presented for deposit in respect of injuries sustained by residing at.....on..... 19 resulting in the loss of/temporary disablement.**

His/her monthly wages are estimated at Rs.....He/She was over/under the age of 15 years at the lime of the accident.

**2. The said injured workmen has prior to the date of the deposit received the following half-monthly payments, namely :-**

Rs.....on.....Rs.....on.....Rs.....on.....Rs.....on.....

D[See Rule 6 (1)]Statement of Disbursements[Section 8 (4) of the Workmen's Compensation Act, 1923]Serial No.....Depositor.....Date.....Amount deposited Rs.....Amount deducted and

repaid to the employer under the proviso to Section 8 (1).....Funeral expenses paid.....Compensation paid to the following dependents :-

Name	Relationship
------	--------------

.....	.....
-------	-------

.....	.....
-------	-------

.....	.....
-------	-------

Dated.....19.... Total.....

.....CommissionerForm E[See Rule 9]Deposit of Compensation for Non-Fatal Accidents other than to a Woman or Person under Legal Disability[Section 8 (2) of the Workmen's Compensation Act, 1923]Compensation amounting to Rs..... is hereby presented for deposit in respect of permanent/temporary injuries sustained by ..... residing at.....which occurred on.....19.....Dated.....19.....Employer.Form F[See Rule 9]Receipt for Compensation[Deposited under Section 8 (1) of the Workmen's Compensation Act, 1923]Book No.....Receipt No.....Register No.....Depositor.....In favour of.....Date of deposit 19...Sum deposited Rs.....CommissionerForm G[See Rule 11]Report of Fatal AccidentsToThe Commissioner for Workmen's Compensation.....Sir,

**1. I have the honour to submit the following report of an accident which occurred on.....(date) at.....(here enter details of premises) and which resulted in the death of the workman/workmen of whom particulars are given in the statement annexed.**

**2. The circumstances attending the death of the workman/workmen were as under :-**

(a)Time of accident.....(b)Place where the accident occurred.....(d)Cause of the accident.....(e)Any other relevant particulars.....Yours faithfully Signature and designation of personmaking the report.Statement

Name	Sex	Age	Nature of employment	Full postal address
------	-----	-----	----------------------	---------------------

1	2	3	4	5
---	---	---	---	---

Form H[See Rule 20]Application for Compensation by WorkmenTo,The Commissioner for Workmen's Compensation.....Residing at..... Applicantversus.....Residing at..... Opposite party.It is hereby submitted that :- (1)The applicant, a workman employed by (a contractor with) the opposite party on the ..... day of .....19..... received personal injury by accident arising out of and in the course of his employment.The cause of the injury was (here insert briefly in ordinary languages the cause of the injury).....(2)The applicant sustained the following injuries, namely :-(3)The monthly wages of the applicant amount to Rs.... the applicant is over/under the age of 15 years.\* (4) (a) Notice of the

accident was served on the ..... day of.....(b)Notice was served as soon as practicable.....(c)Notice of the accident was not served (on due time) by reason of.....(5)The applicant is accordingly entitled to receive-(a)Hall-monthly payments of Rs..... from the.....day of 19.... to.....(b)A lump-sum payment of Rs.....(6)The applicant has taken the following steps to secure a settlement by agreement, namely ..... but it has proved impossible to settle the question in dispute because.....\*You are therefore, requested to determine the following questions in dispute, namely :- (a)Whether the applicant is a workman within the meaning of the Act.....(b)Whether the accident arose out of or in the course of the applicant's employment.....(c)Whether the amount of compensation claimed in due, or any part of that amount.....(d)Whether the opposite party is liable to pay such compensation as is due.....(e)etc., (as required).....Date.....19.....Applicant\*Strike out of the clauses which are not applicable.

