THE WORKMEN'S COMPENSATION RULES, 1924

Notification No. L-1182, dated 26th June, 1924

In exercise of the powers conferred by section 32 of the Workmen's Compensation Act, 1923 (VIII of 1923), the Governor-General in council is pleased to make the following rules:-

PRELIMINARY

1. Short title - These rules may e called the workmen's Compensation Rules, 1924.

1-A Extent - They extend to the whole of the State of Punjab as formed by Section

11 of the State Re-organisation Act, 1956.

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;
- (b) **"form"** means a form appended to these rules;
- (c) **"section"** means section of the Act.

PART-I

Review of Half monthly Payment and Consultation Thereof

3. When application may be made with out medical certificate - Application for review of 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 workman, on the ground that since the right to compensation was deter -mined, his wages have diminished;
- (c) by the workman, 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 to 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 under influence or other improper means;
- (e) either by the employer or by the workman on the ground that in the determi -nation of compensation there is a mistake or error apparent on the face of the record.

1.Subs. vide Hr. Govt. Noti. No. 11/97/94-4-Lab, dated 5th June, 1995.

[4. Procedure on application for review - On examining an application for review

by an employer in which the reduction or discontinuance of half monthly payments is sought, if it appears to the Commissioner that there is reasonable ground for believing that the employer has a right to such reduction or discontinuance he may after giving reasonable opportunity to the workman to be heard, issue an order with holding 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 the redemption of a right to receive half-monthly payments by the payment of a lump sum, the Commissioner shall form an estimate of the probable duration of the disablement and shall award a sum equivalent to the total of the half-monthly payments which would be payable for the period during which he estimates that the disablement will continue, less one half percent of that total for each nonth comprised in that period:

Provided that fractions of a rupee included in the sum so computed shall ¹[ignored].

(2) When, in any case to which sub-rule (1) applies, the Commissioner is unable to form an approximate estimate of the proable duration of the disablament, he may from time to time postpone a decision on the application for a period not exceeding two months at any one time.

PART-II Deposits of Compensation

6. Deposits under section 8 (1) - (1) An employer depositing compensation with the Commissioner under sub-section (1) of section 8, in respect of a 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 A A, and shall be given a receipt in Form B.

²[(2) When depositing compensation in respect of fatal accidents, if the employer indicates in the statement referred to in sub-rule (1) that he desires to be made a party to 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 dependant of the deceased workman or as the case may be that no one of such person is a dependant].

(3) The statement of disbursements to be furnished on application by the employer under subsection (4) of section 8 shall be in **Form C**.

Subs. vide Hr. Govt. Noti. No. 11/97/94-4-Lab, dated 5th June, 1995.
 Subs. by ibid.

1.Subs. vide Hr. Govt. Noti. No. 11/97/94-4-Lab, dated 5th June, 1995.

7. Publication of lists of deposits - The Commissioner shall cause to be displayed in a ¹[conspicuous place] 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 workmen in respect of whose death or injury the deposots have been made.

8. Application by dependants for deposit of compensation - (1) A dependant 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 workmen. Such application shall be made in Form G.

(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.

Providedthat-

- (a) The Commissioner may, at any time before issue are framed, cause notice to the given in such manner as he thinks fit to all or any of the dependants 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 dependant to whom such notice has been given and who fails to appear and 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 subsection (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 the dependant 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 D and shall be given a receipt in Form E.

10. Investment of money - Money in the hands of Commissioner may be invested for the benefit for the dependents of deceased workman in Government securities of Post Office Cash Certificates or may be deposited in a Post Office Saving Bank.

PART-III Report of Accidents

11. Reports of fatal accident - The report required by section 10-B shall, subject to rules, if any, as may be made by the State Government, be in **Form EE**.

12. Right of employer to present memorandum when information received - (1) any employer who has received information of an accident may at any time notwith standing 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 stating in the memorandum, embodying the results of any investigation or inquiry which has been made into the circumstances of cause of the accident.

(2) A memorandum presented, under subrule (1) shall subject to the payment of such fee as may be prescribed be recorded by the Commissioner.

PART-IV MedicalExamination

13. Workman not to be required to submit to medical examination save in accordance with rules - 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 rules contained in this Part and not otherwise.

14. Examination when workmen and '[qualified] medical practitioner both on premises - When such 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 woman is residing for the time being in which case the workman shall submit himself for medical examination being requested to do so by the medical practitioner; OR
- (b) send to the workman an 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:-

Providedthat-

(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

1.Subs. vide Hr. Govt. Noti. No. 11/97/94-4-Lab, dated 5th June, 1995. 1.Subs. vide Hr. Govt. Noti. No. 11/97/94-4-Lab, dated 5th June, 1995.

(ii) in cases where the workmans 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. Restrictions on number of examinations - A workman who is in receipt of a half monthly payment shall not be required to submit himself for medical examination elsewhere 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 subsection (2) of 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.

¹[18. Examination of Women - The female worker shall be examined as far as possibe by a qualified female medical practitioner and in case of non-availability of female qualified medical practitioner, she shall be examined in the presence of another female by a male qualified medical practitioner].

(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 Commissioner 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 - (1) any application of the nature referred to in section 22 may be sent to the Commissioner by registered post or may be presented to him or to any of his subordinates authorised by him in this behalf and, if so sent or presented, shall unless the Commissioner otherwise directs, be made in duplicate in 2 [Form H] if any, and shall be signed by the applicant.

³[(2) Every such application referred to in sub-rule (1) shall be supported with a certificate which shall be supported with a certificate which shall be signed by the <u>applicant to the effect that the facts contained in the application are true, and correct</u> to the best of his knowledge and belief.]

1.Subs. vide Hr. Govt. Noti. No. 11/97/94-Lab, dated 5th June, 1995. 2.Subs. by ibid.

3. Subs. by ibid.

21. Production of documents - (1) When the application for relief is based upon a ¹[document or an attested copy thereof] the2[document or an attested copy thereof] appended shall be to the application.

³[(1-A) Where applicant relies on any other document (whether in his possession or not) as evidence in support of his claim, he shall append such documents to the applicant under sub-rule (1)].

(2) Any other document which any party desires to tender in evidence shall be produced at or before the first hearing.

