

THE RAJASTHAN WORKMEN'S COMPENSATION RULES, 1960

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1. Items 34 & 38 added by the notification dated 8.7.1973 –Ibid

THE RAJASTHAN WORKMEN'S COMPENSATION RULES, 1960

¹NOTIFICATION

No. F 1 (70) Lab/57/5977, dated January 29; 1960.—In exercise of the powers conferred by section 32 of the Workmen's Compensation Act, 1923 (Central Act VIII of 1923 the State Government hereby makes the following Rules, the same having been published previously in Rajasthan Raj-patra; Part 3 (b) at pages 53-79 dated the 10th October, 1957, as required by sub-section (1) of section 32 of the said Act.

RULES

Preliminary

1 Short title:—These rules may be called the Rajasthan Workmen's Compensation Rules, 1960.

2. Definitions :—In these rules, unless there is anything repugnant to the subject or context :—

- (a) "the Act" means the Workman's Compensation Act, 1923.
- (b) 'Form' means a form appended to these Rules;
- (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 —Application for review of a 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 of compensation was determined the workmen's wages have increased.
- (b) by the workman, on the ground that since the right of 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 workman's condition such 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 of other improper means;
- (e) either by the employer or by the workmen on the ground that in the determination of compensation there is a mistake or error apparent on the face of the record.

1. Published in Raj.Rajpatra Part IV-C dated February 1, 1980

4. Procedure for 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, Commissioner shall form an estimate of the probable duration of the disablement and shall award a sum equivalent to the total of the half-monthly payments which would be payable for the period during which he estimates that the disablement will continue, less one-half percent of the 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 Pospone a decision on the application for a period not exceeding two months at any one 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 in Form B in other cases of deposits with the Commissioner under sub-section (1) of section 8, the employer shall furnish a statement inform 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-rule (1) that he desired to be made a party to the distribution proceedings, the Commissioner shall, before allotting the sum deposit as compensation, afford to the employer an opportunity of establishing that the person to whom he proposes to allot such sum is not a dependant of the deceased workman or as the case may be, that no one of such persons is a dependant.

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

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 of deposits of compensation. —(!) A dependant of a deceased workman may apply to the Commissioner for the issue of an order to deposit compensation in respect 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 in such manner as he thinks fit to all or-any of the dependants of the deceased workman who have 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 employee 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 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 on to a dependent of the deceased workman who failed to join the application.

9. Deposit under section 8 (2) —As employer depositing compensation in accordance with sub-section 8, (2) of section shall furnish therewith a statement in Form D and shall be given a receipt in Form E.

10. Investment of money —Money in the hands of Commissioner may be invested for the benefit 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. Report of fatal accidents.—The report required by section 10B shall, subject of 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— (i) 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 sub-ordinate 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 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 1V **Medical Examination**

13. Workman not 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 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 to be 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 am, and

(ii) in cases where the workman's condition renders it possible 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. Restriction on number of examinations—A workman who is in respect 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 employers' 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 woman 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 Commissioners in the disposal of case under the Act or these rules and by the parties in such cases shall be regulated in accordance with rules contained in this Part.

20.. Applications —(1) Any application of the nature referred to in section 22 may be sent to the Commissioner by registered post or may be presented to him or to any of his subordinates authorised by him in this behalf and if so sent or presented shall unless the Commissioner otherwise direct 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 a certificate, which shall be signed by the applicant to the effect that the statements 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 may be, shall not, without the sanction of the Commissioner, be admissible in evidence on behalf of the party who should have produced it .

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

22. **Application presented to wrong Commissioner:** —(!) 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 the Commissioner at any subsequent stage that an application should have (been)¹ 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 applicants.** —“1) On receiving an application of the nature referred to in section 22, the Commissioner may examine the applicant and his witness if any, on oath”.

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

1. Inserted by clause (a) of notification No. F 3 (14) L&E /64, dated 18-9-69 pub. in Raj. Gaz. Extraordinary Part IV-C, dated 18-9-69 page 168.

24 Summary dismissal of application —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 proceedings thereon.

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 ²[any] evidence which they may wish to tender.

27. ³[Appearance and Examination of opposite party]—(1) The Opposite party may, and if to 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 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 issue, the Commissioner shall distinguish between those issues which in his opinion concern points of fact and those which concern points of Jaw.

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

When issues both of law and of fact arise to the same case, and, the Commissioner is of the 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 necessitates a postponement.

2. Substituted for and by clause (d) of notification No F 3 (14) & LE/64 dated 18-9-69 pub. in the Raj.Gaz. Extraordinary Part IV-C dated 18-9-69 page 168.

3. Substituted by clause (e) *ibid*.

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

(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.

33. Summoning of witnesses.—If an 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 witness, unless he considers that their appearance is not necessary for the just decision of the case.

34. Exemptions 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 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 costs may direct.

35. Right of entry for local inspection.—A Commissioner before whom any proceedings relating to an injury by accidents 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 likely to be able to give information relevant to the proceeding :

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.

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 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 fact 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 and person likely to

be able to give information relative to such where such person has been or is to 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 person 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 the case direct that the parties be furnished with the relevant part of such statement for the purposes 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 to the record any statement made under sub-rule (1) and may utilise such statement for the purposes of justifying his acceptance of, or refusal to accept the agreement reached.

38. Agreement to abide by Commissioner's decision —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 obligations, so to abide.

39. Procedure whether indemnity claimed under section 12—(1) Where the Opposite party claims that compensation is recovered against him he will be entitled under sub-section (2) of section 15 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 persons so served appears subsequently and satisfies 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 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 consent 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 to appearing he shall be deemed to admit the validity of any award made against the Original opposite party of 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 under this rule upon such terms as 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 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.

