

WEST PAKISTAN WORKMEN'S COMPENSATION RULES, 1961¹

[Rules framed by Government of West Pakistan in exercise of the powers conferred by section 32 of the Workmen's Compensation Act, 1923, and in supersession of the Workmen's Compensation Rules, 1924, as in force in West Pakistan, after previous publication in the Gazette of West Pakistan, dated the 15th January 1960, under Notification No. IX-9-4 (X)/59, dated the 7th January, 1960].

PRELIMINARY

1. Short title.— These rules may be called the West Pakistan Workmen's Compensation Rules, 1961.

2. Definitions.— In these rules, unless the context otherwise requires, the following expressions shall have the meanings thereby respectively assigned to them. that is to say—

- (a) "the Act" means the Workmen's Compensation Act, 1923;
- (b) "form" means a form appended to these rules, and
- (c) "section" means a section of the Act.

PART I

Review of Half-Monthly Payments And Commutation thereof

3. When application may be made without Medical Certificate.— An application for review of a half-monthly payment under Section 5 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 workman'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 such change in the workman's condition as to warrant such cessation;
- (d) either by the employer or by the workman, 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;

¹ Published in the Gaz. of West Pakistan Extr. 20 January 1961 under Health, Welfare & Local Govt. Deptt. Noti. IX-3-4 (Lab-II) / 59 dt.11 January 1961.

- (e) either by the employer or by the workman on the ground that in the determination of compensation there is or error apparent on the face of the record.

4. Procedure on application for review.— If, on examining an application under Section 6 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 decision on the application.

5. Procedure on application for commutation.— (1) Where an 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 each month comprised in that period:

Provided that fractions of a rupee 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 a time.

PART II

Deposit of Compensation

6. Deposit 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 therefore 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 therefore in **Form B**.

(2) If when depositing compensation in respect of fatal accidents, the employer indicates in the statement referred to in sub-rule (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 or persons to whom the Commissioner proposes to allot such sum is or are not a dependent or dependants for the deceased workman.

(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 dependants 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 D.

(2) If compensation has 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, 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 to 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 presented by any sufficient cause from appearing when the case was called up for hearing.

(1) If, after completing the inquiry into the application, the Commissioner issues an order requiring the employer to deposit compensation in accordance with sub-section 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 in 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 E, and shall be given a receipt in Form EE.

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

11. Workmen's Compensation Benefit Fund.--(1) Where compensation has been deposited under sub-section (1) of Section 8 in respect of a workman whose injury has resulted in death, and the Commissioner is satisfied, after holding such enquiry as he may consider necessary, that no dependant of the deceased workman exists, he shall, at any time after lapse of two years from the date of the deposit, transfer the amount deposited or so much thereof as may be remaining in his hands after meeting the expenditure permitted under sub-section (4) of Section 8, to a fund to be known as the "Workman's Compensation Fund", hereinafter referred to in these rules as the "Fund".

(2) The Fund shall vest in and be administered by the Director of Labour Welfare, West Pakistan.

(3) All moneys credited to the Fund shall be deposited in the National Bank of Pakistan.

(4) The Fund shall be applied to the social welfare of workmen.

PART III Report of Accidents

12. Report of fatal accidents.--The report required by Section 10-B shall be in Form F.

13. 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 if presented under sub-rule (1) shall be recorded by the Commissioner.

14. Certain officers may refer cases of compensation to Commissioner .--The Directors, Labour Welfare, the Assistant Director, Labour Welfare, the Labour Officers, and the Assistant Labour Officers within their respective jurisdictions, may refer to the Commissioner in Form FF cases of workmen, who have not been paid due compensation by the employers.

PART IV Medical Examination

15. Workman not to be required to submit to medical examination save where specified.--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.

16. Examination when workman and medical practitioner both on premises.--

When such workman is present on 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.

17. Examination in other cases.--In cases to which rule 16 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 desired 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:

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 case 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.

18. Restriction 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 more than twice in the first month following the accident, or more than once in any subsequent month.

19. 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.

20. Examination of women.--No woman shall without her consent be medically examined by a male practitioner and any such examination shall be in the presence of another woman.

PART V Procedure

21. 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.

22. Applications.--(1) Any application of the nature referred to in Section 7 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 Form G, or Form H, according as the application is for compensation or commutation of half-monthly payments, and shall be signed by the applicant.