(3) Any documents which is not produced at or within the time specified in subrule (1) or (2) as the case may be, shall not, without the sanction of the Commissioner be admissible in evidence on behalf of the party who should have produced it.

(4) Nothing in this rule applies to any document which is produced for the purposes or cross-examining a witness or is handed to a witnesses to refresh his memory.

22. Application presented to wrong Commissioner - (1) If it appears to the Commissioner on receiving 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 and designation of the Commissioner to whom it should be presented.

(2) If 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 had 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 ⁴[satisfied that the rights and interest] of the parties will not thereby be prejudiced.

23. Examination of applicant - ${}^{5}[(1)$ On receiving an application of the nature referred to in section 22 the Commissioner may examined the applicant on oath].

(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.

^{1.} Inserted vide Hr. Govt. Noti. No. 11/97/94-4-Lab, dated 5th June, 1995.

^{2.} Inserted by ibid.

^{3.} Inserted by ibid.

^{4.} Subs. by ibid.

5. Subs. by ibid.

24. Summary dismissal of application - (1) The Commissioner may after considering the 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 of 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 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 the 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 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 examination to writing.

28. Framing of issues - (1) After considering any 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 facts and those which concern points of law.

Notes - Rule 28 if mandatory, see K.S. Modi V.Bichitran and Swain (1973) 39 CLT 299.

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 in a judgement, his finding on each of the issues framed and his reason 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 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 of the citation of witnesses, the Commissioner shall, on payment of the prescribed expenses and fees , 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 form 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, had they not been remitted, would have been due to be paid may be added to the costs of the case and recovered in such manner as the Commissioner in his order regarding cost 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 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 ${}^{1}[x \ x \ x \ x]$ 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 representative of any such person.

(3) Any party, or the representative of any party, may accompany the Commis sioner at a local inspection.

(4) The Commissioner, after making a local inspection, shall not briefly in a memorandum to any facts observed, and shall show the memorandum to any party who desires to see the same, and on payment of the prescribed fee, shall supply any party with a copy thereof.

(5) The memorandum shall form part of the record.

37. Power 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 relative 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 utilized 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 contracting 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 witnesses.

(5) Any statement or part of a statement which is furnished to the parties under subrule (4) shall be incorporated in the record.

(6) Where a case is settled by agreement between the parties the Commissioner

1. Omitted vide Hr. Govt. Noti. 11/97/94-4-Lab, dated 5th June, 1995.

may incorporate in the record any statement made under sub-rule (1) and may utilize 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 of 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 (1) - (1) Where the opposite party claims that if compensation is recovered against 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 there - upon issue notice to such person in Form J.

(2) If any person served with a notice under sub-section (1) desires to 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 any date of which the case may be adjourned and if he so appeares, 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 opposite party and to admit his 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 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 whereupon issue the notice to such person in **Form JJ**.

(4) If any Person served with a notice under sub-rule (3) desires to contest the applicant's claim for compensation, of the claim under sub-rule (3) to be indemnified he shall appear before the Commissioner on the date fixed in the notice in **Form JJ**, 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 may be just.

(5) In any proceeding in which a notice has been served on any person under subrule (1) or sub-rule (3) the Commissioner shall if he awards compensation record in his judgement a finding in respect of each of such person, whether he is or is not liable to indemnify any of the parties and shall specifies the party if any whom he is liable to indemnify.

Notes - Rule 39 is mandatory: Y. Srinivasa Rao V. Commissioner 1972(1) Andh. WR 235.

40. Procedure in connected case - (1) Where two or more case pending before a Commissioner arise out the same accident and any issue involved in 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 hearing 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 record 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 any were present, of cross-examining the witness.

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, 1908, namely, those contained in Order V, Rule 9 to 13 and 15 to 30; Order IX; Order XIII, Rules 3 to 10; Order XVI, Rules 2 to 21; Order XVII, and Order XXIII, Rules 1 and 2, shall apply to proceedings before Commissioners, in so far as they may be applicable thereto:

Providedthat-

(a) for the purpose of facilitating the application for the said provision the

Commissioner may construct them with such alterations not affecting the substance as may be necessary or proper to adapt 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. Provision regarding signature of forms - Any form, other than a receipt for compensations, 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.

¹[**43. Apportionment of compensation among dependents** - The provision of the part, except those contained in rules 26,27 and 39 shall, 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 24 shall be transmitted either by remittance transfer receipt ¹[or by bank draft] or by messenger, as the Commissioner transmitting the money maydirect.

PART-VII AppointmentofRepresentative

46. When representatives must be appointed - Where any party to a proceeding under the age of 15 years is unable to make an appearance, the Commissioner shall appoint some suitable person, who consents to the appointment to represent such party for the purposes of the proceeding.

^{1.}Subs. vide. Hr. Govt. Noti. No. 11/97/94-4-Lab, dated 5th June, 1995.

47. When new representatives 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 representative dies or becomes incapable of acting, or otherwise ceases act as such, the Commissioner shall appoint in his place another person who consents to the appointment.

PART-VIII Record of Memoranda of Agreement

¹[48. Form of Memorandum - Memorandum 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 confirmity, with forms K, L, or M, as the case may be, as the circumstances of the case so warrant.

49. Procedure where the Commissioner does not consider that he should refuse to record memorandum - (1) On receiving 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 N 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 the time when notice in writing would otherwise issue.

(2) On the dated 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 issue of a notice under 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 therefore and if any party desiring the memorandum to be recorded is not present, he shall send information to that party in **Form O**.

50. Procedure where Commissioner considers that he should refuse to record the 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

^{1.}Sub. vide Hr. Govt. 11/97/94-4-Lab, dated 5th June, 1995.

concerned, of the date so fixed and of the grounds on which he considers that the memorandum should be recorded.

(2) If the parties to be informed are not present a written notice shall be sent to them in **Form P** or **Form Q** 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 record 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 refused to record the memorandum, he shall send notice in Form O to any party who did not receive information under sub-rule (1).

51. Procedure on refusal to record memorandum - (1) If in any case Commissioner refuses to record a memorandum of agreement he shall briefly record his reasons for such refusal.

