

[Gazette No. 8134
of 19th July 1935.]

WORKMENS'S COMPENSATION

THE WORKMEN'S COMPENSATION ORDINANCE

SECTION 18

(Vide regulation No. 54 of the Regulations under section 54)

SECTION 27
NOTIFICATION

SECTION 54
(8134/19-7-1935)

THE WORKMEN'S COMPENSATION REGULATIONS, 1935
PRELIMINARY

Short title.

1. These regulations may be cited as the Workmen's Compensation Regulation, 1935.

Definition.

2. In these regulations unless there is anything repugnant in the subject or context,-

- (a) "the Ordinance" and "section" mean respectively the Workmen's Compensation Ordinance and the section thereof which is cited by number ;
- (b) "Form" means a form prescribed by the Ordinance or these regulations and appended to these regulations.

PART 1

Review of Half-monthly Payments and Commutation Thereof

When
application
may be made
without
medical
certificate.

3. Application for review of half-monthly payment under section 8 may be made without being accompanied by a medical certificate:-

- (a) by the employer, on the ground that since the right to compensation was determined the workman's wages have increased ;
- (b) by the workman, on the ground that since the right to compensation was determined his wages have diminished ;
- (c) by the workman, on the ground that the employer, having commenced to pay compensation, has ceased to pay the same, notwithstanding the fact that there has been no 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 workmen on the ground that in the determination of compensation there has been a mistake or error apparent on the face of the record. The application should be accompanied by the prescribed fees.

PART II
Medical Examination

Workmen not to be required to submit to medical examination save in accordance with regulations.

4. A workman who is required by subsection (1) of section 21 to submit himself for medical examination shall be bound to do so in accordance with the regulations contained in this Part and not otherwise.

Examination when workman and medical practitioner both on premises.

5. When such workman is present on the employer's premises, and the employer offers to have him examined free of charge by a qualified medical practitioner who is so present, the workman shall submit himself for examination forthwith.

Examination in other cases.

6. In cases to which regulation 5 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 :

Provide 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.

Restriction on number of examinations.

7. A workman who is in receipt of a half-monthly payment shall not be required to submit himself for medical examination elsewhere than at the place where he is residing for the time being more than twice in the first month following the accident, or more than once in any subsequent month.

Examination after suspension of right to compensation.

8. If a workman whose right to compensation has been suspended under subsection (2) or subsection (3) of section 21 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 not being, save with the express consent the workman, more than 72 hours after the workman has so offered himself.

Examination of women.

9. (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 III
Procedure

Introductory.

10. Save as otherwise provided in these regulations the procedure to be followed by Commissioners in the disposal of cases under the Ordinance or these regulations and by the parties in such cases shall be regulated in accordance with the regulations contained in this Part.

Applications.

11. (1) Any application of the nature referred to in section 34 may be sent to the Commissioner by registered post or may be presented to him or to any of his subordinates authorized by him in that behalf and, if so sent or presented, shall unless the Commissioner otherwise directs, be in duplicate substantially in Form A or Form B as the case may be.

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

(3) The application and the certificate shall be subscribed with the signature or mark of the applicant and accompanied by the fee prescribed in these regulations.

Examination of applicant.

12. (1) On receiving such application, the Commissioner may examine the applicant on oath, or may send the application to any other Commissioner for report or for disposal.

(2) The substance of any examination made under paragraph (1) shall be recorded in the manner provided for the recording of evidence in section 37.

Summary dismissal of application.

13. The Commissioner may, after considering the application under regulation 12 summarily dismiss the application, if for reasons to be recorded, he is of opinion that there are no sufficient grounds for proceeding thereon.

Preliminary inquiry into application.

14. If the application is not dismissed under regulation 13 the Commissioner may, for reasons to be recorded, call upon 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.

Notice to respondent.

15. If the Commissioner does not dismiss the application under regulation 13 or regulation 14 he shall send to the party from whom the applicant claims relief (hereinafter referred to as the respondent) a copy of the application. The Commissioner shall notify the parties of the date on which he will dispose of the application, and may call upon the parties to produce upon that date any evidence which they may wish to tender.

[*Gazette*
No. 11023 of 14th
December 1956.]

Appearance and examination of respondent.

16. (1) The respondent 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 the record.

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

Framing of issues.

17. (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 which in his opinion concern points of fact and those which concern points of law.

Power to postpone trial of issues of fact where issues of law arise.

18. When issues both of law and of fact arise in the same case and the Commissioner is of opinion that the case may be disposed of on the issues of law only, he may try those issues first, and for that purpose may, if he thinks fit, postpone the settlement of the issues of fact until after the issues of law have been determined.

Journal.
[*Gazette* No. 11, 152 of
2nd August 1957.]

19. The Commissioner shall maintain a brief journal of the proceedings on an application.

Reasons for postponement to be recorded.

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

Judgment.

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

(2) The Commissioner, at the time of signing and dating his judgment, shall pronounce his decision, and thereafter no addition or alteration shall be made to the judgment other than the correction of a clerical or arithmetical mistake arising from any accidental slip or omission.

Summoning of witnesses. [Gazette (E.O) No. 754/3 of 15th February 1993.]

