

Sikkim Workmen's Compensation Rules 1986.

PRELIMINARY

1. Short title, extent and commencement.

- (1) These rules may be called the Sikkim Workmen's Compensation Rules 1986.
- (2) They shall extend to the whole of the State of Sikkim.
- (3) They shall come into force on the date of their publication in the Official Gazette.

2. Definition.

In these rules unless the subject or context otherwise requires:-

- (a) '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;
- (d) 'Commissioner' means the Commissioner for Workmen's Compensation appointed under section 20 of the Act;
- (e) 'Workman' means any person as defined in Section 2 (1) (n) 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 to compensation was determined the workmen's wages have increased ;
- (b) by the workman, on the ground that since the right to compensation was determined his wages have diminished;
- (c) by the workman, on the ground that the employer, having commenced to pay compensation, has ceased to pay the same, notwithstanding the fact that there has been no change in the workmen's condition such as to warrant such cessation,
- (d) either by the employer or by the workman, on the ground that the determination of the rate of compensation for time being in force was obtained by fraud or undue influence or other improper means;
- (e) either by the employer or by the workman on the ground that in the determination of compensation there is a mistake or error apparent on the face of the record.

4. Procedure on application for review :-

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

5. Procedure on application for commutation:-

- (1) where application is made to the Commissioner under section 7 for the redemption of a right to receive half-monthly payments by the payment of a lump sum, the Commissioner shall form an estimate of the probable duration of the disablement, and shall award a sum equivalent to the total of the half-monthly payments which would be payable for the period during which he estimates that the disablement will continue, less one-half per cent of that total for each month comprised in that period:

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

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

PART II

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 C. In other cases of deposits with the Commissioner under sub-section (1) of Section 8, the employer shall furnish a statement in Form B, and shall be given a receipt in Form C.
- (2) If, when depositing compensation in respect of fatal accidents, the employer indicates in the statement referred to in sub-rule (1) that he desires to be made a party to the distribution proceedings, the Commissioner shall, before allotting the sum deposited as compensation, afford to the employer an opportunity of establishing that the person 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 person is a dependant.
- (3) The statement of disbursements to be furnished on application by the employer under subsection (4) of section 8 shall be in Form D.

7. Publication of lists of deposits. –

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

8. Application by dependants for deposit of compensation. –

- (1) A dependant of a deceased workman may apply to the Commissioner for the issue of an order to deposit compensation in respect of the death of the workman. Such application shall be made in Form I.
- (2) if compensation has not been deposited, the Commissioner shall dispose 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, caused notice to be given in such manner as he thinks fit to all or any of the dependants of the deceased workman who have not joined in the application, requiring them, if they desire to join therein, to appear before him on a date specified in this behalf.
- (b) any dependant to whom such notice has been given and who fails to appear and to join in the application on the date specified in the notice shall not be permitted thereafter to claim that the employer is liable to deposit compensation unless he satisfies the Commissioner that he was prevented by any sufficient cause from appearing when the case was called on for hearing.
- (3) If, after completing the enquiry into the application, the Commissioner issues an order requiring the employer to deposit compensation in accordance with sub-section (1) of section 8, nothing in sub-rule (2) shall be deemed to prohibit the allotment of any part of the sum deposited as compensation to a dependant of the deceased workman who failed to join the application.

9. Deposit under section 8 (2). –

An employer depositing compensation in accordance with sub-section (2) of section 8 of the Act shall furnish therewith a statement in Form F and shall be given receipt in Form F.

10. Investment of money. –

Money in the hands of Commissioner may be invested for the benefit of the dependants of deceased workman in the State Bank of Sikkim or State Bank of India.

PART III
Report of Accidents

11. Report of fatal accidents. –

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

12. Right of employer to present memorandum when information received. -

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

PART IV
Medical Examination

13. Workman not to be required to submit to medical examination save in accordance with rules. –

A workman who is required by sub-section (1) of section 11 to submit himself for medical examination shall be bound to do so in accordance with the rules contained in this part and not otherwise.