(2) If the Commissioner refers 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 payments of a lump sum and the Commissioner considers that the memorandum of agreement should not be recorded by reason of the inadequacy of the amount of 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 R and shall cause an endorsement to be entered under his signature on a copy of a memorandum to be retained by him in the following form, namely:

"The memorandum of agreement bearing Serial No. of 19...... in the register has been recorded this day of. [Signature with Seal Commissioner.]

53. Repeal - The Patiala and East Punjab State Union Workman's Compensation Rules, 2006 B.K, are hereby repealed:

^{1.}Subs. vide. Hr. Govt. No. 11/97/94-4-Lab, dated 5th June, 1995.

Provided that anything done or any action taken under rules so repealed shall be deemed to have been done or taken under the corresponding provisions of these rules.

54. Display of abstract - Notice in ¹[**Form** HH] containing the abstract from the Act shall be displayed by the employer in Hindi and Punjabi at conspicuous place in his establishment and shall be maintained in clean and legible condition.

FORM A [See rule 6 (1)] Deposit of Compensation for Fatal Accident

55.

Section 8(1) of the Workmen's Compensation Act, 1923

С	ompensatio	n amounti	ng to I	Rs			is here	by prese	ented for
deposit in	respect of	f injuries	resulting	g in	the o	death of	the	workman	, whose
particulars a	ire given b	elow, whi	ch ² [occu	rred at	•••••		.] Name		
Father's na	ame (Hus	sband 's	name	in ca	ase	married	woman	and	widow)
	Caste .			local a	address	s		F	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 following payments, namely,

Rs	on	Rs	on	
Rs	on	Rs	on	
Rs	on	Rs	on	
amounting in all to Rs				

3. An advance of Rs..... has been made on account of compensation to beings his/her dependant.

4. I, do not desire to be made a party to the proceedings for distribution of the aforesaid compensation.

1.Subs. vide Hr. Govt. Noti. No. 11/97/94-4-Lab, dated 5th June, 1995. 2.Subs. by ibid.

Dated

Employer

¹[Address of the Establishment]

56.

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57.

FORM AA

[See rule 6(1)] **Deposit of Compensation for Non-Fetal Accident to a Workman 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...... loss of...... /temporary disablement. His/Her monthly wages are estimated at Rs He/She was over/under the age of 15 years at the time of the accident.

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

Rs	. on	. Rs	On
Rs	. on	. Rs	On
Rs	on	. Rs	On

Dated

Employer

²[Address of the establishment]

FORM B (See rule 6) Receipt of Compensation [Deposited under section 8(1) of the Workmen's Compensation Act, 1923]

Book No	Receipt No	. Register No
Depositor		
Deceased or injured workma	an	

^{1.} Added vide Hr. Govt. Noti. no. 11/97/94-4-lab, dated 5th June, 1995

^{2.}Added by ibid.

58.

FORM C

(See rule 6)

Statement of Disbursements

[Section 8(4) of the Workmen's Compensation Act, 1923]

Serial No.....

Depositor

Date Rs....

Amount deposited.

1. An employee desiring to be made a party to the proceedings should strike out the words 'do not'.

Amount deducted and repaid to the employer under the proviso to section 8(1)

Funeral expenses paid

Compensation paid to the following dependants :

Name	Relationship
Dated	Total :

Commissioner

Commissioner

59.

FORM D

(See rule 9) Deposit of Compensation for Non-fatal Accidents, other than to a workman 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
19

Dated

Employer

¹[Address of the Establishment]

1. Added vide Hr. Govt. Noti. No. 11/97/94-4-Lab, dated 5th June, 1995.

FORM E

(See rule 9) Receipt of Compensation [Deposited under section 8(2) of the Workmen's Compensation Act, 1923]

Book No	. Receipt No	. Register No
Depositor		
infavour of		
Date of deposit		
Sum deposited Rs		

Date

Commissioner

61.

60.

FORM EE (See rule 11) Report of Fetal Accidents

То

.....

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 relating to the death of the workman/workmen were as under:-

- (a) Time of accident.
- (b) Place where the accident occurred.

(c) Manner in which deceased was/were employed at the time.

- (d) Cause of the accident.
- (e) Any other relevant particulars.

 ${}^{1}[X X X X]$

(Signature and designation of person making the report)

1.Omitted vide Hr. Govt. Noti. No. 11/97/94-4-Lab, dated 5th June, 1995.

		STATEMENT	
Nam	e Sex A	ge Name of Employment	Full postal address
62.		FORM F	
		(See rule 20) ation for Compensation by W missioner for Workmen's	
resid	lingat	(Applicant)	
		Versus	
resid	lingat	(opposite p	arty)
It is I	hereby submitted that :-		
		received personal injury by	or with) the opposite party on y accident arising out of and
of th	The cause of the injury e injury).	was (here insert briefly in	ordinary language the cause
(2)	The applicant sustained th	e following injuries namely:-	
(3) is ov	The monthly wages of t er /under the age of 15 year		The applicant
(4)		t was served on the day of	
	(b) Notice was served as s(c) Notice of the accide	ent was not served (in due ti	me) '[by reason of
(5)	The applicant is accordingly	y entitled to receive :-	
	(a) half monthly payment(b) a lump sum payment	t of Rs from the d of Rs	ay of 19 ¹ [to].
(6)		he following steps to secure a l impossible to settle the quest	

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 applicants employment;

(c) Whether the amount of compensation claimed is 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 _____

.....

Applicant

FORM G (See rule 20) Application for order to Deposit Compensation

То

63.

The Commissioner for Workmen's Compensation,

_____ (Applicant)

residing at

Versus

residingat

(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 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 dependant(s) of the deceased workman being his

- (3) The monthly wages of the deceased, amount Rs..... The deceased was over/ under the age of 15 years at the time of his death.

¹[(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.....

Theapplicant(s)is/areaccordinglyentitledtoreceivealumpsumpaymentofRs.....

You are therefore requested to award to the applicant the said compensation or any other compensation to which he may be entitled.

Dated Applicant

64.