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 is common to two or more 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, the fact that the parties to such other case had the opportunity of being present, and if they were present, of cross examining the witness.

41. Certain provisions of Code of Civil Procedure, 1908 to apply —Save as otherwise expressly provided in the Act or these rules the following provisions of the First Schedule to the Code of Civil Procedure, 1908 namely, those contained in Order V, rules 9 to 13 and 15 to 30 ; Order IX; Order XIII, rules 3 to 10, Order XVI, rule 2 to 21, Order XVII or 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 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 interest of the parties will not thereby be prejudiced.

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

43. Apportionment of compensation among dependants—The provisions of this part, except those contained in this rule 26, 27 & 39 shall, as may be, apply in the case of any proceedings relating to the appointment of compensation among dependants of a deceased workman.

PART VI

Transfer

44, Transfer for Report.—(i) 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 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 Representatives

46. 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 proceeding..

47. When new representative to be appointed.—If the Commissioner considers that the interests of any part for whom a representative has been appointed under rule 16 are not being adequately protected by that representative or if a person appointed to act as 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 memorandum 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 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 party 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 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 reasons therefor, 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 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 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 Q as the case may be, and the date fixed in such notice shall be not less than seven days after the date of 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 the record of the same, the Commissioner may, in information has already been given to all 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 refuses to record the memorandum, he shall send notice in Form O to any party who did not receive information under sub-rule (1).

51. Procedure on refusal to record memorandum.—(1) If in any case Commissioner refuses to record the 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,

52. Registration of memorandum accepted for period —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. in the Register has been recorded this day of

(Signature) Commissioner

FORM A

Deposit of compensation for Fatal Accident
[See rule 6 (1)]

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

Compensation amounting to Rs. _____ is hereby presented for deposit in respect of injuries resulting in 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, name)y:—

Rs. _____ on _____ Rs. _____ on _____.

Rs. _____ on _____ Rs. _____ on _____.

Rs. _____ on _____ Rs. _____ on _____.

amounting in all to Rs. _____.

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

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

Dated _____

Employer

*An employer desiring to be made a party to the proceedings should strike out the words "do not".

FORM 'AA'

[See Rule 6 (1)]

Deposit of compensation for non-fatal accident to a woman or person under legal disability.

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

Compensation amount to Rs. _____ is hereby presented for deposit in respect of injuries sustained by _____ residing at _____ on _____, resulting in the loss of temporary disablement. His/her monthly Wages are estimated at Rs. _____. He/she was over/under the age of 15 years at the time of the accident.

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

Rs. _____ on _____ Rs. _____ on _____.

Rs. _____ on _____ Rs. _____ on _____.

Rs. _____ on _____ Rs. _____ on _____.

Dated _____.

Employer

FORM B

(See Rule 6)

Receipt for compensation

(Deposited under section 8 (1) of the Workmen's Compensation Act, 1923).

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

Depositor _____

Deceased or injured workman _____

Date of Deposit _____

Sum deposited Rs. _____

Commissioner

FORM C

(See Rule 6)

Statement of Disbursements

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

Serial No. _____

Depositor _____ Rs. _____

Date _____

Amount deposited _____

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

Funeral expenses paid _____

Compensation paid to the following dependants :—

Name	Relationship
_____	_____
_____	_____
_____	_____

Total

Date _____

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.]

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

Dated _____

Employer

FORM E

(See Rule 9)

Receipt for 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

FORM EE

(See Rule 11)

Report of Fatal Accident

To

Sir,

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

2. The circumstances attending 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;

and I have etc.
Signature & Designation of person
making the report.

STATEMENT

Name	Sex	Age	Nature of employment	Full postal address
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FORM F

(See Rule 20)

Application for Computation by workman To the Commissioner for Workmen's Compensation

Residing at _____ .. Applicant
Versus

residing at _____ ..Opposite Party

It is hereby submitted that :—

- (i) The applicant, a workman employed by (a contractor with) the Opposite party on the — — —day of—
— — —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 to Rs. _____ the applicant is over/under age of 15 years.

- (4) (a) Notice of the accident was served on the _____

(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—
 (b) a lump sum payment of Rs— —
 (6) The applicant has taken the following steps to secure settlement by Agreement, namely —

 *Strike out the clauses which are not applicable.

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:
 (0) 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 other part of that amount; ;
 (d) Whether the opposite party is liable to pay such compensation as is due;

Dated _____

Applicant.

*Strike out the clauses which are not applicable.

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 patty

It is hereby submitted that :—

(1) _____ workman employed by (a contractor with) the opposite party on the ____ A day of and _____received personal injury by accident arising out of and in the course of his employment resulting in his death on the ____day of _____. The cause of the injury was (here insert briefly in ordinary language the cause of the injury)

(2) The applicant (s) is/are dependant(s) of the deceased workman being his _____

(3) The monthly wages of the deceased amounts 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 on the (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 _____

Applicant

“Strike out the clauses which are not applicable.

FORM H

(See Rule 20)

Application for Commutation

(Under section 7 of 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 on half-monthly payments from — —to— —in respect of temporary disablement by accident arising out of and in the course of his employment.

(2) The applicant is desirous that the right to receive half-monthly payments should be redeemed.

(3) (a) The opposite party is unwilling to agree to the redemption of the right to receive half-monthly payments.

(b) The parties have been unable to agree regularly 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.

Dated.....19...

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 sec. 12 (2) of the Workmen's Compensation Act, 1923 to indemnify him against and 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 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 for any compensation recovered from him.