Form I[See Rule 20]Application for order to Deposit CompensationTo, The Commissioner for Workmen's Compensation.....Residing at..... Applicantversus.....Residing at..... Opposite party.It is hereby submitted that :- (1).....a workman employed by (a contractor with) the opposite party on the ..... day of..... 19..... received personal injury by accident arising out of and in the course of the employment resulting in his death on the..... day of .....19.... The cause of the injury was (here insert briefly in ordinary language the cause of the injury).....(2)The applicant(s) is/are dependent(s) of the deceased workman being his.....(3)The majority wages of the deceased amount to Rs.....The deceased was under/over the age of 15 years at the time of his death.(4)(a)Notice of the accident was served on the.....day of....(b)Notice was served as soon as practicable.(c)Notice of the accident was not served (in due time) by reason of.....(5)The deceased before his death received as compensation the total sum of Rs.....(6)The applicant(s) is/are accordingly entitled to receive a lump-sum payment of Rs.....You are, therefore, requested to award to the applicant the said compensation or any other compensation to which he may be entitled.Date.....19.....Applicant.\*Strike out the clauses which are not applicable.

Form J[See Rule 20]Application For Commutation[Under Section 7 of the Workmen's Compensation Act, 1923]To, The Commissioner for Workmen's Compensation.....Residing at..... Applicantversus.....Residing at..... Opposite party.It is hereby submitted that :- (1)The applicant/opposite party has been in receipt of half-monthly payments from.....to.....in respect of temporary disablement by accident arising out of and in the course of his employment.(2)The applicant is desirous that the right to receive half-monthly payments should be redeemed.(3)(a)The opposite party is unwilling to agree to the redemption of the right to receive half-monthly payments.(b)The parties have been unable to agree regarding the sum for which the right to receive half-monthly payments should be redeemed.You are therefore requested to pass orders :- (a)directing that the right to receive half-monthly payments should be redeemed.(b)fixing a sum for the redemption of the right to receive half-monthly payments.Date.....19.....ApplicantForm K[See Rule 39]NoticeWhereas a claim for compensation has been made by.....applicant, against.....and the said .....has claim that you are liable under Section 12(2) of the Workmen's Compensation Act, 1923, to indemnify him against any compensation which he may be liable to pay in respect of the aforesaid claim, you are

hereby informed that you may appear before me on.....and contest the claim for compensation made by the said applicant or the claim for indemnity made by the opposite party. In default of your appearance you would be deemed to admit the validity of any award made against the opposite party and your liability to indemnify the opposite party for any compensation recovered from him.date.....19.....CommissionerForm L[See Rule 39]NoticeWhereas a claim for compensation has been made by.....applicant, against and the said.....has claimed, that.....is liable under Section 12 (2) of the Workmen's Compensation Act, 1923, to indemnify him against any compensation which he may be liable to pay in respect of the aforesaid claim, and whereas the said.....on notice served has claimed that you.....stated to him in the relation of a contractor from whom the applicant ..... could have recovered compensation you are hereby informed that you may appear before me on.....and contest the claim for compensation made by the said applicant or the claim for indemnity made by the opposite party.....in default of your appearance you will be deemed to admit the validity of any award made against the opposite party.....and your liability to indemnify the opposite party.....for any compensation recovered from him :-Date.....19.....CommissionerForm M[See Rule 48]Memorandum of AgreementIt is hereby submitted that on the.....day of.....19..... personal injury was caused to.....residing at.....by accident arising out of and in the course of employment in.....The said injury has resulted in temporary disablement to the workman whereby it is estimated that he will be prevented for earning more than of his previous wages for a period of.....month. The said workman has been in receipt of half-monthly payment which have continued from the.....day of.....19.....until the.....day of.....19..... amounting to Rs.....in all.The said workmen's monthly wages are estimated at Rs..... The Workman is over the age of 15 years/will reach the age of 15 years on..... It is Further submitted that..... the employer of the said workman has agreed to pay, and the said workman has agreed to accept the sum of Rs..... in full settlement of all and every claim under the Workmen's Compensation Act, 1923, in respect of all disablement of a temporary nature arising out of the said accident, whether now or hereafter to become manifest. It is, therefore, requested that this memorandum be duly recorded.Date.....19...Signature of employer.....Witness .....Signature of Workman .....Witness.....Note - An application to register an agreement can be presented under signature of one party, provided that the other party has agreed to the terms. But both signatures should be appended, whenever possible (Receipt to be filled in when the money has actually been paid). In accordance with the above agreement, I have this day received the sum of Rs.....Date.....19....Workman.....The money has been paid and this receipt is signed in my presence.Witness.....Note - This form may be varied to suit special cases, e.g. injury by occupational disease, agreement when workman is under legal disability, etc.Form N[See Rule 48]Memorandum of AgreementIt is hereby submitted that on the.....day of.....19..... personal injury was caused to.....residing at.....by accident arising out of and in the course of his employment in ..... The said injury has resulted in permanent disablement to the said workman of the following nature, namely, the said workman's monthly wages are estimated at Rs.....The workman is over the age of 15 years/will reach the age of 15 years on.....Rs.....on.....Rs.....on.....It is further submitted that ..... the employer of the said workman, has agreed to pay, and the said workman has agreed to accept the sum of Rs..... in full settlement of all and every claim under the Workmen's Compensation Act, 1923, in respect of the disablement stated above and all disablement now