FORM H

(See rule 20) Application for Commutation

(Under section 7 of the Workmen's Compensation Act, 1923)

То

The Commissioner for Workmen's Compensation,

residingat _______ (Applicant) ______ Versus ______

residingat

(opposite party)

It is hereby submitted that:-

(1) The applicant/opposite party has been in receipt of half monthly payment 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 payment should be redeemed.

²[(4)] You are therefore requested to pass orders -

(a) directing that the right to receive half monthly payments should be redeemed; ³[and]

1.Subs. vide Hr. Govt. Noti. No. 11/97/94-4-Lab, dated 5th June, 1995.

3. Added by ibid.

(b) fixing a sum for the redemption of the right to receive half monthly payments.

^{2.} Added by ibid.

Dated

65.

Applicant

¹[FORM HH] (See rule 54) Abstract of the workmen's Compensation Act, 1923

I. Workman V Covered

The Act applies to all persons (other than those whose employment is of a casual nature and who are employed otherwise than for the purpose of the employer's business). Who are railway servants(other than those permanently employed in any administrative, district or sub-divisional office of a railway) and who are employed in industries specified in scheduled II.

II. Employer's Liability for Compensation

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, with the exception that (I) no compensation is payable in respect of any injury which does not result in total or partial disablement for a period exceeding 3 days; (2) no compensation is payable for the first three days of temporary disablement even when that period is exceeded; and (3) no compensation is payable in respect of any injury, not resulting in death caused by an accident directly attributable to:-

- (i) the workman having been at the time of the accident under the influence of drink or drugs; or
- (ii) wilful disobedience of the workman to an order expressly given or to a rule expressly framed, for the purpose of securing the safety of workmen; or
- (iii) wilful removal or disregard by the workman of any safety guards or other device which he know to have been provided for the purpose of securing the safety of workmen.

III. COMPENSATION FOR DISEASES

- (a) If a workman employed in any employment specified in Part A of Scheduled III contracts any diseases specified there in as an occupational disease peculiar to the employment, or if a workman, whilst in the service of an employer in whose service he has been employed for a 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, contract 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 scheduled 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 disease shall be deemed to be an injury by accident within the
- 1. Added vide Hr. Govt. Noti. No. 11/97/94-4-Lab, dated 5.6.1995. meaning of this action and, unless the contrary is proved the accident shall be

deemed to have arisen out of and in the course of the employment.

(b) If any disease specified in Part C of Schedule III as an occupational disease peculiar to that employment has been contracted by any workman during the continuous period specified under sub-section(2) in respect of that employment and the workman has during such period been employed in such employment under more than one employer, all such employers shall be liable for the payment of compensation under this Act in such proportion as the Commissioner may, in the circumstances, deem just.

IV. DEFINITIONS

(a) Dependent - Dependent means (i) Widow, minor legitimate son, unmarried legitimate daughter and the widowed mother of the deceased workman; (ii) a son or a daughter who has attained that age of 18 years and who is infirm in case he was wholly dependent on the earnings of the workman at the time of his death; and widower, parents other than widowed mother, illegitimate son, unmarried illegimate daughter or a daughter legitimate or illegitimate if married and minor or if widowed and minor, minor brother or an unmarried sister or minor widowed sister, widowed daughter-in-law minor child or a pre-deceased son minor child of a pre-deceased daughter where no parents of the child is alive, or a paternal grand parent of no parent of the workman is alive.

(b) Partial disablement

- (i) **Temporary** Temporary partial disablement means such disablement as reduces the earning capacity of a workman in any employment in which he was engaged at the time of the accident resulting in the disablement.
- (ii) Permanent Permanent partial disablement means(1) every injury specified in Schedule I to the Act;and (2) such disablement as reduces the earning capacity of a workman in every employment which he was capable of undertaking at the time of the accident resulting in the disablement.
- (c) **Total disablement** Total disablement means such disablement which incapaci tates a workman for all work which he was capable of performing at the time of the accident and includes *ipso facto* permanent total loss of sight and any combination of injuries specified in Schedule I, totaling 100 per cent or more loss in earning capacity.

V. AMOUNT OF COMPENSATION PAYABLE

Amount of compensation - (1) Subject to the provision of the Act the amount of compensation shall be as follows, namely:-

(a) where death results from the injury
an amount equal to forty per cent of the monthly wages of the deceased work man multiplied by the relevant factor; or an amount of twenty thousand rupees

(b)	Where permanent total disablement results from the injury	an amount equal to fifty per cent of the monthly wages of the injured workman multiplied by the relevant factor; or
		an amount of twenty-four thousand rupees whichever is more;

whichever is more;

Explanation I - For the purposes of clause (a) and clause (b), "relevant factor", in relating to a workman means the factor specified in the second column of Scheduled IV against the entry in the first column of that Schedule specifying the numbers of years which are the same as the completed years of the age of the workman on his last birthday immediately preceding the date on which the compensation felldue.

Explanation II - Where the monthly wages of a workman exceed one thousand rupees, his monthly wages for the purposes of clause(a) and clause (b) shall be deemed to be one thousand rupees only.

(c)	Where permanent partial disablement	(i) in the case of an injury specified in
re	esults from the injury.	Part II of Schedule I such percentage of the
		compensation which would have been payable
		in the case of permanent total disablement as
		is specified there in as being the percentage of
		the loss of earning capacity caused by that
		injury, and;
		(ii) in the case of an injury not specified in
		Schedule I, such percentage of the
		compensation payable in the case of
		permanent total disablement as is
		proportionate to the loss of earning capacity
		(as assessed by the qualified medical
		practitioner) permanently caused by the
		injury.

Explanation I - Where more injuries than one are caused by the same accident the amount of compensation payable under this head shall be aggregated but not so in any case as so exceed the amount which would have been payable, if permanent total disablement had resulted from the injuries:

Explanation II - In assessing the loss of earning capacity for the purpose of sub clause(ii), the qualified medical practitioner shall have due regard to the percentages of loss of earning capacity in relation to different injuries specified in Schedule I:

(d)	Where temporary disablement	a half-mor	nthly pa	yment	of the sum eq	uiva
	whether total or partial results	-lent to ty	wenty-f	ive per	cent of mon	thly
	from the injury.	wages	of the	workn	nan,to be paid	1 in
		accordance	with	the	provisions	of
		sub	-section	(2).		