Dated... _____

Comissioner

FORM JJ

(See Rule 39)

NOTICE

Whereas a claim for compensation has been made by... .. applicant, against..... and the said..... bas claimed that... .. is liable Under section 12 (2) of the Workmen's Compensation Act, 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 to a contractor from whom the applicant—could have reversed compensation you are herby informed that you may appear before me on—_ and contest the claim for compensation made by the said applicant or the claim for indemnify made by the opposite party_____. In default of your appearance you will be deemed to admit the validity of any award made against the Opposite party —and your liability to indemnify the opposite party—for any compensation recovered from him.

Dated _____.

Commissioner

FORM K

(See Rule 48)

Memorandum of Agreement

It is hereby submitted that on the—day of— 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.....month. The said workman has been in receipt of half-monthly payments which have continued for the... day of —....., until Rs... in all. The workman is over the age of 15 years will reach the age of 15 years on.....

It is further submitted that..... the employer or 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 disablements 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 case be presented under the signature of one party provided that the other party has agreed to the terms

But both signatures should be appended whenever possible)

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

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

Dated _____.

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 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 resulted in permanent disablements to the said workman of the following nature, namely :-

The side workmen's monthly wages are estimated at Rs. The workman is the age of 15 years/will reach the age of 15 year 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 _____

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 Condensation Act, 1923 in respect of the disablement stated above and all disablement now manifest. It is, therefore, requested that this memorandum be duly recorded.

Dated _____

Signature of the employer _____

Witness _____

Signature of Workmen _____

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 _____

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

Note : This form may be varied to suit special casts, 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..... personal injury was caused due toresiding 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, who is at present in receipt 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 reasons of _____.

It is further submitted that..... ..the employer of the workman has agreed to pay andon 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 the provisions of the Workmen's compensation Act, 1923, of 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 recoded.

Dated.....

Signature of the employer _____

Witness _____

Signature of Workmen _____

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

Dated _____

Workman

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 diseases, etc.),

FORM N
(See Rule 49)

Whereas no 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, notice is hereby given that the said agreement will be taken in consideration on..... and that any objection 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.....

Commissioner.

FORM O
(See Rule 49 and 50)

Take notice that registration of the agreement to pay compensation said to have been reached between you... ..andand whereashas/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 be refused registered for the following reasons namely –

.....
an opportunity will be afforded to you showing cause on _____ why the said agreement should be registered. If no adequate cause is shown on that date, registration of the agreement will be refused.

Dated _____

Commissioner

FORM P

(See Rule 50)

Whereas an agreement to pay compensation is said to have been reached betweenandand
whereashas/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 be refused
registered for the following reasons namely –

.....
an opportunity will be afforded to you showing cause on _____ why the said agreement
should be registered. If no adequate cause is shown on that date, registration of the agreement will be
refused.

Dated _____

Commissioner

FORM Q

(See Rule 51)

Whereas an agreement to pay compensation is said to have been reached betweenandand
whereashas/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 be registered
for the following reasons namely –

.....
an opportunity will be afforded to the said of showing cause on _____ 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 shown, the agreement may be
registered.

Dated _____

Commissioner

FORM R

(See Rule 52)

Register of Agreement for the year _____

Sl. No.	Date of agreement	Date of registration	Employer	Workman	Initials of Commissioner	Reference of order rectifying the register
1	2	3	4	5	6	7

LABOUR AND EMPLOYMENT DEPARTMENT
RAJASTHAN WORKMEN'S COMPENSATION
(OCCUPATIONAL DISEASES) RULES, 1965.

NOTIFICATION

Jaipur, August 26, 1969.

No. F. 3 (40) Lab./62.—In exercise of the powers conferred by clauses (p), (q) and (r) of sub-section (2) of section 32 the Workmen's Compensation Act, 1923 (Central Act 8 of 1923), the State Government hereby makes the following rules, the same having been published previously in the Rajasthan Rajpatra, Part-II (b) dated the 16th May, 1963, as required by sub-section (1) of section 34 of the said Act, namely:—

1. **Short title and commencement**—(1) These rules may be called the Rajasthan Workmen's Compensation (Occupational -Diseases) Rules, 1965.
(2) They shall come into force on such date as the State Government may, by notification the Rajasthan, Gazette appointment
2. **Application** :- These rules shall apply to all workmen employed in any employment mentioned in part-C of Schedule III of the Act.
3. **Definitions:** In these rules, unless the context otherwise requires –
 - (a) "Act" makes the Workmen's Compensation Act, 1923 (Central Act 8 of 1923)
 - (b) "Asbestosis" shall mean –
 - (i) a pulmonary fibrosis which manifests itself radiologically as a ground glass appearance of the pulmonary field, of striations or reticular formations more or less marked, particularly, diffuse at the bases of diffuse stippling of or reticulation over extensive areas of both lung fields, whether or not accompanied by signs of pulmonary tuberculosis; and
 - (ii) Clinically, by the presence of asbestos bodies in the sputum accompanied by trachea-bronchitis and emphysema.
 - (c) "Bagassosis" means a disease which -
 - (i) Manifests itself as an acute allergic response due to sensitisation of the individual to bagasse dust; and
 - (ii) radiologically, consists of increase in the vascular shadows and increase in haziness and reticulation all over the lungs and increase in hilar densities and some meeting. In acute phases patchy shadows resembling broncho pneumonia may be seen;
 - (d) "Medical Board" means the Pneumoconiosis Medical Board constituted by the State Government under rule 4 of any Medical Board recognised by the State Government for the purpose of these rules.
 - (e) "Pneumoconiosis" means silicosis or coal miners, pneumoconiosis or asbestosis or any of these diseases accompanied by pulmonary tuberculosis.
3. **Constitution of Pneumoconiosis Medical Board:**
 - (1) The State Government shall constitute a Pneumoconiosis Medical Board for the conduct of Medical examinations, submission of Medical reports and the grant of medical certificates in pursuance of these rules:

Provided that with respect to workmen employed in mines, the State Government may recognize any Medical Board for the purpose of these rules.