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

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

15. Examination in other cases. –

In cases to which Rule 14 does not apply, the employer may-

- (a) send the medical practitioner to the place where the workman is residing for the time being in which case the workman shall submit himself for medical examination on being requested to do so by the medical Practitioner, or
- (b) send to the workman an offer in writing to have him examined free of charge by a qualified medical practitioner, in which case the workman shall submit himself for medical examination at the employer's premises or at such other place in the vicinity as is specified in such offer and at such time as is so specified:
Provided that—
 - (i) the time so specified shall not, save with the express consent of the workman, be between the hours of 7 p.m. and 6 a.m. and
 - (ii) in case where the workman's conditions renders it impossible or inadvisable that he should leave the place where he is residing for the time being, he shall not be required to submit himself for medical examination save at such place.

16. Restriction on number of examinations -.

A workman who is in receipt of a half-monthly payment shall not be required to submit himself for medical examination 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 of the Act, subsequently offers himself for medical examination, his examination shall take place on the employer's premises or at such other place in the vicinity as may be fixed by the employer, and at a time to be fixed by the employer not being, save with the express consent of the workman, more than 72 hours after the workman, has so offered himself.

18 Examination of women.-

- (1) No women shall, without her consent be medically examined by a male practitioner, save in the presence of another women.
- (2) No women 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 the these rules, the procedure to be followed by commissioner in the disposal of case under the Act or these rules and by the parties in such cases shall be regulated in accordance with the rules contained in this par.t.

20. Application.-

- (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 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 rule applies lo any document which is produced for the purpose of cross-examining a witness or is handed to a witness to refresh his memory.

22. Application presented to wrong Commissioner.-

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

23. Examination of applicant.-

- (1) On receiving an application of the nature referred to in section 22, the Commissioner may examine the applicant on oath, or may send the application to any officer authorised 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.

24. Summary dismissal of application.—

- (1) The Commissioner may, after considering the application and the result of any examination of the applicant under rule 23, summarily dismiss the application, if for reasons to be recorded, he is of opinion that there are not sufficient ground for proceeding thereon.
- (2) The dismissal of the application under sub-rule (1) shall not of itself preclude the applicant from presenting a fresh application for the settlement of the same matter.

25. Preliminary inquiry into application.—

If the application is not dismissed under rule 24, the Commissioner may, for reasons to be recorded call upon the applicant to produce evidence in support of the application before• calling upon any other party, and, if upon considering such evidence the Commissioner is of opinion that there is no case for the relief claimed, he may dismiss the application with a brief statement of his reasons for so doing.

26. Notice to opposite party.—

If the Commissioner does not dismiss the application under rule 24 or rule 25, he shall send to the party from whom the applicant claims relief (hereinafter referred to as the opposite party) a copy of the application together with a notice of the date on which he will dispose of the application, and may call upon the parties to produce upon that date any evidence which they may wish to tender.

27. Appearance and examination of opposite party. -

- (1) The opposite party, may, and if so required by the Commissioner, shall, at or before the first hearing or within such time as the Commissioner may permit, file a written statement dealing with the claims raised in the application, any such written statement shall form part of the record.
- (2) If the opposite party contests the claim, the Commissioner may, and, if no written statement has been filed, shall proceed to examine him upon the claim, and shall reduce the result of examination to writing.

28. Framing of issues.—

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

29. Power to postpone trial of issues of facts where issues of law arise. –

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

30. Diary.-

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

31. Reasons for postponement to be recorded –

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

32. Judgment.-

- (1) The Commissioner, in passing orders, shall record concisely 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.

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 witnesses unless he considers that their appearance is not necessary for the just decision of the case.

34. Exemption from payment of costs.—

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

35. Right of entry for local inspection:-

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

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

37. Power of summary examination:-

- (1) The Commissioner during a local inspection or at any other time, save at a formal hearing of a case pending before him, may examine summarily any person likely to be able to give information relating 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 utilised 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 reduce to writing, the Commissioner may call his attention to such statement, and shall in that case direct that the parties be furnished with the relevant part of such statement for the purpose of examining or cross examining the witness.
- (5) Any statement or part of a statement which is furnished to the parties under sub-rule (4) shall be incorporated in the record.
- (6) Where a case is settled by agreement between the parties, the Commissioner may incorporate in the record any statement made under sub-rule (1) and may utilize such statement for the purpose of justifying his acceptance of, or refusal to accept, the agreement reached.