manifest. It is, therefore, requested that this memorandum be duly recorded. Date.....19.... Signature of employer..... Witness..... Signature of Workman..... Witness..... Note - An application to register an agreement can be presented under the signature of one party, provided that the other party has agreed to the terms. But both signatures should be appended whenever possible. Receipt [To be filled in when the money has actually been paid] In accordance with the above agreement, I have this day received the sum of Rs..... Date.....19..... Workman The money has been paid and this receipt is signed in my presence..... Witness Note - This form may be varied to suit special case, e.g. injury by occupational disease, agreement when workman is under legal disability, etc. Form O [See Rule 48] Memorandum of Agreement It is hereby submitted that on the..... day of..... 19.... personal injury was caused to residing at..... by accident arising out of and in the course of employment in..... The said injury has resulted in temporary disablement to the said workman, who is at present in receipt of wages amounting to Rs..... per month no wages. The said workman's monthly wages prior to the accident are estimated at Rs..... The workman is subject to a legal disability by reason of..... It is further submitted that ..... the employer of the workman has agreed to pay and on behalf of the said workman has agreed to accept half-monthly payments at the rate of ..... for the period of the said temporary disablement. This agreement is subject to the condition that the amount of the half-monthly payments may be varied in accordance with the provisions of the said Act on account of an alteration in the earnings of the said workman during disablement. It is further stipulated that all rights of commutation under Section 7 of the said Act are unaffected by this agreement. It is, therefore, requested that this memorandum be duly recorded. Date 19... Signature of employer..... Witness..... Signature of Workman..... Witness..... Note - An application to register an agreement can be presented under the signature of one party, provided that the other party has agreed to the terms. But both signatures should be appended, whenever possible. Receipt [To be filled in when the money has actually been paid] In accordance with the above agreement, I have this day received the sum of Rs..... Date.....19..... Workman The money has been paid and this receipt is signed in my presence..... Witness Note - This form may be varied to suit special case, e.g., injury by occupational disease, etc. Form P [See Rule 49] Whereas an agreement to pay compensation is said to have been reached between ..... and ..... whereas..... has/have applied for registration of the agreement under Section 28 of the Workmen's Compensation Act, 1923, notice is hereby given that the said agreement will be taken into consideration on ..... 19... and that any objections to the registration of the said agreement should be made on that date. In the absence of valid objections it is my intention to proceed to the registration of the agreement..... Commissioner. Form Q [See Rules 49 and 50] Take notice that registration of the agreement to pay compensation said to have been reached between you..... and..... on the ..... 19.... has been refused for the following reasons :-..... R [See Rule 50] Whereas an agreement to pay compensation is said to have been reached between..... and..... and whereas..... has/have applied for registration of the agreement under Section 28 of the Workmen's Compensation Act, 1923, and whereas it appears to me that the said agreement ought not to be registered for the following reasons, namely :-..... an opportunity will be afforded to you of showing cause on why the said agreement should be

registered. If no adequate cause is shown on that date registration of the agreement will be refused. Date.....19.....Commissioner Form S[See Rule 50]Whereas an agreement to pay compensation is said to have been reached between..... and..... and whereas ..... has/have applied for registration of the agreement under Section 2«S of the Workmen's Compensation Act, 1923, and whereas it appears to me that the said agreement ought not to be registered for the following reasons, namely

:-.....an opportunity will be afforded to the said.....for showing cause on.....19.....why the said agreement should be registered. Any representation which you have to make with regard to the said agreement should be made on that date. If adequate cause is then shown, the agreement may be registered. Date.....19.....Commissioner Form T[See Rule 52]Register of Agreements for the Years, 19...