22. If an application together with the prescribed fee is presented by any party to the proceedings for the citation of witnesses, the Commissioner shall issue summonses for the appearance of such witnesses unless he considers that their appearance is not necessary for the just decision of the case:

Provided that the Commissioner may refuse to issue summons if the party applying for summons fails to deposit, before the issue thereof an amount sufficient to cover the payment of a fee or for Rs. 250 for every expert witness for everyday that he is summoned to give evidence, and the payment of batta and travelling expenses to witness for his attendance according to the scale of batta and expenses payable to witnesses summoned by the State in District Court criminal cases.

Exemption from payment of costs.

23. If the Commissioner is satisfied that the applicant is unable, by reason of poverty, to pay the prescribed fees, he may remit any or all of such fees. If the case is decided in favour of the applicant, the fees which, had they not been remitted, would have been due from him may be added to the costs of the case and recovered in such manner as the Commissioner in his order regarding costs may direct.

Right of entry for local inspection.

24. A Commissioner before whom any proceeding relating to an injury by accident is pending may at any time enter the place where the workman was injured, or where the workman ordinarily performed his work, for the purpose of making a local inspection or of examining any persons likely to be able to give information relevant to the proceedings :

Provided that the Commissioner shall not enter any premises of any industrial establishment except during the ordinary working hours of that establishment, save with the permission of the employer or of some person directly responsible to him for the management of the establishment.

Procedure in connection with local inspection.

25. (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 to the parties or their representatives and, in the case of an employer, may be given in the manner prescribed by section 17.

(3) The parties concerned, or their representative may be present at any local inspection held by the Commissioner.

[Gazette (E.O) No. 754/3 of 15th February 1993.]

(4) The Commissioner, after making a local inspection, shall note briefly in a memorandum any facts observed, and shall show the memorandum to any of the parties concerned who may desire to see the same, and, on payment of a fee Rs.10 shall supply such party with a copy thereof.

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

Power of summary examination.

26. (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 paragraph (1).

(3) A statement made by any person examined under paragraph (1), if reduced to writing, need not be signed by that person nor shall any such statement, 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 paragraph (1) makes in evidence any material statement contradicting any statement made by him in such examination and reduced to writing, the Commissioner may call his attention to such statement, and shall in that case direct that the parties be furnished with the relevant part of such statement for the purpose of examining or cross-examining the witness.

(5) Any statement or part of a statement which is furnished to the parties under paragraph (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 paragraph (1), and may utilize such statement for the purposes of justifying his acceptance, of, or refusal to accept, the agreement reached.

Agreement to
abide by
Commissioner's
decision.

27. (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.

Procedure
where
indemnity
claimed under
section 22 (2).

28. (1) Where the respondent claims that if compensation is recovered against him he will be entitled under subsection (2) of section 22 to be indemnified by some other person not a party to the case, he shall, when first called upon to answer the application present a notice of such claim to the Commissioner with the prescribed fee and the Commissioner shall thereupon cause a notice substantially in Form C, to be served on that other person.

(2) If any person served with a notice under paragraph (1) desires to contest the applicant's claim for compensation or the respondent's claim to be indemnified, he shall appear before the Commissioner on the date fixed for the hearing of the case in the notice in Form C 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 respondent for any compensation recovered from him :

Provided that, if any person so served appears subsequently and satisfies the Commissioner that he was prevented by any sufficient cause from appearing the Commissioner shall, after giving notice to the aforesaid respondent hear such person, and may set aside or vary any award made against such person under this regulation upon such terms as may be just.

(3) If any person served with a notice under paragraph (1) whether or not he desires to contest the applicant's claim for compensation or the respondent's claim to be indemnified, claims that being a contractor he is himself a principal and is entitled to be indemnified by any other 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 paragraph (1) present a notice of such claim to the Commissioner together with the prescribed fee and the Commissioner shall thereupon cause a notice, substantially in Form D, to be served upon that other person.

(4) If any person served with a notice under paragraph (3) desires to contest the applicant's claim for compensation, or the claim under paragraph (3) to be indemnified he shall appear

before the Commissioner on the date fixed in the notice in Form D or on any date to which the case may be adjourned and, if he so appears, shall have all the rights of a party of the proceedings ; in default of so appearing he shall be deemed to admit the validity of any award made against the respondent or the person served with a notice under paragraph (1) and to admit his own liability to indemnify the party against whom such award is made for any compensation recovered from him: Provided that, if any person so served appears subsequently and satisfies the Commissioner that he was prevented by any sufficient cause from appearing, the Commissioner shall, after giving notice to all parties on the record, hear such person, and may set aside or vary any award made against such person under this regulation upon such terms as may be just.

(5) In any proceeding in which a notice has been served on any person under paragraph (1) or paragraph (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 and of the parties, and shall specify the party, if any, whom he is liable to indemnify.

Procedure in connected cases.

29. (1) Where two or more cases pending before the 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 paragraph (1), the evidence bearing on the common issue or issues shall be recorded on the record of one case, and the Commissioner shall certify under his hand on the record of any such other case the extent to which the evidence so recorded applies to such other case, and the fact that the parties to such other case had the opportunity of being present, and, if they were present of cross-examining the witnesses.

Certain provisions of the Civil Procedure Code to apply.

