

THE WORKMEN'S COMPENSATION RULES, 1924

1. Vide Govt. of India, Dept. of Industries & Labour, Notification No.L-1182, dated 26th June, 1924.

In exercise of the powers conferred by section 32 of the Workmen's Compensation Act, 1923 (8 of 1923), the Governor-General in Council is pleased to make the following rules

PRELIMINARY

. -These rules may be called the Workmen's Compensation Rules, 1924.

-In these rules unless there is anything repugnant in the subject or context, -

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

PART I REVIEW OF HALF-MONTHLY PAYMENTS AND COMMUTATION THEREOF

. -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 to compensation was determined the workmen's wages have increased;
- (b) By the workman, on the ground that since the right to compensation was determined his wages have diminished;
- (c) By the workman, on the ground that the employer, having commenced to pay compensation, has ceased to pay the same, notwithstanding the fact that there has been no change in the 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 or other improper means;
- (e) Either by the employer or by the workman, on the ground that in the determination on the ground that in that determination of compensation there is a mistake or error apparent on the face of the record.

. -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.

- (a) The Commissioner may, at any time before issues are trained, 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 dependent 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 prevented by any sufficient cause from appearing when the case was called on for hearing.
- (3) If, after completing the enquiry into the application, the Commissioner issues an order requiring the employer to deposit compensation in accordance with subsection (1) of section 8, nothing in sub-rule (2) shall be deemed to prohibit the allotment of any part of the sum deposited as compensation to a dependent of the deceased workman who failed to join the application.

. - An employer depositing compensation in accordance with subsection (2) of section 8, shall furnish therewith a statement in Form D, and shall be given a receipt in Form E.

. -Money in the hands of commissioner may be invested for the benefit of the dependents 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

. -The report required by section 10 B shall, subject to such rules, if any, as may be made by the State Government, be in Form EE.

- (1) Any employer who has received information of an accident may at any time notwithstanding the fact that no claim for compensation has been instituted in respect of such accident, present to the Commissioner a memorandum supported by an affidavit made by himself or by any person subordinate to him having knowledge of the facts stated in the memorandum, embodying the results of any investigation or inquiry which has been made into the circumstances or cause of the accident.
- (2) A memorandum presented under sub-rule (1) shall, subject to the payment of such fee as may be prescribed, be recorded by the Commissioner.

PART IV MEDICAL EXAMINATION

. -A workman who is required by subsection (1) of section II to submit himself for medical examination shall be bound to do so in accordance with the rules contained in this Part and not otherwise.

. -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.

. - 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 so specified

Provided that-

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

. - A workman who is in receipt 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.

. -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.

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- (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

. - Save as otherwise provided in these rules the procedure to be followed by the 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.

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- (1) Any application of the nature referred to in section 22 may be sent to the Commissioner by registered post or may be presented to him or to any of his subordinates authorised by him in this behalf, and, if so sent or presented, shall, unless the Commissioner otherwise directs, be made in duplicate in 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 statement of facts contained in the application is to the best of his knowledge and belief accurate.

21. Production of documents. -

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

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- (1) If it appears to the Commissioner on receiving application that it should be presented to another Commissioner he shall return it to the applicant after endorsing upon it the date of the presentation and return, the reason for returning it and designation of the Commissioner to whom it should be presented.
- (2) If it appears to the Commissioner at any subsequent stage that all application should have been presented to another Commissioner, he shall send the application to the Commissioner empowered to deal with it and shall inform the applicant (and the opposite party, if he has received a copy of the application under rule (26), accordingly.
- (3) The Commissioner to whom all application is transferred under sub-rule (2) may continue the proceedings as if the previous proceedings orally part of them had been taken before him, if he is satisfied that the interests of the parties will not thereby be prejudiced.

- (1) On receiving application of the nature referred to in section 2'-, the Commissioner may examine the applicant on oath, or may send the application to any officer authorized by the State Government in this behalf and direct such officer to examine the applicant and his witnesses and forward the record thereof to the Commissioner.
- (2) The substance of any examination made under sub-rule (1) shall be recorded in the manner provided for the recording of evidence in section 25.

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- (1) The Commissioner may, after considering the application and the result of any examination of the applicant under rule 23, summarily dismiss the application, if, for reasons to be recorded, he is of opinion that there are no sufficient grounds for proceeding thereon.
- (2) The dismissal of the application under sub-rule (1) shall not of itself preclude the applicant from presenting a fresh application for the settlement of the same matter

. - 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.

. - 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 of the 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.

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- (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 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.