Serial No.	Date of agreement	Date of registration
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Employer Workman Initials of Commissioner Reference to orders rectifying the register

Form U[See Rule 61]Notice Book for Accidents[To be filled up by or on behalf of workman]Date and time of accident.....Date and time of notice.....Name of person injured.....Address.....Cause of injury.....Signature or thumb-impression of person giving notice[To be filled up by the employer or his agent]Rate of wages.....Place of accident.....Nature of injuries.....Names of eye-witnesses.....Note of circumstances.....Form V[See Rule 61]Whereas I have received information that (1) ..... a workman employed by you in (2).....has died, as the result of an accident arising out of and in the course of employment. I hereby require you in accordance with Section 10-A of Workmen's Compensation Act, 1923, to submit to me within 30 days of the receipt of this notice the enclosed form with the particulars required in paragraphs 1 and 2 and the particulars required in either paragraph 3 or paragraph 4 duly filled in. In the event of your admitting liability to pay compensation, the necessary deposits must, under Section 10-A (2) of the Act. be made within 30 days of the receipt of this notice.....Commissioner For Workmen's CompensationForm W[See Rule 61]

**1. In reply to your notice, dated the.....19.... which was received by me on the ..... 19....., it is submitted that (1) ..... residing at/workmen over/under 15 years of age and I employed in (2).....met with an accident on the.....19....., as a result of which he died on the.....19.....The monthly wages of the deceased amounted to Rs.....**

**2. The circumstances in which the deceased met his death were as follows :-**

.....

**3. I admit liability to pay as compensation on account of the deceased's death the amount of Rs which was/will be deposited with you on or before the 19....**

**4. I disclaim liability to pay compensation on account of the deceased's death on the following grounds :-**

(1)Insert name of workman.....(2)Insert name of establishment.....Employer[Form X] [Inserted by Notification No. 6474-3955-XVI, dated 20-9-1965.][See Rule 16-A]Abstract of the Workmen's Compensation Act, 1923 (VIII of 1923) and the Rules made thereunder

**1. Whom the act applies. - (a) The Act applies to workman who is employed on monthly wages not exceeding five hundred rupees, in any such capacity as is specified in Schedule II of the Act, but excludes a person whose employment has been of a casual nature and who has been employed work not connected with the employer's trade or business.**

(b)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. Who are entitled to compensation. - The following dependants of the deceased workman are entitled to compensation under the Act :-**

(a)"dependant" means any of the following relatives of a deceased workman, namely :-(i)a widow, a minor legitimate son and unmarried legitimate daughter or widowed mother; and(ii)if wholly dependants on the earning of the workmen at the time of the death, a son or a daughter who has attained the age of 18 years and who is infirm;(iii)if wholly or in part dependant 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 legitimate or illegitimate if married and minor of it widowed and a minor;(d)a minor brother or unmarried sister or 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 grant parent if no parent of the workman is alive.

**3. Definition of partial and total disablement. - "Partial disablement" means, where the disablement is of a temporary nature, such disablement as reduce 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 reduced his earning capacity in every employment which he was capable or undertaking at that time :**

Provided that every injury specified in Part II of Schedule I shall be deemed to result in permanent partial disablement. "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 : 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.

