

The Rajasthan Silicosis Rules, 1955

RAJASTHAN

India

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Rule THE-RAJASTHAN-SILICOSIS-RULES-1955 of 1955

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The Rajasthan Silicosis Rules, 1955 Published vide Notification No. F. 15(14) Lab./52-52, dated 21.3.1956-Published in Rajasthan Gazette Part 4-C, dated 26.5.1956 at pages 81 to 89 In exercise of the powers conferred by Section 32 of the Workmen's Compensation Act, 1923 (8 of 1923), the Government of Rajasthan is pleased to make the following rules, the same having been previously published as required by Section 32 of the said Act.

1. Short title, application & commencement.

(a) These rules may be called the Rajasthan Silicosis Rules, 1955. (b) They shall apply to all industries specified in Schedule 'A' of these rules. The State Government may from time to time add to or vary the Schedule. (c) They shall come into force on such date as the State Government may by notification in the Rajasthan Gazette, appoint.

2. Definition.

- In these rules, unless there is anything repugnant in the subject or context:- (a) 'Act' means the Workmen's Compensation Act, 1923 (Central Act No. VIII of 1923); (b) 'Commissioner' means the Commissioner for Workmen's Compensation appointed under the Act; (c) 'Initial Examination' means examination prescribed under Rule 9(d) of these rules; (d) 'Periodical Examination' means examination prescribed under Rule 9(d) of these rules; (e) 'Examiner' means registered medical practitioner whose name appears in the list published by the State Government in the Rajasthan Gazette as prescribed in Rule 6 of these rules; (f) 'Mining' as specified in Schedule 'A' of these rules shall be construed as a reference to under ground work or employment beneath the surface, to work or employment upon or about rock crushers in a rock crushing station and to work or employment in a sample crushing room or assay office or on any failings dump.

3. Silicosis defined.

- For the purpose of these rules. Silicosis shall mean Silicosis of the lungs.

4. Stages of Silicosis.

- A person shall, for the purposes of these rules, be deemed to have or to have had Silicosis:- (a) in the Ante-primary stage, when it is found on medically and radiological examination that the earliest detectable specific physical signs of Silicosis are or have been present, whether or not capacity for work is or has been impaired by such Silicosis; (b) in the Primary stage, when it is found on medical and radiological examination that definite and specific physical signs of Silicosis are or have been present and that capacity for work is or has been impaired by that disease though not seriously and permanently; (c) in the Secondary stage, when it is found on medical and radiological examination that definite and specific physical signs of Silicosis are or have been present and that capacity for work is or has been seriously and permanently impaired by that disease; (d) Silicosis with active Tuberculosis is equivalent to secondary stage.

5. Application for compensation.

(a) Every workman who desires the grant of compensation under these rules shall apply to the Commissioner in whose jurisdiction he resides in Form 'A' in duplicate. (b) Application for compensation by dependants shall be made in Form 'B' and shall be transmitted in duplicate to the Commissioner.

6. Medical Practitioner empowered to examine.

- The State Government shall under these rules publish, from time to time, in the Rajasthan Gazette the names of Registered Medical Practitioners who are empowered to carry out examinations and issue certificates.

7. Ex-officio examiner.

- The State Government may also appoint Medical Officers in service as ex-officio examiners for the purpose of examination and issue of certificates.

8. Medical Bureau.

(a) The State Government shall establish a Medical Bureau consisting of three or more Medical Practitioners or Officers with special knowledge of the disease of the lungs and respiratory organs; and the Commissioner may, in cases of doubt, or shall, in cases where the employer or the workmen is dissatisfied with the certificate granted under these rules, refer the case to the Bureau. (b) In all such cases the applicant shall be x-rayed and clinically examined. The findings of the Bureau shall be final.

