

THE MAHARASHTRA WORKMEN'S COMPENSATION RULES, 1934

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THE 1MAHARASHTRA WORKMEN'S COMPENSATION RULES, 1934

POLITICAL AND REFORMS DEPARTMENT

Mumbai Castle, 19th September, 1934.

No. 9920 - In exercise of the powers conferred by Section 33 of the Workmen's Compensation Act, 1923

(1) Government Notification, General Department No. 4486, dated the 2nd July, 1924.

(2) Government Notification, General Department, No. 5925, dated the 12th February, 1925.

(3) Government Notification, General Department, No. 4486, dated the 12th January, 1926, Government Notification, Political and Reforms Department No. 9920, dated the 26th February, 1934.

(4) (VIII of 1923) and in supersession of Government notifications, specified in the margin the Governor in Council is pleased to make the margin, the Governor in Council the following rules, namely:

PART I Preliminary

1. Short title

These rules may be called the Maharashtra workmen's. Compensation Rules, 1934.

2. Definitions

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

(a) "The Act" means the Workmen's Compensation Act, 1923.

(b) "Form" means a form appended to these rules.

(c) "Section" means a section of the Act.

PART II

Scales of costs and the Fees payable in respect of Proceedings before a Commissioner

3. Costs

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

(2) The costs which may be awarded shall include

(a) the charges necessarily incurred on account of court-fees;

(b) the charges necessarily incurred on subsistence money to witness; and

(c) pleader's fees on the scale prescribed in the following sub-rules.

(3)

(a) 2[in any proceeding involving an application for compensation in the form of a lump-sum, and application for review or an application for indemnification, the fee allowed shall be Rs. 25 subject to a special order of

the Commissioner to diminution to a sum not less than Rs. 15 and to increase to a sum not more than Rs. 150 for each such proceeding. In all other applications, the fee allowed shall be Rs. 15 subject to increase by special order to a sum not exceeding Rs. 50.

(b) No fee shall be charged in excess of the amount determined under clause (a)

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

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

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

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

(8) The Commissioner shall, out of the amount deposited as compensation and costs, arrange to disburse the amount of compensation and costs in accordance with the order made in that behalf.

4. Fees

The fees specified in column 3 of the subjoined Schedule shall be payable in respect of the proceedings mentioned in the second column of the said Schedule

SCHEDULE

Sl.No	Description of proceedings	Amount of Fees
I	Applications for compensation- (a) Where compensation is claimed in the form of recurring payments. (b) where compensation is claimed in the form of a lump sum.	50 Paise One rupee where the sum does not exceed Rs. 500, plus one rupee for each additional sum of Rs. 500 or fraction thereof.
II	Applications for commutation — (a) By agreement between the parties. (b) In all other cases.	50 Paise Two rupees
III	Application for the deposit of compensation.- (a) Under Section 18 (1) of the Act (b) Under Section 8 (2) of the Act (in respect of each person to whom compensation is payable)	Nil 50 Paise