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

23. 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 may be, shall not, without the sanction of 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 purpose of cross-examining a witness or is handed to a witness to refresh his memory.

24. Application presented to wrong Commissioner.--(1) If it appears to the Commissioner on receiving the 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 the 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 28, 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 thereof had been taken before him, if he is satisfied that the interests of parties will not thereby be prejudiced.

25. **Examination of applicant.**--(1) On receiving an application of the nature referred to in Section 22, the Commissioner may examine the applicant on oath, or may send the application to any officer authorised by the Provincial 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 recording of evidence in Section 25.

26. **Summary dismissal of application.**--(1) The Commissioner may, after considering the application and the result of any examination of the application under rule 25, 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.

27. **Preliminary inquiry into application.**--If the application is not dismissed under rule 26, 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**.

28. **Notice to opposite party.--**If the Commissioner does not dismiss the application under rule 26 or rule 27, he shall send to the party from whom the applicant claims relief (hereinafter referred to as 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.

29. **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 the claim raised in the application, and any such written statement shall form a 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 the examination to writing.

30. **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 issue upon which the right decision of the case appears to him so depend.

(2) In recording the issues, the Commissioner shall distinguish between these issues which in his opinion concern points of fact and those which concern points of law.

31. **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.

32. **Diary--**The Commissioner shall maintain under his hand a brief diary of the proceedings on an application.

33. **Reasons for postponement to be recorded.--**If the Commissioner is unable to dispose of an application at one hearing, he may, for reasons to be recorded in writing, adjourn the proceedings in another date.

34. **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 a clerical or arithmetical mistake arising from any accidental slip or omission.

35. Summoning of witnesses.--If application is presented by any party to the proceedings for the citation of witnesses, the Commissioner, shall, on payment of the prescribed expenses and fees, issue summonses for the appearance of such witnesses, unless he considers that their appearance is not necessary for the just decision of the case.

36. 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 required to be paid, may be added to the costs of the case and recovered in such manner as the Commissioner in his order regarding costs may direct.

37. 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 person or 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 management of the establishment.

38. 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 representatives 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 to 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 note briefly in a memorandum any facts observed, and shall show the memorandum to any party who desire to see the same, and on payment of the prescribed fee, shall supply any part with a copy thereof.

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

39. 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 witness.

(5) Any statement 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.

40. **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 such party.

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

41. **Procedure where indemnity claim 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 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 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 determined by him.

(3) If any person served with a notice under sub-rule (1), whether or not he desires to contest the 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 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, or 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 as may be determined by him.

(5) In any proceedings 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 persons 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.

42. Procedure in connected cases.--(1) Where two or more cases pending before a Commissioner arise out of the same accident, and any issue involved is 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 records 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.

43. **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, Rules 9 to 13 and 15 to 30, Order IX; Order XIII, Rules 3 to 10; Rules 2 to 21; Order XVI; Order XVII and Order XXIII, Rules 1 and 2, shall apply to proceedings before Commissioners, insofar 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 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 reason, proceed otherwise than in accordance with the said provisions, if he is satisfied that the interests of the parties will not thereby be prejudiced.

44. **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.

45. **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 dependants of a deceased workman.

Part VI Transfer

46. **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.

46. **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 Representatives

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

48. When new representative to be appointed.--If the Commissioner considers that the interest of any party for whom a representative has been appointed under rule 48 are not being adequately protected by that representative, or if a person appointed to act as representative dies, or if 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 Memorandum of Agreement

49. Form of Memorandum.--Memoranda of agreement sent to the Commissioner under subsection (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.

50. Procedure where Commissioner does not consider that he should refuse 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 appear and desire to be heard, he considers that it ought not to be recorded:

Provided that the issue of a notice under sub-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 reason therefore, and, if any party desiring the memorandum to be recorded is not present, he shall send

51. Where Commissioner considers he should refuse to record 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 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 shows or show adequate cause for proceedings to the record of 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 51.

(4) If, on the date so fixed, the Commissioner refuses to record the memorandum, he shall send notice in Form 0 to any party who did not receive information under rule (1).

53. Procedure on refusal to record memorandum.--(1) If in any case the Commissioner refuses 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 such sum as fixed in the agreement, he shall record his estimate of the probable duration of the disablement of the workman.

54. 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 the memorandum to be retained by him in the following terms, namely:--

This memorandum of agreement bearing Serial No.....of 19in the register has been recorded this...day of.....