**4. Employers liability to pay compensation for workman. - (1) If personal injury is caused to a workman by accident arising out of and in the course of his employment, his employer shall be liable to pay compensation in accordance with the provisions of this Chapter :**

Provided that the employer shall not be so liable :-(a) in respect of any injury which does not result in the total or partial disablement of the workman for a period exceeding three days; (b) in respect of any injury, not resulting in death, caused by an accident which is directly attributable to :-(i) the workman having been at the time thereof under the influence of drink or drugs; or (ii) the wilful disobedience of the workman to an order expressly given or to a rule expressly framed, for the purposes of securing the safety of workman; or (iii) the wilful removal or disregard by the workman of any safety guard or other device which he knew to have been provided for the purpose of securing the safety of workmen.

**5. Employer is liable to pay compensation at the following rates :-**

**I**

## **Part I – List of Injuries Deemed to Result in Permanent Total Disablement**

S. No.	Description of injury	Percentage of loss of earning capacity
--------	-----------------------	--



1	2	3
1	Loss of both hands or amputation of lighter sites	100
2	Loss of a hand and a foot	100
3	Double amputation through leg or thigh, or amputation through leg or thigh on one side and loss of other foot	100
4	Loss of sight to such an extent as to render the claimant unable to perform any work for which eye sight is essential	100
5	Very severe facial disfigurement	100
6	Absolute deafness	100

## Part II

### List of Injuries Deemed to Result In Permanent Partial Disablement

#### Amputation cases-Upper limbs (either arm)

1	Amputation through shoulder joint	90
2	Amputation below shoulder with stump less than 8" from tip of acromion	90
3	Amputation from 8" from tip of acromion to less than 4-1/2" below tip of olecranon	70
4	Loss of a hand or of the thumb and four fingers of one hand or amputation from 4-1/2" below tip of olecranon	60
5	Loss of thumb	30
6	Loss of thumb and its metacarpal bone	40
7	Loss of four fingers of one hand	50
8	Loss of three fingers of one hand	30
9	Loss of two fingers of one hand	20
10	Loss of terminal phalanx of thumb	20

#### Amputation cases-Lower limbs

11	Amputation of both feet resulting in end bearing stumps	90
12	Amputation through both feet proximal to the metatarsophalangeal joint	80
13	Loss of all toes of both feet through the metatarsophalangeal joint	40
14		30

	Loss of all toes of both feet proximal to the proximalinterphalangeal joint	
15	Loss of all toes of both feet distal to the proximalinterphalangeal joint	20
16	Amputation at hip	90
17	Amputation below hip with stump exceeding 5" in lengthmeasured from tip of great trechanter but not beyond middle thigh	80
18	Amputation below hip with stump exceeding 5" in lengthmeasured from tip of great treachanter but beyond middle thigh	70
19	Amputation below middle thigh to 3-1/2" below knee	60
20	Amputation below knee with stump exceeding 3-1/2" but notexceeding 5"	50
21	Amputation below knee with stump exceeding 5"	40
22	Amputation of one foot resulting in end bearing	30
23	Amputation through one foot proximal to the metatarsophalangeal joint	30
24	Loss of all toes of one foot through the metatarso phalangealjoint	20
	Other injuries	
25	Loss of one eye, without complication, the other being normal	40
26	Loss of vision of one eye, without complication ordisgiturement of eye-ball, the other being normal	30
	Loss of-A.Fingers of right or left hand Index Finger	
27	Whole	14
28	Two Phalanges	11
29	One phalanx	9
30	Guillotine amputation of tip without loss of bone	5
	Middle Finger	
31	Whole	12
32	TWo phalanges	9
33	One phalanx.	7
34	Guillotine amputation of tip without loss of bone	4
	Ring or little finger	
35	Whole	7

36	Two phalanges	6
37	One phalanx	5
38	Guillotine amputation of tip without loss of bone	2
	B. Toes of right or left foot Great toe	
39	Through metatarso-phalangeal joint	14
40	Part, with some loss of bone	3
	Any other toe	
41	Through metatarso phalangeal joint	8
42	Part, with some loss of bone	1
	Two toes of one foot excluding great toe	
43	Through metatarso phalangeal joint	5
44	Part, with some loss of bone	2
	Three toes of one foot excluding great toe	
45	Through metatarso phalangeal joint	6
46	Part with some loss of bone	3
	Four toes of one foot excluding great toe	
47	Through metatarso phalangeal joint	9
48	Part, with some loss of bone.	3