(2) The half-monthly payment referred to in clause (d) of sub-section (1) shall be payable on the sixteenth day -

- (i) from the date of disablement where such disablement lasts for a period of twentyeight days or more; or
- (ii) after the expiry of a waiting period of three days from the date of disablement where such disablement last for a period of less than twenty-eight days; and thereafter half-monthly during the disablement or during a period of five years, whichever period is shorter:

Provide that -

- (a) there shall be deducted from any lump sum or half-monthly payments to which the workman is entitled the amount of any payment or allowance which the workman has received from the employer by way of compensation during the period of disablement prior to the receipt of such lump sum or of the first half-monthly payments, as the case may be; and
- (b) no half-monthly payment shall in any case exceed the amount if any, by which half the amount of the monthly wages of the workman before accident exceeds half the amount of such wages which be earning after the accident.

Explanation - Any payment or allowance which the workman has received from the employer towards his medical treatment shall not be deemed to be a payment or allowance received by him by way of compensation with in the meaning of clause(a) of the provison.

(3) On the ceasing of the disablement before the date on which any half-monthly payment falls due there shall be payable in respect of that half monthly a sum proportionate to the duration of the disablement in that half month.

VI. COMPENSATION NOT TO BE ASSIGNED, ATTACHED OR CHARGED

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.

VII. NOTICE AND CLAIM

No claim for compensation shall be entertained by a Commissioner unless notice of the accident has been given in the prescribed manner and unless to claim is preferred before him within two years of the occurrence of the accident or, in case of death, within two years from the date of death. The Commissioner may entertain and decide any claim to compensation, notwithstanding that the notice as prescribed has not been given or the claim has not been preferred in due time, if he is satisfied that failure to give the notice or prefer the claim was due to sufficient cause.

VIII. LIABILITY FOR CONTRACTOR'S WORKMEN

If the employer or principal engages a Contractor for the execution of the whole or any part of any work which is ordinary part of the trade or business of the principal, the principal shall be liable to pay to Contractor's workmen the compensation which he would have been liable to pay if the workman had been employed directly by him. The principal shall however, be entitled to be indemnified by the contractor and all questions as to be right to and the amount of any such indemnity shall, in default of agreement, be settled by the Commissioner.

IX. CONTRACTING OUT

Any contract or agreement, whereby a workman either relinquishes or reduces his right of compensation, 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.

X. APPEARANCE OF PARTIES

Any appearance, application or act required to be made or done by any person before or to a Commissioner 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 a Inspector of Factories or Inspector of Mines or by the any other officer specified by the Government in this behalf authorised in writing by such person, or, with the permission of the Commissioner, by any other person so authorised.

66.

FORM J (See rule 39) Notice to principle employer

Whereas a claim for compensation has been made by applicant, against and the said has claimed 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 claims 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 the compensation recovered from him.

Dated.....

Commissioner

67.

(See rule 39) Notice to employer other than Principal Employer

FORM JJ

Whereas a claim for compensation has been made by applicant againstand the said has claimed that is liable under section 12(2) of the workmen's compensation Act, 1923, to indemnify him againstany 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 stand 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.

Dated

Commissioner

68.

FORM K (See rule 48) Memorandum of agreement

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 settlement of all and every claim under the Workman'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 request that this memorandum be duly recorded.

Dated19.....

Signature of employer

Witness Signature of workman

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.....

Dated......19..... Workman

The money has been paid and t his receipt 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.

69.

Form L (See rule 48)

Memorandum of Agreement

It is hereby submitted that on the day of19...... personal injury was caused toresiding 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

The said workman has, prior to the date of the agreement, received the following payments namely:-

Rs on	Rs on
Rson	Rs 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.

Dated	Signature of employer
Witness	Signature of workman

Note - 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..... Dated.....19.....

Dated Workman

The money has been paid and this receipt signed in my presence.

- Witness
- This form may be varied to suit special cases, e.g. injury by occupational Note disease, agreement when workman is under legal disability etc.

70.

FORM M (See rule 48)

Memorandum of Agreement

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 Rs.....for the period of the said temporary disablement. This agreement is subject to the condition that the amount of the half-monthly payment may be varied in accordance with the provision 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.

Dated

Witness

Signature of employer

Witness

Signature of workman

Note - An application to register and 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.....

Workman

Dated19.....

The money has been paid and this receipt signed in my presence.

Witness

Note - This form may be varied to suit special cases, e.g., injury by occupational disease, etc.

71.

FORM N

(See rule49) ¹[Notice to employer other than principal employer]

Dated

72.

Commissioner

FORM O (See rule 49 and 50) ²[Notice of refusal of Registration of agreement]

Take notice that registration of the agreement to pay compensation said to have been reached between you...... on19..... has been refused for the following reason namely

Dated

Commissioner

73. FORM P (See rule 50) ³[Show cause Notice for registration of agreement]

Whereas an agreement to pay compensation is said to have been reached between....... and 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 19...... why the said agreement should be registered. If no adequate cause is shown on that date, registration of the agreement will be refused.

Dated

Comissioner

I.Inserted vide. Hr. Govt. Noti. No. 11/97/94-4-Lab, dated 5th June, 1995.
 Inserted by ibid.
 Inserted by ibid.

74.

FORM Q (See rule 50) ¹[Show cause Notice for registration of

agreement to both the parties]

Dated

Commissioner

75.	FORM R
	(See rule 52)
	Register of Agreement for year 19

1234567	S.No.	Date of agreement	Date of registration	Employer	Workman	Initial of Commiss-	Reference to order
	1	2	3	4	5		

76. Workmen's Compensation Returns

(Government of India, Department of Industries and Labour Notification No. L-1189, dated the 28th March 1935)

In exercise of the powers conferred by section 16 of the workmen's compensation Act, 1923 (VIII of 1923), and insupersession of the Notification of the Government of India in the Department of Industries and Labour No. L-1189 dated the 26th June 1924, the Governor General in Council is pleased to direct that an annual return in the form set forth in the Schedule hereto annexed shall be furnished by every person employing workmen who are:-

(A) employed in a place which is factory with in the meaning of clause (j) of section 2