**Signature
Commissioner**

**PART IX
Returns**

55. Workmen's Compensation returns.--(1) A return in Form S shall be furnished by every person employing workmen who are:--

- (a) employed in a place which is a factory within the meaning of clause (j) of Section 2 of the Factories Act, 1934, or in any place to which all or any of the provisions of the said Act applicable to factories have been made applicable under Section 5 (1) of the said Act;
- (b) employed within the meaning of clause (d) of Section 3 of the Mines Act, 1923, in any mine which is subject to the operation of that Act;
- (c) employed, otherwise than in a clerical capacity or in a factory or mine, in connection with the operation or maintenance of a tramway as defined in Section 3 of the Tramways Act, 1886;
- (d) employed in any of the following categories but not falling under any of the foregoing heads (a) , (b), and (c):-
 - (i) in the manufacture or handling of explosives in any premises wherein, or within the precinct whereof, on any one day of the preceding twelve months, ten or more persons have been so employed;
 - (ii) in the service of any fire brigade;
 - (iii) otherwise than in a clerical capacity in connection with operations for winning natural petroleum or natural gas;
 - (iv) otherwise than in a clerical capacity on any estate which is maintained for the purpose of growing cinchona, coffee, rubber or tea, and on any one day in the preceding twelve months twenty-five or more persons have been so employed.
 - (v) otherwise than in a clerical capacity in the generating, transforming or supplying of clerical energy;
 - (vi) in producing cinematograph pictures intended for public exhibition or in exhibiting such 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 1959.

(3) The return shall be signed by--

- (a) the employer, or where there is more than one employer by any employer, or
- (b) by any person directly responsible to the employer or employers for the management of the establishment to which it relates.

(4) The return shall be furnished to the Chief Inspector of Factories, West Pakistan.

(5) When the Provincial Government so directs the return shall be furnished in duplicate.

(6) Notwithstanding anything hereinbefore contained, the aforesaid return is not required to be submitted by any employer in respect of compensation paid on account of injuries suffered by his workmen during any period for which his liability under the Act has been insured with a Mutual Indemnity or other Insurance Company or during which he is a member of an association of employers which deals on behalf of its members with claims for compensation under the Act, if such company or association has with the consent of the Provincial Government undertaken to submit returns as nearly as may be in the form set forth in the Schedule here to annexed in respect of the employers insured with such company or belonging to such association. Such undertaking shall provide that the said returns shall be submitted not later than the 1st February, or at the direction of and subject to such condition as the Provincial Government may impose, the 1st March following the year to which they relate.

PART X

Costs

56. Scale of Costs.--(1) Where the Commissioner directs that any costs shall not follow the event, he shall state his reasons in writing.

(2) the costs which may be awarded shall include--

- (a) the charges necessarily incurred on account of court-fees;
- (b) the charges necessarily incurred on subsistence money to witnesses; and
- (c) **pleader's fees on the scale prescribed in the following sub-rules.**

(3) In any proceedings involving an application for compensation in the form of a lump sum, an application for commutation or application for indemnification, the pleader's fee allowed shall be Rs. 10 subject by special order of the Commissioner to diminution to a sum not less than Rs. 5 and to increase to a sum not more than Rs. 50 for each such proceeding. In all other applications the fee allowed shall be Rs. 5 subject to increase by special order of the Commissioner to a sum not exceeding Rs. 20.

(4) When a party engages more pleaders than one to conduct or defend a case, he shall be allowed one set of cost only.

(5) When several defendants having substantially one defence to make employ several pleaders, they shall be allowed one set of costs only. In such cases it will be for the applicant at the time of hearing to pray for a direction of the Court that separate costs be not allowed.

(6) When two or more defendants having substantially separate defences have

engaged the services of one pleader they shall be allowed separate sets of costs. In such case it will be for the defendants interested to apply at the hearing for separate costs.

(7) When several defendants having separate defences are represented by separate pleaders, they shall be entitled to separate costs.