30. Save as otherwise expressly provided in the Ordinance or these regulations, the following provisions of the Civil Procedure Code, namely, those contained in Chapters VII, VIII, IX, XII, XVI, XVIII, and XXVI thereof shall apply to proceedings before the Commissioner, 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 reason, proceed otherwise than in accordance with the said provisions if he is satisfied that the interests of the parties will not thereby be prejudiced.

Provision regarding signature on forms.

31. Any form which is by these regulations required to be signed by the Commissioner may be signed under his direction and on his behalf by any officer subordinate to him appointed by him in writing for this purpose.

Apportionment of compensation among dependants.

32. The provisions of this Part, except those contained in regulations 15, 16 and 28 shall as far as may be, apply in the case of any proceedings relating to the apportionment of compensation among dependants of a deceased workman.

Procedure on application for commutation.

33. (1) Where application is made to the Commissioner under section 9 for the redemption of a right to receive half-monthly payments by the payment of a lump sum, the application shall be substantially in Form E and shall be accompanied by the prescribed fee. The Commissioner shall form an estimate of the probable duration of the disablement, and shall award a sum equivalent to the total of the half-monthly payments which would be payable for the period during which he estimates that the disablement will continue less one-half per cent of that total for each month comprised in that period :

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

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

PART IV
Transfer

Transfer for report.

34. (1) Where any officer performing the duties of the Commissioner under these regulations has to transfer any matter to any other such officer for report in accordance with subsection (1) of section 33, he shall along with the documents referred to in that subsection, transmit to such other officer a concise statement, in the form of questions for answer, of the matter on which report is required.

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

PART V

Manner in which money in the hands of the Commissioner may be invested.
[Gazette (E.O) 754/3 of 15th February 1993.]

35. Money in the hands of the Commissioner may be deposited for the benefit of the dependents of a deceased workman in the National Savings Bank.

PART VI

Appointment of Representatives

Form of memorandum.

38. Memoranda of agreement sent to the Commissioner under section 42 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 F or Form G or Form H as the case may be.

Procedure where Commissioner does not consider that he should refuse to record memorandum.

39. (1) On receiving a memorandum of agreement with the prescribed fee, 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 cause a notice substantially in Form I to be served on the parties concerned calling upon them to show cause if any in writing why the memorandum should not be so recorded:

[Gazette (E.O) 11023 of 14th December 1956.]

Provided that the notice may be communicated orally to any parties who are present at the time when notice in writing would otherwise issue.

[Gazette (E.O) 11023 of 14th February 1956.]

(2) On the date so fixed, the Commissioner shall record the memorandum unless, after considering the objections made against the memorandum being recorded, he considers that it ought not be recorded :

[Gazette (E.O) 11023 of 14th February 1956.]

Provided that the issue of a notice under paragraph (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.

[Gazette No. 11023 of 14th February 1956.]

(3) If on such date the Commissioner decides that the memorandum ought not to be recorded, he shall inform the parties of his decision and of the reasons therefor.

Procedure where Commissioner considers he should refuse to record memorandum.

40. (1) If the Commissioner considers that there are grounds for refusing to record the memorandum of agreement he shall fix a date for hearing the party or parties desiring the memorandum to be recorded, and shall inform such party or parties and, if he thinks fit, any other party concerned, of the date so fixed and of the grounds on which he considers that the memorandum should not be recorded.

(2) If the parties to be informed are not present the Commissioner shall cause to be served on them a notice substantially in Form K or Form L as the case may be, and the date of hearing specified in such notice shall be not less than seven days after the date of issue of the notice.

(3) If, on the date fixed under paragraph (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 memorandum.

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

Procedure on refusal to record memorandum.

41. (1) If in any case the Commissioner refuses to record a memorandum of agreement, he shall briefly record his reasons for such refusal.

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

(3) Where the agreement is for the redemption of half-monthly payments by the payment of a lump sum, and the Commissioner considers that the memorandum of agreement should not be recorded by reason of the inadequacy of the amount of such as fixed in the agreement, he shall record his estimate of the probable duration of the disablement of the workman.

Registration of memorandum accepted for record.

42. Particulars of every memorandum of agreement which the Commissioner decides to record shall be entered by him in a register substantially in Form M : and on a copy of the memorandum which shall be retained by him there shall be made under his signature an endorsement in the following terms. namely :-

“This memorandum of agreement dated _____, 19____, has been recorded in the register this _____ day of _____, 19____, under serial No. _____.

Commissioner”

PART VIII

Procedure on application for review.

43. If, on examining an application for review by an employer in which the reduction or discontinuance of half-monthly payments 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.

PART IX

Reasons for disallowing costs to be stated. Items including under costs.

44. Where the Commissioner directs that any costs shall not follow the event, he shall state his reasons in writing.

45. The costs which may be awarded shall include:-

- (a) the charges necessarily incurred in the payment of the prescribed fees in connection with the application,
- (b) the charge necessarily incurred on batta or subsistence allowances to witnesses, and
- (c) legal practitioner's fees on the scale prescribed in the regulation next following.

Legal
practitioner's
fees.
[Gazette (E.O)
754/3 of 15th
February 1993.]

