

THE WORKMEN'S COMPENSATION RULES, 1924

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 be called the Workmen's Compensation Rules, 1924.

1.-A. **Extent.** -- They extend to the whole of the State of Punjab.

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 PAYMENTS AND CONSULTATION THEREOF

3. **When application may be made without 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 the workman, on the ground that since the right to compensation was determined, 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 undue influence or other improper means;
- (e) either by the employer or by the workman on the ground that in the determination of compensation there is a mistake or error apparent on the face of the record.

4. **Procedure on application for review:** -- If, on examining an application for review by an employer in which the reduction or discontinuance of half monthly payments is sought, it appears to the commissioner that there is reasonable ground for believing that the employer has a right to such reduction or discontinuance, he may at any time issue an order withholding the half monthly payments in whole or in part pending his decision on the application.

5. Procedure on application for commutation. – (1) Where application is made to the Commissioner under Section 7 for 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 per cent of that total for each month comprised in that period:

Provided that fractions of a rupee included in the sum so computed shall be disregarded.

(2) When, in any case to which sub-rule (1) applies, the Commissioner is unable to form an approximate estimate of the probable duration of the disablement, he may from time to 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 AA, and shall be given a receipt in Form B.

(2) If, when depositing compensation in respect of fatal accidents, the employer indicates in the statement referred to in sub-section (1) that he desires to be made a party to the distribution proceedings, the Commissioner shall, before allotting the sum deposited as compensation, afford to the employer an opportunity of establishing that the person to whom he proposes to allot such sum is not a dependent of the deceased workman or, as the case may be, that no one of such persons is a dependent.

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

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

8. Application by dependents for deposit of compensation. – (1) A dependent of a deceased workman may apply to the Commissioner for the issue of an order to deposit compensation in respect of the death of the workman. Such application shall be made in Form 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:

Provided that:

- (a) the commissioner may, at any time before issues are framed, cause notice to be given [through a process server or through registered post] 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 sub-section (1) of Section 8, nothing in sub-rule (2) shall be deemed to prohibit the allotment of any part of the sum deposited as compensation to a 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 of Form E.

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

PART III REPORTS OF ACCIDENTS

11. *Reports of Fatal Accidents.* -- The report required by Section 10-B shall, subject to such rules, if any, as may be made by the State Government, be in Form 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, notwithstanding the fact that no claim for compensation has been instituted in respect of such accident, present to the Commissioner a memorandum, supported by an affidavit made by himself or by any person subordinate to him having knowledge of the facts stated in the memorandum, embodying the results of any investigation or inquiry which has been made into the circumstances or cause of the accident.

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

**PART IV
MEDICAL EXAMINATION**

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

14. *Examination when workman and 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 workman is residing for the time being in which case the workman shall submit himself for medical examination on being requested to do so by the medical practitioner; or
- (b) send to the workman an offer in writing to have him examined free of charge by qualified medical practitioner, in which case the workman shall submit himself for medical examination at the employer's premises or at such other place in the vicinity as is specified in such offer and at such time as is so specified: -

Provided that: -

- (i) the time so specified shall not save with the express consent of the workman, be between the hours of 7 p.m. and 6 a.m. and
- (ii) in cases where the workman's condition renders it impossible or inadvisable that he should leave the place where he is residing for the time being, he shall not be required to submit himself for medical examination save at such place.

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

18. Examination of women. – (1) No women shall without her consent be medically examined by a male practitioner, save in the presence of another woman.

(2) No woman shall be required to be medically examined by a male practitioner if she deposits a sum sufficient to cover the expenses of examination by a female practitioner.

PART V PROCEDURE

19. Introductory. -- Save as otherwise provided in these rules, the procedure to be followed by 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 authorized by him in this behalf, and, if so sent or presented, shall, unless the Commissioner otherwise directs, be made in duplicate in the appropriate Form, if any, and shall be signed by the applicant.

(2) There shall be appended to every such application certificate, which shall be signed by the applicants to the effect that the statement of facts contained in the application is to the best of his knowledge and belief accurate.

21. Production of documents. -- (1) When the application for relief is based upon a document, the document shall be appended to the application.