57. Scale of Fees.—(1) The following fees shall be payable in respect of proceedings before a Commissioner under the Act:-

- | | | |
|------|--|--|
| I. | Applications for compensation:-- | |
| | (a) Where compensation is claimed in the form of recurring payments. | Eight annas. |
| | (a) When compensation is claimed in the form of a lump sum. rupee for each additional sum of | One rupee where the sum does not exceed Rs. 500 plus one Rs. 500 or fraction thereof. |
| II. | Applications for commutation:— | |
| | (a) By agreement between the parties. | Eight annas. |
| | (b) In all other cases. | Two rupees. |
| III. | Applications for the deposit of | |
| | Compensation:— | |
| | (a) Under section 8 (7) of the Act. | Nil. |
| | (b) Under Section 8 (2) of the Act (in respect of each person to whom compensation is payable). | Eight annas. |
| IV. | Applications for distribution by dependants, for each dependent. | One rupee. |
| V. | Applications for review:-- | |
| | (a) Where the review claimed is the continuance, increase, decrease or ending of half-monthly payments. | Eight annas. |
| | (b) Where the half-monthly payment are sought to be converted into a lump sum. | Two rupees. |
| | (c) In all other cases. | One rupee. |
| VI | Applications for the registration of agreement:— | |
| | (a) When the Application or the memorandum of agreement is signed by both parties. | Nil. |
| | (b) In all other cases. | Eight annas. |
| VII. | Applications to summon witnesses:— | |
| | (a) For the first witness mentioned in the application. | Eight annas. |
| | (b) For every subsequent witness. | Four annas. |

VIII. Applications for indemnification.**Three rupees.****IX Applications for the recovery of compensation:--**

(a) Under an order already passed by the Commissioner.

Eight annas.

(b) In all other cases.

The same fee as is payable on a Similar application for

compensation.

X. All applications not otherwise provided for.**Eight annas.**

(2) In the case of any application falling under head X the Commissioner may, if he thinks fit, permit the application to be made without fee.

(3) If in any case the Commissioner considers that he ought to pass order granting relief of a different kind or to a different extent from that claimed by the applicant and if the fee which would have been payable by the applicant on an application for the relief which the Commissioner considers to be due is greater than the fees which have actually been paid the Commissioner may require the applicant to deposit fees to the extent of the difference.

PART XI
Miscellaneous

58. Statement by an employer.--The statement to be submitted by an employer under Section 10-A shall be in Form T.

59. Abstracts of the Act and the rules to be displayed.--Abstracts of the Act and of the Rules made thereunder in Form "U" shall be affixed in some conspicuous place near the main entrance of every place where workmen are employed.

FORM A

[See Rule 6 (I)]

DEPOSIT OF COMPENSATION FOR FATAL ACCIDENTS

Compensation amounting to Rs..... is hereby presented for deposit in respect of the death of the workman, whose particulars are given below, which occurred on..... 19

Name.....

Father's/Husband's name..

Caste.....

Employed in.....

Local address

Permanent address.....

His /Her monthly wages are estimated at Rs.....He/She was over/ under age of 13 years at the time of his/her death

2. The said workman had, prior to 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..... being the dependant of the deceased workman.

.....
Employer

Address---

FORM AA

[See Rule 6 (1)]

**DEPOSIT OF COMPENSATION FOR NON-FATAL ACCIDENTS TO A WOMAN
OR PERSON UNDER LEGAL DISABILITY**

Compensation amounting to Rs.....is hereby presented for deposit in respect of the injuries sustained by the workman whose particulars are given below, which occurred on..... 19..... resulting in temporary disablement.

Name.....

Father's/Husband's name.....

Caste.....

Employed in

Local address

Permanent address.....

His / Her monthly wages are estimated at RsHe/ She was over/under the age of-13 years at the time of the accident.

2. The said workman had, prior to the accident, received the following payments namely:—

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

amounting in all to Rs.....

Dated.....

Employer

Address:--

FORM B
[See Rule 6 (1)]
RECEIPT FOR COMPENSATION

Book No.....Receipt No. Register No

Depositor

Deceased or injured workman.....

Date of deposit19

Sum deposited Rs.....

.....

Commissioner

FORM D

[See Rule 8]

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.....19received personal injury by accident arising out of and in
the course of his 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 a dependant(s) of the deceased workman being his.....

(3) The monthly wages of the deceased amount to 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 the time) by reason of.....

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

(6) 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 the

Applicant.....

*Strike out the clauses which are not applicable

FORM E

(See Rule 9)

DEPOSIT OF COMPENSATION FOR NON-FATAL ACCIDENTS, OTHER THAN TO A WOMAN OR PERSON UNDER LEGAL DISABILITY

Compensation amounting to Rs..... is hereby permanent presented for deposit in respect of injuries sustained by.....temporary residing at which occurred on.....19

Dated.....19

.....
Employer.