## II

[See Section 4] Compensation Payable In Certain Cases

Monthly wages of the workman injured	Amount of compensation for	Half monthly payment compensation for temporary disablement		
Death	Permanent total disablement			
(1)	(2)	(3)	(4)	
More than Rs.	But not more than Rs.	Rs.	Rs.	Rs.
1	10	1000	1400	Half his monthly wages
10	13	1100	1540	-do-
13	18	1200	1680	6.5
18	21	1260	1764	7

21	24	1440	2016	8
24	27	1620	2268	8.5
27	30	1800	2520	9.5
30	35	2100	2940	9.5
35	40	2400	3360	10
40	45	2700	3780	13
45	50	3000	4200	13
50	60	3600	5040	18.5
60	70	4200	5880	18.5
70	80	4800	6720	20
80	100	6000	8400	26
100	150	7000	9800	37.5
150	200	7000	9800	52.5
200	300	8000	11200	60
300	400	9000	12600	75
400	-	10000	14000	87.5

If a workman employed in any employment specified in Part A of Schedule III contracts any disease specified therein as an occupational disease peculiar to that employment, or if a workman, whilst in the service of an employer in whose service he has been employed for continuous period of not less than six months (which period shall not include a period of service under any other employer in the same kind of employment) in any employment specified in Part B of Schedule III, contracts any disease specified therein as an occupational disease peculiar to that employment, or if a workman whilst in the service of one or more employers in any employment, specified in Part C of Schedule III for such continuous period as the Central Government may specify in respect of each such employment contracts any disease specified therein as an occupational disease peculiar to that employment, the contracting of the diseases shall be deemed be an injury by accident within the meaning of this section and, unless the contrary is proved, the accident shall be deemed to have arisen out of, and in the course of, the employment :Provided that if it is provided :- (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; (c) the contracting of such disease shall be deemed of 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. If a workman employed in any employment specified in Part C of

Schedule III contracts any occupational disease peculiar to that employment, the contracting thereof is deemed to be an injury by accident within the meaning of this section and such employment was made 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, deemed just.

### III

#### List of occupational disease

Occupational disease (1)	Employment (2)
Part A	
Anthrax	Any employment - (a) involving the handling of wool, hair bristles or animalcarcasses or parts of such carcasses including hides, hoofs andhorns; or (b) in connection with animals infected with anthrax; or (c) involving the loading-unloading or transport of anymerchandise.
Compressed air illness or its sequelae	Any process carried on in compressed air.
Poisoning by lead-tetraethyl	Any process involving use of lead-tetraethyl
Poisoning by nitrous fumes	Any process involving exposure to nitrous fumes.
Poisoning by organic phosphorus insecticides	Any process involving the use or handing or exposure to thefumes, dust or vapour containing any of the organic phosphorusinsecticides.
Part B	
Poisoning by lead, its alloys or compounds or its sequelaeexcluding poisoning by lead tetraethyl	Any process involving the handling or use of lead ore or, leador any of its preparations or compounds except lead tetraethyl
Poisoning by phosphorus or its compounds, or its sequelae	Any process involving the liberation of phosphorus or use orhandling of phosphorus or its preparation or compounds
Poisoning by mercury, its amalgams and compounds, or itssequelae	Any process involving the use of mercury or its preparationsor compounds.
Poisoning by benzene, or its homologues their amido andnitroderivatives or its sequelae	Any process involving the manufacture, liberation, or use ofbenzene homologues and their amido and nitroderivatives.
Chrome ulcertation or its sequelae	Any process involving the use of chromic acid or bichromate ofammonium, potassium, or sodium or their preparations or themanufacture of pichromate.
Poisoning by compounds or arsenic	Any process involving the production, liberation orutilization