- (2) The Board constituted or recognised under sub-rule (1) shall consist of three specially qualified medical practitioners of whom one shall be a Radiologist.
- (3) One member of the Medical Board shall be appointed as the Chief Medical Officer whose duty it will be to supervise working of the medical arrangements under the Act and these rules with a view to securing a uniform standard of efficiency.
- (4) Any certificate given by the Medical Board shall not be granted except with the authority of at least two members of the Board . ,
- (5) Any certificate given by the Medical Board under these rules shall be considered as final in respect of medical findings and shall be accepted as prima facie evidence in any proceedings.
- (6) The board shall deliver or forward the certificate to the appropriate authority provided that when the application for such a certificate is made by or on behalf of an employer or workman or his dependants, a copy or copies of the certificate or certificates may be furnished to the employer or the workman or his dependants, as the case may be, on payment of prescribed fees.

5. Medical conditions under which pneumoconiosis may be considered to be an occupational disease—(1) The diagnosis of pneumoconiosis shall be carried out with all the necessary technical guarantees. Proof of the degree of development of the pathological or anatomical changes in the respiratory and cardiac systems shall be furnished by the radiographic record and other laboratory records, which shall be accompanied by the report of a full clinical examination, including a report of the industrial history of the person concerned, the record of all occupations in which he had been employed, the nature of the harmful dusts to which he was exposed at the duration of such exposure.

- (2) For entitlement to compensation, silicosis and coal miners, pneumoconiosis shall fulfill the following radiological and clinical conditions :
 - (a) radiological examination of the workman must reveal –
 - (i) the appearance of generalized micro nodular or nodular fibrosis covering a considerable part of both lungs feels whether accompanies or not by signs of pulmonary tuberculosis.
 - (ii) in addition to marked accentuation of the pattern of both lungs, the appearance of once or several pseudotumoral fibrotic formations, whether accompanied or not by signs of pulmonary tuberculosis, or
 - (iii) the appearance of both of these types of fibrotic lesions at once whether accompanies or not by signs of pulmonary tuberculosis.
 - (b) Serial radiological pictures taken over a period during periodical medical examinations shall as far as possible be considered in making definite diagnosis in cases where doubt exists.
 - (c) radiological interpretation shall be based on the standard international classification laid down by the international labour organisation (Geneva Classification);
 - (d) the clinical examination of the workman concerned must reveal a decrees for deterioration of the respiratory function or cardiac function, or a deterioration of the state of general health, caused by the pathological process specified above.
- (3) The above-mentioned radiological and clinical signs shall not be considered as being those of pneumoconiosis as covered by these rules, unless the workers affected have been engaged continuously for at least the periods specified below, in work involving the risk of installing the harmful dust in the industries or occupations specified in the Act.

Asbestosis	3 years
Bagassosis	3 years
Silicosis	3 years

Provided that any workman who has heretofore ceased or may hereafter cease to be usually and regularly employed in an industry or occupation, under this Act in which he was exposed to

harmful dust shall make and establish his claim within four years from the date of leaving such employment.

6.. **Diagnosis**—The diagnosis of pneumoconiosis shall be carried out with all the necessary technical guarantees. Conclusive proof of the degree of development of the pathological or anatomical changes in the lungs and cardiac systems shall be furnished by the radiographical record which shall be accompanied by a full clinical examination including the life history of the person concerned the record of the occupations in which he was previously employed and the nature of the harmful dusts to which he was exposed and the duration of such exposure.

7. **Qualifying period**—(i) Compensation for disability or death in respect of an occupational disease under part C of Schedule III shall not be payable unless the disease is due to the nature of his employment and contracted thereon, or in a continuous employment similar to the one on which he was engaged at the time of disablement, within the two years previous to the date of disablement whether under one or more employers.

(ii) The time limit for contraction of the disease prescribed under sub-section (3) of section 5 shall not bar compensation in the case of an employee who contracted the disease in the same employment with the same employer by whom he was employed at the time of his disablement thereby; provided, however, that where there has been neither a claim filed nor determination prior to the death of an employee that the disablement was due to exposure to harmful dust, the dependants of such an employee shall be entitled to compensation from death resulting from the disease due to an occupational exposure to any of the specific harmful dusts and was contracted within two years previous to the date of death.

Neither shall the right to compensation in such cases be barred by the failure of the employee or his dependants to file a claim within the two years period provided by section 10 of the Act.

8. **Date of disablement.**—For the purpose of these rules the date of disablement shall be such date as the pneumoconiosis Medical Board determine on the hearing of the claim.

9. **Liability of employer** —(1) The employer in whose 'employment an employee was last employed to an injurious dust hazard shall be liable for the payment required by Chapter II of the Act when disability or death of the employee shall be due Silicosis, Pneumoconiosis or other dust disease.

(2) Notwithstanding anything contained in rule 7, the employer shall be liable for the payments prescribed by Chapter II of the Act where such disability results within four years after the last injurious exposure as defined in rule 7 or where death results at any time from such injurious exposure.

10. **Permanent incapacity**:—(1) As a result of silicosis, coal Miners' Pneumoconiosis and asbestosis, permanent incapacity shall in every case be classified primarily according to the degree of loss of working capacity caused; radiological manifestations being regarded as an essential element but only in relation to clinical-data and functional tests.

(2) Total disablement or death (as definitely distinguished from a contributory or accelerating cause) shall be interpreted as a condition by accompanied by pulmonary tuberculosis.