FORM EE

(See Rule 9)

RECEIPT FOR COMPENSATION

Book No.	Receipt No.	Register No.	
Depositor.....			In
favour of.....			Date of
deposit.....19.....			
Sum deposited Rs			

.....
Commissioner

.....

FORM F

(See Rule 12)

REPORT OF FATAL ACCIDENTS

To

Sir,

I have the honour to submit the following report of an accident which occurred ondate, at.....(here enter details of premises).....and which resulted in the death of the workman/workmen whom particulars are given in the statement annexed.

2. The circumstances attending to the death of the workman/workmen were as under:-

(a) **Time of the 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.**

Signature and designation of person making the report

Statement

Name	Sex	Age	Nature of employment	Full postal address

FORM FF

(See Rule 14)

REFERENCE FOR COMPENSATION BY THE LABOUR COMMISSIONER/LABOUR OFFICER/LABOUR INSPECTOR UNDER SECTION 10-C OF THE WORKMEN'S COMPENSATION ACT, 1923

To

The Commissioner for Workmen's Compensation.....

Reference No.

It is hereby submitted that--

(1).....a workman employed by (here enter name of employer or contractor) on the.....day of.....19. received personal injury in accident arising out of and in the course of his employment.

(2) The cause of the injury as has been ascertained was (here inserted briefly the cause of the injury).....

(3) The workman concerned sustained the following injuries:-

(4) The monthly wages of the applicant amount to Rs

(1) The workman is over/under the age of 15 years.

(6) Notice of the accident was--

(a) served on the employer on theday of

(b) served as soon as practicable;

(c) Not served (in due time) by reason of (here enter reasons for failing to serve in time).

(7)	The workman is accordingly entitled to receive:			
	(a)	half -monthly payments of Rs.....	from the.....	day of
	19.....	to.....	
	(b)	alump sum payment of Rs.....		
(8)	The undersigned has taken the following steps to secure a settlement by agreement,			

namely (here enter briefly steps taken) but it has proved impossible to settle the question in dispute because (here enter briefly reasons for failure to reach agreement).

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

- (a) Whether the injured person is a workman within the meaning of the Act;
- (b) Whether the accident arose out of or in the course of the workman's employment;
- (c) Whether the amount of compensation claimed or any part thereof is due;
- (d) Whether the employer named aforesaid is liable to pay such compensation as is due.

It is requested that the workman concerned may be awarded the compensation claimed or such compensation as he may be entitled to receive.

.....

Dated

Inspector

.....

FORM G

(See Rule 22)

APPLICATION FOR COMPENSATION BY WORKMAN

To

The Commissioner for Workmen's Compensation.....
.....residing
at.....*Applicant*

Versus

.....residing
at.....*Opposite Party.*

It is hereby submitted that--

(1) the applicant, 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 his employment.

The cause of the injury was (here insert briefly the cause of the
injury).....

(2) the applicant sustained the following injuries namely:

(3) (a) The monthly wages of the applicant amount to Rs.....

(b) 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 payments of Rs from.....the day of.....19.....to

(b) a lump sum payment of Rs.....

(6) the applicant has taken the following steps to a settlement by agreement,
namely..... but it has proved impossible to settle the questions 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 applicant's 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).

Dated.....Applicant

Strike out the clauses which are not applicable

FORM H

(See Rule 22)

APPLICATION FOR COMPENSATION

(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--applicant

(1) The has been in receipt of half-monthly payments fromto
.....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 payments should be redeemed.

You are therefore requested to pass orders:--

- (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.

DatedApplicant

FORM J

(See Rule 41 (1))

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 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 JJ

(See Rule 41(3))

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.

Date..... Commissioner.....



FORM K

(See Rule 50)

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 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 his 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..... day of..... amounting to Rs.in all. The said workman's monthly wages are estimated at RsThe said workman is over /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 full 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:.....
Signature of employer.....
Witness.....
Signature of workman.....
Witness.....

(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.....



..... 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, agreement when workman is under legal disability, etc.

FORM L

(See Rule 50)

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 inthe 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/will reach the age of 15 years on The said workman has prior to the date of this agreement, received the following payments, namely:-

- Rs..... on..... Rs..... on.....
- 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 Workmen's Compensation Act, 1923, in respect of the disablement stated above and all disablement now manifested. It is, therefore, requested that this memorandum be duly recorded.

Dated:.....