38. Agreement to abide by Commissioner's decision:-

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

39. Procedure where indemnity claimed under Section 12 (2):-

- (1) Where the opposite party claims that if compensation is recovered against him he will be entitled under sub-section (2) of section 12 to be indemnified by a person not being a party to the case, he shall, when first called upon to answer the application present a notice of such claim to the Commissioner accompanied by the prescribed fee, and the Commissioner shall thereupon issue notice to such person in Form 'K'.
- (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 appears subsequently and satisfies the Commissioner that he was prevented by any sufficient cause from appearing, the Commissioner shall, after giving notice to the aforesaid opposite party, hear such person, and may set aside or vary any award made against such person under this rule upon such terms as may be just.
- (3) If any person served with a notice under sub-rule (1) whether or not he desires to contest 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, on 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 thereon issue notice to such person in Form L.
- (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 L or on any date to which the case may be adjourned and, if he so appears, shall have all the rights of a party to the proceedings ; in default of so appearing he shall be deemed to admit the validity of any award made against the original opposite party or the person served with a notice under sub-rule (1) and to admit his own liability to indemnify the party against whom such award is made for any compensation recovered from him:

Provided that, if any person so served appears subsequently and satisfies the Commissioner that he was prevented by any sufficient cause from appearing, the Commissioner shall, after giving notice to all parties on the record, hear such person, and may set aside or vary any award made against such person under this rule upon such terms as may be 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, such cases may, so far as the evidence bearing on such issue is concerned, be heard simultaneously.
- (2) Where action is taken under sub-rule (1) the evidence bearing on the common issue or issues shall be recorded on the record of one case, and the Commissioner shall certify under his hand on the record of any such other case, the extent to which the evidence so recorded applies to other case, and the fact that the parties to such other case had the opportunity of being present, and, if they were present, of cross-examining the witnesses.

41. Certain provisions of Code of Civil Procedure, 1908, to apply.-.

Save as otherwise expressly provided in the Act or these rules the following provisions of the First Schedule to the Code of Civil Procedure, 1908, namely, those contained in Order V, rules 9 to 13 and 15 to 30; Order IX; Order XIII, rules 3 to 10; Order XVI, rules 2 to 21; Order XVII, and Order XXIII rules 1 and 2, shall apply to proceedings before Commissioners, in so far as they may be applicable thereto:

Provided that-

- (a) for the purpose of facilitating the application of the said provisions the Commissioner may 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.

42. Provisions regarding signature of forms—

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

43. Apportionment of compensation among dependants :—

The provisions of this part, except those contained in rules 26, 27 and 39 shall, as far as may be, apply in the case of any proceedings relating to the apportionment of compensation among dependants of a deceased workmen.

**PART VI
Transfer**

44. Transfer for report: —

- (1) A Commissioner transferring any matter to another Commissioner for report in accordance with sub-section (2) of section 21 shall, alongwith 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 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 or by such other method 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 purposes of the proceeding.

47. When new representative to be appointed.—

If the Commissioner considers that the interests of any party for whom a representative has been appointed under rule 46 are not being adequately protected by that 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 to Memoranda of Agreement**

48. Form of memorandum:-

Memoranda of agreement sent to the Commissioner under sub-section (1) of section 28, shall, unless, the Commissioner otherwise directs, be in duplicate, and shall be in as close conformity as the circumstances of the case admit with Form M or Form O or Form P, 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 O to the parties concerned that in default of objections he proposes to record the memorandum on the date so fixed;

Provided that notice may be communicated orally to any parties who are present at the time when notice is otherwise issued.

- (2) On the date so fixed, the Commissioner shall record the memorandum unless, after hearing any of 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 R.