9. Medical Examination.

(1)(a)Any applicant desiring to work in any of the industries specified in Schedule 'A' after these rules have come into force, shall submit himself to a medical examination by an examiner before whom he shall cause to appear by the employer.(b)The examiner shall make such examination (including stethoscope examination) of the applicant, as will enable him to fill in correctly the initial certificate in Form 'C' that he is free from any disease of the lungs and respiratory organs and is in other respect physically fit for the work for which a certificate is sought.(c)Such certificate shall be transmitted to the applicant and shall be valid for a period not exceeding five years.(d)After the initial examination, every workman shall be brought before an examiner by the employer for medical examination at intervals of not more than five years over a period not exceeding ten years, and thereafter at two yearly intervals.(e)After every examination subsequent to the initial examination a certificate in Form 'D' stating that the workman is not suffering from Silicosis or a certificate in Form 'D' (a) 'stating that the workman is suffering from Silicosis and in what stage, shall be issued and it shall be duty of the employer to inform the workman of the contents thereof.'(2)(a)Every workman who is already in service at the time when these rules come into force, if he desires to become eligible for the benefits under these rules, shall be duly medically examined by an examiner before whom he will be caused to appear by the employer and if found suffering from Silicosis as defined in Rule 4 he shall be entitled to compensation as provided for in the Act.(b)If it is found not possible for such workman to be present for initial examination and if he is not examined on the day he presents himself, his name shall be entered in a register maintained for such a purpose and he shall be deemed to have complied with the rules, provided that he reports himself for examination without delay, on being notified subsequently by the employer of a date and hour on which the examination will be carried out. Failure on the part of the workman thus notified to present himself for examination without sufficient cause shall render him ineligible for compensation and shall release the employer from all obligation under these rules should the workman at any other date present himself for examination and be found to be suffering from Silicosis.

10. Post-mortem Examination.

(a)Wherever the Commissioner considers it necessary to be satisfied by post-mortem examination whether a deceased workman had Silicosis and having obtained the previous consent of the legal representative of the deceased to the performance of such post-mortem examination, he may request any Government Medical Officer to conduct such an examination and send him a copy of Form 'E' to be filled in by him. A medical examiner nominated by the employer shall be given an opportunity to be present at such post-mortem examination and shall either agree or disagree with the findings of the Government Medical Officer. In the event of disagreement, the report on the case with the lungs shall be referred to the Medical Bureau by the Commissioner for their opinion.(b)The Medical Officer so requested by the Commissioner shall, without avoidable delay, make the necessary examination and forward his report to the Commissioner in Form 'E' and, if Silicosis has been found to be present in the lungs of the deceased, such lungs shall accompany the report.

11. Workman prohibited from work.

- When once a workman has accepted compensation, he is prohibited from working again as such; but he is not obliged to accept compensation and give up his occupation as such.

12. Compensation not to be greater on continuation.

- If a workman continuous to work in any of the industries specified in Schedule 'A' for a longer period than three months after he has been certified to be suffering from Silicosis, he is not entitled to a greater amount of compensation than that to which he was entitled when first certified. But this loss of benefit does not extend to his dependants.

13. Application of General Clauses Act.

- Unless the context otherwise requires, the provisions of the General Clauses Act, 1897 of the Central Legislature shall apply to the interpretation of these rules as they apply to the interpretation of a Central Act.

A

[See Rules 1(2) and 9(1)(a)]Industries involving exposure to the risk of Silicosis

1. Mining

2. Porcelain and Pottery Industries

3. Cement Industry

4. Glass Industry

5. China Clay and Talc Industries

6. Sandstone Industry

7. Quarrying or Crushing or Cutting of Stones

8. Manufacture of Bricks and Tiles

9. Foundaries and Metal Works

Form 'A' The Rajasthan Silicosis Rules, 1955 Application for Payment of Compensation [See Rule

5(a)]

1. The undermentioned workman, hereby apply under the Rajasthan Silicosis Rules, 1955 for compensation for Silicosis contracted in the course of my employment.