46. In any proceeding involving an application for compensation in the form of a lumpsum or an application for indemnification, the legal practitioner's fee allowed shall be to Rs. 250 subject by special order of the Commissioner to demuniton to a sum not less than Rs.105 and to increase to a sum not more than Rs. 500 for each such proceeding. In all other applications the fee allowed shall be Rs. 105 subject to increase by special order to a sum not exceeding Rs. 250.

47. When a party engages more legal practitioners than one to conduct or defend a case he shall be allowed one set of costs only.

48. When several respondents having substantially one defense to make employ several legal practitioners 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 Commissioner that separate costs be not allowed.

49. When two or more respondents having separate substantial defenses have engaged the services of one legal practitioner they shall be allowed separate sets of costs. In this case it will be for the respondents interested to apply at the hearing for separate costs.

50. When several respondents having separate defenses are represented by separate legal practitioners they shall be entitled to separate costs.

PART X
Fees

Fees payable
in respect of
proceedings
under the
Ordinance.

51. The following fees shall be payable in respect of proceedings under the Ordinance, by means of one or more uncanceled stamps of the appropriate value affixed to each application

[Gazette (E.O)
754/3 of 15th
February 1993.]

I - Applications for compensation :-

(a) Where compensation is claimed in the form of sequence payments Rs. 10

(b) Where compensation is claimed in the form of a lump sum

not exceeding Rs. 5000/= Rs. 5

„ „ Rs.10,000/= Rs. 10

„ „ Rs. 15,000/= Rs. 15

„ „ Rs. 25,000/= Rs. 25

Rs. 1 for Rs. 1000 or fraction thereof.

[Gazette (E.O)
754/3 of 15th
February 1993.]

II - Applications for compensation :-

(a) By agreement between the parties Rs. 10

(b) In all other cases Rs. 10

III - Applications for the deposit of compensation :-

(a) Under section 11 (1) of the Ordinance Nil

(b) Under section 11 (2) of the Ordinance
(in respect of each person to whom Rs. 5
compensation is payable)

IV Applications for review:-

(a) Where the review claimed is the
continuanace increase, decrease or
ending of half-monthly payments Rs. 5

(b) Where the half-monthly payments are sought to be converted into a lump sum	Rs. 20
(c) In all other cases ..	Rs. 10

V - Applications 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 ..	Rs. 10

VI - Applications to summon witness:-

(a) For the first witness mentioned in the application	Rs. 5
(b) For every subsequent witness ..	Rs. 2.50

VII - Applications for indemnification .. Rs. 30

VIII - All applications not otherwise provided for Rs. 10

[Gazette (E.O) 754/3 of 15th February 1993.]

When an applicant fails to pay the appropriate amount of fee prescribed under regulation 51 such amount of fee shall be recovered from the compensation payable to such applicant.

Cases where Commissioner may allow application without fee.

52. In the case of any application falling under head X of regulation 51 the Commissioner may, if he thinks fit, permit the application to be made without any fee.

Where an increased fee has to be paid.

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

PART XI
Notice Book

54. (1) The following classes of employers shall maintain notice books as required by section 18 (1) of the Ordinance :-

- (a) The owners or the persons, by whatever name called, in actual charge and control of mines and of factories, as defined in the Mines and Machinery Ordinance, 1896.
- (b) Persons who habitually or at any one time employ 25 or more workmen, irrespective of the nature of their employment.

(2) The notice book shall be substantially in Form N.

Form statement required under section 20.

PART XII

55. The statement required by section 20 shall be substantially in Form O.

PART XIII

License

License. [Gazette (E.O) 754/3 of 15th February 1993.]

56. (1) Every application for a license under section 45 (1) to undertake insurance for the purposes of the Ordinance shall be substantially in Form P.

(2) The annual licence fee shall be ten thousand rupees and every licence issued under section 45 (1) shall be -

- (a) valid for one year;
(b) renewed after expiration of the period specified in the licence

(3) In the event of any application for a license being rejected by the Commissioner, the fee paid by the applicant shall be refunded to him.

PART XIV

Miscellaneous

Return under section 57 (2).

57. The report required by section 57 (1) shall be substantially in Form Q-

58. (1) The return required by section 57 (2) shall relate to a calendar year, shall be substantially in Form R and shall be furnished on or before the 1st February of the year next following the year to which the return relates.

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

59. Wherever necessary, a Sinhalese or a Tamil translation, provided or approved by the Commissioner, may be used in place of any form prescribed by these regulations.

FORM A

(Prescribed by regulation 11)

APPLICATION FOR COMPENSATION BY WORKMEN

To: The Commissioner for Workmen's Compensation.

Applicant's Name:
Address :
versus

Respondent's Name:
Address :

It is hereby submitted that:-

(1) the applicant, a workman employed by (a contractor with the respondent on the day of 19 received personal injury by accident arising out of and in the course of his employment.



WORKMEN'S COMPENSATION

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

(b) Notice of the accident was not served (in due time by reason of _____).
(5) the applicant is accordingly entitled to receive:-

(a) half-monthly payments of Rs. _____ from the _____ day of _____, 19____, to _____.