1. Inserted vide Hr. Govt. Noti. No. 11/97/94-4-Lab, dated 5th June, 1995 of the Factories Act, 1934;

(B) employed within the meaning of clause(d) of section 3 of the Indian Mines Act, 1923 in any mine Which is subject to the operation of that Act;

- (C) employed as railway servants otherwise than in a factories or mine;
- (D) employed otherwise than in a clerical capacity in a factory or mine in connection with the operation or maintenance of a tramway as defined in section 3 of the Indian Tramways Act, 1886;
- (E) employed in any of the following categories but not falling under any of the foregoing heads (A) ,(B) and (C) and (D):-
 - (i) otherwise than in a clerical capacity in the service of any Port Trust or Port Commission within the limits of any port subject to the Indian Ports Act, 1908;
 - (ii) in the manufacture or handling of explosives in any premises wherein, or within the precients thereof, on any one day of the preceding twelve months, ten or more persons have been so employed;
 - (iii) in the service of any fire brigade;
 - (iv) otherwise than in a clerical capacity in connection with operation for winning natural petroleum or natural gas;
 - (v) otherwise than in a clerical capacity on any estate which is maintained for purpose of growing cinchona coffee, rubber, tea, and on which on any one day in the preceding twelve-months twenty five or more persons have been so employed;
 - (vi) otherwise than in a clerical capacity in the generating, transforming or supplying of electrical energy;
 - (vii) in producing cinematograph pictures.

2. The return, which shall relate to a calendar year shall be furnished on or before the Ist February following the year to which the return relates and the first return shall relate to the years 1935.

3. The return shall be signed (a) by the employers, or where there is more than one employer by any employer, (b) by any person derectly responsible to the employer or employers for the management of the establishment to which it relates.

THE WORKMEN'S COMPENSATION (OCCUPA-TIONAL DISEASES) (PUNJAB) RULES, 1964

Notification No. GSR.30 CA.8/23/S.32/64, dated 8th January, 1964

In exercise of the powers conferred by Section 32(2) (p) (q) (r) of the Workmen's Compensation Act, 1923, the Governor of Punjab hereby makes the following rules namely:-

1. Short title and commencement - (i) These rules may be called the Workmen's Compensation (Occupational Diseases) (Punjab) Rules, 1964.

(ii) They shall come into force at once.

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

- 3. Definition In these rules, unless the context otherwise requires:-
- (a) "Act" means the Workmen's Compensation, Act 1923, (8 of 1923)
- (b) "Abestois' means -
 - (i) a pulmonary fibrosis which manifests itself radiologically as a ground glass appearance of the pulmonary field, striations 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 asbestoses bodies in the sputum accompanied by tracheo-bronchitis 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 and some mottling. In acute phases patchy shadows resembling bronch opneumonia may be seen;
- (d) **"Medical Board"** means the pneumoconiosio Medical Board constituted by the State Government under rule 4; or any Medical Board recognised by the State Govt. for the purpose of the rule; and
- (e) "Pneumoconiosis" means silicosis or coalminers pneumoconiosis or asbestosis

or any of these diseases accompanied by pulmonary tuberculosis.

4. Constitution of pneumoconiosis Medical Board - (1) The State Government shall constitute a pneumoconiosis Medical Board for the conduct of medical examina tions, submission of medical reports and the grant of medical certificates in pursuance of these rules:

Provided that with respect to the 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 of whom one shall be a Radiologist.

5. Medical conditions under which pneumoconeosis may be considered to be an occupational diseases - (1) The diagnosis of pneumoconiosis shall be carried out with all the necessary technical guarantees. Proofs of the degree of development of the pathological or anatomical changes in the respiratory and cadiac systems shall be furnished by the radiographic record and other laboratory records, which 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 he has been employed, the nature of the harmful dusts to which he was exposed and the duration of such exposures.

(2) For entitlement to compensation, silicosis and coal miners pneumoconiosis shall fulfill the following radiological and clinical conditions:-

- (a) The radiological examination of the workmen must reveal -
 - (i) the appearance of generalised micronodular or nodular fibrosis cov ering a considerable part of both lung fields whether accompained or not by signs of pulmonary tuberculosis; or
 - (ii) in addition to a marked accentuation of the patterns of both lungs, the appearance of one or several pseudotumoral fibrotic formations, whether accompained or not by signs of pulmonary tuberculosis; or
 - (iii) the appearance of both of these types of fibrotic lesions at once, whether accompanied or not by sign of pulmonary tuberculosis.
- (b) Serial radiological pictures taken over a period during periodical medical examinations shall, as far as possible, be considered in making definite diagnosis in case 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 a deterioration of the respiratory function or cardiac function, or a deterioration or the state of general health, caused by the pathological process 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, recognised cardio respiratory function tests shall be used to assess the degree of cardio respiratory function 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 be proportionate to the loss of earning capacity, total disablement being taken to be 100% 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. Certificate of cases - The claim for compensation in respect of the 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 a disease had resulted in death or permanent disablement of the workers 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.

8.

FORMA Certificate of disability/death (See rule7)

(1) Temporary disablement

Fit for

(State employment for which he is considered fit)

(2) Permanent disablement

The disability is of a permanent nature and is assessed at percent.

(3) Death

Death is attributable to the contracting of the disease.

Place	
Date	

Signature of the qualified Medical Practitioner

* Cancel out portions not applicable.

9.

FORM B (See rule 7) Endorsement to be made by Medical Board in case of permanent disability or death

This is to certify that Shriis/was suffering from pneumoconiosis/pneumoconiosis with pulmonary tuberculosis and the contracting of the disease is/was reasonably attributable to his employment in

(1) Permanent disability

It is certified that the disability is of a permanent nature and is assessed at......

(2) Death

It is certified that the death of Shri.....is attributable to the contracting of the disease.

Place..... Date.....

Signature of Member of Medical Board

Note -The Medical Board may call for any further information that may considered necessary by it from the Medical practitioner concerned before countersigning Certifi-cate in case of death.

