

# **The M.P. Workmens Compensation (Occupational Diseases) Rules, 1963**

MADHYA PRADESH

India

## **The M.P. Workmens Compensation (Occupational Diseases) Rules, 1963**

### **Rule**

### **THE-M-P-WORKMENS-COMPENSATION-OCCUPATIONAL-DISEASES- of 1963**

- Published on 9 September 1963
- Commenced on 9 September 1963
- [This is the version of this document from 9 September 1963.]
- [Note: The original publication document is not available and this content could not be verified.]

The M.P. Workmens Compensation (Occupational Diseases) Rules, 1963Published vide Notification No. 6249-5791-16, dated 9-9-1963, M.P. Rajpatra, Part 4 (Ga), dated 4-10-1963 at p. 71In exercise of the powers conferred by clauses (p), (q) and (r) of sub-section (2) of Section 32 of Workmen's Compensation Act, 1923 (No. 8 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 commencement.**

- The rules may be called the Madhya Pradesh Workmen's Compensation (Occupation Diseases) Rules, 1963.

#### **2. Application.**

- These rules shall apply to all workmen employed in any employment mentioned in Part C of Schedule III of the Act.

#### **3. Definitions.**

- In these rules, unless the context otherwise requires :- (a) "Act" means the Workmen's Compensation Act, 1923 (No. 8 of 1923); (b) "asbestoses" shall mean :- (i) a pulmonary fibrosis which manifests itself radiologically as a ground glass appearance of the pulmonary field of strictions or

reticular formations more or less marked, particularly diffuse at the bases or diffuse stippling or reticulation over extensive areas of both lung fields, whether or not accompanied by signs of pulmonary tuberculosis; and(ii)clinically, by the presence of asbestos, bodies in the sputum accompanied by tracheobronchitis and emphysema;(c)"Bagassosis" means a disease which :- (i) manifests itself as an acute allergic response due to sensitisation of the individual to bagasse dust; and(ii)radiologically, consists of increase in the vascular shadows and increase in haziness and reticulation all over the lungs and increase in the hilar densities anti some mottling. In acute phases patchy shadows resembling bronchopneumonia may be seen;(d)"Medical Board" means the Pneumoconiosis Medical Board constituted by the State Government under Rule 4 or any Medical Board recognised by the State Government for the purpose of these rules;(e)"Pneumoconiosis" means silicosis or coalminers, pneumoconiosis or asbestoses or bagassosis or any of these diseases accompanied by pulmonary tuberculosis.

#### **4. Constitution of pneumoconiosis Medical Hoard.**

(1)The State Government shall constitute a Pneumoconiosis Medical Board for the conduct of medical examinations, submission of medical reports and the grant of medical certificates in pursuance of these rules :Provided that with respect to workmen employed in mines, the State Government may, recognise any Medical Board for the purpose of these rules.(2)The Board constituted or recognised under sub-rule (1) shall consist of three qualified medical practitioners or whom one shall be a radiologist.

#### **5. Medical conditions under which pneumoconiosis may be considered to be an occupational disease.**

(1)The diagnosis of pneumoconiosis shall be carried out with all the necessary technical guarantees. Proof of the degree of development of the pathological or anatomical changes in the respiratory and cardian systems shall be accompanied by the report of a full clinical examination including a report of the Industrial history of the person concerned, the record of all occupations in which has been employed, the nature of the harmful dusts to which he was exposed and the duration of such exposure.(2)For entitlement to compensation, silicosis and coal miners' pneumoconiosis shall fulfil the following radiological and clinical conditions :- (a)The radiological examination of the workmen must reveal :- (i)the appearance of generalised micronodular or nodular fibrosis covering a considerable part of both lung fields whether accompanied or not by signs of pulmonary tuberculosis;(ii)in addition to a marked accentuation of the pattern of both lungs, the appearance of one or several pseudotumoral fibrotic formations, whether accompanied or not by signs of pulmonary tuberculosis; or(iii)Serial radiological pictures taken over a period during periodical medical examinations shall as far as possible, be considered in making definite diagnosis in cases where doubt exists;(b)Serial radiological pictures taken over a period during periodical medical examinations shall as far as possible, be considered in making a definite diagnosis in cases where doubt exists;(c)Radiological interpretation shall be based on the standard international classification laid down by the International Labour Organisation (Geneva classification);(d)The clinical examination of the workman concerned must reveal a decrease or deterioration of the respiratory functions or cardian function, or a deterioration of the state of general health, caused by

the pathological processes specified above.

## 6. Evaluation of disablement.

(1)The evaluation of disablement shall be made by reference to the physical (anatomical, physiological, and functional) and mental capacity for the exercise of the necessary functions of a normally occupied life which would be expected in a healthy person of the same age and sex. For such assessment, recognise cardio-respiratory function tests shall be used to assess the degree of cardio-respiratory functions impairment.(2)It shall be determined whether the disablement is temporary or permanent and also the percentage loss of function as it pertains to the loss of working capacity for receiving compensation.(3)Assessment of disablement shall proportionate to the loss of earning capacity, total disablement being taken to be top percent loss of earning capacity.Explanation. - For the purpose of this rule, "permanent disablement" shall mean such disablement as is certified to be permanent by the Medical Board.

## 7. [ Certification of cases. [ubstituted by Notification No. 7937-3661-XVI, dated 24-11-1965.]

- The claim for any compensation in respect of workman contracting any disease specified in Part C, of Schedule III to the Act shall be supported by a certificate issued by a qualified medical practitioner in the Form A appended to these rules :Provided that where the contracting of such disease has resulted in death or permanent disablement of the workman the claim shall also be supported by an endorsement on the certificate, in the Form B appended to these rules by the Medical Board and in case of difference of opinion between the qualified Medical Practitioner, and the Medical Board, the opinion of the Medical Board shall prevail.][Form A] [Inserted by Notification No. 7937-3661-XVI, dated 24-11-1965.][See Rule 7]Certificate of Disability/DeathThis is to certify that Shri.....son of.....age.....years, is..... who died on ..... was suffering from pneumoconiosis/pneumoconiosis with pulmonary tuberculosis, and the contracting of the disease is/was reasonable attributable to his employment in.....(1)Temporary disablement(a)The disability is in my opinion of a temporary nature likely to last for .... years months. He is unfit or work in his present employment/fit for (State employment for which he is considered fit).(2)Permanent disablementThe disability is of a permanent nature and is assessed at ..... per cent.(3)DeathDeath is attributable to the contracting of the disease.Cancel out portions not applicable.Place.....Date.....Signature of the qualifiedMedical PractitionerForm B[See Rule 7]Endorsement to be Made by Medical Board in Cases of Permanent Disability or DeathThis is to certify that Shri ..... is/was suffering from pneumoconiosis/pneumoconiosis with pulmonary tuberculosis, and the contracting of the disease is/was reasonably attributable to his employment in.....(1)Permanent disabilityIt is certified that the disability is of a permanent nature and is assessed at.....per cent.(2)DeathIt is certified that the death of Shri ..... is attributable to the contracting of the disease.Place.....Date.....Signature of membersof the Medical Board