11. **Medico-legal classification of workmen.**—Medico-legal classification of workmen; shall comprise the following situations: —

(1) normal, when a worker is not suffering from Silicosis, pneumoconiosis or dust disease:

(2) under observation, characterized by the presence of symptoms which while not proving the existence of typical silicosis/pneumoconiosis or dust disease and not involving incapacity for work, require frequent periodical supervision of the workmen;

In the above two cases, the workman shall remain at his normal work.

(3) first stage silicosis/pneumoconiosis shall include cases of definite and typical silicosis pneumoconiosis but to an extent which does not involve any reduction of functional capacity for work.

In the cases, referred to sub-rules (2) and (3) above, it will be obligatory on the part of the employers for making arrangements for periodical medical examination of workers; -

(4) second stage silicosis/pneumoconiosis when the Incapacity due to the disease, prevents the worker from continuing his employment in any of the operations in any industry where the risk of Silica/other dust hazard lies, it shall be regarded as second-degree silicosis pneumoconiosis with entitlement to compensation as total permanent incapacity for the workers in normal employment;

(5) third degree silicosis/pneumoconiosis when the disease manifests itself at the slightest physical effect and precludes any form of employment, it shall be classified as third-degree silicosis/pneumoconiosis and give rise to Compensation as absolute permanent incapacity;

(6) silioco-tuberculosis, whenever silicosis/pneumoconiosis in any degree giving rise to payment of compensation is accompanied by an active tubercular process, the worker suffering therefrom shall be regarded as falling under this paragraph.

12. Review of incapacity.—The cases of incapacity certified as due to silicosis pneumoconiosis shall be reviewed every two years or earlier, if it is considered by the Employees' State Insurance Corporation or the Pneumoconiosis Medical Board or the worker or the undertaking that the clinical condition of the patient has altered.

13. Application for autopsy—In case of death of the claimant, application for autopsy shall suffice and the findings of the postmortem shall be delivered to the dependant for compulsory claim purposes.

14. Evaluation of disablement.—(1) The evaluation of disablement shall be made. by reference to the physical (anatomical, physiological and functional) and mental capacity for the exercise of the-necessary functions of a normally occupied life which would be expected in a healthy person of the same age and sex. For such assessment, recognised cardio-respiratory function tests shall be used to assess the degree of cardio-respiratory function impairment ;

(2) It shall be determined whether the disablement is temporary or permanent and also the percentage loss of function as it pertains to the loss of working capacity for receiving compensation.

(3) Assessment of disablement shall be given in multiples of ten and shall be proportionate to the loss of earning capacity, social disablement being taken to be 100 per cent loss of earning capacity provided that the lowest assessment on which an award of compensation can be made is 40 per cent loss of earning capacity.

Explanation :- For the purpose of these rules, "permanent disablement" shall means such disablement as is certified to be permanent by the Medical Board.

15.Certification of cases: (1) The claim of compensation in respect of a workman contracting any disease specified in part C of schedule III to the Act shall be supported by the certificate issued by a qualified medical practitioner in form "A" appended to these rules;

Provided that where the contracting of such a disease has resulted in death of permanent disablement of the workman, the claims shall also be supported by an endorsement on the certificate, in form "B" appended to these rules, by the Medical Board, and in case of differences of opinion between the qualified medical practitioner and the medical board, the opinion of the medical board shall prevail.

- (2) The certificate issued by a qualified medical practitioner shall contain the following particulars :
- _____ is suffering from pneumoconiosis/pneumoconiosis with pulmonary tuberculosis and condition is reasonably attributable to his employment in _____.
 - _____ is fit for _____ (here certify as to his fitness for work specify where necessary the kind of employment for which he is fit).
 - The general, physical and mental capacity of _____ is impaired by pneumoconiosis bar pneumoconiosis with pulmonary tuberculosis with the extent of ____ percent.
 - This certificate is issued for a period of _____ years.
- (3) The certificate issued by Medical Board shall contain the particulars specified in clauses (a), (b) and (c) of sub-rule (2) of these rules and also the following particulars :

"It is certified that the disability of _____ is permanent".

FORM "A"

CERTIFICATE OF DISABILITY /HEALTH.

This is to certify that Shri _____ son of Shri _____ age _____ years _____ died on _____ was suffering from pneumoconiosis/pneumoconiosis with pulmonary tuberculosis, and the contracting of the disease is/was reasonably attributable to his employment in _____.

(1) Temporary disablement

- (a) The disability is in my opinion of a temporary nature likely to last for ____ years _____ months.

Fit for _____ (State employment for which he is considered fit).

(2) Permanent disablement

The disability is of a permanent nature and is/assessed at _____ per cent.

(3) Death.

Death is attributable to the contracting of disease (Cancel out portions not applicable)

Place: _____

Date: _____

Signature of qualified Medical Practitioner.

FORM "B"

Endorsement to be made by Medical Board in case
of permanent disability or death.

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

(4) Temporary disability.

It is certified that the disability is of a permanent nature and is assened at _____ per cent.

(2) Death.

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

Place: _____

Date: _____

Signature of Members of Medical Board

Note: The Medical Board may call for any further information what may be considered
necessary by it from the Medical Practitioner concerned before countersigning Certificate in
cases of death.