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- (1) After considering any written statement and the result of any examination of the parties, the Commissioner shall ascertain upon what material propositions of fact or of law the parties are at variance and shall thereupon proceed to frame and record the issues upon which the right decision of the case appears to him to depend.
- (2) In recording the issues, the Commissioner shall distinguish between those issues which in his opinion concern points of facts and those, which concern points of law.

. - When issues both of law and of fact arise in the same case, and the Commissioner is of opinion that the may be

disposed of on the issues of law only, he may try those issues first, and for that purpose may, if he may fit, postpone the settlement of the issues of fact until after the issues of law have been determined.

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

. - If the Commissioner finds it impossible to dispose of an application at one hearing he shall record the reasons which necessitate a postponement.

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- (1) The Commissioner, in passing orders, shall record concisely a judgment, his finding on each of the issues raised 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.

. - If all application is presented to 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.

. - 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 applicants 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.

. - A Commissioner before whom any proceeding relating to all 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 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.

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- (1) If the Commissioner proposes to conduct a local inspection with a view to examining the spot the circumstances in which all 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 all employer, may be given to any person upon whom notice of a claim can be served under sub-section (2) of section IO, or the representative of any such person.

- (3) Any party, or the representative of any party, may accompany the Commissioner at a local inspection.
- (4) The Commissioner, after making a local inspection, shall note briefly in a memorandum any facts observed, and shall show the memorandum to any party who desires to see the same and, on payment of the prescribed fee, shall supply any party with a copy thereof.
- (5) The memorandum shall form part of the record.

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- (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 statements or part of a statement which is furnished to the parties under sub-rule (4) shall be incorporated in the record.
- (6) Where a case is settled by agreement between the parties, the Commissioner may incorporate in the record any statement made under sub-rule (1) and may utilize such statement for the purpose of justifying his acceptance of or refusal to accept the agreement reached.

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- (1) If a party states in writing his willingness to abide by the decision of the Commissioner, the Commissioner shall inquire whether the other party is willing to abide by his decision.
- (2) If the other party agrees to abide by the Commissioner's decision, the fact of his agreement shall be recorded in writing and signed by him.
- (3) If the other party does not agree to abide by the Commissioner's decision, the first party shall not remain under an obligation so to abide.

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- (1) Where the opposite party claims that if compensation is recovered against him he will be entitled under subsection (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-section (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 appear subsequently and satisfies the Commissioner that he was prevented by any sufficient cause from appearing, the Commissioner shall offer 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 and 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 J.

- (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 J 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 appealing, 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 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.

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- (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 record on 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 hid the opportunity of being present, and if they were present, of cross-examining the witnesses.

, 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 IO; Order XVI, Rules 2 to 21; Order XVII; and Order XXIII, Rules I and I-, 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 construe them with such alterations not affecting the substance as may be necessary or proper to adapt them to the matter before him;
- (b) The Commissioner may, for sufficient reasons, proceed otherwise than in accordance with the said provisions if he is satisfied that the interests of the parties will not thereby be prejudiced.

. -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 Ws behalf by any officer subordinate to him appointed by him in writing for this purpose.

. -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 proceedings relating to the apportionment of compensation among the dependents of a deceased workman.

PART VI

TRANSFER

- (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 subsection, 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.

. -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

. -Where any party to a proceeding is under the age of 15 year-, 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 purposes of the proceeding.

. - If the Commissioner considers that the interests of any party for whom a representative has been appointed under rule 46 are not being adequately protected by the representative or if a person appointed to act as representative dies or becomes incapable of acting, or otherwise ceases to act as such, the Commissioner shall appoint in his place another person who consents to the appointment.

PART VIII RECORD OF MEMORANDA OF AGREEMENT

. -Memoranda of agreement sent to the Commissioner under subsection (1) of section '-18 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 of Form L or Form M as the case may be.

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- (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 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.

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- (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 do not present a written notice shall be sent to them in Form P or Form Q, as the case may be and the date fixed in such notice shall be not less than seven days after the date of the issue of the same.
- (3) If on the date fixed under sub-rule (1) the party or parties desiring the memorandum to be recorded show adequate cause for proceeding to record, the same, the Commissioner may, if information has already been given to all the parties concerned, record the agreement. If information has not been given to all such parties, he shall proceed in accordance with rule 49.
- (4) If, on the date so fixed, the Commissioner refuses to record the memorandum, he shall send notice in Form O to any party who did not receive information under sub-rule (1).

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- (1) If in any case the Commissioner refuses to record a memorandum of agreement he shall briefly record his reason 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 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.

. - 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 hearing Serial No..... of 19..... in the register has been recorded this.....day of.....

(Signature).....

Commissioner."