50. Procedure where Commissioner considers that 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, and any other party concerned of the date so fixed and of the grounds on which he considers that the memorandum should not be recorded,

- (2) If the parties to be informed are not present, a written notice shall be sent to them in Form S or Form T, 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 the record of the same, the Commissioner may, if information has already been given to all the parties concerned, record the agreement. If information has not been given to all such parties, he shall proceed in accordance with rule 49.
- (4) If, on the so date fixed, the Commissioner refuses to record the memorandum, he shall send notice in Form R to any party who did not receive information under sub-rule (1).

51. Procedure on refusal to record memorandum:—

- (1) If in any case the Commissioner refuses to record a memorandum of agreement, he shall briefly record his reasons for such refusal.
- (2) If the Commissioner refuses to record a memorandum of agreement, he shall not pass any order directing the payment of any sum or amount over and above the sum specified in the agreement, unless opportunity has been given to the party liable to pay such sum to show cause why it should not be paid.
- (3) Where the agreement is for the redemption of half-monthly payments by the payment of a lump sum, and the Commissioner considers that the memorandum of agreement should not be recorded by reason of the inadequacy of the amount of such sum as fixed in the agreement, he shall record his estimate of of the probable duration of the disablement of the workman.

52. Registration of memorandum accepted for record:—

In recording a memorandum of agreement, the Commissioner shall cause the same to be entered in a register in Form U and shall cause an endorsement to be entered under his signature on a copy of the memorandum to be retained by him in the following terms, namely. —

“This memorandum of agreement bearing Serial No. of 19.....
in the register has been recorded thisday of.....

(Signature)
Commissioner.”

FORM A
(See Rule6(1))

Deposit of Compensation for Fatal Accident.
(Section 8 (1) of the Workmen's Compensation Act, 1923)

To
The Commissioner for Workmen's Compensation,
Department of Labour,
Government of Sikkim,
Gangtok.

It is, hereby, submitted that the death of the workman, whose particulars are given below, occurred on

1. Name
2. Name of father/husband
3. Date of birth
4. Temporary Address
5. Permanent Address
6. 1* Average monthly wage
7. Relevant factor
8. Gross Compensation payable
9. *Total payments made/Advance paid
10. Net Compensation payable
11. Mode of payment

Therefore, Rs..... (Rupees.....) only as compensation is presented.

Further, I do*/do not desire to be made a party to the proceeding for distribution of the aforesaid compensation.

Date _____

Signature of Employer

Name.....

Designation.....

Name of establishment

.....

Address.....

.....

1 *Details to be submitted separately.

* Strike out which is not applicable.

FORM B
(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)**

To
The Commissioner for Workmen's Compensation,
Department of Labour,
Government of Sikkim,
Gangtok.

It is, hereby, submitted that the injuries sustained by the Workman, whose particulars are given below occurred on resulting in the loss of/temporary disablement

1. Name
2. Father's/Husband's/name
3. Date of birth
4. Temporary Address
5. Permanent address
6. *Average monthly wage
7. Relevant factor
8. Gross compensation payable
9. *Total payments made/Advance paid
10. Net Compensation payable
11. Mode of payment

Therefore, Rs..... (Rupees.....) only as compensation is presented.

Date.....

Signature of Employer
Name.....
Designation.....
Name of establishment...
.....
Address.....

* Details to be submitted separately.
* Strike out whichever is not applicable.

FORM C
(See Rule 6)
Receipt for Compensation
(Deposited under section 8(1) of the Workmen's Compensation Act, 1923.)

Office of the Commissioner for Workmen's Compensation
Department of Labour
Government of Sikkim

GANGTOK

Receipt of the Compensation as per details below is, hereby, acknowledged.

1. Name/designation of the depositor
2. Name of establishment
3. *Name of the deceased/injured workman.
4. Date of deposit
5. Amount deposited

Commissioner.

*Strike out whichever is not applicable.

FORM D
(See Rule 6)
Statement of disbursements
(Section 8(4) of the Workmen's Compensation Apt, 1923)

1. Name/designation of the depositor
2. Name of the establishment
3. Amount deposited
4. Amount deducted and repaid to the employer under the proviso to section 8(1)
.....
5. Funeral expenses paid

6. The Compensation has been paid to the following dependants:—

	<u>Name.</u> _____	<u>Relationship</u>	<u>Amount paid</u>
1.			
2.			
3.			
4.			
5.			