Jurisdiction of Labour Commissioner/Joint Labour Commissioner/ Deputy Labour Commissioners/Labour-cum-Conciliation Officers/ Labour Inspectors who are declared Inspectors under various Labour

Sr.No.	Designation	Jurisdictional Limits
1:	Labour Commissioner, Haryana.	3. Whole of the State of Haryana.
2.	Joint Labour Commissioner I & II, Haryana.	Whole of the State of Haryana.
3.	Deputy Labour Commissioner, Headquarter at Chandigarh.	Ambala, Panchkula, Yamuna Nagar, Kurukshatra and Kaithal districts.
4.	Deputy Labour Commissioner, Faridabad.	District Faridabad,
5.	Deputy Labour Commissioner, Panipat.	Sonepat, Panipat, Karnal, Gurgaon, Rewari, Mohindergarh, Jind and Rohtak, districts.
6.	Deputy Labour Commissioner, Hissar.	Hissar, Bhiwani and Sirsa, dis tricts.
7.	Labour Officer-cum-Conciliation -Officer, Panipat.	District Panipat.
8.	Labour Officer-cum-Conciliation Officer Karnal.	District Karnal.
9.	Labour Officer-cum-Conciliation -Officer, Kaithal.	District Kaithal.
10.	Labour Officer-cum-Conciliation -Officer, Kurukshetra.	District Kurukshetra.
11.	Labour Officer-cum-Conciliation -Officer, Sirsa.	District Sirsa.
12.	Labour Officer-cum-Conciliation -Officer, Hissar.	District Hissar.
13.	Labour Officer-cum-Conciliation -Officer, Yamuna Nagar.	District Yamuna Nagar.

enactments in the State of Haryana

14.	Labour Officer Cum-Conciliation -Officer, Ambala.	District Ambala and Panchkula.
15.	Labour Officer-cum-Conciliation -Officer, Kurukshetra.	District Kurukshetra.
16.	LabourOfficer cumConciliation -Officer, Sonepat.	District Sonepat.
17.	Labour Officer cum Conciliation -Officer, Rohtak.	DistrictRohtak.
18.	LabourOfficercumConciliation -Officer,Bhiwani.	District Bhiwani and Jind.
19.	Labour Officer cum Conciliation -Officer, Gurgaon.	DistrictGurgaon.
20.	Labour Officer cum Conciliation Officer, Rewari	District Mohindergarh and Rewari
21.	Labour Officer-cum-Conciliation -Officer, circle-I, Faridabad.	Sector 11 to 15, 15A to 16, 16A, 17 to 21, 27A to 27D, 28 to 37 of Faridabad complex.
22.	Labour Officer-cum-Conciliation -Officer, Circle-II, Faridabad.	Neighbourhood of Sector 1 to 5, Panjabi Colony, press colony, Sector-24, Industrial Area, Faridabad and New Industrial Township.
23.	LabourOfficer cumConciliation -Officer, Circle Ballabgarh, Faridabad.	Sector 1 to 10, 22, 23, 25, 26, both side of Mathura Road, from M/s Gedore Tools(India)Ltd. to -wards Ballabgarh to the last octroi post of Ballabgarh and Palwal Sub-Division of Faridabad District.
24.	Labour Inspector, Head quarter.	Whole of the State of Haryana.
25.	Labour Inspector, Panchkula.	Kalka Tehsil (Kalka, Pinjore and Panchkula), Sub-tehsil Raipur Rani and sub-tehsil Barwala.
26.	Labour Inspector, AmbalaCantt.	Area of Ambala Cantonment Board and Ambala Sadar Mu

-nicipal Committee.

27.	Labour Inspector Circle-I, Ambala	City.	Municipal limit of Ambala City
28.	Labour Inspector Circle-II, Ambala	ıCity.	Tehsil Ambala excluding the area of Labour Inspector, Ambala Cantt. and Ambala City and in -cluding Naraingarh Tehsil.
29.	Labour Inspector, Kurukshetra.		Area falling in Distt. Kurukshetra.
30.	Labour Inspector, Kaithal.	Area fa	lling in Distt. Kaithal.
31.	Labour Inspector, Circle-I, Yamuna Nagar.	Local	limits of Yamuna Nagar excluding both sides of Jagadhri Road, fountain chowk to Jagadhri road octroi post and both side of workshop road from bye pass to Vishnu Nagar.
32.	Labour Inspector. Circle-II Yamuna Nagar.	Distt. Y	amuna Nagar excluding area of Labour Inspector Circle- I Yamuna Nagar and Labour In -spector, Jagadhri.
33.	Labour Inspector, Jagadhri.		Govindpuri Road left side to Chhachhrauli Road upto R.D.Alloys (including shops and factories on both sides of the Rail -ways road and Devi Bhavan Bazar from Swastika Metal Works to Chhachhrauli Gate). Bilaspur Sadhaura Sub Tehsils and both sides of workshop road from bye pass chowk to Vishnu Nagar, YamunaNagar.
34.	Labour Inspector, Circle-I, Karnal.		Left side of Railway line upto bye-pass of Municipal limit be -yond Meerut Road towards Delhi sides upto Municipal limit and both sides upto bridge of augmentation of canal.
35.	Labour Inspector, Circle-II, Karnal	. Right	side of Railway line and

		left side of bye-pass upto the point starting from Ambala bye-pass Meerut Road, both sides beyond bridge of augmentation canal upto and including Gharaunda block and Asandh Tehsil of Distt. Panipat.
36.	Labour Inspector, Circle-I, Panipat. Left	hand side of Karnal Delhi G.T. Road of tehsil Panipat ex -cept Smalkha block.
37.	Labour Inspector, Circle-II, Panipat.	Area falling between G.T.Road and Railway line (Main) of Panipat Tehsil and Smalkha Tehsil.
38.	Labour Inspector, Circle-III, Panipat.	Right hand side of Railway line in the west of Panipat which con -sist of Model Town, Industrial Area, NLF, Dharampura etc. Madlauda block.
39.	Labour Inspector, Circle-I, Sonepat.	Factories and shops and Com- mercial Estts. falling on the left side of railway bridge (Purkhas Adda) of Gurdawara Road, to Bus Stand, to G.T. Road, Murthal Chowk, Ganaur City and left side of G.T. Road, (Haldana Border to Delhi Border).
40.	Labour Inspector, Circle-II, Sonepat.	Factories and Shops and Com -mercial Estts. falling on the left side of Panipat Delhi Railway line of Sonepat City except circle- I and Right side of G.T. Road, Haldana Border to Delhi Border, Bahalgarh Road, and Murthal Industrial Estate.
41.	Labour Inspector, Circle-III, Sonepat.	Area falling beyond the jurisdic -tion of Labour Inspectors, Circle I & II, Sonepat.