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

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

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

- (a) whether the applicant is a workman within the meaning of the Ordinance ;
- (b) whether the accident arose out of or in the course of the applicant's employment ;
- (c) whether the amount of compensation claimed or any smaller amount is due ;
- (d) whether the respondent is liable to pay such compensation as may be due ;
- (e) &c., (as required)

I certify that the facts which I have stated above are to the best of my knowledge and belief, true and correct.

Date the _____

Signature or mark of Applicant.

*Strike out the clauses which are not applicable.

FORM B

(Prescribed by regulation 11)

APPLICATION FOR ORDER TO DEPOSIT
COMPENSATION DEPENDANTS

To: The Commissioner for Workmen's Compensation.

Applicant's Name: _____.

Address : _____.

versus

Respondent's Name: _____.

Address : _____.

Stamp not to be cancelled.

It is here by submitted that-

(1) _____ a workman employed by (a contractor with) the respondent on the hereby submitted that-

[Gazette (E.O)
No. 754/3 of 15th
February 1993.]

[Gazette (E.O)
754/3 of 15th February
1993.]

WORKMEN'S COMPENSATION

_____ day of _____, 19____, received personal injury by accident arising out of and in the course of his employment resulting in his death on the _____ day of _____, 19____. The cause of the injury was (*here insert briefly in ordinary language the cause of the injury*)_____.

is a

(2) The applicant (s) _____ dependant (s) of the deceased workman are

being his _____.

(3) The monthly wages of the deceased amount to Rs._____.

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

(b) Notice was served as soon as practicable.

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

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

is

(6) The applicant (s) _____ accordingly entitled to receive a lump

are

sum payment of Rs._____.

[Gazette (E.O)
No. 754/3 of 15th
February 1993.]

*Strike out the clauses which are not applicable.

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

I certify that the facts which I have stated above are to the best of my knowledge and belief true and correct.

Date the _____

Signature or mark of Applicant.

FORM C

(Prescribed by regulation 28)

NOTICE

Whereas a claim for compensation has been made by _____ applicant, against _____ and the said _____ has claimed that you are liable under section 22 (2) of the Workmen's Compensation Ordinance to indemnify him against any compensation which he may be liable to pay in respect of the aforesaid claim, you are hereby informed that you may appear before me on _____ and contest the claim for compensation made by the said applicant or the claim for indemnity made by the respondent. In default of your appearance you will be deemed to admit the validity of any award made against the respondent and your liability to indemnify the respondent for any compensation recovered from him.

Date the _____, 19_____.

Commissioner for Workmen's Compensation.

FORM D

(Prescribed by regulation 28)

NOTICE

Whereas a claim for compensation has been made by _____ applicant, against _____ and the said _____ has claimed that _____ is liable under section 22 (2) of the Workmen's Compensation Ordinance to indemnify him against any compensation which he may be liable to pay in respect of the aforesaid claim, and whereas the said _____ on notice served has claimed that you _____ stand to him in the relation of a contractor from whom the applicant _____ could have recovered compensation, you are hereby informed that you may appear before me on _____ and contest the claim for compensation made by the said applicant or the claim for indemnity made by the respondent _____. In default of your appearance you will be deemed to admit the validity of any award made against the respondent _____ and your liability to indemnify the respondent _____ for any compensation recovered from him.

Date the _____, 19_____.

Commissioner for Workmen's Compensation.

FORM E

(Prescribed by regulation 33)

APPLICATION FOR COMMUTATION
(Under section 9 of the Workmen's
Compensation Ordinance)

To: The Commissioner for Workmen's Compensation.

Applicant's Name: _____.

Address : _____.

versus

Respondent's Name: _____.

Address : _____.

It is hereby submitted that:-

- (1) The ^{applicant} _____ has been in receipt of half-monthly payment
respondent _____

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 respondent is unwilling to agree regarding the redemption of the right to receive half-monthly payments.



(b) The parties have been unable to agree regarding the sum to 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.

Date the _____, 19_____.

Signature or Mark of Applicant

FORM F
(Prescribed by regulation 38)

MEMORANDUM OF AGREEMENT

Stamp not
to be
cancelled.

It is hereby submitted that on the _____ day of _____, 19_____, personal injury was caused to _____ residing at _____ by accident arising out of and in the course of employment in _____. The said injury has resulted in temporary disablement to the said workman whereby it is estimated that he will be prevented from earning more than _____ of his previous _____ any _____ wages for a period of months.

The said workman has been in receipt of half-monthly payments, which have continued from the _____ day of _____, 19_____, until the _____ day of _____, 19_____, amounting to Rs. _____ in all. The said workman's monthly wages are estimated at Rs. _____

The workman _____ is over the age of 15 years.
_____ will reach the age of 15 years on _____.

It is further submitted that _____ the employer of the said workman, has agreed to pay, and the said workman has agreed to accept the sum of Rs. _____ in full settlement of all and every claim under the Workmen's Compensation Ordinance in respect of all disablement of a temporary nature arising out of the said accident whether now or hereafter to become manifest. It is therefore requested that this memorandum be duly recorded.

Dated _____.

Signature of Employer : _____.

Witness : _____.

Signature or Mark of Workman : _____.

Signature of 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. Both signatures should be appended, whenever possible.)

WORKMEN'S COMPENSATION

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

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



Signature or mark of Workman.