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

(3) Any document which is not produced at or within the time specified in sub-rule (1) or (2) as the case 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 of cross-examination a witness or is handed to a witness to refresh his memory.

22. Application presented to wrong Commissioner. -- (1) If it appears to the Commissioner on receiving application that it should be presented to another Commissioner, he shall return it to the applicant after endorsing upon it the date of the presentation and return, the reason for returning it and 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 has received a copy of the application under Rule 26, accordingly.

(3) The Commissioner to whom an application is transferred under sub-rule (2) may continue the proceedings as if the previous proceedings or any part of them had been taken before him, if he is satisfied that the interests of the parties will not thereby be prejudiced.

23. Examination of applicant. -- (1) On receiving an application of the nature referred to in Section 2, the Commissioner may examine the applicant on oath, or may send the application to an officer authorized by the State Government in this behalf and direct such officer to examine the applicant and his witnesses and forward the record thereof to the Commissioner.

(2) The substance of any examination made under sub-rule (1) shall be recorded in the manner provided for the recordings of evidence in Section 25.

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 Rule 25, he shall send to the party from whom the applicant claims relief (hereinafter referred to as the opposite party) a copy of the application, together with a notice of 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 that first hearing or within such time as the Commissioner may permit, file a written statement dealing with the claim raised in the application, and any such written statement shall form part of the record.

(2) If the opposite party contests the claim, the Commissioner may, and, if no written statement has been filed, shall proceed to examine him upon the claim, and shall reduce the result of 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.

29. Power to postpone trial of issues of fact where issues of law arise. -- Where 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.

¹FOR PUNJAB

31. Special Provision relating to trial and disposal of application under the Act. -- (1) The trial of an application under the Act shall so far as is practicable consistently with the interests of justice in respect of the trial, be continued from day to day until its conclusion unless the Commissioner finds the adjournment of the trial beyond the following day to be necessary for reasons to be recorded.

(2) Every application under the Act shall be tried as expeditiously as possible and endeavor shall be made to conclude the trial within six months from the date of service of notice of the application on the opposite party.

32. Judgment. -- (1) The Commissioner, in passing orders, shall record concisely in a judgment, his finding on each of the issues framed and his reasons for such finding.

(2) The Commissioner, at the time of signing and dating his judgment, shall pronounce his decision, and thereafter no addition or alteration shall be made to the judgment 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.

¹ Vide G.S.R. No. 66 dated 14.7.1981.

34. Exemption from payment of costs. -- If the Commissioner is satisfied that the applicant is unable by reason of poverty, to pay the prescribed fees, he may remit any or all of such fees. If the case is decided in favour of the applicant, the prescribed fees which, 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 orally or in writing and, in the case of an employer may be given to any person upon whom notice of a claim can be served under sub-section (2) of Section 10, or the representative of any such person.

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

(4) The Commissioner, after making a local inspection, shall not briefly in a memorandum any facts observed and shall show the memorandum to any party who desires to see the same, and on payment of the prescribed 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 contradicting any statement made by him in such examination and reduced to writing, the Commissioner may call his attention to such statement and shall in that case direct that the parties be furnished with the relevant part of such statement for the purpose of examining or cross-examining the witnesses.

(5) Any statements or part of a statement, which is furnished to the parties under sub-rule (4) shall be incorporated in the record.

(6) Where a case is settled by agreement between the parties the Commissioner may incorporate in the record any statement made under sub-rule (1) and may 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 the fact of his agreement shall be recorded in writing and signed by him.

(3) If the other party does not agree to abide by the Commissioner's decision, the first party shall not remain under an obligation so to abide.

39. *Procedure where indemnity claimed under Section 12(2).* -- (1) Where the opposite party claims that if compensation is recovered 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 thereupon issue notice to such person in Form J.

(2) If any person served with a notice under sub-rule (1) desires to contest the applicant's claim for compensation or the opposite party's claim to be indemnified, he shall appear before the Commissioner on the date fixed for the hearing of the case or 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 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 thereupon 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 sub-rule (1) or sub-rule (3) the Commissioner shall if he awards compensation record in his judgment a finding in respect of each of such person, whether he is or is not liable to indemnify any of the opposite parties and shall specify the party if any whom he is liable to indemnify.