Signature of employee.....

Witness.....

Signature of workman.....

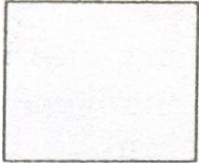
Witness.....

(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.....



.....Workman.

Dated.....19

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 deceased, agreement when workman is under legal disability, etc.

FORM M

(See Rule 50)

MEMORANDUM OF AGREEMENT

It is hereby submitted on the.day of
.....19.....personal injury was caused to..... residing At by accident arising out of
and in the course of employment The said injury has resulted in temporary disablement to the
said workman, wages amounting to Rs per month. who is at present in receipt
of.....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 ofIt
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 conditions that the amount of the half-monthly payments may be varied in accordance with the provisions of the Workmen's Compensation Act, 1923, 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:.....

Signature of employer

Witness.....Signature of workman
Witness

(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.....

.....Workman.

[Empty rectangular box]

Dated.....19

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 decease, etc.

FORM N

(See Rule 51(1))

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 have Compensation Act, 1923, notice is hereby given that the 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 Rule 51 (3))

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

.....
.....
.....

Dated.....19

.....

Commissioner

.....

FORM P

(See Rule 52 (2))

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, 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 52 (2))

Whereas an agreement to pay compensation is said to have been reached has between.....and.....and whereas.....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 the saidof 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 is then shown, the agreement may be registered.

Dated.....19

.....
Commissioner

FORM R

(See Rule 54)

REGISTER OF AGREEMENTS FOR THE YEAR 19

Serial No	Date of agreement	Date of Registration	Employment	Workman	Initials of Commissioner	Reference to orders rectifying the register

FORM S
(See Rule 55)
WORKMEN'S COMPENSATION

Returns relating to the periods from.....to 31st December 19

District
 Town or village.....
 Post Office.....
 Name of establishment.....
 Nature of work.....

Average numbers employed per day

Adults.....
 Minors.....

ACCIDENTS		OCCUPATIONAL DISEASES	
Number of cases of injuries in respect of which final compensation has been paid during the year	Amount of compensation paid	Number of cases of disease in respect of which final compensation has been paid during the year	Amount of compensation paid

Permanent/Disability/Death	Permanent/Disability/Death	Nature of disease	Permanent/Disability/Death
Rs.	Rs.	Rs.	

Adults.....
 Minors.....
 Dated.....19

(Signed).....
 (Designation).....

FORM T

(See Section 10-A and Rule 58)

STATEMENT REGARDING FATAL ACCIDENTS

1. In reply to your notice, dated the.....19 , which was received by me on the_.....19, it is submitted, that:--

(1).....residing at.....

Workman over/under 15 years of age employed under in (2).....met with an accident on the.....19. The monthly wages of the deceased amounted to Rs.....

2. I admit liability to pay as compensation, on account of the deceased's death

Was on the the amount of Rs..... which was/will be deposited with you on the/before.....19

3. The circumstances in which the deceased met his death were as follows:--

.....
.....
.....

4. I disclaim liability to pay compensation on account of the deceased's death on the following grounds:--

.....
.....
.....

..... Employer

(1) Insert name of workman.....

(2) Insert name of establishment.....

FORM U

(See Rule 59)

**ABSTRACTS FROM THE WORKMEN'S COMPENSATION ACT, 1923 AND
THE RULES MADE THEREUNDER**

1. Application of the Act-- The Act applies to compensation payable to workmen in respect of injuries arising out of and in the course of their employment, employed--

(a) by the Railway.

(b) in any capacity specified in Schedule II of the Act ³on monthly wages not exceeding Rs. 1000.

2. Definition of disablement—Disablement may be partial or total. Disablement is partial where it reduces the earning capacity of a workman in an employment; and is total where it incapacitates the workman for all work which he was capable of performing prior to the disablement.

3. Workmen's Compensation.--An employer shall be liable to pay compensation for personal injuries sustained by a workman in any accident arising out of and in the course of his employment, if the injuries result in partial or in total disablement of the workman for a period exceeding four days. No compensation shall be payable if the accident is due to the workman being under the influence of drink or drugs, or partial or willful disobedience on his part of any safety rule or order, or will full removal of a safety guard or safety device.

Explanation: The contracting of an occupational disease by a workmen shall be deemed to be an injury by accident and shall, unless the employer establishes to the contrary, be deemed to have arisen out of and in course of the employment.