LABOUR DEPARTMENT
NOTIFICATION

Jaipur, February 24, 2005

G.S.R. 61: In exercise of the powers conferred by clauses (p)(q) and of sub-section (2) of the Workmen's Compensation act, 1923 (Central Act 8 of 1923) the State Government hereby makes the following rules to amend the Rajasthan Workmen's Compensation (Occupational Diseases) Rules, 1965, the same have been previously published in Rajasthan Gazette Part-3 (Kh) dated the 10th August, 2004 as required by sub-section (1) of Section 34 of the said Act, namely –

1. These rules may be called the Rajasthan Workmen's Compensation (Occupational Diseases) Rules, 2004.
2. In the Rajasthan Workmen's Compensation (Occupational Diseases) Rules, 1965, hereinafter referred to as the said rules sub-rule (6) of rule 4, sub-rule (3) of rule 5 rules 7, 8, 9, 10, 11, 12, 14 and 15 shall be omitted.
3. Rule 6 of the said rules shall be substituted as follows – namely;

"Evaluation of disablement:

1. The explanation on disablement shall be made by reference in the physical (anatomical, physiological and functional) and mental capacity for the exercise of the necessary functions of a normally occupied life which would be expected in a healthy person of the same age and sex. For such assessment recognised cardio-respiratory impairment.
2. It shall be determined whether the disablement is temporary or permanent and also the percentage loss of function as it pertains to the loss of working capacity for receiving compensation.
3. Assessment of disablement shall be given by multiples of 10 and shall be proportionate to the loss of earning capacity. Total disablement being taken to be 100% loss of an award with compensation can be made is 40% loss of earning capacity.
Explanation: For the purpose of this rule, "permanent disablement" shall mean such disablement as is certified to be permanent by the Medical Board."
4. Rule 13 of the said rules shall be re-numbered, the following new rule shall be added, namely –

"8. Certificate of cases (1) The claim for compensation in respect of a workman contracting any disease specified in part C of schedule III to the Act shall be supported by a certificate issued by a qualified medical practitioner in the Form "A" to these rules:

Provided that where the contracting of such a disease has resulted in death or permanent disablement of the workman, the claim shall also be supported by an endorsement on the certificate in the form "B" appended to these rules by the Medical Board and in case of difference of opinion between the qualified medical practitioner and the Medical Board, the opinion of the Medical Board shall prevail.

FORM "A"

CERTIFICATE OF DISABILITY /HEALTH.
(See Rule 7)

This is to certify that Shri _____ son of Shri _____ aged _____ years _____ died on _____ was suffering from pneumoconiosis/pneumoconiosis with pulmonary tuberculosis, and the contracting of the disease is/was reasonably attributable to his employment in _____.

(1) Temporary disablement

(b) The disability is in my opinion of a temporary nature likely to last for _____ years _____ months.

Fit for _____ (State employment for which he is considered fit).

(2) Permanent disablement

The disability is of a permanent nature and is/assessed at _____ per cent.

(3) Death.

Death is attributable to the contracting of disease (Cancel out portions not applicable)

Place: _____

Date: _____

Signature of qualified Medical Practitioner.

FORM "B"

Endorsement to be made by Medical Board in cases
of permanent disability or death.

This is to certify that Shri _____ son of Shri _____ was suffering from pneumoconiosis/pneumoconiosis with pulmonary tuberculosis, and the contracting of the disease is/was reasonably attributable to his employment in _____.

(5) Permanent disability

It is certified that the disability is of a permanent nature and is asessed at _____ per cent.

(3) Death.

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

Place: _____

Date: _____

Signature of Members of Medical Board

Note: The Medical Board may call for any further information what may be considered necessary by it from the Medical Practitioner concerned before countersigning Certificate in cases of death.

(No.F.3(40) Shram/62)
By Order of the Governor,
SHER SINGH
Secretary to the Government

NOTIFICATION
Jaipur, August 06, 2013

G.S.R. 58 – Whereas certain draft rules further to amend the Rajasthan Workmen's Compensation (Occupational diseases) Rules, 1965, was published as required by sub-section (1) of Section 34 of the Employees Compensation Act, 1923 (Central Act No.8 of 1923)), in Rajasthan Gazette Extra Ordinary, Part 3 (kh) dated 16 April, 2013 for inviting objections suggestions from all persons likely to be affected thereby on or before the expiry of a period of three months from the date of publication of the said notification in the official gazette.

Whereas copies of the said notification was made available to the public on 16.04.2013.

And whereas no objection of suggestion were received from any person on the said draft rules.

Now, therefore, in exercise of the powers conferred by clauses (p), (q) and ® of sub-section (2) of section 32 of the Employees Compensation Act, 1923 (Central Act No.8 of 1923), the Government of Rajasthan hereby makes the following rules further to amend the Rajasthan Employees Workmen's (Occupational Diseases) Rules, 1965, namely –

RULES

1. **Short title and commencement :-** (1) These rules may be called the Rajasthan Workmen's Compensation (Occupational Diseases) (Amendment) Rules, 2013.
2. They shall come into force on the date of final publication in the official gazette.
3. **Amendment of rule 4.** In rule 4 of said rules _
(a) In sub rule (1) for the existing expression "a Pneumoconiosis Medical Board of Boards" the expression "one or more Pneumoconiosis Medical Board or Boards" shall be substituted.

[No.F.3(40)Lab/62/Pt.II]
By Order of the Governor
Anjana Dixit
Addl Labour Commissioner &
Dy Secretary to Government.