Dated the _____, 19_____.

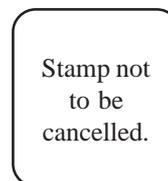
The money has been paid and this receipt signed in my presence.

Signature of Witness.

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

FORM G
(Prescribed by regulation 38)

MEMORANDUM OF AGREEMENT



It is hereby submitted that on the _____ day of _____, 19_____, personal injury was caused to _____ residing at _____ by accident arising out of and in the course of employment in _____. The said injury has resulted in permanent disablement to the said workman of the following nature, namely : _____. The said workman's monthly wages are estimated at Rs. _____

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

Rs. _____ on _____, Rs _____ on _____.
Rs. _____ on _____, Rs _____ on _____.
Rs. _____ on _____, Rs _____ on _____.

It is further submitted that _____, the employer of the said workman has agreed to pay, and the said workman has agreed to accept the sum of Rs. _____ in full settlement of all and every claim under the Workmen's Compensation Ordinance, in respect of the disablement stated above and all disablement now manifest. It is therefore requested that this memorandum be duly recorded.

Dated : _____
Signature of Employer : _____
Witness : _____
Signature or Mark of Workman : _____.

Signature of 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. _____.

Stamp not to be cancelled.

Signature or mark of Workman.

Dated the _____, 19_____.

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

Signature of Witness.

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

FORM H
(Prescribed by regulation 38)

Stamp not to be cancelled.

MEMORANDUM OF AGREEMENT

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

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

It is further submitted that _____, the employer of the workman has agreed to pay and _____ on behalf of the said workman has agreed to accept half-monthly payments at the rate of Rs. _____ for the period of the said temporary disablement. This agreement is subject to the condition that the amount of the half-monthly payments may be varied in accordance with the provisions of the Workmen's Compensation Ordinance on account of an alteration in the earnings of the said workman during disablement. It is further stipulated that all rights of commutation under section 9 of the Ordinance are unaffected by this agreement. It is therefore requested that this memorandum be duly recorded.

Dated : _____
Signature of Employer : _____
Witness : _____
Signature or Mark of Workman : _____
Signature of Witness : _____.

WORKMEN'S COMPENSATION

(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. _____.



Signature or mark of Workman.

Dated the _____, 19____.

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

Signature of Witness.

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

FORM I

(Prescribed by regulation 39 (1))

Whereas an agreement to pay compensation is said to have been reached between _____ and _____ and whereas _____ ^{have}has applied for registration of the agreement under section 42 of the Workmen's Compensation Ordinance, notice is hereby given that the said agreement will be taken into consideration on _____ 19____, and that any objection to the registration of the said agreement should be made to me in writing and should reach me on ro before that date.

In the absence of valid objections, it is my intention to proceed to the registration of the agreement.

Date the _____, 19____.

Commissioner for Workmen's Compensation.

FORM J

(Prescribed by regulation 38 (3))

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

Date: _____, 19____.

Commissioner for Workmen's Compensation.

WORKMEN'S COMPENSATION

FORM K

(Prescribed by regulation 40 (2))

Whereas an agreement to pay compensation is said to have been reached between _____ and _____ and whereas _____ ^{has} _{have} _____ applied for registration of the agreement under section 42 of the Workmen's Compensation Ordinance, and whereas it appears to me that the said agreement ought not to be registered for the following reasons, namely:-

an opportunity will be afforded to you of showing cause on _____ 19____, why the said agreement should be registered. If no adequate cause is shown on that date, registration of the agreement will be refused.

Date: _____, 19____.

Commissioner for Workmen's Compensation.

FORM L

(Prescribed by regulation 40 (2))

Whereas an agreement to pay compensation is said to have been reached between _____ and _____ and whereas _____ ^{has} _{have} _____ applied for registration of the agreement under section 42 the Workmen's Compensation Ordinance, and whereas it appears to me that the said agreement ought not to be registered for the following reasons, namely : _____ an opportunity will be afforded to the said _____ of showing cause on _____, 19____, why the said agreement should be registered. Any representation which you have to make with regard to the said agreement should be made on that date. If adequate cause is then shown, the agreement may be registered.

Date: _____, 19____.

Commissioner for Workmen's Compensation.

Form M

(Prescribed by regulation 42)

REGISTER OF AGREEMENTS FOR THE YEAR 19____,

Serial Number	Date of Agreement.	Date of Registration	Name of Employer	Name of Workman	Reference to orders rectifying the register

FORM N

NOTICE CLAIMING COMPENSATION FOR INJURIES RECEIVED
IN THE COURSE OF EMPLOYMENT

(Required by sections 16, 17, 18, of the Workmen's Compensation Ordinance,
and prescribed by Regulation 54)

A. Name of employer (*Government Department, Local Authority, Factory, Industrial Work-
shop, Estate or other Instillation, Registered Ship and its Local Agent or Proprietor,
&c.*):_____.

B. Full name of injured employee :_____.

C. Private address of injured employee :_____.

D. Sex:_____

E. Age :_____.

F. Registerd No._____ (if any)

G. Monthly wages at date of accident :_____.

H. Date when accident occurred :_____.

If the accident resulted in death, name and address of the injured employee's dependants (if any) :-

L. Name :_____.

Address :_____.