Total Rs

Dated .

Commissioner

FORM E
(See Rule 9

**Deposit of Compensation for Non - fatal Accidents other than a woman or
person under legal disability**
(Section 8 (2) of the Workmen's Compensation Act, 1923)

To
The Commissioner for Workmen's Compensation,
Department of Labour,
Government of Sikkim,
Gangtok.

It is, hereby, submitted that the permanent/temporary injuries sustained by the Workman, whose particulars are given below, occurred on

1. Name
2. Father's/Husband's name
3. Date of birth
4. Temporary Address
5. Permanent Address
6. * Average monthly wage
7. Relevant factor
8. Gross Compensation payable
9. * Total payments made/Advance paid
10. Net Compensation payable
11. Mode of payment

Therefore, Rs (Rupees.....) only as compensation is presented.

Date.....

Signature of Employer
Name.....
Designation.....
Name of establishment
Address.....
.....
.....

*Strike out whichever is not applicable.

FORM F
(See Rule 9)
Receipt for Compensation

(Deposited under section (2) of the Workmen's Compensation Act, 1923)

**Office of the Commissioner for Workmen's Compensation,
Department of Labour,
Government of Sikkim,**

GANGTOK.

Receipt of the Compensation as per details below is hereby, acknowledged.

1. Name and designation .of the depositor
-
2. Name of the establishment
3. Name of the Workman
4. Date of deposit
5. Amount deposited

Daetd

Commissioner.

FORMG
(See Rule 11)
Report of fatal Accidents

To
The Commissioner for Workmen's Compensation,
Department of Labour,
Government of Sikkim,
Gangtok.

Sir,

I have the honour to submit the following report of an accident which resulted in the death of the workman/* workmen, the particulars of whom are given in the statement annexed.

2. The circumstances leading to the death of the workman*/workmen and other details are as follows:

- i. Date of accident
- ii. Premises where the accident took place
- iii. Time of the accident
- iv. Manner in which deceased was*/were employed at the time.....
.....
- v. Cause of accident
- vi. Any other relevant particulars

Yours faithfully,

Enc: Statement.

Signature and designation,
of person making the report.

*Strike out whichever is not applicable.

Statement:-

1. Name of the deceased.
2. Sex
3. Age
4. Nature of employment
5. Designation
6. Full Postal address

FORM H
(See Rule 20)
Application for Compensation by Workman.

To
The Commissioner of Workmen's Compensation,
Department of Labour,
Government of Sikkim,
Gangtok.

It is submitted that -

- (1) The applicant, a workman employed by the contractor
..... in his establishment named below received personal injury by accident arising out of
and in the course of his employment as per details below:
- (2) Name of establishment
- (i) Date on which injury was sustained
- (ii) Details of injury so sustained
- (iii) *Average monthly wages of the applicant
- (iv) Age of the applicant on the date when the injury was sustained
.....
- (3)*1 (a) Notice of the accident was served on the day of
- (b) Notice was served as soon as practicable
- (c) Notice of accident was not served (in due time) by reason of
.....
- (4)*1 The applicant is, therefore, entitled to receive the compensation as follow-
- (a) half-monthly payment of Rs from the day of
..... to
- (b) a lump sum payment of Rs
- (5) The applicant has taken steps (as per details enclosed) to secure a settlement by agreement but
it has proved impossible to settle the case/question in dispute on the grounds mentioned
therewith.
It is, therefore, requested for kindly realising the compensation and to award the same.

1*
Or

Claim of the applicant may therefore, kindly be determined as per the provisions and be
intimated/awarded accordingly.

Dated

Yours faithfully,
(Applicant)

* Details to be submitted separately.

*1 Strike out whichever not applicable.

FORM I
(See Rule 20)

Application for Order to Deposit Compensation.