40. Procedure in connected cases. -- (1) Where two or more cases pending before a Commissioner arise out of the same accident and any issue involved 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 bearing on the common issue or issues shall be recorded on the record of one case, and the Commissioner shall certify under his hand on the 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 they were present, of cross examining the witnesses.

41. Certain provisions of Code of Civil Procedure, 1908 to apply. -- Save as otherwise expressly provided in the Act or these rules the following provisions of the first Schedule to the Code of Civil Procedure, 1908, namely, those contained in Order V, Rule 9 to 13 and 15 to 30; Order IX; Order XII, 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:

Provided that: -

- (a) for the purpose of facilitating the application of the said provisions the Commissioner may construct them with such alternations 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 provision, if he is satisfied that the interests of the parties will not thereby be prejudiced.

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

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

PART VI TRANSFER

44. Transfer for report. -- A Commissioner transferring any matter to another Commissioner for report in accordance with sub-section (2) of Section 21 shall, along with the documents referred to in that sub-section, transmit to such other Commissioner a concise statement, in the form of questions for answer, of the matter on which report is required.

(2) A Commissioner to whom a case is so transferred for report shall not be required to report on any question of law.

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

PART VII APPOINTMENT OF REPRESENTATIVE

46. When representative 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.

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 the representative or if a person appointed to act as representative dies or becomes incapable of acting, or otherwise ceases to act as such, the Commissioner shall appoint in his place another person who consents to the appointment.

PART VIII RECORD OF MEMORANDA OF AGREEMENT

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

49. *Procedure where the Commissioner does not consider that he should refused to record memorandum.*-- (1) On receiving a memorandum of agreement, the Commissioner shall, unless he considers that there are grounds for refusing to record the memorandum, fix a date for recording the same, and shall issue a notice in writing in form 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 date so fixed, the Commissioner shall record the memorandum unless, after hearing any of the parties who appears and desire to be heard, he considers that it ought not to be recorded:

Provided that the 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 concerned, of the date so fixed and of the grounds on which he considers that the memorandum should not be recorded.

(2) If the parties to be informed are not present a written notice shall be sent to them in Form P or Form O 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 refused to record a memorandum of agreement he shall briefly record his reasons for such refusal.

(2) If the Commissioner refuses to record a memorandum of agreement he shall not pass any order directing the payment of any sum or amount over and above the sum specified in the agreement, unless opportunity has been given to the party liable to pay such sum to show cause why it should not be paid.

(3) Where the agreement is for the redemption of half-monthly payments by the payment of 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)
Commissioner”

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

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 Form H containing the abstract from the Act shall be displayed by the employer in [the official language of the State and the language understood by a majority of the workers] at conspicuous place in his establishment and shall be maintained in clean and legible condition; and

FORM A
[See Rule 6(1)]
Deposit of Compensation for Fatal Accident
[Section 8(1) of the Workmen's Compensation Act, 1923]

1. Compensation amounting to Rs. _____ is hereby presented for deposit in respect of injuries resulting in the death of the workman, whose particulars are given below, which occurred on _____.

Name _____
Father's Name (Husband's name in case of married woman and widow) _____
Caste _____
Local address _____
Permanent address _____

His/her monthly wages are estimated at Rs. _____ He/She was over/under the age of 15 years at the time of his/her death _____

2. The said workman had prior to the date of his/her death received the following payments, namely,

| | | | |
|-----------|----------|-----------|----------|
| Rs. _____ | on _____ | Rs. _____ | on _____ |
| Rs. _____ | on _____ | Rs. _____ | on _____ |
| Rs. _____ | on _____ | Rs. _____ | on _____ |
| Rs. _____ | on _____ | Rs. _____ | on _____ |

Amounting to all to Rs. _____.

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

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

Dated _____ 19.

(Employer)

FORM AA
[See Rule 6(1)]
Deposit of Compensation for Non-Fatal Accident to a Woman or person under Legal Disability.