J. Full particulars (nature and cause of accordant) :_____.

Date :_____.

Signature or mark of injured employee.

If notice is given by someone other than the injured employee particulars of the person interested who gives information should be given below:-

K. Name of person interested :_____.

L. Relationship to injured employee :_____.

M. Private address :_____.

Date :_____.

Signature of person interested.

N.B:- The notice should be as nearly as may be material in the form set out above.

N.B:- This statement should be furnished to the Commissioner within 30 days of the receipt of the notice from him

FORM O

(Prescribed by Section 20 of the Ordinance and by Regulation 55)

REPORT OF A FATAL ACCIDENT

To: The Commissioner for Workmen's Compensation.

Sir,

[Gazette (E.O)
754/3 of 15th
February 1993.]

In reply to your notice, dated _____, which was received by me on the _____ I have the honor to report that _____ residing at _____ employed in _____ met with an accident on the _____, 19____ as a result of which he died on the____19____. The wages* earned per month by the deceased amount to Rs._____.

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

†3. I admit liability to pay as compensation, on account of the deceased's death, the amount of Rs._____, which was/will be deposited with you on/before the_____, 19____.

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

5. The names and addressee of the dependants of the deceased so far as known to me are :-

Date : _____, 19____.

_____,
Signature of Employer

Name and address of the employer

*"Wages" includes the monetary value of any privilege or benefit which is capable of being estimated in money &c., as defined in the Ordinance.

†Delete unnecessary paragraphs.

FORM P

(Prescribed by regulation 56 (1.)

To: The Commissioner for Workmen's Compensation.

Sir,

I have the honor to apply under section 45 (1) of the Workmen's Compensation Ordinance. for a license to undertake insurance against liabilities to workmen which may be incurred by the employers under the Ordinance.

2. I deposit here with a sum of Rs. 10,000/= being the fee prescribed by regulation 56.

3. I make this application on behalf : _____

of _____ (name of Insurance Company) whose Head Office is at _____ and whose Local Office is at _____.

[Gazette (E.O)
754/3 of 15th
February 1993.]

WORKMEN'S COMPENSATION

4. I am the Local Manager/Secretary/Agent, of the said _____ Insurance Company.
5. I forward herewith for your information copies of-
 - (1) the Company's last Annual General Report.
 - (2) audited statement of assets and liabilities of the Company for the last financial year.
6. I shall be glad to give any further information you may require to prove to your satisfaction that the said company is financially able to undertake the insurance.

I am, Sir,
Your obedient Servant,

Date : _____, 19_____.

(Signature of applicant.)

N.B:- This report should be furnished to the Commissioner within a period of 14 days reckoned from the date on which the accident occurred.

[Amended by
Gazette (E.O)
754/3 of 15th
February 1993.]

Form Q
(Prescribed by Section 51 (1) of the Ordinance and by
Regulation 57)

To: The Commissioner for Workmen's Compensation.

Sir,

I have the honor to report that the workman /*workmen whose name /*names appears/appear in the statement of particulars set out hereunder has /*have been injured as a result of an accident occurring on my business premises.

died within _____*

The workman /workmen _____

absented himself/*themselves from

work for a period of

3 consecutive days next succeeding that on which the accident occurred.

*Delete unnecessary words.

STATEMENT OF PARTICULARS

(a) Name	Sex	Age	Nature of usual Employment	Full Postal Address	•Wages per Month Time of Accident

(b) Date of accident : _____, 19_____.

(c) Place where the accident occurred : _____.

WORKMEN'S COMPENSATION

(d) Manner in which _____ workmen was employed at the _____ time : _____.

(e) Cause of accident : _____.

[Gazette No. 11023 of 14th December 1956.]

(f) _____ Nature of Injuries

relationship to the workman/workmen if known.

[Gazette (E.O) 754/3 of 15th February 1993.]

†(g) If the _____ workman is _____ dead

_____ workmen are the names of dependent and their relationship to the workman if known

(h) Any other relevant particulars.

I am, Sir,
Your obedient Servant,

Date : _____, 19____.

Signature of Employer

Name and Address of the employer:-

FORM R

(Prescribed by Section 57 (2) of the Ordinance and by Regulation 58)

WORKMEN'S COMPENSATION

Return relating to period from _____ to 31st December, 19____.

District : _____.

Town or Village : _____.

Post Office : _____.

} (To be omitted in case of Government Departments)

*"Wages" includes the monetary value of any privilege or benefit which is capable of being estimated in menace, &c., as defined in the Ordinance.

† Any other relevant particulars may be inserted in the space marked (g).

Name of establishment ¹ : _____.

Nature of work ² : _____.

Average numbers employer per day ³

{ Adults : _____.
Minors : _____.

WORKMEN'S COMPENSATION

	Accidents						Occupational Diseases.					
	Cases of			Compensation Paid during the year 4 for			Cases of			Compensation paid during the year 4 for		
	Death	Permanent disablement	Temporary disablement	Death	Permanent disablement	Temporary disablement	Death	Permanent disablement	Temporary disablement	Death	Permanent disablement	Temporary disablement
				Rs.	Rs.	Rs.				Rs.	Rs.	Rs.
Adults ..												
Minors ..												