To
The Commissioner for Workmen's Compensation,
Department of Labour,
Government of Sikkim,
Gangtok.
Sir,

It is hereby submitted that (1) late deceased
..... a workman employed by the Contractor
..... in his/her establishment named below received personal injury as per details
below by accident arising out of and in the course of his/her employment resulting in his/her
death:

- (i) Date of accident
- (ii) Date when the deceased succumbed to his/her injuries
.....
- (iii) The cause of the injury was (details to be enclosed separately)

- (2) The applicant (s) is a/are dependant (s) of the deceased workman being
his/her
- (3)*1 The average monthly wages of the deceased amount to Rs.....
- (4) The deceased was years old at the time of
his/her death.
- (5) Relevant factor
- (6) Gross compensation payable
- (7) Total payments made/advance paid
- (8) Net Compensation payable
- * (9) (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 It is, therefore, requested
to award to the applicant the said compensation or any other compensation to which he/she may
be entitled.

Dated

Yours faithfully,
Applicant

*1 Details to be submitted separately.
* Strike out whichever not applicable.

FORM J
(See Rule 20)
Application for Commutation (under section 7 of the Workmen's
Compensation Act, 1923)

To
The Commissioner for Workmen's Compensation,
Department of Labour,
Government of Sikkim,
Gangtok.

Sir,

It is hereby submitted that-

- (1) The applicant has been in receipt of half-monthly payments from To in respect of temporary disablement by accident arising out of and in the course of his/her employment as per details below:
- (a) Name of the employer
 - (b) Name of the establishment
 - (c) Date of accident
- (2) The applicant is desirous that the right to receive half monthly payments should be redeemed.
- (3)* (a) The opposite party is unwilling to agree to the redemption of the right to receive half-monthly payments.
- (b) The parties have been unable to agree regarding the sum for which the right to receive half-monthly payments should be redeemed.
- (4)* It is, 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

Yours faithfully.
Applicant.

* Strike out the clauses which are not applicable.

FORM K
(See Rule 39

**Office of the Commissioner for Workmen's Compensation,
Department of Labour,
Government of Sikkim.**

NOTICE

To

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

Whereas a claim for compensation has been made by, the applicant, against
..... and the said.....
..... has claimed that you are liable under section 12 (2) of the
Workmen's Compensation Act, 1923, to indemnify him against any compensation which he
may be liable to pay in respect of the aforesaid claim, you are hereby informed that you may
appear before me on and contest the claim for compensation made by the said applicant of the
claim for indemnity made by the opposite party. In default of your appearance you will be
deemed to admit the validity of any award made against the opposite party and your liability to
indemnify the opposite party for any compensation recovered from him.

Dated.....

Commissioner

FORM L
(See Rule 39)

Office of the Commissioner for Workmen's Compensation,
Department of Labour,
Government of Sikkim,

NOTICE

To

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

Whereas a claim for compensation has been made by the applicant, against and the said has claimed that is liable under section 12 (2) of the Workmen's Compensation Act, 1923, to indemnify him against any compensation which he may be liable to pay in respect of the aforesaid claim, and whereas the said on notice served has claimed that you stand to him in the relation of a contractor from whom the applicant could have recovered compensation, you are hereby informed that you may appear before me on and contest the claim for compensation made by the said applicant or the claim for indemnity made by the opposite party in default of your appearance you will be deemed to admit the validity of any award made against the opposite party and your liability to indemnify the opposite party for any compensation recovered from him.

Dated.....

Commissioner

FORM M
(See Rule 48)

Memorandum of Agreement

To
The Commissioner for Workmen's Compensation,
Department of Labour,
Government of Sikkim,
GANGTOK.

Sir,

It is hereby submitted that on the day of personal injury was caused to off by accident arising out of and in the course of employment in my establishment named. 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 been continued from the day of until the day of amounting to Rs..... in all.

1* The said workman's average monthly wages are estimated at Rs..... His date of birth is

It is further submitted that the employer of the said workman's has agreed to pay, and the said workman has agreed to accept the sum of Rs. in full settlement of all and every claim under the Workmen's Compensation Act, 1923, in respect of all disablement of a temporary nature arising out of the said accident, whether now or hereafter to become manifest. It is therefore requested that this memorandum be duly recorded.

Dated

Yours faithfully,

Signature of employer
Witness:
1.....
2.....
Signature of Workman
Witness.
1.....
2.....