1. Name in full.....

2. Address in full.....

3. Name and Addresses and relationship of dependants.....

4. Name of the employer under whom the workman worked last with record of service.....

5. Particulars of earnings.....

6. Particulars of claim.....

I hereby declare that what is stated above is correct.....Signature of the applicantTo,The Commissioner for Workmen's Compensation,.....District.....Form 'B'The Rajasthan Silicosis Rules, 1955Application for Compensation by a Dependant[See Rule 5(b)]I or we, the dependant or dependants of the deceased workman named..... an employee in the..... (Name of the concern or firm) apply for compensation for Silicosis contracted by the workman in the course of his employment and as a result of which he died.

1. Name (s) of dependant(s) in full.....

2. Address.....

3. Age.....

4. Relationship to the deceased workman.....

5. Occupation.....

6. Particulars of earnings.....

7. Particulars of claim.....

8. Name of the deceased workman in full..... with name of last employer and record of services thereunder.....

9. Date of his death.....

10. Cause of his death (Post-mortem certificate to be attached)..

I/We hereby declare that I am/we are the..... of the late and that the statements contained in the above application form are true and correct.....Signature (s) of the applicant(s).Form 'C'The Rajasthan Silicosis Rules, 1955Initial Certificate(Issued without alteration)[See Rule 1(b)]Expires..... (Name of concern or firm)Name in full.....This is to certify that the above named applicant on the day of..... 19..... underwent the examination prescribed by Rule 9(1)(a) of the Rajasthan Silicosis Rules, 1955 and was then free from any disease of the lungs and respiratory organs and was in other respects physically fit for work in industries specified in Schedule 'A'.Signature or left thumb impression of applicant.Marks of Identification-(1)(2)Examiner.Place.....Date.....This certificate is to be kept clean and must be produced at the next medical examination.This certificate expires on..... and will be of no effect after that date.Form 'D'[See Rule 9(1)(e)]The Rajasthan Silicosis Rules, 1955Periodical Certificate(Issued without alteration)Expires on.....Name in full.....Address.....This is to certify that the above named workman on the..... day of..... 19..... underwent medical examination prescribed by Rule 9(1)(d) of the Rajasthan Silicosis Rules, 1955 and that he was not then suffering from Silicosis.Signature or left thumb impression of the workman.Marks of identification.(1)(2)PlaceDateSignature of the ExaminerThis certificate is to be kept clean and must be produced at the next medical examination.This certificate expires on the and will be of no effect after that date.Form 'D' (a)[See Rule 9(1)(e)]The Rajasthan Silicosis Rules, 1955Periodical Certificate(Issued without alteration)Expires on.....Name in full.....Address.....This is to certify that the above named workman on the..... day of..... 19..... underwent medical examination prescribed by Rule 9(1)(d) of the Rajasthan Silicosis Rules, 1955 and that he was then suffering from Silicosis. (State-stage).Signature or left thumb impression of the workman.Marks of identification:-(1)(2)Place.....Date.....Signature of the ExaminerThis certificate is to be kept clean and must be produced at the next medical examination.This certificate expires on the and will be of no effect after that date.Form 'E'[See Rule 10(a)]The Rajasthan Silicosis Rules, 1955Report on Post-mortem ExaminationI have this day at..... made a post-mortem examination on a body.

1. Name.....

2. Address.....

3. Designation.....

and as a result of my examination I find that (here state what disease was found to be present).....
and I certify that the cause of death was and the deceased was (not) at the time of his death
suffering from Silicosisor that Silicosis was (not) present as a contributing or predisposing factor
or cause of his death or that Silicosis was a predisposing but not a contributing cause of his death. If
Silicosis was present as a contributing or a predisposing cause of death state the condition found in
the organs stated below and comply with the provisions of Rule 10 printed below. Hilar Glands.

Pleura Right

Left

Lungs Right

Left

Any abnormalities in other organs. Address..... Date..... Medical
Practitioner. N.B. - Strike out inapplicable clauses and attest.