Signature of employer : _____
Designation : _____

Dated : _____, 19____.

- ¹ In cases where more establishments than one are owned by the same employer a separate return should be furnished for each establishment.
- ² Under “nature of work” enter in case of factories and mines the class of factory or mine according to the process or product, *e.g.*, cotton weaning and spinning factory, coal mine.
- ³ This should include all employees whether permanent or temporary who are eligible for compensation under the Ordinance. Numbers employed should be shown even if there are no accidents or payments to report.
- ⁴ Only compensation actually paid during the period in question should be entered ; it should include compensation paid on account of accidents occurring during a preceding period and should exclude compensation due which was not paid during the period.
- ⁵ Only such disablements as last for more than 7 days should be shown (section 6 (1) (D) of the Ordinance).
- ⁶ Viz., anthrax, lead poisoning, phosphorus poisoning , mercury poisoning, and arsenic poisoning only.

[Gazette (E.O)
754/3 of 15th
February 1993.]

FORM S

WORKMEN'S COMPENSATION ORDINANCE NO. 19 OF 1934, AS AMENDED BY ACTS
NO. 31 OF 1957 NO. 22 OF 1959, NO. 4 OF 1966 AND 15 OF 1990

Medical Examination Report

1. (a) Name of Workman : (c) Age :
 (b) Postal Address : (d) Sex :
 (e) Employment in which injured workman was engaged at the time of Accident :
 (f) Date of Accident :
 (g) History of Accident as stated by injured :

2. (a) Nature and extent of injured :
 (b) Is the incapacity to work solely due to the accident in question ?
 (c) Is the disablement temporary or permanent ?
 (d) If TEMPORARY what is the probable period of disablement ?
 (e) If PERMANENT, state the *percentage* of loss of earning capacity :
 (f) Is a review necessary ? If so, when ?

3. If the injured workman is suffering from an OCCUPATIONAL DISEASE mentioned in Schedule III state :
 (a) The description of occupational disease the workman is suffering from;
 (b) Is the disablement temporary or permanent ?
 (c) If TEMPORARY, state the probable/duration of disablement giving the date of commencement :
 (d) If PERMANENT, state the *percentage* of loss of earning capacity :
 (Please state *percentage* in words and figures)

4. Is the injured workman's present condition consistent with the injuries and accident ?

5. Date of examination :

6. Any other remarks:
 (X'Ray, light duty etc.,)

7. Specimen signature of injured :

Date.....

Signature/Left/Right Thumb impression

Signature of Registered Medical
Practitioner and qualifications.

Name and Address :
.....
.....
.....

SECTIONS 55 AND 56

7. The regulation are embodied in the Schedule to the Ordinance.

SECTION 61

No. regulations

WORKMEN'S COMPENSATION

[Section 2 (1)]

SCHEDULE 1

List of injuries Deemed to Result in Permanent/Partial Disablement

<i>Injury</i>	<i>Percentage of loss of earning capacity</i>
Permanent and incurable paralysis of the limbs or injuries resulting in being permanently bedridden ..	100
Permanent incurable loss of mental capacity resulting total incapacity to work or any other injury causing permanent total incapacity to work	100
Eye Injuries :	
(i) Total loss of sight in both eyes	100
(ii) Total loss of sight in one eye	50
Hearing Injuries :	
(i) Total loss of hearing	60
(ii) Total loss of hearing in one ear	30
Loss of Speech:	
(i) Total loss of speech	75
Sensory Loss	
(i) Total loss of senses of smell and taste	50
(ii) Total loss of sense of smell	25
(iii) Total loss of sense of taste.. .. .	25
Arm Injures :	
(i) Loss of arm at or above elbow	75
(ii) Loss of arm at or above elbow	65
Hand Injuries :	
(i) Loss of both hands	100
(ii) Loss of hand or loss of thumb and 4 fingers.. .. .	65
(iii) Loss of thumb (both phalanges)	35
(iv) Loss of thumb (one phalanx)	20
(v) Loss of four fingers	60
Loss of Index finger :	
(i) Three phalanges	30
(ii) Two phalanx	20
(iii) One phalanx	10
Loss of middle, ring and little fingers	
(i) Three phalanges	20
(ii) Two phalanges	10
(iii) One phalanx	05
Loss of Leg :	
(i) at or above knee	75
(ii) at or below knee	65

WORKMEN'S COMPENSATION

<i>Injury</i>	<i>Percentage of loss of earning capacity</i>
Foot Injuries	
(i) Loss of both feet	100
(ii) Loss of one foot	75
Loss of Toes :	
(i) Great toe-both phalages	20
(ii) Great toe-one phalanx	10
(iii) Other than great toe, if more than one lost, each	10
Miscellaneous :	
(i) Total loss of genitals	75
(ii) Partial loss of genital	40
(iii) Severe facial scarring or disfigurement	75
(iv) Severe bodily disfigurement, other than facial scarring or disfigurement to a maximum of	50
(v) Loss of single tooth	05
(vi) Loss any member or part there of not mentioned above (e.g.nse, breast, ear etc.) to be assessed by a medical officer up to a maximum of	50

Note:

Assessment not to exceed 100% in any one accident