NOTIFICATION

Jaipur, January 12, 2017

G.S.R. 99 – In exercise of powers conferred by clauses (p), (q) and (r) of sub-section (2) of Section 32 of the Workmen's Compensation Act, 1923 (Central Act 8 of 1923) the State Government hereby makes the following rules to amend the Rajasthan Workmen's Compensation (Occupational Diseases) Rules, 1965, the same having been previously published in Rajasthan Gazette Extraordinary Part 3 (kh) dated 22 September, 2016 as required by sub-section (1) of Section 34 of the said Act, namely:-

RULES

1. **Short title and commencement :-** (1) These rules may be called the Rajasthan Workmen's Compensation (Occupational Diseases) (Amendment) Rules, 2016.
(2) They shall come into force on the date of their final publication in the official gazette.
2. **Amendment of long title:** In the long title to the Rajasthan Workmen's Compensation (Occupational Disease) Rules, 1965, hereinafter referred to as the said rules, for the existing expression "workmen's", the expression "employees" shall be substituted.
3. **Amendment of rule 1:** In sub-rule (1) of rule 1 of the said rules, for the existing expression the "workmen's", the expression "Employees" shall be substituted.
4. **Substitution of reference to certain expressions by certain other expressions :-** Throughout the said rules, for the existing expressions "Workman" and "Workmen" wherever they occur, the expressions "employees" and "employee" shall respectively be substituted, and such other consequential amendments as the rules of grammar may require shall also be made.
5. **Amendment of rule 4:** The existing sub-rule (5) of rule 4 of the said rules shall be substituted by the following, namely –
“(5) Any Certificate given by the Medical Board or Appellate Board, as the case may be, under these rules shall be considered as final in respect of medical findings and shall be accepted as prima facie evidence in any proceedings.”
6. **Insertion of new rule 4A and 4B:** After the rule 4, so amended and before the existing rule 5 of the said rules, the following new rules 4A and 4B shall be inserted, namely –
“4A. Constitution of Pneumoconiosis Appellate Board : The State Government may constitute one or more Pneumoconiosis Appellate Board at appropriate place to hear appeal against any certificate given by the Pneumoconiosis Medical Board.
4B. Appeal (1) Any employee aggrieved by a certificate given by the Pneumoconiosis Medical Board under rule 4 may, within thirty days from the date on which the certificate is issued to him, prefer an appeal to the Appellate Board constituted in this behalf by the appropriate government.

Provided that the Appellate Board may entertain the appeal after the expiry of the said period of thirty days, if it is satisfied that there was sufficient cause for delay in filing the appeal.

(2) On receipt of an appeal under sub-rule (1), the Appellate Board shall, after giving opportunity of being heard and after necessary examination as deem fit by it, confirm or modify the certificate of the Pneumoconiosis Medical Board as expeditiously as possible.”

7. **Amendment of rule 6:-**In explanation of rule 6 of the said rules, for the existing expression "Medical Board", the expression "Medical Board or Appellate Board, as the case may be", shall be substituted.
8. **Amendment of rule 8:-** The existing proviso to rule 8 of the said rules shall be substituted by the following, namely –
"Provided that where the contracting of such a disease has resulted in death or permanent disablement of the employee, the claim shall also be supported by an endorsement on the certificate in form "B" or form "C" appended to these rules, by the Medical Board or Appellate Board, as the case may be and in case of difference of opinion between the qualified medical practitioner and the Medical Board, the opinion of the Medical Board shall prevail. In case of certificate given by the Appellate Board in appeal such certificate shall prevail over the certificate given by the Medical Board."

FORM "C"

Certificate to be made by Appellate Board.
(See Rule 7)

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

1. Permanent disablement

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

2. Death.

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

Place: _____

Date: _____

Signature of the Members of the Appellate Board.

Note: The appellate Board may call for any further information that may be considered necessary by it from the medical practitioner or medical board.

[No.F.13(1)Shram/Vidhi/93]
By Order of the Governor
Dhanraj Sharma
Addl Labour Commissioner &
Joint Secretary to the Government.

**THE RAJASTHAN WORKMEN'S COMPENSATION
(COSTS & FEES) RULES, 1959.**

CONSPECTTUS

- | | |
|---|------------------------------------|
| 1. Short Title | 6. Register of applications |
| 2. Definitions | 7. Register of fatal accidents |
| Act | 8. Register of non-fatal accidents |
| Form | 9. Language of the record |
| Section | 10. Supply of certified copies |
| 3. Costs | 11. Allowances to witnesses |
| 4. Fees | 12. Fee for accessories |
| | Form No. A to C |
| 5. Application may be required to deposit excess fees | |

NOTIFICATION

No.F.1(6)/Lab/57 dated June 15, 1959 :- In exercise of powers conferred by section 32 of the Workmen's Compensation Act, 1923 (VIII of 1923) the Government of Rajasthan is pleased to make the following Rules, the same having been previously published as required under section 34 of the said Act.

PART- I

Preliminary

1. **Short title:-** (1) These rules may be called the Rajasthan Workmen's Compensation (Costs & Fees) Rules, 1959.
2. **Definitions:-** In these rules, unless there is anything repugnant in the subject or context :-
 - (a) "The Act" means the Workmen's Compensation Act, 1923 (VIII of 1923)
 - (b) "Form" means a form appended to these rules
 - (c) "Section" means a section of the Act.

PART- II

**Sales of Costs and he Fees Payable in Respect of Proceedings
before a Commissioner.**

3. **Costs:-** (1) Where the Commissioner directs that any costs shall not follows the event, be shall state his reasons in writing.
- (2) The costs which may be awarded shall include :-
 - (a) The charges necessarily incurred on account of court fees;
 - (b) The charges necessarily incurred on subsistence money to witness; and
 - (c) Pleaders fees on the sale prescribed in the following rules.
- (3) In any proceedings involving an application for compensation in the form of a lump sum, as application for commutation of an application for indemnification, the allowed shall be Rs.10/- subject by special order of the Commissioner, to

diminution to a sum not less than Rs.5/- and to increase to a sum not more than Rs.50/- for each such proceedings. In all other applications, the fee allowed shall be Rs.5/- subject to increase by special order to a sum not exceeding Rs.20/-.

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

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

(6) Where two or more defendants having separate substantial defence, have engaged the services of one pleader, they shall be allowed separate sets of costs. In this case, it will be for the defendants interested, to apply at the hearing for separate costs.

