

The Rajasthan Workmen's Compensation (Costs & Fees) Rules, 1959

RAJASTHAN

India

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Rule

THE-RAJASTHAN-WORKMEN-S-COMPENSATION-COSTS-FEES-RULES of 1959

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The Rajasthan Workmen's Compensation (Costs & Fees) Rules, 1959Published vide Notification No. F. 1(6)/Lab. 57, dated June 15, 1959In 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 under Section 34 of the said Act.

Part I – Preliminary

1. Short title.

- These rules may be called the Rajasthan Workmen's Compensation (Costs and Fees) Rules, 1959.

2. Definitions.

- In these rules, unless there is anything repugnant in the subject or context:-(a)"The Act" means the Workmen's Compensation Act, 1923 (8 of 1923).(b)"Form" means a form appended to these rules.(c)"Section" means a section of the Act.

Part II – Scales of Costs and the Fees Payable in Respect of Proceedings Before a Commissioner

3. Costs.

(1)Where the Commissioner directs that any costs shall not follow the event, he shall state his reasons in writing.(2)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)pleaders fees on the scale prescribed in the following rules.(3)In any proceeding involving an application for compensation in the form of a lump sum, an application for commutation of an application for indemnification, the 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 each such proceedings. In all other applications, the fee allowed shall be Rs. 5/- subject to increase by special order to a sum not exceeding Rs. 20/-. (4)When a party engages more pleaders than one to conduct or defend a case, he shall be allowed one set of costs only.(5)When several defendants having substantially one defence to make employ several pleaders, they shall be allowed one set of costs only. In such cases it will be for the applicant, at the time of hearing, to ask for a direction of the Court that separate costs be not allowed.(6)When two or more defendants having separate substantial defence, have engaged the services of one pleader, they shall be allowed separate sets of costs. In this case, it will be for the defendants interested, to apply at the hearing for separate costs.(7)When several defendants having separate defences are represented by separate pleaders they shall be entitled to separate costs.

4. Fees.

- The fees specified in column 3 of the subjoined Schedule shall be payable in respect of the proceedings mentioned in the second column of the said Schedule:-

Schedule

S. No.	Description of Proceedings	Amounts of Fees
1	2	3
I.	Application for compensation.a) Where compensation is claimed in the form of recurring payments.b) Where compensation is claimed in the form of a lump sum.	Eight annas.One rupees where the sum does not exceed Rs. 500/- plus one rupee for each additional sum of Rs.500/- or fraction thereof.
II.	Application for commutation.(a) By agreement between the parties(b) In all other cases.	Eight annas.Two rupees.
III.	Application for the deposit of compensation.(a)Under Section 8(1) of the Act.(b) Under Section 8(2) of the Act(in respect of each person to whom compensation is payable)	Nil.Eight annas.
IV.	Application for distribution by dependants for each dependant.	One rupee.

- Application for review.(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.(c) In all other cases.
- V. Eight annas.Two rupees.One rupee.
- Application to summon witnesses.(a) For the first witness mentioned in the application.(b) For every subsequent witness.
- VI. Eight annas.Four annas.
- Application for the registration of agreements.(a) Where the application or the memorandum of agreement is signed by both parties.(b) In all other cases.
- VII. Nil.Eight annas.
- VIII. Application for indemnification Three rupees.
- Application for the recovery of compensation.(a) Under an order already passed by the Commissioner.(b) In all other cases.
- IX. Eight annas.The same fee as payable on a similar application for compensation.
- X. Application not otherwise provided for. Eight annas.
- N.B. - In the case of any application falling under the head X, the Commissioner may, if he thinks fit, permit the application to be made without fee.

5. Applicant may be required to deposit excess fees.

- 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 fee to the extent of the difference.

Part III – Maintenance of Registers, Language of the Court Records, Certified Copies, Allowance to Witnesses

6. Register of applications.

- All applications presented to the Commissioner, shall be registered in a register in Form 'A'.

7. Register of fatal accidents.

- Every Commissioner shall maintain a separate register in Form 'B' of fatal accidents, which come to his knowledge either on account of deposits made by, or on behalf of employers, or because of applications made by dependants of a deceased workman or an order for deposit and payment of compensation.

8. Register of no-fatal accidents.

- Every Commissioner shall maintain a separate register in Form 'C' of non-fatal accidents, which come to his knowledge in any of the following ways:-(1)On account of application for registration of memorandum of agreement.(2)On account of application for commutation of half-monthly payments.(3)On account of amount of compensation deposited with the Commissioner under Section 8(2).(4)On account of applications for settlement of claim made by the injured workmen.

9. Language of the record.

- The record of the Commissioner shall be kept in the English Language.

10. Supply of certified copies to parties.

- Certified copies of any papers, in any proceedings, before a Commissioner, should be supplied to the parties, so far as may be, in accordance with the General Rules (Civil), 1952 framed by the High Court of Rajasthan.

11. Allowance to witnesses.

- In cases where a Commissioner has to issue summons to a witness either at the instance of a party to a proceedings before him, or on his own initiative, the allowances to be paid to the witness, shall be on the same scale.

Part IV

12. Fees to accessors.

- Where in pursuance of the provisions of sub-Section (2) of Section 20, any person possessing special knowledge of any matter relevant to the under inquiry is chosen by the Commissioner to assist him in holding the same, he shall be entitled to such fees as the Commissioner may fix subject to a maximum of rupees fifty and a minimum of rupee twenty:Provided that he shall be entitled to an additional fee to rupee ten-(a)for each extra case if he is required to sit in more than one case on the same day, and(b)for each of the second and third days of any one cases.Form 'A'(See Rule 6)Register of Application for the Year 19...

Name of
application

Date of

presentation
of
application

Serial
No.

For
distribution

For
deposit

For
compensation

For
half-monthly
payments

For
commutation

For
review

For
recovery

A B C D E F G

Order									
Application for registration of agreement H	Miscellaneous I	Name and address of the applicant	Name and address of opposite party	Claim	Date	For whom	For what amount	Appeal	Remarks

Form 'B'(See Rule 7)Register of Fatal Accidents for the year 19...

S.No.	Date of information	Date of accident	Name of the deceased workmen	Name of the employer	Dependents of the deceased workmen	Nature of accident & injury	Amount of compensation and rate of monthlywages	Date of distribution and rate of monthly wages	Remarks
1	2	3	4	5	6	7	8	9	10

Form 'C'[See Rule 8]Register of Non-Fatal Accidents for the Year 19..

S.No.	Date of information	Date of accident	Name of workmen injured	Name of the employer	Nature of injury	Amount of compensation	Date of disposal	Remarks	
	Temporary	Lump sum	Half monthly						
1	2	3	4	5	6	7	8	9	10 11