42.	Labour Inspector, Circle-I Rohtak.	Rohtak tehsil of Rohtak Distt. excluding the area of Labour Inspector, Circle-IIRohtak.
43.	Labour Inspector, Circle-II, Rohtak. East	side of Gohana -Rohtak RailwaylineuptoMunicipallimit of Bhiwani Railwayline. Sampla Block, Jhujjar, Meham and Gohana Tehils of Distt. Rohtak.
44.	Labour Inspector, Narwana.	Narwana and Safidon Tehsil of Jind District.
45.	Labour Inspector, Fatehabad.	Fatehabad Tehsil including Bhuna and Ratia and Tohana Tehsil of Hissar Distt.
46.	Labour Inspector, Jind.	Jind Tehsil of Jind Distt.
47.	Labour Inspector, Circle-I, Hissar.	Left side of Sirsa-Rewari Rail -way Line within the Municipal limit of Hissar city and Adampur sub Tehsil.
48.	Labour Inspector, Circle-II, Hissar. Right	side of Sirsa-Rewari Rail -way Line within the Municipal limits of Hissar city, Hissar Tehsil and Siwani Sub Division, Tehsil (exclusing Adampur Sub Tehsil Uklana Sub Tehsil) and Facto -ries on Hissar Barwala Road upto 8K.M.
49.	Labour Inspector, Hansi.	Tehsil Hansi and Towns of Uklana and Barwala.
50.	Labour Inspector, Sirsa.	SirsaDistrict.
51.	Labour Inspector, Bhiwani.	Bhiwani District.
52.	Labour Inspector, Bahadurgarh.	Bahadurgarh Tehsil of Rohrtak District.
53.	Labour Inspector, Circle-I, Gurgaon.	All Factories and establishment on the right side of old railway

road leading from D.C. House to Railway Station.

54.	Labour Inspector, Circle-II, Gurgaon.	All factories and estatblishment on the left side of old railway road leading from D.C. House to Rail -way Station and town of Sohna, Nuh and Ferozepur Jhirka.
55.	Labour Inspector, Rewari.	Area falling in Rewari Distt.
56.	Labour Inspector, Narnaul.	Mohindergarh and Narnaul Tehsil of Distt. Mohindergarh.
57.	Labour Inspector, Circle-I, Faridabad.	From Delhi Border to Budkhal Maur right hand side from Delhi border upto Railway line.
58.	Labour Inspector, Circle-II, Faridabad.	Sector 24 of Faridabad.
59.	Labour Inspector, Circle-III, Faridabad.	Badkhal mour to right hand por -tion upto Holiday Inn Mathura Road, NIT Market No. 2,3,4,5, and New Colony of Faridabad Town, Village Fatehpur Indira Colony, Super Diesel Building.
60.	Labour Inspector, Circle-IV, Faridabad.	From Delhi Border to Badkhal Maur left hand side from Delhi Border upto Kachi Canal.
61.	Labour Inspector, Circle-V, Faridabad.	Industrial area, NIT Market No.1, Mujesar and Ram Sarup Colony of Faridabad.
62.	Labour Inspector, Circle-VI, Faridabad.	Ballabgarh city and whole area of Faridabad Distt. except jurisdic -tional limits of other Labour Inspectors of Faridabad and Palwal.
63.	Labour Inspector, Circle-VII.	Sector 6 to 11 of Faridabad.
64.	Labour Inspector, Circle-VIII, Faridabad.	From Godore Tools to Ballabgarh canal right hand side of Mathura

Road, Sector 4, 25 and 26.

65.	Labour Inspector, Circle-IX, Faridabad.	From Badkhal Maur to Holiday In left Hand side of Mathura Road including old Faridabad city and sectors 12 to 19.
66.	Labour Inspector, Circle X, Faridabad.	Dabua Colony, Jawahar Colony, Panjabi colony, Press Colony, Sanjay Memorial, Sector 22 and 23, Faridabad.
67.	Labour Inspector Palwal.	Tehsil Palwal and Hathin and Sub tehsil Hodel of Faridabad District.

Jurisdiction of various Industrial Tribunal-cum-Labour Courts constituted in the State of Haryana

S. No. Designation

Jurisdictional Limits

		ectors 11 to 15, 15A, 16,
	CircleI, Faridabad	<u>16A, 17 to 21, 27A, 28 to 27D to</u> 37 of Faridabad complex.
		57 off and abad complex.
		(ii) Neighbouring area of sectors
		1 to 5 of Faridabad Complex,
		Punjabi Colony, Press Colony
		and New Industrial Township, Faridabad.
		Fandabad.
	2. Industrial Tribunal-cum Labour Court	t (i) Sectors 1 to 10, 22, 23, 24, 25
	Circle II, Faridabad	26, Industrial Area Faridabad Town. Both sides of Mathura
		Road from M/s Jhalani Tools
		Ltd. Ballabgarh, upto last octroi
		and Sub Division Ballabgarh
		(excluding the areas allotted to Presiding Officer Industrial Tr
		bunal-cum-Labour Court, Circle-
		I, Faridabad.
		(ii)SubDivision,Palwal.
3.	Industrial Tribunal-cum-Labour	Gurgaon, Mohindergarh and
	Court,Gurgaon	Rewari districts.
ŀ.	Industrial Tribunal-cum-Labour	Rohtak, Sonepat and Jind
	Court, Rohtak	districts.
5.	Industrial Tribunal-cum-Labour	Hissar, Sirsa, and Bhiwani
	Court, Hissar	districts.
5.	Industrial Tribunal-cum-Labour	Panipat and Karnal districts.
	Court, Panipat	-
-		
7.	Industrial Tribunal-cum-Labour Court,Ambala	Ambala, Yamuna Nagar, Kurukshetra and Kaithal districts
	Court,Allibala	Kui uksiitu a anu Kaiuiai uisuittis