*Strike out
whichever not applicable.

1* Details to be submitted separately.
(Note 1 : 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).
(Note 2 This form may be varied to suit special cases, e.g. injury by occupational disease, agreement when workman is under legal disability, etc.)

FORM N
(See Rule 39)

Receipt

In accordance with the agreement dated.....I have this day received a sum of
Rs (Rupees.....)only.

Workman
(Signature in stamped)

Dated

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

Witness

FORM 0
(See Rule 48)
Memorandum of Agreement

To
The Commissioner for Workmen's Compensation,
Department of Labour,
Government of Sikkim.

Sir,

It is hereby submitted that on the day of , personal injury was caused to
of* by accident arising out of and in the course of his/her employment in
my establishment named

2. The said injury has resulted in permanent disablement to the said workmen of the following nature, namely,—
3. 1* The said workman's monthly average wages are estimated at ₹.
4. The date of birth of the workman is
5. The said workman has, prior to the date of this agreement, received the following payments, namely,—

Rs

₹..... on

₹..... on

₹..... on

It is further submitted that the employer of the said workman has agreed to pay, and the said workman has agreed to accept, a sum of Rs..... in full settlement of all and every claim under the Workmen's Compensation Act, 1923, in respect of the disablement stated above and all disablement now manifest. It is, therefore, requested that this memorandum be duly recorded.

Yours faithfully
Signature of employer

Dated

Witness:.....

Signature of workman

Witness:.....

* Strike out whichever is not applicable.

1* Details to be given separately.

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.

FORM P
(See Rule 48)
Memorandum of Agreement

To
The Commissioner for Workmen's Compensation,
Department of Labour,
Government of Sikkim.

Sir,

It is hereby submitted that on the day of
personal injury was caused to of
by accident arising out of and in the course of employment in my establishment
named.....

2. The said injury has resulted in temporary disablement to the said workman.

3 *⁴ The said workman is at present in receipt of wages amounting to ₹..... per
month/no wages

4.1* The said workman's monthly average wages prior to the accident
are estimated at ₹.....

5. The said workman is subject to a legal disability by reason 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 said Act on
account of an alteration in the earnings of the said workman during disablement. It is further
stipulated that all rights of commutation under section 7 of the said Act are unaffected by this
agreement.

It is, therefore, requested that this memorandum be duly recorded.

Yours faithfully,
Signature of employer
Witness:.....
Signature of workman
Witness:.....

Dated

* Strike out whichever is inapplicable.

1* Details to be given separately.

FORM Q
(See Rule 49)

Office of the Commissioner for Workmen's Compensation,
Department of Labour,
Government of Sikkim.

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

Dated

Commissioner

FORM R
(See Rules 49 and 50)
Office of the Commissioner for Workmen's Compensation,
Department of Labour,
Government of Sikkim.

To

.....

.....

.....

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

Dated

Commissioner.

FORM S
(See Rule 50)
Office of the Commissioner for Workmen's Compensation.
Department of Labour,
Government of Sikkim,
Gangtok.

To,

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

Whereas an agreement to pay Compensation is said to have been reached between and and whereas..... has/have applied for registration of the agreement under section 28 of the Workmen's Compensation Act, 1923, and whereas it appears to me that the said agreement ought not to be registered for the following reasons, namely

An opportunity will be afforded to you of showing cause on , 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 T
(See Rule 50)
Office of the Commissioner for Workmen's Compensation,
Department of Labour,
Government of Sikkim,

To

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

Whereas an agreement to pay Compensation is said to have been reached between and and
whereas..... has/have applied for registration of the said
agreement under section 28 of the Workman's Compensation Act, 1923, and whereas it appears
to me that the said agreement ought not to be registered for the following reasons, namely—
An opportunity will be afforded to the saidof 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 or before that date. If adequate cause is
then shown, the agreement shall be registered.

Dated

Commissioner

FORM U
(See Rule 52)

Register of Agreements for the year _____

Serial number	Date of agreement	Date of registration	Employer	Workman	Initials of Commissioner	Reference to orders rectifying the register.
1	2	3	4	5	6	7