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

4. **Fees:** The fees specified in column 3 of the subjoined schedule shall be payable in respect of the proceedings mentioned in the second column of the said Schedule :

SCHEDULE

Sl. No.	Description of proceedings	Amount of fees
1.	Application for compensation :	
(a)	Where compensation is claimed in the form of recurring payments	Eight annas
(b)	Where compensation is claimed in the form of lump sum	One rupee where the sum does not exceed Rs.500/- plus one rupee or each additional sum of Rs.500/- or fraction thereof.
II	Application for commutation:	
(a)	By agreement between the parties	Eight annas
(b)	In all other cases	Two rupees
III	Application for deposit of compensation:	
(a)	Under Section 8(1) 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	Application for distribution by dependants for each dependant	One rupee
V	Application 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 payments are sought to be converted into a lump sum	Two rupees
(c)	In all other cases	One rupee

VI	Application to summon witness	
(a)	For the first witness mentioned in the application	Eight annas
(b)	For every subsequent witness	Four annas
VII	Application for the registration of agreements	
(a)	Where the application or the memorandum of agreement is signed by both parties	Nil
(b)	In all other cases	Eight annas
VIII	Application for Indemnification	Three rupees
IX	Application 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 payable on a similar application for compensation
X	Application not otherwise provided for	Eight annas

FORM 'A'

[See rule (6)]

Register for applications for the Year 19

Date of presentation of application.	Serial No.	For distributoin	For Diposite	Name of application							Name and address of opposite party	Claim	Order			Appeal	Remark	
				For Compensation	For half-monthly payment	For Commutation	For review	For recovery	Application for registration of agreement	Miscellaneous			date	For whom	For what amount			
		A	B	C	D	E	F	G	H	I								

FORM – B

[See rule (7)]

Register of Final Accidents for the Year 19

Sl. No	Date of information	Dt. of accident	Name of deceased workman	Name of employee	Dependents of the deceased workman	Nature of accident & injury	Amt. of Compensation & rate of monthly wages	Dt. of disribution & rate of monthly wages.	Remarks
1	2	3	4	5	6	7	8	9	10

FORM "C"

[See rule (7)]

Register of Factal Accidents for the Year 19

S.No	Date of information	Date of Accident	Name of workman injured	Name of Employer	Name of injury		Amount of Compensation		Date of Disposal	Remark
					Temporary	Lump Sum	Half monthly			
1	2	3	4	5	6	7	8	9	10	11

The Rajasthan Workmen's Compensation (Unclaimed Deposits) Rules, 1959

CONTENTS

Rules:

1. Short Title
2. Definitions
3. Sums unclaimed for three years to be credited to Rajasthan Government
4. List of sums unclaimed to be posted in the office of the Commissioner, every year
5. Refund

The Rajasthan Workmen's Compensation (Unclaimed Deposits) Rules, 1959

In exercise of the powers conferred by Section 32 of the Workmen's Compensation Act, 1923 (VIII of 1923), the Government of Rajasthan pleased to make the following Rules, the same having been previously published in Rajasthan Gazette as required by under Section 34 of the said Act, namely –

1. **Short Title:** (a) These rules may be called the Rajasthan Workmen's Compensation (Unclaimed Deposits) Rules, 1959.
(b) They supersede all previous rules on the subject in force in any part of Rajasthan.
2. **Definitions:** In these rules, unless there is anything repugnant in the subject or context:
 - (a) "Act" means the Workmen's Compensation Act, 1923
 - (b) "Financial Year" means the financial year as defined in clause (22) of Section 3 of the General Clauses Act, 1897;
 - (c) "Section" means a section of the Act
 - (d) "Treasury" means a Government Treasury
 - (e) Words and expressions used in the Act and not defined in these rules shall have the meanings assigned to them in the Act.
3. **Sum unclaimed for three years to be credited in Rajasthan Government :** (1) When any person to whom any lump sum referred to in sub-section (7) of Section 8 is payable dies, the Commissioner shall make an inquiry for ascertaining the person who is entitled to claim the said sum.
(2) If the Commissioner finds that there is no person who claims the said sum for a period of three years from the date of the death of the person to whom the said sum was payable, it shall at the end of the financial year be paid into the Treasury to the credit of the State Government as deposit unclaimed, for the eventual benefit of any person who may duly establish his claim thereto.
4. **List of sums unclaimed to be posted in the office of the Commissioner, every year :-** (1) In the month of January each year, a list showing sums, which at the end of the financial year will be due for being credited to the State Government under rule 3 and the names of persons to whom the said sums were payable, shall be posted up in the office of the Commissioner.
(2) If the said amount by any persons before the 25th March, in that year, the Commissioner, shall pay the said sums into the Treasury for being credited in the State Government in the forenoon of 31st March in the year.
(3) In the month of April following, the Commissioner shall furnish to the Accountant General, Rajasthan, a statement of all sums credited to the State Government showing separately the said sums in serial order, the names of persons to whom they were payable and the dates on which the said sums were credited to the State Government.
5. **Refund:-** If any person proves to the satisfaction of the Commissioner that he is entitled to any sum credited to the State Government under sub-clause (2) of rule 3, the Commissioner shall make an application in form "A" annexed hereto the Accountant General, Rajasthan, for the refund of the said sum to the Commissioner, after verifying that it had been received by him and was credited to the State Government under sub-rule (2) of the rule 3.

FORM "A"

The Accountant General
Rajasthan, _____.

Sir,

I, _____, the Workmen's Compensation Commissioner,
_____ hereby certify that
Shri/Smt. _____ is/are the legal heir(s) of the deceased
_____ as per judgement dated _____ delivered
by this Court on _____.

It is, therefore, requested that the sum of Rs. _____ deposited as per statement
dated _____ may be refunded for payment to the claimant(s).

Workmen's Compensation Commissioner