or its sequelae	of arsenic or its compounds.
Pathological manifestations due to -	
(a) radium and other radioactive substances	Any process involving exposure to the action of radium, radioactive substances, or X-rays.
(b) X-rays -	
Primary epitheliomatous cancer of skin	Any process involving the handling or use of tar, pitch, bitumen, mineral oil, paraffin or the compounds, products or residues of these substances.
Poisoning by halogenated hydrocarbons of the aliphatic series and their halogen derivatives	Any process involving the manufacture, liberation, and use of hydrocarbons of the aliphatic series and their halogen derivatives.
Poisoning by Carbon- disulphide or its sequelae	Any employment in - (a) the manufacture of carbon-disulphide; or (b) the manufacture of artificial silk by viscose process; or (c) rubber industry; or (d) any other industry involving the production or use of products containing carbon-disulphide or exposure to emanations from carbon-di-sulphide.
Occupational contact due to infrared radiations.	Any manufacturing process involving exposure to glare from molten material or to any other sources of infra-red radiations.
Telegraphist's cramp	Any employment involving the use of telegraphic instruments.
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.
Part C	
Silicosis	Any employment involving exposure to the inhalation of dust containing silica.
Coal Miners pneumoconiosis	Any employment in coal mining.
Asbestosis	Any employment in - (i) the production of - (a) fibre cement materials; or (b) asbestos mill board; or (ii) the processing of ores containing asbestos.
Bagassosis	Any employment in the production of bagasse mill board or other articles from bagasse.

**6. Compensation not to be assigned, attached or charged. - Save as provided by this Act, no lump-sum or half monthly payment payable under this Act shall in any way be capable of being assigned or charged or be liable to attachment or pass to any person other than the workman by operation of law, nor shall any claim be set off against the same.**

**7. Notice and claim. - No claim for compensation shall be entertained by the Commissioner unless notice of the accident is given in the prescribed manner as soon as practicable after the accident occurs and claim is preferred before the Commissioner within 2 years of the occurrence of the accident or from the date of death. In the case of a workman contracting any of the occupational diseases specified in Schedule III to the Workmen's Compensation Act, the period of 2 years prescribed for preferring the claim; as mentioned above, shall commence from the first of the days during which the workman was continuously absent from working consequence of disablement caused by the disease.**

Want of or any defect or irregularity in the notice shall not bar entertaining of a claim by the Commissioner and if the Commissioner is satisfied that the failure to give the notice or to prefer the claim within the prescribed time was due to sufficient cause, notwithstanding the provisions of Section 10, he may entertain and decide any claim to compensation. The notice of the accident shall give (i) the name, (ii) the address of the person injured, (iii) the cause of injury and (iv) date on which accident occurred, such notice shall be served on the concerned employer or on any one of several employers or any person responsible to employer, either by registered post or personal delivery addressed to the residence or any office or place of business of the person on whom it is to be served.

**8. Liability of Principal and Contractor. - Where the main employer or the principal engages a contractor for the execution of his work, the principal shall be liable to pay to any workman employed in the execution of such work any compensation which he, the principal would have been liable to pay if that workman had been immediately employed by him; and where such compensation is claimed from the principal amount of compensation shall be calculated with reference to the wages of the workman under the employer by whom he is immediately employed.**

Where the principal is liable to pay compensation on behalf of the contractor or any other immediate employer of the workman, he shall be entitled to be indemnified by the contractor or any other immediate employer. Nothing in this section shall prevent a workman from recovering compensation from the contractor instead of the principal employer.

**9. Contracting out. - Any contract or agreement whether made before or after commencement of this Act, whereby a workman relinquishes any right of compensation from the employer for personal injury arising out of or in the course of the employment shall be null and void in so far as it purports to remove or reduce the liability of any person to pay compensation under this Act.**

**10. Appearance of parties. - Any appearance, application or act required to be made or done by any person before or to a Commissioner other than the appearance of a party, which is required for the purposes of this examination as a witness may be made or done on behalf of such person by a legal practitioner or by an official of an insurance company or a registered Trade Union or by an Inspector appointed under sub-section (1) of Section 8 of the Factories Act or under sub section (1) of Section 5 of the Mines Act, 1952 or by any other officer specified by the State Government, in this behalf authorised in writing by such person or, with permission of the Commissioner, by any other person so authorised.**