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 19 | Total |

Commissioner

FORM D

[See Rule 9]

Deposit of Compensation for Non-fatal Accidents, other than to a woman or person under Legal Disability

[Section 8(2) of the Workmen's Compensation Act, 1923]

Compensating amounting to Rs. _____ is hereby presented for deposit in respect of permanent/temporary injuries sustained by residing at _____, which Occurred _____ 19 _____.

Dated _____ 19 _____

Employer

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

In favour of

Date of deposit

Sum deposited Rs.

Commissioner

(1) The applicant, a workman employed by a (contractor with) the opposite party on the date of 19 _____ received personal injury by accident arising out of and in the course of his employment.

The cause of the injury was (here insert briefly in ordinary language the cause of the injury)

(2) The applicant sustained the following injuries namely: --

(3) The monthly wages of the applicant amount of Rs. _____ The applicant is over/under the age of 15 years.

(4) (a) Notice of the accident was served on the day of.

(b) Notice was served as soon as practicable.

(c) Notice of the accident was not served (in due time) by reason of.

(5) The applicant is accordingly entitled to receive: --

(a) half monthly payment of Rs. _____ From the _____ day of 19 _____ to

(b) a lump sum payment of Rs. _____

(6) The applicant has taken the following steps to secure a settlement by agreement, namely, but it has proved impossible to settle the question in dispute because _____.

You are therefore requested to determine the following questions in dispute, namely: --

(a) Whether the applicant is a workman within the meaning of the Act;

(b) Whether the accident arose out of or in the course of the applicants employment;

(c) Whether the a 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 _____ 19 .

Applicant

FORM G
[See Rule 20]
Application for order to Deposit Compensation

To

The Commissioner for Workmen's Compensation

residing at

Applicant

Versus

Residing at

Opposite Party

It is hereby submitted that: --

(1) A workman employed by (a) contractor with the opposite party on the _____ day of _____ 19_____, received personal injury by accident arising out of an in the course of employment resulting in his death on the day of _____ 19_____. The cause of 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.

(4) (a) Notice of the accident was served on the day of _____.
(b) Notice was served as soon as practicable _____.
(c) Notice of the accident was not served (in due time by reason of) _____.

(5) The deceased before his death received as compensation the total sum of Rs. _____.

The applicant(s) is/are accordingly entitled to receive a lump sum payment of Rs. _____.

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

Dated _____ 19 .

Applicant.

FORM H
[See Rule 20]
Application for Commutation

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

To

The Commissioner for Workmen's Compensation.

residing at Applicant

Versus

residing at 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 application 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.

You are therefore requested to pass order—

(a) directing that the right to receive half-monthly payments should be redeemed.

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

Dated _____ 1 .

Applicant

FORM J
[See Rule 39]
Notice

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 _____ 19 _____ .

Commissioner

FORM JJ
[See Rule 39]
Notice

Whereas a claim for compensation has been made by _____ applicant against _____ and the said _____ has claimed that _____ is liable under Section 12 (2) of the workmen's Compensation Act, 1923, to indemnify him against any compensation which he may be liable to pay in respect of the aforesaid claim, and whereas the said _____ on notice served has claimed that you _____ 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 _____ 19 _____ .

Commissioner

FORM K
[See Rule 48]
Memorandum of agreement

It is hereby submitted on the day of _____ 19 _____ personal injury was caused to _____ resident at _____ by accident arising out of and in the course of employment in _____. The said injury has resulted in temporary disablement to the said workman whereby it is estimated that he will be prevented from earning more than of previous/any wages for a period of _____ months. The said workman has been in receipt of half-monthly payments, which have continued from the _____ day _____ of 19 _____ until the continued from the day _____ of 19 _____ until the _____ day of _____ 19 _____ amounting to Rs. _____ in all. 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 _____.

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 Workmen's Compensation Act, 1923, in respect of all disablement of a temporary nature arising out of the said accident, whether now or hereafter to become manifest. It is therefore requested that this memorandum be duly recorded.

Dated _____ 19

Signature of employer

Witness

Signature or 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 filed 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 this receipt is signed in my presence.