4. (a) Where the injured workman is an adult, the compensation payable shall be--

- | | |
|--|---|
| (i) if death or permanent total disablement results from the injury. | As specified in columns 2 and 3 of the Fourth Schedule to the Act. |
| (ii) If permanent partial disablement results from the injury. | A percentage ranging from ⁴ 5 to 70 per cent of the compensation payable in respect of permanent total disablement depending on the nature of disablement. |
| (iii) if temporary disablement results from the injury. | A half monthly payment of the amount specified in the first column of Schedule |

I to the Act for the whole period of the disability or a period of 5 years, whichever is less.

(b) Where the injured workman is a minor, the amount of compensation payable shall be Rs. 4000 if death results from the injury, Rs. 10,000 in case of permanent total disablement and 1/2 of his monthly wages, subject to a maximum of Rs. 75, to be paid half-monthly for the period of disablement or for 5 years whichever period is less, in case of temporary disablement.

5. Monthly wages mean the amount of wages payable to a workman for a month's service whether the wages are payable by the month or by any other period or at piece rate.

6. Right to half monthly payments may be redeemed by an agreement between the employer and the workman or on payment to the workman of a lump sum determined by the Commissioner on the basis of the estimated duration of the injury.

7. Compensation in respect of a workman, whose injury had resulted in death or who is under a legal disability shall be deposited with the Commissioner. The Commissioner, after paying for the funeral expenses of the workman, shall disburse the balance of the compensation to the dependants of the workman, and in *case* there be no such dependant shall transfer the money to the Workmen's Compensation Fund.

8. Notice of the accident giving rise to a claim for compensation must be served on the employer within one year of the accident, and where the accident has resulted in death of the workman, within one year of the death.

The notice shall *give* the name and address of the person injured, the cause of the injury and the day on which the accident occurred.

9. The Director, Labour Welfare, Assistant Director of Labour Welfare, Labour Officers, Assistant Labour Officers and Labour Inspectors are authorised to refer to the Commissioner cases of workmen who have not been paid compensation.

10. Where a workman has given notice of an accident the employer shall have him medically examined free of charge within three days of the notice either at his premises or as the workman's residence. If the employer fails to have the workman so examined, the workman may get himself examined by a qualified Medical Practitioner at the employer's expense.

11. A workman in receipt of half monthly payments, shall not be required to submit himself for medical examination after than twice in the first month following the accident or more than once in any subsequent month.

12. A female worker shall not be medically examined by a male Doctor, where a female Medical Practitioner is available, without her consent.

13. If a workman on being required by the employer or Commissioner, refuse to medical

examination, his right to compensation shall be suspended during the continuance of such refusal.

14. Commissioner.—Disputes relating to liability to pay compensation, the amount or duration of the compensation (including the question whether the person injured in a workman) and the nature and the extent of his disablement are to be settled by the Commissioner and the Civil Courts have no jurisdiction in such matters.

15. Commissioners are appointed and their jurisdictions fixed by the Provincial Government.

16. An application for settlement of a matter by a Commissioner, except on application by dependants for compensation, is only to be made when the parties are unable to settle by agreement.

17. Application to the Commissioner shall be sent in duplicate by registered post, on the prescribed forms and shall be accompanied by the prescribed fee and the documents on which the claim for compensation is based.

18. If the Commissioner considers that the amount of compensation deposited by an employer, where the injury has resulted in death, is insufficient, he may require the employer to deposit a further sum.

19. Appearance before the Commissioner may be made in person or through a legal practitioner or a duly authorised officer of an Insurance Company or Registered Trade Union.

20. (1) The Commissioner may award costs in proceedings under the Act.

(2) The costs awarded shall include--

- (i) charges on account of Court-fees;
- (ii) charges on account of subsistence money to witnesses; and
- (iii) pleader's fees on the prescribed scale.

21. (1) Appeals shall lie to the High Court from the following orders of Commissioners:--

- (a) an order awarding lump sum compensation or disallowing a claim for lump sum;
- (b) an order refusing to allow redemption of a half-monthly payment;
- (c) an order for the distribution of compensation among the dependants of the deceased workman or disallowing a claim of a dependant;
- (d) an order allowing or disallowing any claim for the amount of an indemnity under subsection (2) of Section 12; or

- (e) an order for the registration or refusing to register a memorandum of agreement.
- (2) The period of limitation for an appeal from an order of the Commissioner is sixty days.