Witness

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

FORM L
[See Rule 48]
Memorandum of Agreement

It is hereby submitted that on the _____ day of _____ 19 _____ personal injury was caused to _____ residing at _____ by accident arising out of and in the course of 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 _____ |
| Rs. _____ on _____ | 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 workman's Compensation Act, 123 in receipt of the disablement stated above and all disablement now manifest. It is therefore requested that this memorandum be duly recorded.

Dated _____ 19 .

Signature of employer

Witness

Witness

Signature or workman

Note. -- Application to register an agreement can be presented under signature of one party: provided that the other party has agreed to the terms. But both signatures should be appended, whenever possible.

Receipt (to be filled in when the money has actually been paid)

In accordance with the above agreement, I have this day received the sum of Rs. _____.

Dated _____ 19 .

Workman

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, agreement when workman is under legal disability, etc.

FORM M
[See Rule 48]
Memorandum of Agreement

It is hereby submitted that on the _____ day of _____ 19_____ personal injury was caused to _____ residing at _____ by accident arising out of said in the course of employment in _____. The said injury has resulted in temporary disablement to the said workman, who is at present in receipt of wages amounting to Rs. _____ per month/no wages.

The said workman's monthly wages prior to the accident are estimated at Rs. _____. The workman is subject to a legal disability by reason of.

It is further submitted that the employer of the workman has agreed to pay and on behalf of the said workman has agreed to accept half-monthly payments at the rate of Rs. _____ for the period of the said temporary disablement. This agreement is subject to the condition that the amount of the half-monthly payments may be varied in accordance with provisions of the said Act on account of an alteration in the earnings of the said workman during disablement. It is further stipulated that all rights of commutation under Section 7 of the said Act are unaffected by this agreement it is therefore requested that this memorandum be duly recorded.

Dated _____ 19 .

Signature of employer

Witness

Signature of workman

Witness

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

Dated _____ 19 .

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

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

FORM N
[See Rule 9]

Whereas an agreement to pay compensation is said to have been reached between _____ and _____ and whereas has/have applied for registration of the agreement under Section 28 of the Workmen's Compensation Act, 1923, notice is hereby given that said agreement will be taken into consideration on _____ 19 _____ and that any objections to the registration of the said agreement should be made on that date. In the absence of valid objections it is my intention to proceed to the registration of the agreement.

Dated _____ 19 _____.

Commissioner

FORM O
[See Rules 49 and 50]

Take notice that registration of the agreement to pay compensation said to have been reached between you _____ on the 19 _____ has been refused for the following reasons namely: --

Commissioner

FORM P
[See Rule 50]

Whereas an agreement to pay compensation is said to have been reached between _____ and _____ and whereas _____ has/have applied for registration of the agreement under Section 28 of the Workman'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 _____ 19 _____.

Commissioner

FORM Q
[See Rule 50]

Whereas an agreement to pay compensation is said to have been reached between _____ and _____ and whereas _____ has/have applied for registration of the agreement under Section 28 of the Workman's Compensation Act, 1923, and whereas

it appears to me that the said agreement ought not to be registered for the following reasons, namely an opportunity will be afforded to the said _____ of showing cause on _____ 19_____ why the said agreement should be registered. Any representation, which you have to make with regard to the said agreement, should be made on that date. If adequate cause in them shown, the agreement may be registered.

Dated _____ 19 _____

Commissioner

FORM R
[See Rule 52]
Register of Agreement for year 19_____.

| S.No. | Date of agreement | Date of registration | Employer | Workman | Initial of comm.- -issioner | Reference to orders rectifyi- -ng the register |
|----------|-------------------|----------------------|----------|----------|--------------------------------|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |

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 in suppression 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 within the meaning of clause (j) of Section 2 of the Factories Act, 134;

(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 factory 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, 186;

(E) employed in any of the following categories but not falling under any of the foregoing heads (A), (B), (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 precincts 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 the purpose of growing cinchona, coffee, rubber, or 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 1st. February following the year to which the return relates and the first return shall relate to the year, 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 directly responsible to the employer or employers for the management of the establishment to which it relates.
